

FY 2018 NEW YORK STATE EXECUTIVE BUDGET
PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

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Legislative Bill Drafting Commission
12570-01-7

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation which are necessary to
implement the state public
protection and general government
budget for the 2017-2018 state
fiscal year)

Article VII; Exec; PPGG

AN ACT

to amend chapter 887 of the laws of
1983, amending the correction law
relating to the psychological test-
ing of candidates, in relation to
the effectiveness thereof; to amend
chapter 428 of the laws of 1999,
amending the executive law and the
criminal procedure law relating to
expanding the geographic area of
employment of certain police offi-

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s50 DeFrancisco	s27 Hoylman	s25 Montgomery	s10 Sanders
s52 Akshar	s32 Diaz	s60 Jacobs	s40 Murphy	s23 Savino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s41 Serino
s46 Amedore	s17 Felder	s63 Kennedy	s62 Ortt	s29 Serrano
s11 Avella	s02 Flanagan	s34 Klein	s21 Parker	s51 Seward
s36 Bailey	s55 Funke	s28 Krueger	s13 Peralta	s26 Squadron
s42 Bonacic	s59 Gallivan	s24 Lanza	s30 Perkins	s16 Stavisky
s04 Boyle	s12 Gianaris	s39 Larkin	s19 Persaud	s35 Stewart- Cousins
s44 Breslin	s22 Golden	s37 Latimer	s07 Phillips	
s08 Brooks	s47 Griffo	s01 LaValle	s61 Ranzenhofer	s49 Tedisco
s38 Carlucci	s20 Hamilton	s45 Little	s48 Ritchie	s53 Valesky
s14 Comrie	s06 Hannon	s05 Marcellino	s33 Rivera	s57 Young
s03 Croci	s54 Helming	s43 Marchione	s56 Robach	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a097 Jaffee	a145 Morinello	a009 Saladino
a092 Abinanti	a070 Dickens	a011 Jean-Pierre	a057 Mosley	a111 Santabarbara
a084 Arroyo	a054 Dilan	a116 Jenne	a039 Moya	a140 Schimminger
a035 Aubry	a081 Dinowitz	a135 Johns	a003 Murray	a076 Seawright
a120 Barclay	a147 DiPietro	a115 Jones	a065 Niou	a087 Sepulveda
a030 Barnwell	a016 D'Urso	a077 Joyner	a037 Nolan	a027 Simanowitz
a106 Barrett	a004 Englebright	a074 Kavanagh	a144 Norris	a052 Simon
a060 Barron	a133 Errigo	a142 Kearns	a130 Oaks	a036 Simotas
a082 Benedetto	a109 Fahy	a040 Kim	a069 O'Donnell	a104 Skartados
a042 Bichotte	a071 Farrell	a131 Kolb	a051 Ortiz	a099 Skoufis
a079 Blake	a126 Finch	a105 Lalor	a091 Otis	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a013 Lavine	a132 Palmesano	a114 Stec
a098 Brabenc	a124 Friend	a134 Lawrence	a002 Palumbo	a110 Steck
a026 Braunstein	a095 Galef	a050 Lentol	a088 Paulin	a127 Stirpe
a119 Brindisi	a137 Gantt	a125 Lifton	a141 Peoples- Stokes	a001 Thiele
a138 Bronson	a007 Garbarino	a102 Lopez		a061 Titone
a093 Buchwald	a148 Giglio	a123 Lupardo	a058 Perry	a031 Titus
a118 Butler	a080 Gjonaj	a010 Lupinacci	a023 Pheffer	a033 Vanel
a094 Byrne	a066 Glick	a121 Magee	Amato	a055 Walker
a103 Cahill	a150 Goodell	a129 Magnarelli	a086 Pichardo	a143 Wallace
a044 Carroll	a075 Gottfried	a064 Malliotakis	a089 Pretlow	a112 Walsh
a062 Castorina	a005 Graf	a090 Mayer	a073 Quart	a146 Walter
a047 Colton	a100 Gunther	a108 McDonald	a019 Ra	a041 Weinstein
a032 Cook	a046 Harris	a014 McDonough	a012 Raia	a024 Weprin
a085 Crespo	a139 Hawley	a017 McKevitt	a006 Ramos	a059 Williams
a122 Crouch	a083 Heastie	a107 McLaughlin	a043 Richardson	a113 Woerner
a021 Curran	a028 Hevesi	a101 Miller, B.	a078 Rivera	a056 Wright
a063 Cusick	a048 Hikind	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a045 Cymbrowitz	a018 Hooper	a020 Miller, M.L.	a067 Rosenthal	
a053 Davila	a128 Hunter	a015 Montesano	a025 Rozic	
a072 De La Rosa	a029 Hyndman	a136 Morelle	a149 Ryan	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

cers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions

of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic

court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part A); to amend the penal law, in relation to criminal possession of marihuana in the fifth degree (Part B); to amend the penal law, in relation to cybercrimes; and to repeal certain provisions of the penal law thereto (Part C); to amend the criminal procedure law, the family court act and the executive law, in relation to statements of those accused of crimes and eyewitness identifications, to enhance criminal investigations and prosecutions and to promote confidence in the criminal justice system of this state; to amend the county law and the executive law, in relation to the implementation of a plan regard-

ing indigent legal services; to amend chapter 62 of the laws of 2003, amending the county law and other laws relating to fees collected, in relation to certain fees collected by the office of court administration; to amend the judiciary law, in relation to the biennial registration fee for attorneys, and to amend the vehicle and traffic law, in relation to the termination of the suspension fee for a license to operate a motor vehicle (Part D); to amend the correction law, the penal law, the criminal procedure law and the executive law, in relation to correction reform; and to amend chapter 3 of the laws of 1995 enacting the sentencing reform act of 1995, in relation to making certain provisions permanent (Part E); to amend the executive law, in relation to the establishment of a hate crime task force (Part F); to amend the executive law, in relation to expanding eligibility for awards to victims of certain crimes not resulting in physical injury (Part G); to amend the executive law, in relation to the reimbursement for loss of savings of a vulnerable elderly person or an incompetent or physically disabled person (Part H); to amend the executive law, in relation to additional duties of the commissioner of general services (Part I); to amend the state finance law and the public authorities law, in relation to state procurement of goods and products (Part J); to authorize the transfer of employees of the division of military and naval affairs in the unclassified service of the state to the office of general services; and providing for the repeal of such provisions upon expiration thereof (Part K); to amend chapter 674 of the laws of 1993 amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof; and to amend the public buildings law and the state finance law, in relation to contracts for construction

projects (Part L); to amend the New York state printing and public documents law, in relation to allowing the exclusion of printing when the cost of such printing is below the agency's discretionary purchasing threshold (Part M); to amend the state finance law, in relation to the preferred sources program for commodities or services (Part N); to amend the workers' compensation law, in relation to the right to cancel an insurance policy for failure by an employer to cooperate with a payroll audit, to the collection of premiums in case of default, and to the information required to be included in payroll records (Part O); to amend the workers' compensation law, in relation to the investment of surplus funds of the state insurance fund (Part P); to amend the civil service law, in relation to term appointments to temporary positions in information technology (Part Q); to amend the general municipal law, the public housing law, the state finance law and chapter 585 of the laws of 1939, relating to the rate of interest to be paid by certain public corporations upon judgments and accrued claims, in relation to interest rates paid by certain public corporations (Part R); to amend the civil service law, in relation to the reimbursement of medicare premium charges (Part S); to amend the civil service law, in relation to the state's contribution to the cost of health insurance premium for retirees of the state and their dependents (Part T); to amend the municipal home rule law, in relation to county-wide shared services property tax savings plan (Part U); to amend the executive law, in relation to unlawful discriminatory practices by educational institutions (Part V); to amend the public authorities law, in relation to enacting the "New York state consolidated laboratory project act" (Part W); to amend the economic development law, the education law, the tax law and the real property tax law, in relation to the

excelsior business program (Part X); to amend the labor law, in relation to amending unemployment insurance benefits for earnings disregard (Part Y); and to provide for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund and payments, transfers and deposits; to amend the state finance law, in relation to the dedicated infrastructure investment fund; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; to amend the state finance law, in relation to establishing the retiree health benefit trust fund; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation

to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to authorization for issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to repeal sections 58, 59 and 60 of the state finance law relating thereto; and providing for the repeal of certain

provisions upon expiration thereof
(Part Z)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Z. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Section 2 of chapter 887 of the laws of 1983, amending the
14 correction law relating to the psychological testing of candidates, as
15 amended by section 1 of part B of chapter 55 of the laws of 2015, is
16 amended to read as follows:

17 § 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law and shall remain in effect until September 1,
19 [2017] 2019.

20 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-
21 tive law and the criminal procedure law relating to expanding the
22 geographic area of employment of certain police officers, as amended by
23 section 2 of part B of chapter 55 of the laws of 2015, is amended to
24 read as follows:

25 § 3. This act shall take effect on the first day of November next
26 succeeding the date on which it shall have become a law, and shall

1 remain in effect until the first day of September, [2017] 2019, when it
2 shall expire and be deemed repealed.

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

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

10 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
11 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
12 other chapters and laws relating to correctional facilities, as amended
13 by section 4 of part B of chapter 55 of the laws of 2015, is amended to
14 read as follows:

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

1 for parole, the number with certificates who are denied parole upon
2 their first consideration, and the number of individuals granted and
3 denied parole who did not have earned eligibility certificates.

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

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

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

15 § 10. This act shall take effect 30 days after it shall have become a
16 law and shall remain in effect until September 1, [2017] 2019, and
17 provided further that the commissioner of correctional services shall
18 report each January first, and July first, to the chairman of the senate
19 crime victims, crime and correction committee, the senate codes commit-
20 tee, the assembly correction committee, and the assembly codes commit-
21 tee, the number of eligible inmates in each facility under the custody
22 and control of the commissioner who have applied for participation in
23 any program offered under the provisions of work release, furlough, or
24 leave, and the number of such inmates who have been approved for partic-
25 ipation.

26 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994
27 relating to certain provisions which impact upon expenditure of certain
28 appropriations made by chapter 50 of the laws of 1994 enacting the state

1 operations budget, as amended by section 7 of part B of chapter 55 of
2 the laws of 2015, is amended to read as follows:

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

7 § 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,
8 amending the correction law and other laws relating to the incarceration
9 fee, as amended by section 8 of part B of chapter 55 of the laws of
10 2015, is amended to read as follows:

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

27 § 9. Subdivision (c) of section 49 of subpart A of part C of chapter
28 62 of the laws of 2011 amending the correction law and the executive

1 law, relating to merging the department of correctional services and
2 division of parole into the department of corrections and community
3 supervision, as amended by section 9 of part B of chapter 55 of the laws
4 of 2015, is amended to read as follows:

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

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

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

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

21 § 12. This act shall take effect immediately, except that the
22 provisions of sections one through ten of this act shall remain in full
23 force and effect until September 1, [2017] 2019 on which date those
24 provisions shall be deemed to be repealed.

25 § 12. Subdivision (p) of section 406 of chapter 166 of the laws of
26 1991, amending the tax law and other laws relating to taxes, as amended
27 by section 12 of part B of chapter 55 of the laws of 2015, is amended to
28 read as follows:

1 (p) The amendments to section 1809 of the vehicle and traffic law made
2 by sections three hundred thirty-seven and three hundred thirty-eight of
3 this act shall not apply to any offense committed prior to such effec-
4 tive date; provided, further, that section three hundred forty-one of
5 this act shall take effect immediately and shall expire November 1, 1993
6 at which time it shall be deemed repealed; sections three hundred
7 forty-five and three hundred forty-six of this act shall take effect
8 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
9 six, three hundred fifty-seven and three hundred fifty-nine of this act
10 shall take effect immediately and shall expire June 30, 1995 and shall
11 revert to and be read as if this act had not been enacted; section three
12 hundred fifty-eight of this act shall take effect immediately and shall
13 expire June 30, 1998 and shall revert to and be read as if this act had
14 not been enacted; section three hundred sixty-four through three hundred
15 sixty-seven of this act shall apply to claims filed on or after such
16 effective date; sections three hundred sixty-nine, three hundred seven-
17 ty-two, three hundred seventy-three, three hundred seventy-four, three
18 hundred seventy-five and three hundred seventy-six of this act shall
19 remain in effect until September 1, [2017] 2019, at which time they
20 shall be deemed repealed; provided, however, that the mandatory
21 surcharge provided in section three hundred seventy-four of this act
22 shall apply to parking violations occurring on or after said effective
23 date; and provided further that the amendments made to section 235 of
24 the vehicle and traffic law by section three hundred seventy-two of this
25 act, the amendments made to section 1809 of the vehicle and traffic law
26 by sections three hundred thirty-seven and three hundred thirty-eight of
27 this act and the amendments made to section 215-a of the labor law by
28 section three hundred seventy-five of this act shall expire on September

1 1, [2017] 2019 and upon such date the provisions of such subdivisions
2 and sections shall revert to and be read as if the provisions of this
3 act had not been enacted; the amendments to subdivisions 2 and 3 of
4 section 400.05 of the penal law made by sections three hundred seventy-
5 seven and three hundred seventy-eight of this act shall expire on July
6 1, 1992 and upon such date the provisions of such subdivisions shall
7 revert and shall be read as if the provisions of this act had not been
8 enacted; the state board of law examiners shall take such action as is
9 necessary to assure that all applicants for examination for admission to
10 practice as an attorney and counsellor at law shall pay the increased
11 examination fee provided for by the amendment made to section 465 of the
12 judiciary law by section three hundred eighty of this act for any exam-
13 ination given on or after the effective date of this act notwithstanding
14 that an applicant for such examination may have prepaid a lesser fee for
15 such examination as required by the provisions of such section 465 as of
16 the date prior to the effective date of this act; the provisions of
17 section 306-a of the civil practice law and rules as added by section
18 three hundred eighty-one of this act shall apply to all actions pending
19 on or commenced on or after September 1, 1991, provided, however, that
20 for the purposes of this section service of such summons made prior to
21 such date shall be deemed to have been completed on September 1, 1991;
22 the provisions of section three hundred eighty-three of this act shall
23 apply to all money deposited in connection with a cash bail or a
24 partially secured bail bond on or after such effective date; and the
25 provisions of sections three hundred eighty-four and three hundred
26 eighty-five of this act shall apply only to jury service commenced
27 during a judicial term beginning on or after the effective date of this
28 act; provided, however, that nothing contained herein shall be deemed to

1 affect the application, qualification, expiration or repeal of any
2 provision of law amended by any section of this act and such provisions
3 shall be applied or qualified or shall expire or be deemed repealed in
4 the same manner, to the same extent and on the same date as the case may
5 be as otherwise provided by law;

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

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

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

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

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

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

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

7 § 4. This act shall take effect 120 days after it shall have become a
8 law and shall remain in full force and effect until September 1, [2017]
9 2019, when upon such date it shall expire.

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

14 2. Subdivision 4 of section 140.10 of the criminal procedure law as
15 added by section thirty-two of this act shall take effect January 1,
16 1996 and shall expire and be deemed repealed on September 1, [2017]
17 2019.

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

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

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

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

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

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

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

20 § 3. This act shall take effect immediately, except that section one
21 of this act shall take effect on the first of January next succeeding
22 the date on which it shall have become a law, and shall remain in effect
23 until the first of September, [2017] 2019, upon which date this act
24 shall be deemed repealed and have no further force and effect; provided
25 that section one of this act shall only take effect with respect to any
26 compacting state which has enacted an interstate compact entitled
27 "Interstate compact for adult offender supervision" and having an iden-
28 tical effect to that added by section one of this act and provided

1 further that with respect to any such compacting state, upon the effec-
2 tive date of section one of this act, section 259-m of the executive law
3 is hereby deemed REPEALED and section 259-mm of the executive law, as
4 added by section one of this act, shall take effect; and provided
5 further that with respect to any state which has not enacted an inter-
6 state compact entitled "Interstate compact for adult offender super-
7 vision" and having an identical effect to that added by section one of
8 this act, section 259-m of the executive law shall take effect and the
9 provisions of section one of this act, with respect to any such state,
10 shall have no force or effect until such time as such state shall adopt
11 an interstate compact entitled "Interstate compact for adult offender
12 supervision" and having an identical effect to that added by section one
13 of this act in which case, with respect to such state, effective imme-
14 diately, section 259-m of the executive law is deemed repealed and
15 section 259-mm of the executive law, as added by section one of this
16 act, shall take effect.

17 § 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
18 the correction law relating to limiting the closing of certain correc-
19 tional facilities, providing for the custody by the department of
20 correctional services of inmates serving definite sentences, providing
21 for custody of federal prisoners and requiring the closing of certain
22 correctional facilities, as amended by section 22 of part B of chapter
23 55 of the laws of 2015, is amended to read as follows:

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

27 § 23. Section 3 of part C of chapter 152 of the laws of 2001 amending
28 the military law relating to military funds of the organized militia, as

1 amended by section 23 of part B of chapter 55 of the laws of 2015, is
2 amended to read as follows:

3 § 3. This act shall take effect on the same date as the reversion of
4 subdivision 5 of section 183 and subdivision 1 of section 221 of the
5 military law as provided by section 76 of chapter 435 of the laws of
6 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
7 standing this act shall be deemed to have been in full force and effect
8 on and after July 31, 2005 and shall remain in full force and effect
9 until September 1, [2017] 2019 when upon such date this act shall
10 expire.

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

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

27 § 25. Section 2 of part H of chapter 503 of the laws of 2009 relating
28 to the disposition of monies recovered by county district attorneys

1 before the filing of an accusatory instrument, as amended by section 1
2 of part B of chapter 57 of the laws of 2016, is amended to read as
3 follows:

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

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

10 PART B

11 Section 1. Section 221.10 of the penal law, as amended by chapter 265
12 of the laws of 1979 and subdivision 2 as amended by chapter 75 of the
13 laws of 1995, is amended to read as follows:

14 § 221.10 Criminal possession of marihuana in the fifth degree.

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

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

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

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

24 § 2. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.

1

PART C

2 Section 1. Section 190.78 of the penal law, as added by chapter 619 of
3 the laws of 2002, is amended to read as follows:

4 § 190.78 Identity theft in the [third] fifth degree.

5 A person is guilty of identity theft in the [third] fifth degree when
6 he or she knowingly and with intent to defraud assumes the identity of
7 another person by presenting himself or herself as that other person, or
8 by acting as that other person or by using personal identifying informa-
9 tion of that other person, and thereby:

10 1. obtains goods, money, property or services or uses credit in the
11 name of such other person or causes financial loss to such person or to
12 another person or persons; or

13 2. commits a class A misdemeanor or higher level crime.

14 Identity theft in the [third] fifth degree is a class A misdemeanor.

15 § 2. Section 190.79 of the penal law, as added by chapter 619 of the
16 laws of 2002, subdivision 4 as amended by chapter 279 of the laws of
17 2008, is amended to read as follows:

18 § 190.79 Identity theft in the [second] fourth degree.

19 A person is guilty of [identify] identity theft in the [second] fourth
20 degree when:

21 1. he or she knowingly and with intent to defraud assumes the identity
22 of another person by presenting himself or herself as that other person,
23 or by acting as that other person or by using personal identifying
24 information of that other person, and thereby:

25 [1.] a. obtains goods, money, property or services or uses credit in
26 the name of such other person in an aggregate amount that exceeds five
27 hundred dollars; or

1 [2.] b. causes financial loss to such person or to another person or
2 persons in an aggregate amount that exceeds five hundred dollars; or

3 [3.] c. commits or attempts to commit a felony or acts as an accessory
4 to the commission of a felony; or

5 [4.] d. commits the crime of identity theft in the [third] fifth
6 degree as defined in section 190.78 of this article and has been previ-
7 ously convicted within the last [five years of identity theft in the
8 third degree as defined in section 190.78, identity theft in the second
9 degree as defined in this section, identity theft in the first degree as
10 defined in section 190.80, unlawful possession of personal identifica-
11 tion information in the third degree as defined in section 190.81,
12 unlawful possession of personal identification information in the second
13 degree as defined in section 190.82, unlawful possession of personal
14 identification information in the first degree as defined in section
15 190.83, unlawful possession of a skimmer device in the second degree as
16 defined in section 190.85, unlawful possession of a skimmer device in
17 the first degree as defined in section 190.86, grand larceny in the
18 fourth degree as defined in section 155.30, grand larceny in the third
19 degree as defined in section 155.35, grand larceny in the second degree
20 as defined in section 155.40 or grand larceny in the first degree as
21 defined in section 155.42 of this chapter] ten years, excluding any time
22 during which such person was incarcerated for any reason, of any crime
23 in this article or article 170 of this title, or of any larceny crime as
24 defined in article 155 of this chapter, or of any criminal possession of
25 stolen property crime as defined in article 165 of this chapter; or

26 2. he or she knowingly and with intent to defraud assumes the identity
27 of three or more persons by presenting himself or herself as those
28 persons or by acting as those persons or by using personal identifying

1 information of any of those persons and thereby obtains goods, money,
2 property or services or uses credit in the name of at least one such
3 persons, or causes financial loss to at least one such person or to
4 another person or persons.

5 Identity theft in the [second] fourth degree is a class E felony.

6 § 3. Section 190.80 of the penal law, as added by chapter 619 of the
7 laws of 2002, subdivision 4 as amended by chapter 279 of the laws of
8 2008, is amended to read as follows:

9 § 190.80 Identity theft in the [first] third degree.

10 A person is guilty of identity theft in the [first] third degree when:

11 1. he or she knowingly and with intent to defraud assumes the identity
12 of another person by presenting himself or herself as that other person,
13 or by acting as that other person or by using personal identifying
14 information of that other person, and thereby:

15 [1.] a. obtains goods, money, property or services or uses credit in
16 the name of such other person in an aggregate amount that exceeds two
17 thousand dollars; or

18 [2.] b. causes financial loss to such person or to another person or
19 persons in an aggregate amount that exceeds two thousand dollars; or

20 [3.] c. commits or attempts to commit a class D felony or higher level
21 crime or acts as an accessory in the commission of a class D or higher
22 level felony; or

23 [4.] d. commits the crime of identity theft in the [second] fourth
24 degree as defined in section 190.79 of this article and has been previ-
25 ously convicted within the last [five years of identity theft in the
26 third degree as defined in section 190.78, identity theft in the second
27 degree as defined in section 190.79, identity theft in the first degree
28 as defined in this section, unlawful possession of personal identifica-

1 tion information in the third degree as defined in section 190.81,
2 unlawful possession of personal identification information in the second
3 degree as defined in section 190.82, unlawful possession of personal
4 identification information in the first degree as defined in section
5 190.83, unlawful possession of a skimmer device in the second degree as
6 defined in section 190.85, unlawful possession of a skimmer device in
7 the first degree as defined in section 190.86, grand larceny in the
8 fourth degree as defined in section 155.30, grand larceny in the third
9 degree as defined in section 155.35, grand larceny in the second degree
10 as defined in section 155.40 or grand larceny in the first degree as
11 defined in section 155.42 of this chapter] ten years, excluding any time
12 during which such person was incarcerated for any reason, of any crime
13 in this article or article 170 of this title, or of any larceny crime as
14 defined in article 155 of this chapter, or of any criminal possession of
15 stolen property crime as defined in article 165 of this chapter; or

16 2. assumes the identity of ten or more persons by presenting himself
17 or herself as those other persons, or by acting as those other persons,
18 or by using personal identifying information of those other persons, and
19 thereby obtains goods, money, property or services or uses credit in the
20 name of at least one such persons, or causes financial loss to at least
21 one such person, or to another person or persons.

22 Identity theft in the [first] third degree is a class D felony.

23 § 4. Sections 190.81 and 190.82 of the penal law are REPEALED and two
24 new sections 190.81 and 190.82 are added to read as follows:

25 § 190.81 Identity theft in the second degree.

26 A person is guilty of identity theft in the second degree when:

27 1. he or she knowingly and with intent to defraud assumes the identity
28 of another person by presenting himself or herself as that other person,

1 or by acting as that other person or by using personal identifying
2 information of that other person, and thereby:

3 a. obtains goods, money, property or services or uses credit in the
4 name of such other person in an aggregate amount that exceeds twenty-
5 five thousand dollars; or

6 b. causes financial loss to such person or to another person or
7 persons in an aggregate amount that exceeds twenty-five thousand
8 dollars; or

9 c. commits or attempts to commit a class C felony or higher level
10 crime or acts as an accessory in the commission of a class C or higher
11 level felony; or

12 d. commits the crime of identity theft in the third degree as defined
13 in section 190.80 of this article and has been previously convicted
14 within the last ten years, excluding any time during which such person
15 was incarcerated for any reason, of any crime in this article or article
16 170 of this title, or of any larceny crime as defined in article 155 of
17 this chapter, or of any criminal possession of stolen property crime as
18 defined in article 165 of this chapter; or

19 2. assumes the identity of twenty-five or more persons by presenting
20 himself or herself as those other persons, or by acting as those other
21 persons, or by using personal identifying information of those other
22 persons, and thereby obtains goods, money, property or services or uses
23 credit in the name of at least one such persons, or causes financial
24 loss to at least one such person, or to another person or persons.

25 Identity theft in the second degree is a class C felony.

26 § 190.82 Identity theft in the first degree.

27 A person is guilty of identity theft in the first degree when:

1 1. he or she knowingly and with intent to defraud assumes the identity
2 of another person by presenting himself or herself as that other person,
3 or by acting as that other person or by using personal identifying
4 information of that other person, and thereby:

5 a. obtains goods, money, property or services or uses credit in the
6 name of such other person in an aggregate amount that exceeds five
7 hundred thousand dollars; or

8 b. causes financial loss to such person or to another person or
9 persons in an aggregate amount that exceeds five hundred thousand
10 dollars; or

11 c. commits or attempts to commit a class B felony or higher level
12 crime or acts as an accessory in the commission of a class B or higher
13 level felony; or

14 d. commits the crime of identity theft in the second degree as defined
15 in section 190.81 of this article and has been previously convicted
16 within the last ten years, excluding any time during which such person
17 was incarcerated for any reason, of any crime in this article or article
18 170 of this title, or of any larceny crime as defined in article 155 of
19 this chapter, or of any criminal possession of stolen property crime as
20 defined in article 165 of this chapter; or

21 2. assumes the identity of one hundred or more persons by presenting
22 himself or herself as those other persons, or by acting as those other
23 persons, or by using personal identifying information of those other
24 persons, and thereby obtains goods, money, property or services or uses
25 credit in the name of at least one such persons, or causes financial
26 loss to at least one such person, or to another person or persons.

27 Identity theft in the first degree is a class B felony.

1 § 5. Section 190.80-a of the penal law, as added by chapter 226 of the
2 laws of 2008, is amended to read as follows:

3 § 190.80-a Aggravated identity theft in the first degree.

4 A person is guilty of aggravated identity theft in the first degree
5 when he or she knowingly and with intent to defraud assumes the identity
6 of another person by presenting himself or herself as that other person,
7 or by acting as that other person or by using personal identifying
8 information of that other person, and knows that such person is a member
9 of the armed forces, and knows that such member is presently deployed
10 outside of the continental United States; or knows that such person is a
11 vulnerable elderly person as defined in subdivision three of section
12 260.31 of this part; or knows that such person is an incompetent or
13 physically disabled person as defined in subdivision four of section
14 260.31 of this part; and:

15 1. thereby obtains goods, money, property or services or uses credit
16 in the name of such [member of the armed forces] individual in an aggre-
17 gate amount that exceeds five hundred dollars; or

18 2. thereby causes financial loss to such [member of the armed forces]
19 individual in an aggregate amount that exceeds five hundred dollars.

20 Aggravated identity theft in the first degree is a class D felony.

21 § 6. Paragraph (c) of subdivision 5 of section 156.00 of the penal
22 law, as amended by chapter 558 of the laws of 2006, is amended to read
23 as follows:

24 (c) is not and is not intended to be available to anyone other than
25 the person or persons rightfully in possession thereof or selected
26 persons having access thereto with his, her or their consent and which
27 [accords or may accord such rightful possessors an advantage over
28 competitors or other persons who do not have knowledge or the benefit

1 thereof] persons other than those rightly in possession, know or should
2 know that said material is not intended to be available to them.

3 § 7. Subdivision 8 of section 156.00 of the penal law, as added by
4 chapter 558 of the laws of 2006, is amended to read as follows:

5 8. "Without authorization" means to use or to access a computer,
6 computer service or computer network without the permission of the owner
7 or lessor or someone licensed or privileged by the owner or lessor where
8 such person knew that his or her use or access was without permission or
9 after actual notice to such person that such use or access was without
10 permission. It shall also mean the access of a computer service by a
11 person without permission where such person knew that such access was
12 without permission or after actual notice to such person, that such
13 access was without permission. For purposes of criminal prosecution
14 under this article, "without authorization" shall also include use or
15 access exceeding the scope of authorization. A person exceeds the scope
16 of authorization to use or access a computer, computer service or
17 computer network when such person uses or accesses such computer,
18 computer service or computer network for purposes other than legitimate
19 purposes for which such person has permission to use and access such
20 computer, computer service or computer network.

21 § 8. Section 156.20 of the penal law, as amended by chapter 558 of the
22 laws of 2006, is amended to read as follows:

23 § 156.20 Computer tampering in the [fourth] fifth degree.

24 A person is guilty of computer tampering in the [fourth] fifth degree
25 when he or she uses, causes to be used, or accesses a computer, computer
26 service, or computer network without authorization and he or she inten-
27 tionally alters in any manner or destroys computer data or a computer
28 program of another person.

1 Computer tampering in the [fourth] fifth degree is a class A misdemea-
2 nor.

3 § 9. Section 156.25 of the penal law, as amended by chapter 89 of the
4 laws of 1993, subdivision 2 as amended by chapter 376 of the laws of
5 1997, is amended to read as follows:

6 § 156.25 Computer tampering in the [third] fourth degree.

7 A person is guilty of computer tampering in the [third] fourth degree
8 when he or she commits the crime of computer tampering in the [fourth]
9 fifth degree and:

10 1. he or she does so with an intent to commit or attempt to commit or
11 further the commission of any felony; or

12 2. he or she has been previously convicted of any crime under this
13 article or subdivision eleven of section 165.15 of this chapter; or

14 3. he or she intentionally alters in any manner or destroys computer
15 material; or

16 4. he or she intentionally alters in any manner or destroys computer
17 data or a computer program so as to cause damages in an aggregate amount
18 exceeding one thousand dollars.

19 Computer tampering in the [third] fourth degree is a class E felony.

20 § 10. Section 156.26 of the penal law, as amended by chapter 590 of
21 the laws of 2008, is amended to read as follows:

22 § 156.26 Computer tampering in the [second] third degree.

23 A person is guilty of computer tampering in the [second] third degree
24 when he or she commits the crime of computer tampering in the [fourth]
25 fifth degree and he or she intentionally alters in any manner or
26 destroys:

27 1. computer data or a computer program so as to cause damages in an
28 aggregate amount exceeding three thousand dollars; or

1 2. computer material that contains records of the medical history or
2 medical treatment of an identified or readily identifiable individual or
3 individuals and as a result of such alteration or destruction, such
4 individual or individuals suffer serious physical injury, and he or she
5 is aware of and consciously disregards a substantial and unjustifiable
6 risk that such serious physical injury may occur.

7 Computer tampering in the [second] third degree is a class D felony.

8 § 11. Section 156.27 of the penal law, as added by chapter 89 of the
9 laws of 1993, is amended to read as follows:

10 § 156.27 Computer tampering in the [first] second degree.

11 A person is guilty of computer tampering in the [first] second degree
12 when he commits the crime of computer tampering in the [fourth] fifth
13 degree and he intentionally alters in any manner or destroys computer
14 data or a computer program so as to cause damages in an aggregate amount
15 exceeding fifty thousand dollars.

16 Computer tampering in the [first] second degree is a class C felony.

17 § 12. The penal law is amended by adding a new section 156.28 to read
18 as follows:

19 § 156.28 Computer tampering in the first degree.

20 A person is guilty of computer tampering in the first degree when he
21 or she commits the crime of computer tampering in the fifth degree and
22 he or she intentionally alters in any manner or destroys computer data
23 or a computer program and thereby causes damages in an aggregate amount
24 of one million dollars or more.

25 Computer tampering in the first degree is a class B felony.

26 § 13. This act shall take effect on the first of November next
27 succeeding the date on which it shall have become a law; provided,

1 however, that section eleven of this act shall take effect on the nine-
2 tieth day after it shall have become a law.

3 PART D

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

6 3. (a) Where a person is subject to custodial interrogation by a
7 public servant at a detention facility, the entire custodial interro-
8 gation, including the giving of any required advice of the rights of the
9 individual being questioned, and the waiver of any rights by the indi-
10 vidual, shall be recorded by an appropriate video recording device if
11 the interrogation involves a class A-1 felony, except one defined in
12 article two hundred twenty of the penal law; felony offenses defined in
13 section 130.95 and 130.96 of the penal law; or a felony offense defined
14 in article one hundred twenty-five or one hundred thirty of such law
15 that is defined as a class B violent felony offense in section 70.02 of
16 the penal law. For purposes of this paragraph, the term "detention
17 facility" shall mean a police station, correctional facility, holding
18 facility for prisoners, prosecutor's office or other facility where
19 persons are held in detention in connection with criminal charges that
20 have been or may be filed against them.

21 (b) No confession, admission or other statement shall be subject to a
22 motion to suppress pursuant to subdivision three of section 710.20 of
23 this chapter based solely upon the failure to video record such interro-
24 gation in a detention facility as defined in paragraph (a) of this
25 subdivision. However, where the people offer into evidence a confession,
26 admission or other statement made by a person in custody with respect to

1 his or her participation or lack of participation in an offense speci-
2 fied in paragraph (a) of this subdivision, that has not been video
3 recorded, the court shall consider the failure to record as a factor,
4 but not as the sole factor, in accordance with paragraph (c) of this
5 subdivision in determining whether such confession, admission or other
6 statement shall be admissible.

7 (c) Notwithstanding the requirement of paragraph (a) of this subdivi-
8 sion, upon a showing of good cause by the prosecutor, the custodial
9 interrogation need not be recorded. Good cause shall include, but not be
10 limited to:

11 (i) If electronic recording equipment malfunctions.

12 (ii) If electronic recording equipment is not available because it was
13 otherwise being used.

14 (iii) If statements are made in response to questions that are
15 routinely asked during arrest processing.

16 (iv) If the statement is spontaneously made by the suspect and not in
17 response to police questioning.

18 (v) If the statement is made during an interrogation that is conducted
19 when the interviewer is unaware that a qualifying offense has occurred.

20 (vi) If the statement is made at a location other than the "interview
21 room" because the suspect cannot be brought to such room, e.g., the
22 suspect is in a hospital or the suspect is out of state and that state
23 is not governed by a law requiring the recordation of an interrogation.

24 (vii) If the statement is made after a suspect has refused to partic-
25 ipate in the interrogation if it is recorded, and appropriate effort to
26 document such refusal is made.

1 (viii) If such statement is not recorded as a result of an inadvertent
2 error or oversight, not the result of any intentional conduct by law
3 enforcement personnel.

4 (ix) If it is law enforcement's reasonable belief that such recording
5 would jeopardize the safety of any person or reveal the identity of a
6 confidential informant.

7 (x) If such statement is made at a location not equipped with a video
8 recording device and the reason for using that location is not to
9 subvert the intent of the law. For purposes of this section, the term
10 "location" shall include those locations specified in paragraph (b) of
11 subdivision four of section 305.2 of the family court act.

12 (d) In the event the court finds that the people have not shown good
13 cause for the non-recording of the confession, admission, or other
14 statement, but determines that a non-recorded confession, admission or
15 other statement is nevertheless admissible because it was voluntarily
16 made then, upon request of the defendant, the court must instruct the
17 jury that the people's failure to record the defendant's confession,
18 admission or other statement as required by this section may be weighed
19 as a factor, but not as the sole factor, in determining whether such
20 confession, admission or other statement was voluntarily made, or was
21 made at all.

22 (e) Video recording as required by this section shall be conducted in
23 accordance with standards established by rule of the division of crimi-
24 nal justice services.

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

27 3. Where a respondent is subject to custodial interrogation by a
28 public servant at a facility specified in subdivision four of section

1 305.2 of this article, the entire custodial interrogation, including the
2 giving of any required advice of the rights of the individual being
3 questioned, and the waiver of any rights by the individual, shall be
4 recorded and governed in accordance with the provisions of paragraphs
5 (a), (b), (c), (d) and (e) of subdivision three of section 60.45 of the
6 criminal procedure law.

7 § 3. Section 60.25 of the criminal procedure law, subparagraph (ii) of
8 paragraph (a) of subdivision 1 as amended by chapter 479 of the laws of
9 1977, is amended to read as follows:

10 § 60.25 Rules of evidence; identification by means of previous recogni-
11 tion, in absence of present identification.

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

15 (a) Such witness testifies that:

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

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

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

4 (b) It is established that the defendant is in fact the person whom
5 the witness observed and recognized or whose pictorial, photographic,
6 electronic, filmed or video recorded reproduction the witness observed
7 and recognized on the second occasion. Such fact may be established by
8 testimony of another person or persons to whom the witness promptly
9 declared his or her recognition on such occasion and by such pictorial,
10 photographic, electronic, filmed or video recorded reproduction.

11 (c) For purposes of this section, a "blind or blinded procedure" is
12 one in which the witness identifies a person in an array of pictorial,
13 photographic, electronic, filmed or video recorded reproductions under
14 circumstances where, at the time the identification is made, the public
15 servant administering such procedure: (i) does not know which person in
16 the array is the suspect, or (ii) does not know where the suspect is in
17 the array viewed by the witness. The failure of a public servant to
18 follow such a procedure shall be assessed solely for purposes of this
19 article and shall result in the preclusion of testimony regarding the
20 identification procedure as evidence in chief, but shall not constitute
21 a legal basis to suppress evidence made pursuant to subdivision six of
22 section 710.20 of this chapter. This article neither limits nor expands
23 subdivision six of section 710.20 of this chapter.

24 2. Under circumstances prescribed in subdivision one of this section,
25 such witness may testify at the criminal proceeding that the person whom
26 he or she observed and recognized or whose pictorial, photographic,
27 electronic, filmed or video recorded reproduction he or she observed and
28 recognized on the second occasion is the same person whom he or she

1 observed on the first or incriminating occasion. Such testimony,
2 together with the evidence that the defendant is in fact the person whom
3 the witness observed and recognized or whose pictorial, photographic,
4 electronic, filmed or video recorded reproduction he or she observed and
5 recognized on the second occasion, constitutes evidence in chief.

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

8 § 60.30 Rules of evidence; identification by means of previous recogni-
9 tion, in addition to present identification.

10 In any criminal proceeding in which the defendant's commission of an
11 offense is in issue, a witness who testifies that (a) he or she observed
12 the person claimed by the people to be the defendant either at the time
13 and place of the commission of the offense or upon some other occasion
14 relevant to the case, and (b) on the basis of present recollection, the
15 defendant is the person in question and (c) on a subsequent occasion he
16 or she observed the defendant, or where the observation is made pursuant
17 to a blind or blinded procedure, as defined in paragraph (c) of subdivi-
18 sion one of section 60.25 of this article, a pictorial, photographic,
19 electronic, filmed or video recorded reproduction of the defendant,
20 under circumstances consistent with such rights as an accused person may
21 derive under the constitution of this state or of the United States, and
22 then also recognized him or her or the pictorial, photographic, elec-
23 tronic, filmed or video recorded reproduction of him or her as the same
24 person whom he or she had observed on the first or incriminating occa-
25 sion, may, in addition to making an identification of the defendant at
26 the criminal proceeding on the basis of present recollection as the
27 person whom he or she observed on the first or incriminating occasion,
28 also describe his or her previous recognition of the defendant and

1 testify that the person whom he or she observed or whose pictorial,
2 photographic, electronic, filmed or video recorded reproduction he or
3 she observed on such second occasion is the same person whom he or she
4 had observed on the first or incriminating occasion. Such testimony and
5 such pictorial, photographic, electronic, filmed or video recorded
6 reproduction constitutes evidence in chief.

7 § 5. Subdivision 6 of section 710.20 of the criminal procedure law, as
8 amended by chapter 8 of the laws of 1976 and as renumbered by chapter
9 481 of the laws of 1983, is amended to read as follows:

10 6. Consists of potential testimony regarding an observation of the
11 defendant either at the time or place of the commission of the offense
12 or upon some other occasion relevant to the case, which potential testi-
13 mony would not be admissible upon the prospective trial of such charge
14 owing to an improperly made previous identification of the defendant or
15 of a pictorial, photographic, electronic, filmed or video recorded
16 reproduction of the defendant by the prospective witness. A claim that
17 the previous identification of the defendant or of a pictorial, photo-
18 graphic, electronic, filmed or video recorded reproduction of the
19 defendant by a prospective witness did not comply with paragraph (c) of
20 subdivision one of section 60.25 of this chapter or with the protocol
21 promulgated in accordance with subdivision twenty-one of section eight
22 hundred thirty-seven of the executive law shall not constitute a legal
23 basis to suppress evidence pursuant to this subdivision. A claim that a
24 public servant failed to comply with paragraph (c) of subdivision one of
25 section 60.25 of this chapter or of subdivision twenty-one of section
26 eight hundred thirty-seven of the executive law shall neither expand nor
27 limit the rights an accused person may derive under the constitution of
28 this state or of the United States.

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

4 1. Whenever the people intend to offer at a trial (a) evidence of a
5 statement made by a defendant to a public servant, which statement if
6 involuntarily made would render the evidence thereof suppressible upon
7 motion pursuant to subdivision three of section 710.20, or (b) testimony
8 regarding an observation of the defendant either at the time or place of
9 the commission of the offense or upon some other occasion relevant to
10 the case, to be given by a witness who has previously identified him or
11 her or a pictorial, photographic, electronic, filmed or video recorded
12 reproduction of him or her as such, they must serve upon the defendant a
13 notice of such intention, specifying the evidence intended to be
14 offered.

15 § 7. Section 343.3 of the family court act, as added by chapter 920 of
16 the laws of 1982, is amended to read as follows:

17 § 343.3. Rules of evidence; identification by means of previous recog-
18 nition in absence of present identification. 1. In any juvenile delin-
19 quency proceeding in which the respondent's commission of a crime is in
20 issue, testimony as provided in subdivision two may be given by a
21 witness when:

22 (a) such witness testifies that:

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

26 (ii) on a subsequent occasion he or she observed, under circumstances
27 consistent with such rights as an accused person may derive under the
28 constitution of this state or of the United States, a person, or, where

1 the observation is made pursuant to a blind or blinded procedure as
2 defined herein, a pictorial, photographic, electronic, filmed or video
3 recorded reproduction of a person whom he or she recognized as the same
4 person whom he or she had observed on the first incriminating occasion;
5 and

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

9 (b) it is established that the respondent is in fact the person whom
10 the witness observed and recognized or whose pictorial, photographic,
11 electronic, filmed or video recorded reproduction the witness observed
12 and recognized on the second occasion. Such fact may be established by
13 testimony of another person or persons to whom the witness promptly
14 declared his or her recognition on such occasion and by such pictorial,
15 photographic, electronic, filmed or video recorded reproduction.

16 (c) For purposes of this section, a "blind or blinded procedure" is
17 one in which the witness identifies a person in an array of pictorial,
18 photographic, electronic, filmed or video recorded reproductions under
19 circumstances where, at the time the identification is made, the public
20 servant administering such procedure: (i) does not know which person in
21 the array is the suspect, or (ii) does not know where the suspect is in
22 the array viewed by the witness. The failure of a public servant to
23 follow such a procedure shall be assessed solely for purposes of this
24 article and shall result in the preclusion of testimony regarding the
25 identification procedure as evidence in chief, but shall not constitute
26 a legal basis to suppress evidence made pursuant to subdivision six of
27 section 710.20 of the criminal procedure law. This article neither

1 limits not expands subdivision six of section 710.20 of the criminal
2 procedure law.

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

13 § 8. Section 343.4 of the family court act, as added by chapter 920 of
14 the laws of 1982, is amended to read as follows:

15 § 343.4. Rules of evidence; identification by means of previous recog-
16 nition, in addition to present identification. In any juvenile delin-
17 quency proceeding in which the respondent's commission of a crime is in
18 issue, a witness who testifies that: (a) he or she observed the person
19 claimed by the presentment agency to be the respondent either at the
20 time and place of the commission of the crime or upon some other occa-
21 sion relevant to the case, and (b) on the basis of present recollection,
22 the respondent is the person in question, and (c) on a subsequent occa-
23 sion he or she observed the respondent, or, where the observation is
24 made pursuant to a blind or blinded procedure, a pictorial, photograph-
25 ic, electronic, filmed or video recorded reproduction of the respondent
26 under circumstances consistent with such rights as an accused person may
27 derive under the constitution of this state or of the United States, and
28 then also recognized him or her or the pictorial, photographic, elec-

1 tronic, filmed or video recorded reproduction of him or her as the same
2 person whom he or she had observed on the first or incriminating occa-
3 sion, may, in addition to making an identification of the respondent at
4 the delinquency proceeding on the basis of present recollection as the
5 person whom he or she observed on the first or incriminating occasion,
6 also describe his or her previous recognition of the respondent and
7 testify that the person whom he or she observed or whose pictorial,
8 photographic, electronic, filmed or video recorded reproduction he or
9 she observed on such second occasion is the same person whom he or she
10 had observed on the first or incriminating occasion. Such testimony and
11 such pictorial, photographic, electronic, filmed or video recorded
12 reproduction constitutes evidence in chief. For purposes of this
13 section, a "blind or blinded procedure" shall be as defined in paragraph
14 (c) of subdivision one of section 343.3 of this part.

15 § 9. Section 837 of the executive law is amended by adding a new
16 subdivision 21 to read as follows:

17 21. Promulgate a standardized and detailed written protocol that is
18 grounded in evidence-based principles for the administration of photo-
19 graphic array and live lineup identification procedures for police agen-
20 cies and standardized forms for use by such agencies in the reporting
21 and recording of such identification procedure. The protocol shall
22 address the following topics:

23 (a) the selection of photographic array and live lineup filler photo-
24 graphs or participants;

25 (b) instructions given to a witness before conducting a photographic
26 array or live lineup identification procedure;

27 (c) the documentation and preservation of results of a photographic
28 array or live lineup identification procedure;

1 (d) procedures for eliciting and documenting the witness's confidence
2 in his or her identification following a photographic array or live
3 lineup identification procedure, in the event that an identification is
4 made; and

5 (e) procedures for administering a photographic array or live lineup
6 identification procedure in a manner designed to prevent opportunities
7 to influence the witness.

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

10 (c) Disseminate the written policies and procedures promulgated in
11 accordance with subdivision twenty-one of section eight hundred thirty-
12 seven of this article to all police departments in this state and imple-
13 ment a training program for all current and new police officers regard-
14 ing the policies and procedures established pursuant to such
15 subdivision.

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

18 § 722-e. Expenses. All expenses for providing counsel and services
19 other than counsel hereunder shall be a county charge or in the case of
20 a county wholly located within a city a city charge to be paid out of an
21 appropriation for such purposes. Provided, however, that any such addi-
22 tional expenses incurred for the provision of counsel and services as a
23 result of the implementation of a plan established pursuant to subdivi-
24 sion four of section eight hundred thirty-two of the executive law,
25 including any interim steps taken to implement such plan, shall be reim-
26 bursed by the state to the county or city providing such services. The
27 state shall appropriate funds sufficient to provide for the reimburse-
28 ment required by this section.

1 § 12. Section 832 of the executive law is amended by adding a new
2 subdivision 4 to read as follows:

3 4. Additional duties and responsibilities. The office shall, in
4 consultation with the indigent legal services board established pursuant
5 to section eight hundred thirty-three of this article, have the follow-
6 ing duties and responsibilities, and any plan developed pursuant to this
7 subdivision shall be subject to the approval of the director of the
8 division of the budget:

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

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

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

26 (iii) Each county and the city of New York shall, in consultation with
27 the office, undertake good faith efforts to implement the plan by April
28 first, two thousand twenty-three. Pursuant to section seven hundred

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

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

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

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

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

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

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

4 (c) Initiatives to improve the quality of indigent defense. (i) Devel-
5 op and implement a written plan to improve the quality of constitu-
6 tionally mandated publicly funded representation in criminal cases for
7 people who are unable to afford counsel and ensure that attorneys
8 providing such representation: (A) receive effective supervision and
9 training; (B) have access to and appropriately utilize investigators,
10 interpreters and expert witnesses on behalf of clients; (C) communicate
11 effectively with their clients; (D) have the necessary qualifications
12 and experience; and (E) in the case of assigned counsel attorneys, are
13 assigned to cases in accordance with article eighteen-b of the county
14 law and in a manner that accounts for the attorney's level of experience
15 and caseload/workload.

16 (ii) The office shall, on an ongoing basis, monitor and periodically
17 report on the implementation of, and compliance with, the plan in each
18 county and the city of New York.

19 (iii) The written plan developed pursuant to this subdivision shall be
20 completed by December first, two thousand seventeen and shall include
21 interim steps for each county and the city of New York for achieving
22 compliance with the plan.

23 (iv) Each county and the city of New York shall, in consultation with
24 the office, undertake good faith efforts to implement the initiatives to
25 improve the quality of indigent defense and such initiatives shall be
26 fully implemented and adhered to in each county and the city of New York
27 by April first, two thousand twenty-three. Pursuant to section seven
28 hundred twenty-two-e of the county law, the state shall reimburse each

1 county and the city of New York for any costs incurred as a result of
2 implementing such plan.

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

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

11 § 14. Notwithstanding the provisions of any other law: (a) the fee
12 collected by the office of court administration for the provision of
13 criminal history searches and other searches for data kept electron-
14 ically by the unified court system shall be [~~sixty-five~~] eighty dollars;
15 (b) [~~thirty-five~~] fifty dollars of each such fee collected shall be
16 deposited in the indigent legal services fund established by section
17 98-b of the state finance law, as added by section twelve of this act,
18 (c) nine dollars of each such fee collected shall be deposited in the
19 legal services assistance fund established by section 98-c of the state
20 finance law, as added by section nineteen of this act, (d) sixteen
21 dollars of each such fee collected shall be deposited to the judiciary
22 data processing offset fund established by section 94-b of the state
23 finance law, and (e) the remainder shall be deposited in the general
24 fund.

25 § 14. Subdivision 4 of section 468-a of the judiciary law, as amended
26 by section 9 of part K of chapter 56 of the laws of 2010, is amended to
27 read as follows:

1 4. The biennial registration fee shall be [~~three~~] four hundred [~~seven-~~
2 ~~ty-five~~] twenty-five dollars, sixty dollars of which shall be allocated
3 to and be deposited in a fund established pursuant to the provisions of
4 section ninety-seven-t of the state finance law, [~~fifty~~] one hundred
5 dollars of which shall be allocated to and shall be deposited in a fund
6 established pursuant to the provisions of section ninety-eight-b of the
7 state finance law, twenty-five dollars of which shall be allocated to be
8 deposited in a fund established pursuant to the provisions of section
9 ninety-eight-c of the state finance law, and the remainder of which
10 shall be deposited in the attorney licensing fund. Such fee shall be
11 required of every attorney who is admitted and licensed to practice law
12 in this state, whether or not the attorney is engaged in the practice of
13 law in this state or elsewhere, except attorneys who certify to the
14 chief administrator of the courts that they have retired from the prac-
15 tice of law.

16 § 15. Subparagraphs (i) and (iv) of paragraph (j-1) of subdivision 2
17 of section 503 of the vehicle and traffic law, subparagraph (i) as
18 amended by section 3 and subparagraph (iv) as added by section 4 of part
19 PP of chapter 59 of the laws of 2009, are amended to read as follows:

20 (i) When a license issued pursuant to this article, or a privilege of
21 operating a motor vehicle or of obtaining such a license, has been
22 suspended based upon a failure to answer an appearance ticket or a
23 summons or failure to pay a fine, penalty or mandatory surcharge, pursu-
24 ant to subdivision three of section two hundred twenty-six, subdivision
25 four of section two hundred twenty-seven, subdivision four-a of section
26 five hundred ten or subdivision five-a of section eighteen hundred nine
27 of this chapter, such suspension shall remain in effect until a termi-
28 nation of a suspension fee of [~~seventy~~] one hundred five dollars is paid

1 to the court or tribunal that initiated the suspension of such license
2 or privilege. In no event may the aggregate of the fees imposed by an
3 individual court pursuant to this paragraph for the termination of all
4 suspensions that may be terminated as a result of a person's answers,
5 appearances or payments made in such cases pending before such individ-
6 ual court exceed four hundred dollars. For the purposes of this para-
7 graph, the various locations of the administrative tribunal established
8 under article two-A of this chapter shall be considered an individual
9 court.

10 (iv) Notwithstanding any other provision of this paragraph, [fifty
11 percent] one-third of the value of all fees collected pursuant to this
12 paragraph shall be deposited to the credit of the general fund.

13 § 16. This act shall take effect immediately; provided, however, that
14 sections one and two of this act shall take effect April 1, 2018 and
15 shall apply to confessions, admissions or statements made on or after
16 such effective date; provided, further sections three through ten of
17 this act shall take effect July 1, 2017.

18 PART E

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

22 2. The commissioner shall have the power and duty of determining the
23 conditions of release of persons who may be presumptively released,
24 conditionally released or subject to a period of post-release super-
25 vision under an indeterminate or determinate sentence of imprisonment,
26 other than persons who have been granted parole by the board of parole

1 pursuant to subdivision two of section two hundred fifty-nine-i of the
2 executive law, and shall have the management and control of persons
3 released on community supervision and of all matters relating to such
4 persons' effective reentry into the community, as well as all contracts
5 and fiscal concerns thereof. The commissioner shall have the power and
6 it shall be his or her duty to inquire into all matters connected with
7 said community supervision. The commissioner shall make such rules and
8 regulations, not in conflict with the statutes of this state, for the
9 governance of the officers and other employees of the department
10 assigned to said community supervision, and in regard to the duties to
11 be performed by them, as he or she deems proper and shall cause such
12 rules and regulations to be furnished to each employee assigned to
13 perform community supervision. The commissioner shall also prescribe a
14 system of accounts and records to be kept, which shall be uniform. The
15 commissioner shall also make rules and regulations for a record of
16 photographs and other means of identifying each inmate released to
17 community supervision. The commissioner shall appoint officers and other
18 employees of the department who are assigned to perform community super-
19 vision.

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

23 1. All requests for presumptive release or conditional release shall
24 be made in writing on forms prescribed and furnished by the department.
25 Within one month from the date any such application is received, if it
26 appears that the applicant is eligible for presumptive release or condi-
27 tional release or will be eligible for such release during such month,
28 the conditions of release shall be fixed in accordance with rules

1 prescribed by the [board of parole] commissioner. Such conditions shall
2 be substantially the same as conditions imposed upon parolees.

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

5 3. Conditions of post-release supervision. [The] For persons who have
6 been granted parole by the board of parole pursuant to subdivision two
7 of section two hundred fifty-nine-i of the executive law, such board [of
8 parole] shall establish and impose conditions of post-release super-
9 vision in the same manner and to the same extent as it may establish and
10 impose conditions in accordance with the executive law upon persons who
11 are granted parole [or conditional release]; for all other persons
12 released to post-release supervision said conditions shall be estab-
13 lished and imposed by the commissioner of corrections and community
14 supervision; provided that, notwithstanding any other provision of law,
15 the board of parole may impose as a condition of post-release super-
16 vision that for a period not exceeding six months immediately following
17 release from the underlying term of imprisonment pursuant to the grant
18 of parole the person be transferred to and participate in the programs
19 of a residential treatment facility as that term is defined in subdivi-
20 sion six of section two of the correction law. [Upon release from the
21 underlying term of imprisonment, the person] All individuals released to
22 post-release supervision shall be furnished with a written statement
23 setting forth the conditions of [post-release supervision] release in
24 sufficient detail to provide for the person's conduct and supervision.

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

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

18 § 5. Subdivision 2 of section 259-c of the executive law, as amended
19 by section 38-b of subpart A of part C of chapter 62 of the laws of
20 2011, is amended to read as follows:

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

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

1 (b) Upon the completion of the period of post-release supervision, the
2 running of such sentence or sentences of imprisonment shall resume and
3 only then shall the remaining portion of any maximum or aggregate maxi-
4 mum term previously held in abeyance be credited with and diminished by
5 such period of post-release supervision. In the event such period of
6 post-release supervision is reduced pursuant to subdivision six of this
7 section, the remaining portion of any maximum or aggregate maximum term
8 previously held in abeyance shall be credited with and diminished by
9 such reduced period of post-release supervision. The person shall then
10 be under the jurisdiction of the department of corrections and community
11 supervision for the remaining portion of such maximum or aggregate maxi-
12 mum term.

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

15 6. Earned reduction of post-release supervision. (a) After a period
16 of post-release supervision has commenced pursuant to paragraph (a) of
17 subdivision five of this section, such period shall be reduced by three
18 months upon the completion of each uninterrupted six-month period of
19 post-release supervision served thereafter, provided:

20 (i) the person is subject to a determinate sentence imposed for an
21 offense listed in subdivision one of section 70.02 of this article; and

22 (ii) the person is not subject to any sentence with a maximum term of
23 life imprisonment, or any sentence imposed for an offense defined in
24 article one hundred thirty, two hundred sixty-three, four hundred eight-
25 y-five or four hundred ninety of this title, or an attempt or a conspir-
26 acy to commit any such offense; and

1 (iii) the person is at liberty during the entire six-month period and
2 is not declared delinquent by the department of corrections and communi-
3 ty supervision as of a date within said six-month period.

4 (b) No reduction shall be granted pursuant to this subdivision for:

5 (i) the service of less than an uninterrupted six-month period; or

6 (ii) the six months immediately preceding the completion of a period
7 of post-release supervision.

8 (c) The six-month period shall not commence or continue to run while
9 the person is in custody for any reason. No reduction shall be granted
10 for the period between the commencement of the six-month period and the
11 date on which the person was taken into custody if such period was less
12 than six months. In such case, the next six-month period shall not
13 commence until the person's next release from custody.

14 (d) A declaration of delinquency shall interrupt the running of the
15 six-month period retroactively as of the date of delinquency. No
16 reduction shall be granted for the period between the commencement of
17 the six-month period and the date of delinquency if such period was less
18 than six months. In such case, the next six-month period shall not
19 commence until the person's next release from custody.

20 (e) When a person is subject to more than one period of post-release
21 supervision, the reduction authorized in this subdivision shall be
22 applied to every period of post-release supervision to which the person
23 is subject at the commencement of the six-month period. In the event a
24 person becomes subject to an additional period of post-release super-
25 vision after the six-month period of a previously imposed period of
26 post-release supervision has commenced, the six-month period of the
27 additional period of post-release supervision shall commence as provided
28 in paragraph (a) of this subdivision.

1 (f) The reduction applied to a period of post-release supervision
2 pursuant to this subdivision shall not be applied to any other period of
3 post-release supervision, except as provided in subdivision five of
4 section 70.30 of this article.

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

8 (c) "significant programmatic accomplishment" means that the inmate:

9 (i) participates in no less than two years of college programming; or

10 (ii) obtains a masters of professional studies degree; or

11 (iii) successfully participates as an inmate program associate for no
12 less than two years; or

13 (iv) receives a certification from the state department of labor for
14 his or her successful participation in an apprenticeship program; or

15 (v) successfully works as an inmate hospice aid for a period of no
16 less than two years; or

17 (vi) successfully works in the division of correctional industries'
18 optical program for no less than two years and receives a certification
19 as an optician from the American board of opticianry; or

20 (vii) receives an asbestos handling certificate from the department of
21 labor upon successful completion of the training program and then works
22 in the division of correctional industries' asbestos abatement program
23 as a hazardous materials removal worker or group leader for no less than
24 eighteen months; or

25 (viii) successfully completes the course curriculum and passes the
26 minimum competency screening process performance examination for sign
27 language interpreter, and then works as a sign language interpreter for
28 deaf inmates for no less than one year; or

1 (ix) successfully works in the puppies behind bars program for a peri-
2 od of no less than two years; or

3 (x) successfully participates in a vocational culinary arts program
4 for a period of no less than two years and earns a servsafe certificate
5 that is recognized by the national restaurant association; or

6 (xi) successfully completes the four hundred ninety hour training
7 program while assigned to a department of motor vehicles call center,
8 and continues to work at such call center for an additional twenty-one
9 months.

10 § 9. Subdivision 2 of section 60.02 of the penal law, as amended by
11 chapter 471 of the laws of 1980, is amended to read as follows:

12 (2) If the sentence is to be imposed upon a youthful offender finding
13 which has been substituted for a conviction for any felony, the court
14 must impose a sentence authorized to be imposed upon a person convicted
15 of a class E felony [provided, however, that the court must not impose a
16 sentence of conditional discharge or unconditional discharge if the
17 youthful offender finding was substituted for a conviction of a felony
18 defined in article two hundred twenty of this chapter], as hereinafter
19 provided:

20 (a) if the youthful offender finding was substituted for a felony
21 defined in article two hundred twenty or two hundred twenty-one of this
22 chapter, then the sentence shall be as authorized by section 60.04 of
23 this article for a class E felony, and if a determinate sentence of
24 imprisonment is imposed, the corresponding period of post-release super-
25 vision provided for that class E felony by section 70.45 of this title
26 shall also be imposed. In addition to such authorized sentences, if the
27 defendant meets the requirements of subdivision two of section 410.91 of
28 the criminal procedure law, a court may direct that such sentence be

1 executed as a parole supervision sentence as defined in and pursuant to
2 the procedures prescribed by that section.

3 (b) if the youthful offender finding was substituted for any other
4 felony, then the sentence shall be as authorized by section 60.01 of
5 this article for a sentence upon a conviction of a class E felony;
6 provided, however, that if the youthful offender finding was substituted
7 for a violent felony offense as defined in subdivision one of section
8 70.02 of this title or for a felony sex offense as defined in paragraph
9 (a) of subdivision one of section 70.80 of this title and, in either
10 case, a sentence of imprisonment in excess of one year is imposed to be
11 served in a facility of the state department of corrections and communi-
12 ty supervision, the sentence shall be the determinate sentence of impri-
13 sonment authorized for a class E violent felony offense or felony sex
14 offense, as the case may be, and the corresponding period of post-re-
15 lease supervision provided for that class E felony by section 70.45 of
16 this title.

17 § 10. Section 70.00 of the penal law, the section heading as amended
18 by chapter 277 of the laws of 1973, subdivision 1 as amended by section
19 36 of chapter 7 of the laws of 2007, subdivisions 2, 3 and 4 as amended
20 by chapter 738 of the laws of 2004, paragraph (a) of subdivision 3 as
21 amended by chapter 107 of the laws of 2006, paragraph (b) of subdivision
22 3 as amended by chapter 746 of the laws of 2006, subdivision 5 as
23 amended by chapter 482 of the laws of 2009 and subdivision 6 as amended
24 by chapter 1 of the laws of 1998, is amended to read as follows:

25 § 70.00 Sentence of imprisonment for felony.

26 1. [Indeterminate] Unless otherwise authorized by a provision of arti-
27 cle sixty or seventy of this chapter, the sentence of imprisonment for a
28 felony is as follows:

1 (a) Class A felony sentence. Except as provided in [subdivisions
2 four,] subdivision five [and six] of this section [or section 70.80 of
3 this article], a sentence of imprisonment for a class A felony, other
4 than a felony defined in article two hundred twenty [or two hundred
5 twenty-one] of this chapter, shall be an indeterminate sentence. When
6 such a sentence is imposed, the court shall impose a maximum term in
7 accordance with the provisions of subdivision two of this section and
8 the minimum period of imprisonment shall be as provided in subdivision
9 three of this section.

10 (b) Class B, C, D or E felony sentence. Except as provided in subdivi-
11 sions four and six of this section or section 70.80 of this article, a
12 sentence of imprisonment for a class B, C, D or E felony, other than a
13 felony defined in article two hundred twenty or two hundred twenty-one
14 of this chapter, shall be a determinate sentence of imprisonment in
15 accordance with the provisions of subdivision three-a of this section,
16 which shall include, as part thereof, a period of post-release super-
17 vision in accordance with the provisions of section 70.45 of this arti-
18 cle.

19 2. Maximum indeterminate term of [sentence] imprisonment for a class A
20 felony. The maximum term of an indeterminate sentence of imprisonment
21 for a class A felony shall be [at least three years and the term shall
22 be fixed as follows:

23 (a) For a class A felony,] fixed by the court, and the term shall be
24 life imprisonment[;

25 (b) For a class B felony, the term shall be fixed by the court, and
26 shall not exceed twenty-five years;

27 (c) For a class C felony, the term shall be fixed by the court, and
28 shall not exceed fifteen years;

1 (d) For a class D felony, the term shall be fixed by the court, and
2 shall not exceed seven years; and

3 (e) For a class E felony, the term shall be fixed by the court, and
4 shall not exceed four years].

5 3. Minimum indeterminate period of imprisonment for a class A felony.
6 [The minimum period of imprisonment under an indeterminate sentence
7 shall be at least one year and shall be fixed as follows:]

8 (a) In the case of a class A felony, except as specified in paragraph
9 (b) of this subdivision, the minimum period of imprisonment shall be
10 fixed by the court and specified in the sentence[.] as follows:

11 (i) For a class A-I felony, such minimum period shall not be less than
12 fifteen years nor more than twenty-five years; provided, however, that:

13 (A) where a sentence, other than a sentence of death or life imprison-
14 ment without parole, is imposed upon a defendant convicted of murder in
15 the first degree as defined in section 125.27 of this chapter such mini-
16 mum period shall be not less than twenty years nor more than twenty-five
17 years, and[,]

18 (B) where a sentence is imposed upon a defendant convicted of murder
19 in the second degree as defined in subdivision five of section 125.25 of
20 this chapter or convicted of aggravated murder as defined in section
21 125.26 of this chapter, the sentence shall be life imprisonment without
22 parole, and[,]

23 (C) where a sentence is imposed upon a defendant convicted of
24 attempted murder in the first degree as defined in article one hundred
25 ten of this chapter and subparagraph (i), (ii) or (iii) of paragraph (a)
26 of subdivision one and paragraph (b) of subdivision one of section
27 125.27 of this chapter or attempted aggravated murder as defined in
28 article one hundred ten of this chapter and section 125.26 of this chap-

1 ter such minimum period shall be not less than twenty years nor more
2 than forty years.

3 (ii) For a class A-II felony, such minimum period shall not be less
4 than three years nor more than eight years four months, except that for
5 the class A-II felony of predatory sexual assault as defined in section
6 130.95 of this chapter or the class A-II felony of predatory sexual
7 assault against a child as defined in section 130.96 of this chapter,
8 such minimum period shall be not less than ten years nor more than twen-
9 ty-five years.

10 (b) [For any other felony, the minimum period shall be fixed by the
11 court and specified in the sentence and shall be not less than one year
12 nor more than one-third of the maximum term imposed] A minimum period of
13 imprisonment shall not be fixed by the court for a class A felony when a
14 sentence of life imprisonment without parole is authorized by section
15 60.06 of this title, or subdivision five of this section, or any other
16 provision of this chapter and is imposed.

17 3-a. Determinate term of imprisonment for a class B, C, D or E felony.

18 (a) The term of a determinate sentence of imprisonment for a class B, C,
19 D or E felony defined in article one hundred twenty-five of this chapter
20 shall be fixed by the court in whole or half years as follows:

21 (i) For a class B felony, the term shall be at least one year and
22 shall not exceed sixteen years;

23 (ii) For a class C felony, the term shall be at least one year and
24 shall not exceed twelve and one-half years;

25 (iii) For a class D felony, the term shall be at least one year and
26 shall not exceed eight years; and

27 (iv) For a class E felony, the term shall be at least one year and
28 shall not exceed four years.

1 (b) The term of a determinate sentence of imprisonment for any other
2 class B, C, D or E felony shall be fixed by the court in whole or half
3 years as follows:

4 (i) For a class B felony, the term shall be at least one year and
5 shall not exceed twelve years;

6 (ii) For a class C felony, the term shall be at least one year and
7 shall not exceed six years;

8 (iii) For a class D felony, the term shall be at least one year and
9 shall not exceed four years; and

10 (iv) For a class E felony, the term shall be at least one year and
11 shall not exceed two and one-half years.

12 4. Alternative definite sentence for class C, D and E felonies. When a
13 person, other than a second or persistent felony offender, is sentenced
14 for a class C, D or [class] E felony, and the court, having regard to
15 the nature and circumstances of the crime and to the history and charac-
16 ter of the defendant, is of the opinion that a sentence of imprisonment
17 is necessary but that it would be unduly harsh to impose [an indetermi-
18 nate or] a determinate sentence, the court may impose a definite
19 sentence of imprisonment and fix a term of one year or less.

20 5. Life imprisonment without parole. (a) Notwithstanding any other
21 provision of law, a defendant sentenced to life imprisonment without
22 parole shall not be or become eligible for parole or conditional
23 release. For purposes of commitment and custody, other than parole and
24 conditional release, such sentence shall be deemed to be an indetermi-
25 nate sentence.

26 (b) A defendant may be sentenced to life imprisonment without parole
27 upon conviction for the crime of murder in the first degree as defined

1 in section 125.27 of this chapter and in accordance with the procedures
2 provided by law for imposing a sentence for such crime.

3 (c) A defendant must be sentenced to life imprisonment without parole
4 upon conviction for the crime of terrorism as defined in section 490.25
5 of this chapter, where the specified offense the defendant committed is
6 a class A-I felony; the crime of criminal possession of a chemical weap-
7 on or biological weapon in the first degree as defined in section 490.45
8 of this chapter; or the crime of criminal use of a chemical weapon or
9 biological weapon in the first degree as defined in section 490.55 of
10 this chapter; provided, however, that nothing in this subdivision shall
11 preclude or prevent a sentence of death when the defendant is also
12 convicted of the crime of murder in the first degree as defined in
13 section 125.27 of this chapter.

14 (d) A defendant must be sentenced to life imprisonment without parole
15 upon conviction for the crime of murder in the second degree as defined
16 in subdivision five of section 125.25 of this chapter or for the crime
17 of aggravated murder as defined in subdivision one of section 125.26 of
18 this chapter.

19 (e) A defendant may be sentenced to life imprisonment without parole
20 upon conviction for the crime of aggravated murder as defined in subdivi-
21 sion two of section 125.26 of this chapter.

22 6. Determinate sentence for conviction of a violent felony. Except as
23 provided in subdivision four of this section and subdivisions two and
24 four of section 70.02 of this article, when a person is sentenced as a
25 violent felony offender pursuant to section 70.02 of this article or as
26 a second violent felony offender pursuant to section 70.04 of this arti-
27 cle or as a second felony offender on a conviction for a violent felony
28 offense pursuant to section 70.06 of this article, the court must impose

1 a determinate sentence of imprisonment in accordance with the provisions
2 of such sections and such sentence shall include, as a part thereof, a
3 period of post-release supervision in accordance with section 70.45 of
4 this article.

5 § 11. Section 70.06 of the penal law, as added by chapter 277 of the
6 laws of 1973, paragraph (a) of subdivision 1 and subdivision 4 as
7 amended by chapter 410 of the laws of 1979, subparagraph (i) of para-
8 graph (b) of subdivision 1 as amended by chapter 784 of the laws of
9 1975, subparagraph (iii) of paragraph (b) of subdivision 1 as amended by
10 chapter 471 of the laws of 1980, subdivisions 2 and 3 as amended by
11 section 38 of chapter 7 of the laws of 2007, paragraph (a) of subdivi-
12 sion 4 as amended by chapter 107 of the laws of 2006, subdivision 6 as
13 added by chapter 3 of the laws of 1995 and subdivision 7 as amended by
14 section 123 of subpart B of part C of chapter 62 of the laws of 2011, is
15 amended to read as follows:

16 § 70.06 Sentence of imprisonment for second felony offender.

17 1. Definition of second felony offender.

18 (a) A second felony offender is a person, other than a second violent
19 felony offender as defined in section 70.04 of this article, who stands
20 convicted of a felony defined in this chapter, other than a class A-I
21 felony, after having previously been subjected to one or more predicate
22 felony convictions as defined in paragraph (b) of this subdivision.

23 (b) For the purpose of determining whether a prior conviction is a
24 predicate felony conviction the following criteria shall apply:

25 (i) The conviction must have been in this state of a felony, or in any
26 other jurisdiction of an offense for which a sentence to a term of
27 imprisonment in excess of one year or a sentence of death was authorized

1 and is authorized in this state irrespective of whether such sentence
2 was imposed;

3 (ii) Sentence upon such prior conviction must have been imposed before
4 commission of the present felony;

5 (iii) Suspended sentence, suspended execution of sentence, a sentence
6 of probation, a sentence of conditional discharge or of unconditional
7 discharge, and a sentence of certification to the care and custody of
8 the division of substance abuse services, shall be deemed to be a
9 sentence;

10 (iv) Except as provided in subparagraph (v) of this paragraph,
11 sentence must have been imposed not more than ten years before commis-
12 sion of the felony of which the defendant presently stands convicted;

13 (v) In calculating the ten year period under subparagraph (iv), any
14 period of time during which the person was incarcerated for any reason
15 between the time of commission of the previous felony and the time of
16 commission of the present felony shall be excluded and such ten year
17 period shall be extended by a period or periods equal to the time served
18 under such incarceration;

19 (vi) An offense for which the defendant has been pardoned on the
20 ground of innocence shall not be deemed a predicate felony conviction.

21 2. Unless otherwise authorized by a provision of this article or arti-
22 cle sixty of this chapter, the sentence of imprisonment for a second
23 felony offender shall be as follows:

24 (a) Authorized sentence for a class A-II felony. [Except as provided
25 in subdivision five or six of this section, or as provided in subdivi-
26 sion five of section 70.80 of this article, when] When the court has
27 found, pursuant to the provisions of the criminal procedure law, that a
28 person is a second felony offender the court must impose an indetermi-

1 nate sentence of imprisonment. The maximum term of such sentence must be
2 in accordance with the provisions of subdivision three of this section
3 and the minimum period of imprisonment under such sentence must be in
4 accordance with subdivision four of this section.

5 (b) Authorized sentence for a class B, C, D or E felony. Except as
6 provided in section 70.70 or section 70.80 of this article, when the
7 court has found, pursuant to the provisions of the criminal procedure
8 law, that a person is a second felony offender the court must impose a
9 determinate sentence of imprisonment in accordance with subdivision five
10 or six of this section and a period of post-release supervision as
11 authorized by section 70.45 of this article. The court may direct such
12 sentence be executed as a parole supervision sentence to the extent
13 authorized and provided for by subdivision seven of this section. For a
14 class D or E felony specified in subdivision eight of this section, the
15 court may, in lieu of a determinate sentence of imprisonment, impose a
16 sentence authorized by such subdivision.

17 3. Maximum indeterminate term of [sentence] imprisonment for a class
18 A-II felony. [Except as provided in subdivision five or six of this
19 section, or as provided in subdivision five of section 70.80 of this
20 article, the] The maximum term of an indeterminate sentence of imprison-
21 ment for a class A-II felony for a second felony offender must be fixed
22 by the court [as follows:

23 (a) For a class A-II felony], and the term must be life imprisonment[;

24 (b) For a class B felony, the term must be at least nine years and
25 must not exceed twenty-five years;

26 (c) For a class C felony, the term must be at least six years and must
27 not exceed fifteen years;

1 (d) For a class D felony, the term must be at least four years and
2 must not exceed seven years; and

3 (e) For a class E felony, the term must be at least three years and
4 must not exceed four years; provided, however, that where the sentence
5 is for the class E felony offense specified in section 240.32 of this
6 chapter, the maximum term must be at least three years and must not
7 exceed five years].

8 4. Minimum indeterminate period of imprisonment for a class A-II felo-
9 ny. [(a)] The minimum period of imprisonment for a second felony offen-
10 der convicted of a class A-II felony must be fixed by the court at no
11 less than six years and not to exceed twelve and one-half years and must
12 be specified in the sentence, except that for the class A-II felony of
13 predatory sexual assault as defined in section 130.95 of this chapter or
14 the class A-II felony of predatory sexual assault against a child as
15 defined in section 130.96 of this chapter, such minimum period shall be
16 not less than ten years nor more than twenty-five years.

17 [(b) Except as provided in paragraph (a), the minimum period of impri-
18 sonment under an indeterminate sentence for a second felony offender
19 must be fixed by the court at one-half of the maximum term imposed and
20 must be specified in the sentence.]

21 5. Determinate term of imprisonment for a second felony offender
22 convicted of a class B, C, D or E felony not defined as a violent felony
23 offense. (a) When the court has found, pursuant to the provisions of the
24 criminal procedure law, that a person is a second felony offender and
25 the sentence to be imposed on such person is for a felony offense
26 defined in article one hundred twenty-five of this chapter, which is not
27 defined a violent felony offense by subdivision one of section 70.02 of

1 this article, the court must impose a determinate sentence of imprison-
2 ment, the term of which must be fixed by the court as follows:

3 (i) For a class B felony offense, the term must be at least four and
4 one-half years and must not exceed eighteen years;

5 (ii) For a class C felony offense, the term must be at least three
6 years and must not exceed fourteen years;

7 (iii) For a class D felony offense, the term must be at least two
8 years and must not exceed ten years; and

9 (iv) For a class E felony offense, the term must be at least one and
10 one-half years and must not exceed five years.

11 (b) When the court has found, pursuant to the provisions of the crimi-
12 nal procedure law, that a person is a second felony offender and the
13 sentence to be imposed on such person is for a felony offense which is
14 not defined in article one hundred twenty-five of this chapter and which
15 is not designated a violent felony offense by subdivision one of section
16 70.02 of this article, the court must impose a determinate sentence of
17 imprisonment, the term of which must be fixed by the court as follows:

18 (i) For a class B felony offense, the term must be at least four and
19 one-half years and must not exceed fourteen years;

20 (ii) For a class C felony offense, the term must be at least three
21 years and must not exceed eight years;

22 (iii) For a class D felony offense, the term must be at least two
23 years and must not exceed five years; and

24 (iv) For a class E felony offense, the term must be at least one and
25 one-half years and must not exceed three years.

26 6. Determinate [sentence] term of imprisonment for second felony
27 offender convicted of a class B, C, D or E violent felony offense. When
28 the court has found, pursuant to the provisions of the criminal proce-

1 dure law, that a person is a second felony offender and the sentence to
2 be imposed on such person is for a violent felony offense, as defined in
3 subdivision one of section 70.02 of this article, the court must impose
4 a determinate sentence of imprisonment the term of which must be fixed
5 by the court as follows:

6 (a) For a class B violent felony offense, the term must be at least
7 eight years and must not exceed twenty-five years;

8 (b) For a class C violent felony offense, the term must be at least
9 five years and must not exceed fifteen years;

10 (c) For a class D violent felony offense, the term must be at least
11 three years and must not exceed seven years; and

12 (d) For a class E violent felony offense, the term must be at least
13 two years and must not exceed four years.

14 7. Parole supervision sentence. Notwithstanding any other provision of
15 law, in the case of a person sentenced for a specified offense or
16 offenses as defined in subdivision five of section 410.91 of the crimi-
17 nal procedure law, who stands convicted of no other felony offense, who
18 has not previously been convicted of either a violent felony offense as
19 defined in section 70.02 of this article, a class A felony offense or a
20 class B felony offense, and is not under the jurisdiction of or awaiting
21 delivery to the department of corrections and community supervision, the
22 court may direct that such sentence be executed as a parole supervision
23 sentence as defined in and pursuant to the procedures prescribed in
24 section 410.91 of the criminal procedure law.

25 8. Alternative sentence for certain class D or E felony. When a second
26 felony offender is sentenced for a class D or class E felony, other than
27 an offense defined in article one hundred twenty-five of this chapter or
28 an offense requiring registration as a sex offender pursuant to article

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

10 § 12. Paragraph (f) of subdivision 2 of section 70.45 of the penal
11 law, as amended by chapter 7 of the laws of 2007, is amended and such
12 subdivision is amended by adding five new paragraphs (g), (h), (i), (j)
13 and (k) to read as follows:

14 (f) such period shall be not less than two and one-half years nor more
15 than five years whenever a determinate sentence of imprisonment is
16 imposed pursuant to subdivision three of section 70.02 of this article
17 upon a conviction of a class B or class C violent felony offense[.];

18 (g) such period shall be not less than one year nor more than five
19 years whenever a determinate sentence of imprisonment is imposed pursu-
20 ant to paragraph (a) of subdivision three-a of section 70.00 of this
21 article or paragraph (a) of subdivision five of section 70.06 of this
22 article upon a conviction of a class B, C or D felony offense;

23 (h) such period shall be not less than one year nor more than three
24 years whenever a determinate sentence of imprisonment is imposed pursu-
25 ant to paragraph (a) of subdivision three-a of section 70.00 of this
26 article or paragraph (a) of subdivision five of section 70.06 of this
27 article upon a conviction of a class E felony offense;

1 (i) such period shall be not less than one year nor more than three
2 years whenever a determinate sentence of imprisonment is imposed pursu-
3 ant to paragraph (b) of subdivision three-a of section 70.00 of this
4 article or paragraph (b) of subdivision five of section 70.06 of this
5 article upon a conviction of a class B or class C felony offense;

6 (j) such period shall be not less than one year nor more than two
7 years whenever a determinate sentence of imprisonment is imposed pursu-
8 ant to paragraph (b) of subdivision three-a of section 70.00 of this
9 article or paragraph (b) of subdivision five of section 70.06 of this
10 article upon a conviction of a class D felony offense;

11 (k) such period shall be not less than one year whenever a determinate
12 sentence of imprisonment is imposed pursuant to paragraph (b) of subdi-
13 vision three-a of section 70.00 of this article or paragraph (b) of
14 subdivision five of section 70.06 of this article upon a conviction of a
15 class E felony offense.

16 § 13. Section 105.15 of the penal law, as amended by chapter 422 of
17 the laws of 1978, is amended to read as follows:

18 § 105.15 Conspiracy in the second degree.

19 A person is guilty of conspiracy in the second degree when, with
20 intent that conduct constituting:

21 (1) a class A felony defined in article two hundred twenty of this
22 chapter be performed, he or she agrees with one or more persons to
23 engage in or cause the performance of such conduct; or

24 (2) a class A felony not defined in article two hundred twenty of this
25 chapter be performed, he or she agrees with one or more persons to
26 engage in or cause the performance of such conduct.

27 Conspiracy in the second degree, as defined in subdivision one of this
28 section, is a class B felony.

1 Conspiracy in the second degree, as defined in subdivision two of this
2 section, is a class C violent felony offense.

3 § 14. The closing paragraph of section 230.32 of the penal law, as
4 added by chapter 627 of the laws of 1978, is amended to read as follows:

5 Promoting prostitution in the first degree is a class [B felony] C
6 violent felony offense.

7 § 15. The closing paragraph of section 215.13 of the penal law, as
8 added by chapter 664 of the laws of 1982, is amended to read as follows:

9 Tampering with a witness in the first degree is a class [B felony] C
10 violent felony offense.

11 § 16. The closing paragraph of section 215.12 of the penal law, as
12 added by chapter 664 of the laws of 1982, is amended to read as follows:

13 Tampering with a witness in the second degree is a class [D] C felony.

14 § 17. The closing paragraph of section 215.16 of the penal law, as
15 added by chapter 667 of the laws of 1985, is amended to read as follows:

16 Intimidating a victim or witness in the second degree is a class [D] C
17 felony.

18 § 18. The closing paragraph of section 215.52 of the penal law, as
19 amended by chapter 350 of the laws of 2006, is amended to read as
20 follows:

21 Aggravated criminal contempt is a class [D] C felony.

22 § 19. The closing paragraph of section 215.51 of the penal law, as
23 amended by chapter 222 of the laws of 1994, is amended to read as
24 follows:

25 Criminal contempt in the first degree is a class [E] D felony.

26 § 20. Subdivision 4 of section 60.05 of the penal law, as amended by
27 chapter 738 of the laws of 2004, is amended to read as follows:

1 4. Certain class C felonies. Except as provided in subdivision six,
2 every person convicted of a class C violent felony offense as defined in
3 subdivision one of section 70.02 of this title, must be sentenced to
4 imprisonment in accordance with section 70.02 of this title; and, except
5 as provided in subdivision six of this section, every person convicted
6 of the class C felonies of: attempt to commit any of the class B felo-
7 nies of bribery in the first degree as defined in section 200.04, bribe
8 receiving in the first degree as defined in section 200.12, conspiracy
9 in the second degree as defined in section 105.15 and criminal mischief
10 in the first degree as defined in section 145.12; criminal usury in the
11 first degree as defined in section 190.42, rewarding official misconduct
12 in the first degree as defined in section 200.22, receiving reward for
13 official misconduct in the first degree as defined in section 200.27,
14 [attempt to promote prostitution in the first degree as defined in
15 section 230.32,] promoting prostitution in the second degree as defined
16 in section 230.30, arson in the third degree as defined in section
17 150.10 of this chapter, must be sentenced to imprisonment in accordance
18 with section 70.00 of this title.

19 § 21. Paragraph (b) of subdivision 1 of section 70.02 of the penal
20 law, as amended by chapter 1 of the laws of 2013, is amended to read as
21 follows:

22 (b) Class C violent felony offenses: an attempt to commit any of the
23 class B felonies set forth in paragraph (a) of this subdivision; aggra-
24 vated criminally negligent homicide as defined in section 125.11, aggra-
25 vated manslaughter in the second degree as defined in section 125.21,
26 aggravated sexual abuse in the second degree as defined in section
27 130.67, assault on a peace officer, police officer, fireman or emergency
28 medical services professional as defined in section 120.08, assault on a

1 judge as defined in section 120.09, gang assault in the second degree as
2 defined in section 120.06, strangulation in the first degree as defined
3 in section 121.13, burglary in the second degree as defined in section
4 140.25, robbery in the second degree as defined in section 160.10, crim-
5 inal possession of a weapon in the second degree as defined in section
6 265.03, criminal use of a firearm in the second degree as defined in
7 section 265.08, criminal sale of a firearm in the second degree as
8 defined in section 265.12, criminal sale of a firearm with the aid of a
9 minor as defined in section 265.14, aggravated criminal possession of a
10 weapon as defined in section 265.19, soliciting or providing support for
11 an act of terrorism in the first degree as defined in section 490.15,
12 hindering prosecution of terrorism in the second degree as defined in
13 section 490.30, [and] criminal possession of a chemical weapon or
14 biological weapon in the third degree as defined in section 490.37,
15 conspiracy in the second degree as defined in subdivision two of section
16 105.15, promoting prostitution in the first degree as defined in section
17 230.32, and tampering with a witness in the first degree as defined in
18 section 215.13.

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

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

25 § 23. This act shall take effect April 1, 2017, provided, however
26 sections six and seven of this act shall take effect June 1, 2017; and
27 provided, further, that sections nine through twenty-two of this act
28 shall take effect on the one hundred twentieth day after it shall have

1 become a law and shall apply to offenses committed on or after such
2 date.

3 PART F

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

6 2. There shall be within the bureau of criminal investigation a hate
7 crime task force. The superintendent shall assign to it such personnel
8 as may be required for the purpose of preventing, investigating, and
9 detecting hate crimes as defined in article four hundred eighty-five and
10 sections 240.30 and 240.31 of the penal law. The task force shall issue
11 reports and publications, in conjunction with the division of human
12 rights, in order to: inform persons of all rights and remedies, includ-
13 ing penalties, provided under article fifteen of this chapter as well as
14 article four hundred eighty-five and sections 240.30 and 240.31 of the
15 penal law and to combat against discrimination because of age, race,
16 creed, color, national origin, sexual orientation, military status, sex,
17 disability, familial status, domestic violence victim status, genetic
18 predisposition status, or marital status.

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

23 § 3. This act shall take effect immediately.

24 PART G

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

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

24 12. Notwithstanding the provisions of subdivisions one, two and three
25 of this section, an individual who was a victim of either the crime of
26 menacing in the second degree as defined in subdivision two or three of
27 section 120.14 of the penal law, menacing in the first degree as defined
28 in section 120.13 of the penal law, criminal obstruction of breathing or

1 blood circulation as defined in section 121.11 of the penal law, harass-
2 ment in the second degree as defined in [subdivision two or three of]
3 section 240.26 of the penal law, harassment in the first degree as
4 defined in section 240.25 of the penal law, aggravated harassment in the
5 second degree as defined in subdivision three or five of section 240.30
6 of the penal law, aggravated harassment in the first degree as defined
7 in subdivision two of section 240.31 of the penal law, criminal contempt
8 in the first degree as defined in [paragraph (ii) or (iv) of] subdivi-
9 sion (b) or subdivision (c) of section 215.51 of the penal law, or
10 stalking in the fourth, third, second or first degree as defined in
11 sections 120.45, 120.50, 120.55 and 120.60 of the penal law, respective-
12 ly, or a hate crime as defined in section 485.05 of the penal law who
13 has not been physically injured as a direct result of such crime shall
14 only be eligible for an award that includes loss of earning or support,
15 the unreimbursed cost of repair or replacement of essential personal
16 property that has been lost, damaged or destroyed as a direct result of
17 such crime, the unreimbursed cost for security devices to enhance the
18 personal protection of such victim, transportation expenses incurred for
19 necessary court expenses in connection with the prosecution of such
20 crime, the unreimbursed costs of counseling provided to such victim on
21 account of mental or emotional stress resulting from the incident in
22 which the crime occurred, the unreimbursed cost of securing a crime
23 scene, reasonable relocation expenses, and for occupational or job
24 training.

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

1

PART H

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

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

1 in subdivision twenty-four of this section; or a person who has had a
2 frivolous lawsuit filed against them.

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

5 24. "Loss of savings" shall mean the result of any act or series of
6 acts of larceny as defined in article one hundred fifty-five of the
7 penal law, indicated by a criminal justice agency as defined in subdivi-
8 sion one of section six hundred thirty-one of this article, in which
9 cash is stolen from a vulnerable elderly person or an incompetent or
10 physically disabled person as defined in section 260.31 of the penal
11 law.

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

14 2. Any award made pursuant to this article shall be in an amount not
15 exceeding out-of-pocket expenses, including indebtedness reasonably
16 incurred for medical or other services necessary as a result of the
17 injury upon which the claim is based; loss of earnings or support
18 resulting from such injury not to exceed thirty thousand dollars; loss
19 of savings not to exceed thirty thousand dollars; burial expenses not
20 exceeding six thousand dollars of a victim who died as a direct result
21 of a crime; the costs of crime scene cleanup and securing of a crime
22 scene not exceeding twenty-five hundred dollars; reasonable relocation
23 expenses not exceeding twenty-five hundred dollars; and the unreimbursed
24 cost of repair or replacement of articles of essential personal property
25 lost, damaged or destroyed as a direct result of the crime. An award for
26 loss of earnings shall include earnings lost by a parent or guardian as
27 a result of the hospitalization of a child victim under age eighteen for
28 injuries sustained as a direct result of a crime. In addition to the

1 medical or other services necessary as a result of the injury upon which
2 the claim is based, an award may be made for rehabilitative occupational
3 training for the purpose of job retraining or similar employment-orient-
4 ed rehabilitative services based upon the claimant's medical and employ-
5 ment history. For the purpose of this subdivision, rehabilitative occu-
6 pational training shall include but not be limited to educational
7 training and expenses. An award for rehabilitative occupational training
8 may be made to a victim, or to a family member of a victim where neces-
9 sary as a direct result of a crime.

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

12 3-a. Any award made for loss of savings shall, unless reduced pursuant
13 to other provisions of this article, be in an amount equal to the actual
14 loss sustained.

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

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

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

22 8-a. Notwithstanding the provisions of subdivision one of this
23 section, a vulnerable elderly person or an incompetent or physically
24 disabled person, as defined in section 260.31 of the penal law, who has
25 not been physically injured as a direct result of a crime, shall be
26 eligible for an award that includes loss of savings.

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

4 PART I

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

7 § 203-a. Additional duties of the commissioner regarding flood related
8 losses. In accordance with 44 CFR 75.11 of the code of federal regu-
9 lations, in the event that state-owned structures and their contents are
10 damaged as the result of flood related losses, flood, and/or flood
11 related hazards occurring in areas identified by the federal insurance
12 administrator as A, AO, AH, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO,
13 AR/AH, AR/A, A99, M, V, VO, V1-30, VE, and E Zones, the commissioner of
14 general services shall pay an amount not less than the limits of cover-
15 age that would be applicable if such state-owned structures and their
16 contents had been covered by standard flood insurance policies, as
17 defined in 44 CFR 59.1, for the repair, restoration, or replacement of
18 such state-owned structures and contents, and shall maintain and update,
19 not less frequently than annually, an inventory of all state-owned
20 structures and their contents within such zones.

21 § 2. This act shall take effect immediately.

22 PART J

23 Section 1. Short title. This act shall be known and may be cited as
24 the "New York Buy American Act".

1 § 2. The state finance law is amended by adding a new section 146-a to
2 read as follows:

3 § 146-a. American materials. 1. Definitions. For the purposes of this
4 section, the following terms shall have the following meanings unless
5 specified otherwise:

6 (a) "Executive" means the executive head of a state entity as defined
7 in paragraph (h) of this subdivision.

8 (b) "Component" means any article, material or supply, whether manu-
9 factured or unmanufactured, that is directly incorporated into the end
10 product at the final assembly location. A component may be manufactured
11 at the final assembly location if the manufacturing process to produce
12 the component is an activity separate and distinct from the final assem-
13 bly of the end product. For a component to be manufactured in America,
14 more than sixty percent of the subcomponents of that component, by cost,
15 must be of domestic origin and the manufacture of the component must
16 take place in the United States. If a component is determined to be made
17 in America, its entire cost may be used in calculating the cost of the
18 United States content of an end product.

19 (c) "Contractor" shall mean any person, firm, business enterprise,
20 including a sole proprietorship, partnership, limited liability company
21 or corporation, association, not-for-profit corporation, or any other
22 party to a state contract, as defined in paragraph (i) of this subdivi-
23 sion, with a state entity.

24 (d) "End product" or "product" means the ultimate item or items to be
25 procured under the State contract (such as a vehicle, structure, arti-
26 cle, material, supply, system or project) which may directly incorporate
27 constituent components, and which is ready to provide its intended end
28 function or use without further manufacturing or assembly change or

1 changes. Excluded from this definition are (i) steel products procured
2 in accordance with section one hundred forty-six of this article; (ii)
3 energy, electricity, fuel and other petroleum products; and (iii) soft-
4 ware products such as software, microprocessors, computers, microcomput-
5 ers, and other such products used for the purpose of processing or stor-
6 ing data.

7 (e) "Manufactured product" means an item produced as a result of the
8 manufacturing process.

9 (f) "Manufacturing process" means the application of processes to
10 alter the form or function of materials or elements of the product in a
11 manner adding value and transforming those materials or elements so that
12 they represent a new end product functionally different from that which
13 would result from mere assembly of the elements or materials.

14 (g) "Manufactured in America", with respect to an end product that
15 directly incorporates constituent components, means:

16 (i) the final assembly and/or manufacture of the end product (as
17 applicable) takes place in the United States; and

18 (ii) more than sixty percent of the components of the end product, by
19 cost, are of United States origin.

20 (iii) "Manufactured in America", with respect to the purchase of a
21 product or material that does not directly incorporate constituent
22 components, means the product or material is mined, grown, or produced
23 in whole or in substantial part within the United States.

24 (h) "State entity" means a state agency as defined in section three
25 hundred ten of the executive law.

26 (i) "State contract" means:

27 (i) a written agreement in excess of one hundred thousand dollars
28 whereby a state entity is committed to expend or does expend funds for

1 products, including products used in the construction, demolition,
2 replacement, major repair or renovation of real property and improve-
3 ments thereon;

4 (ii) leases of real property by a state entity to a lessee where the
5 terms of such leases provide for the state entity to be engaged in the
6 purchase of products for construction, demolition, replacement, major
7 repair or renovation of real property and improvements thereon, and the
8 cost of such construction, demolition, replacement, major repair or
9 renovation of real property and improvements thereon is in excess of one
10 hundred thousand dollars.

11 (j) "Subcomponent" is any article, material, or supply, whether manu-
12 factured or unmanufactured, that is one step removed from a component in
13 the manufacturing process and that is incorporated directly into a
14 component.

15 (k) "United States" means the United States of America, the District
16 of Columbia and includes all territory, continental or insular, subject
17 to the jurisdiction of the United States.

18 2. Procurements subject to the provisions of this section. (a) This
19 section shall apply to all state contracts as defined in subparagraph
20 (i) of subdivision one of this section and all requests for bids and
21 proposals for such contracts, which shall state that a preference is
22 given to bidders and proposers who agree to provide products Manufac-
23 tured in America, and bidders and proposers, in their bids or proposals,
24 shall: (i) state that they agree to meet such requirement; or (ii) state
25 in detail why they cannot meet such requirement.

26 (b) No bidder or proposer on a state contract subject to this section
27 shall be deemed to be the lowest responsive and responsible bidder or
28 proposer unless: (i) the bidder or proposer complies with the provisions

1 required by subparagraph (i) of paragraph (a) of this subdivision; or
2 (ii) the executive determines in accordance with subdivision three of
3 this section that the provisions of this section shall not apply to the
4 subject procurement.

5 3. Exemptions. This section shall not apply in any case or category of
6 cases in which the executive, or his or her designee, finds in his or
7 her sole discretion that:

8 (a) the best interests of the state will be served by exempting the
9 procurement from the requirements of this section based upon: (i) an
10 immediate or emergency need existing for the product or service; or (ii)
11 a need to protect the health, safety, or welfare of persons occupying or
12 visiting a public improvement or property located adjacent to the public
13 improvement; or

14 (b) the product is Manufactured in America by only one manufacturer
15 and: (i) a foreign-made product is less expensive and of equal or better
16 quality or design; or (ii) a foreign-made product is of superior quality
17 or design to competing American products and is sold at a reasonably
18 comparable price considering the superior quality or design; or

19 (c) a reciprocal trade agreement or treaty has been negotiated by the
20 state or by the United States government on behalf of or including this
21 state with a foreign nation or government for nondiscriminatory govern-
22 mental procurement practices or policies with such foreign nation or
23 government; or

24 (d) the state contract is subject to federal funding and the require-
25 ments of such federal funding supersede this section; or

26 (e) the specified products are not Manufactured in America in suffi-
27 cient quantities or quality to meet the state entity's requirements or
28 cannot be Manufactured in America or within the necessary time in suffi-

1 cient quantities or of satisfactory quality or design to meet the agen-
2 cy's requirements; or

3 (f) obtaining the specified products Manufactured in America would
4 increase the cost of the contract by an unreasonable amount, as such is
5 determined by the executive; or

6 (g) the application of this section would be inconsistent with the
7 public interest; or

8 (h) the specified products are necessary for the operation of or
9 repairs of critical infrastructure that is necessary to avoid a delay in
10 the delivery of critical services that could compromise the public
11 welfare.

12 4. Product certifications. (a) Prior to the contractor delivering the
13 product, the contractor must certify in writing to the contracting state
14 entity that the product is Manufactured in America in accordance with
15 the requirements of this section, or if the contractor cannot so state,
16 shall specify in such certification all respects in which it would
17 provide products that do not meet the definition contained in subdivi-
18 sion one of this section.

19 (b) The certificates required by this section shall additionally spec-
20 ify such information as the executive shall require.

21 (c) Certificates required by this section shall be maintained by the
22 state entity for a period of three years.

23 5. Contractor misrepresentation regarding source of materials. If it
24 has been determined by a court or federal or state entity that any
25 contractor intentionally: (a) affixed a label bearing a "Made in Ameri-
26 ca" inscription, or any inscription with the same meaning, to any mate-
27 rials used in state contracts to which this section applies, that were
28 not made in America; or (b) represented that materials used in state

1 contracts to which this section applies that were not produced in the
2 United States, were produced in the United States; then such contractor
3 shall be deemed non-responsible and such determination shall be posted
4 on the list of non-responsible entities maintained on the website of the
5 office of general services.

6 6. Treaties and law of the United States to supersede. Nothing in
7 this section is intended to contravene any existing treaties, laws,
8 trade agreements, or regulations of the United States. All contracts
9 subject to this section shall be entered into in accordance with exist-
10 ing treaties, laws, trade agreements, or regulations of the United
11 States including all treaties and trade agreements entered into between
12 foreign countries and the United States regarding export-import
13 restrictions and international trade and shall not be in violation of
14 this section to the extent of such accordance.

15 7. Challenges to determinations made by state entity or executive.
16 Notwithstanding any provision of law to the contrary, any determination
17 made by a state entity or executive pursuant to this section shall be
18 presumed to be reasonable and, to the extent any such determination is
19 challenged: (a) the burden of proof shall be on the challenging party to
20 prove that the determination was not reasonable; and (b) the subject
21 award and project may proceed during the pendency of any said challenge.
22 Any challenge to any determination made by a state entity or executive
23 pursuant to this section may only be brought pursuant to article seven-
24 ty-eight of the civil practice law and rules and such challenge, action
25 or proceeding shall be brought in a venue designated in the procurement
26 or bid documents.

27 § 3. Title 4 of article 9 of the public authorities law is amended by
28 adding a new section 2603-b to read as follows:

1 § 2603-b. American materials. 1. Definitions. For the purposes of this
2 section, the following terms shall have the following meanings unless
3 specified otherwise:

4 (a) "Executive" means the executive head of a state entity as defined
5 in paragraph (h) of this subdivision.

6 (b) "Component" means any article, material or supply, whether manu-
7 factured or unmanufactured, that is directly incorporated into the end
8 product at the final assembly location. A component may be manufactured
9 at the final assembly location if the manufacturing process to produce
10 the component is an activity separate and distinct from the final assem-
11 bly of the end product. For a component to be Manufactured in America,
12 more than sixty percent of the subcomponents of that component, by cost,
13 must be of domestic origin and the manufacture of the component must
14 take place in the United States. If a component is determined to be made
15 in America, its entire cost may be used in calculating the cost of the
16 United States content of an end product.

17 (c) "Contractor" shall mean any person, firm, business enterprise,
18 including a sole proprietorship, partnership, limited liability company
19 or corporation, association, not-for-profit corporation, or any other
20 party to a state contract, as defined in paragraph (i) of this subdivi-
21 sion, with a state entity.

22 (d) "End product" or "product" means the ultimate item or items to be
23 procured under the state contract (such as a vehicle, structure, arti-
24 cle, material, supply, system or project) which may directly incorporate
25 constituent components, and which is ready to provide its intended end
26 function or use without further manufacturing or assembly change or
27 changes. Excluded from this definition are (i) steel products procured
28 in accordance with section twenty-six hundred three-a of this title;

1 (ii) energy, electricity, fuel and other petroleum products; and (iii)
2 software products such as software, microprocessors, computers, micro-
3 computers, and other such products used for the purpose of processing or
4 storing data.

5 (e) "Manufactured product" means an item produced as a result of the
6 manufacturing process.

7 (f) "Manufacturing process" means the application of processes to
8 alter the form or function of materials or elements of the product in a
9 manner adding value and transforming those materials or elements so that
10 they represent a new end product functionally different from that which
11 would result from mere assembly of the elements or materials.

12 (g) "Manufactured in America", with respect to an end product that
13 directly incorporates constituent components, means:

14 (i) the final assembly and/or manufacture of the end product (as
15 applicable) takes place in the United States, and

16 (ii) more than sixty percent of the components of the end product, by
17 cost, are of United States origin.

18 (iii) "Manufactured in America", with respect to the purchase of a
19 product or material that does not directly incorporate constituent
20 components, means the product or material is mined, grown, or produced
21 in whole or in substantial part within the United States.

22 (h) "State entity" means a state agency as defined in section three
23 hundred ten of the executive law.

24 (i) "State contract" means:

25 (i) a written agreement in excess of one hundred thousand dollars
26 whereby a state entity is committed to expend or does expend funds for
27 products, including products used in the construction, demolition,

1 replacement, major repair or renovation of real property and improve-
2 ments thereon;

3 (ii) leases of real property by a state entity to a lessee where the
4 terms of such leases provide for the state entity to be engaged in the
5 purchase of products for construction, demolition, replacement, major
6 repair or renovation of real property and improvements thereon, and the
7 cost of such construction, demolition, replacement, major repair or
8 renovation of real property and improvements thereon is in excess of one
9 hundred thousand dollars.

10 (j) "Subcomponent" is any article, material, or supply, whether manu-
11 factured or unmanufactured, that is one step removed from a component in
12 the manufacturing process and that is incorporated directly into a
13 component.

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

17 2. Procurements subject to the provisions of this section. (a) This
18 section shall apply to all state contracts as defined in paragraph (i)
19 of subdivision one of this section and all requests for bids and
20 proposals for such contracts, which shall state that a preference is
21 given to bidders and proposers who agree to provide products Manufac-
22 tured in America, and bidders and proposers, in their bids or proposals,
23 shall (i) state that they agree to meet such requirement or (ii) state
24 in detail why they cannot meet such requirement. (b) No bidder or propo-
25 ser on a state contract subject to this section shall be deemed to be
26 the lowest responsive and responsible bidder or proposer unless (i) the
27 bidder or proposer complies with the provisions required by subparagraph
28 (i) of paragraph (a) of this subdivision, or (ii) the executive deter-

1 mines in accordance with subdivision three of this section that the
2 provisions of this section shall not apply to the subject procurement.

3 3. Exemptions. This section shall not apply in any case or category of
4 cases in which the executive, or his or her designee, finds in his or
5 her sole discretion that:

6 (a) the best interests of the state will be served by exempting the
7 procurement from the requirements of this section based upon (i) an
8 immediate or emergency need existing for the product or service; or (ii)
9 a need to protect the health, safety, or welfare of persons occupying or
10 visiting a public improvement or property located adjacent to the public
11 improvement; or

12 (b) the product is Manufactured in America by only one manufacturer
13 and (i) a foreign-made product is less expensive and of equal or better
14 quality or design; or (ii) a foreign-made product is of superior quality
15 or design to competing American products and is sold at a reasonably
16 comparable price considering the superior quality or design; or

17 (c) a reciprocal trade agreement or treaty has been negotiated by the
18 state or by the United States government on behalf of or including this
19 state with a foreign nation or government for nondiscriminatory govern-
20 mental procurement practices or policies with such foreign nation or
21 government; or

22 (d) the state contract is subject to federal funding and the require-
23 ments of such federal funding supersede this section; or

24 (e) the specified products are not Manufactured in America in suffi-
25 cient quantities or quality to meet the state entity's requirements or
26 cannot be Manufactured in America or within the necessary time in suffi-
27 cient quantities or of satisfactory quality or design to meet the agen-
28 cy's requirements; or

1 (f) obtaining the specified products Manufactured in America or would
2 increase the cost of the contract by an unreasonable amount, as such is
3 determined by the executive; or

4 (g) the application of this section would be inconsistent with the
5 public interest; or

6 (h) the specified products are necessary for the operation of or
7 repairs of critical infrastructure that is necessary to avoid a delay in
8 the delivery of critical services that could compromise the public
9 welfare.

10 4. Product certifications. (a) Prior to the contractor delivering the
11 product, the contractor must certify in writing to the contracting state
12 entity that the product is Manufactured in America in accordance with
13 the requirements of this section, or if the contractor cannot so state,
14 shall specify in such certification all respects in which it would
15 provide products that do not meet the definition contained in subdivi-
16 sion one of this section.

17 (b) The certificates required by this section shall additionally spec-
18 ify such information as the executive shall require.

19 (c) Certificates required by this section shall be maintained by the
20 state entity for a period of three years.

21 5. Contractor misrepresentation regarding source of materials. If it
22 has been determined by a court or federal or state entity that any
23 contractor intentionally: (a) affixed a label bearing a "Made in Ameri-
24 ca" inscription, or any inscription with the same meaning, to any mate-
25 rials used in state contracts to which this section applies, that were
26 not made in America; or (b) represented that materials used in state
27 contracts to which this section applies that were not produced in the
28 United States, were produced in the United States; then such contractor

1 shall be deemed non-responsible and such determination shall be posted
2 on the list of non-responsible entities maintained on the website of the
3 office of general services.

4 6. Treaties and law of the United States to supersede. Nothing in
5 this section is intended to contravene any existing treaties, laws,
6 trade agreements, or regulations of the United States. All contracts
7 subject to this section shall be entered into in accordance with exist-
8 ing treaties, laws, trade agreements, or regulations of the United
9 States including all treaties and trade agreements entered into between
10 foreign countries and the United States regarding export-import
11 restrictions and international trade and shall not be in violation of
12 this section to the extent of such accordance.

13 7. Challenges to determinations made by state entity or executive.
14 Notwithstanding any provision of law to the contrary, any determination
15 made by a state entity or executive pursuant to this section shall be
16 presumed to be reasonable and, to the extent any such determination is
17 challenged: (a) the burden of proof shall be on the challenging party to
18 prove that the determination was not reasonable; and (b) the subject
19 award and project may proceed during the pendency of any said challenge.
20 Any challenge to any determination made by a state entity or executive
21 pursuant to this section may only be brought pursuant to article seven-
22 ty-eight of the civil practice law and rules and such challenge, action
23 or proceeding shall be brought in a venue designated in the procurement
24 or bid documents.

25 § 4. Severability. If any clause, sentence, paragraph, subdivision,
26 section or part of this act shall be adjudged by any court of competent
27 jurisdiction to be invalid, such judgement shall not affect, impair or
28 invalidate the remainder thereof, but shall be confined in its operation

1 to the clause, sentence, paragraph, subdivision, section or part thereof
2 directly involved in the controversy in which such judgment shall have
3 been rendered. It is hereby declared to be the intent of the legislature
4 that this act would have been enacted even if such invalid provision had
5 not been included herein.

6 § 5. This act shall take effect on January 1, 2018 and shall apply to
7 any state contracts, executed and entered into on or after that date and
8 shall exclude such contracts that have been previously awarded or have
9 pending bids or pending requests for proposals issued as of January 1,
10 2018.

11 PART K

12 Section 1. Employees of the division of military and naval affairs in
13 the unclassified service of the state, who are substantially engaged in
14 the performance of duties to support business and financial services,
15 administrative services, payroll administration, time and attendance,
16 benefit administration and other transactional human resources func-
17 tions, may be transferred to the office of general services in accord-
18 ance with the provisions of section 45 of the civil service law as if
19 the state had taken over a private entity. No employee who is trans-
20 ferred pursuant to this act shall suffer a reduction in basic annual
21 salary as a result of the transfer.

22 § 2. This act shall take effect immediately and shall have been deemed
23 to have been in full force and effect on and after March 31, 2015 and
24 shall remain in effect until March 31, 2020 when it shall be deemed
25 repealed.

1

PART L

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

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

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

10 § 8-a. Contracts for work performed at secure facilities. 1. For the
11 purposes of this section, "secure facility" shall mean (a) a building,
12 property, or facility under the jurisdiction of the department of
13 corrections and community supervision, the office of mental health, the
14 office of children and family services, or the office for people with
15 developmental disabilities, and where inmates, patients, or residents
16 who dwell within such building, property, or facility have limited or
17 restricted ingress and egress or (b) any other facility of the state
18 that is determined to be a secure facility by the commissioner of gener-
19 al services because of potential risks to the life, safety, or health of
20 the public or of the inhabitants of such facility.

21 2. Generation of list of eligible bidders. (a) The office of general
22 services shall establish a list of eligible bidders for contracts for
23 the work of construction, reconstruction, alteration, repair, or
24 improvement of or at a secure facility by issuing on a quarterly basis
25 an invitation to contractors to be so listed. The invitation to contrac-
26 tors shall be advertised quarterly in the procurement opportunities
27 newsletter published by the department of economic development, in the

1 public notification service of the office of general services, and by
2 newspaper advertisement as provided in section eight of this article.
3 The office of general services shall seek to provide prime contract
4 bidding opportunities for minority- and women-owned contractors and
5 service-disabled veteran-owned contractors in the letting of
6 construction contracts in or at a secure facility and shall comply with
7 the provisions of articles fifteen-A and seventeen-B of the executive
8 law. The office of general services may remove any bidder from such list
9 for non-responsibility or non-reliability.

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

13 (c) The criteria that shall be used by the office of general services
14 to include a prospective contractor on the list of eligible bidders
15 shall include, but not be limited to: (i) experience with projects that
16 have been completed in secure facilities by the contractor, as either a
17 prime contractor or a subcontractor, within the last five years, (ii)
18 violations of secure facility regulations and rules, (iii) type of
19 licenses that the contractor holds, (iv) terminations on prior jobs, (v)
20 assessment of liquidated damages on earlier projects, (vi) contractor's
21 ability to secure bonding, (vii) insurability, (viii) financial
22 strength, and (ix) any other criteria that the commissioner of general
23 services shall determine to be relevant.

24 (d) If the office of general services makes a determination not to
25 include a contractor on the list of eligible bidders, the office of
26 general services shall provide written notice to the contractor, and the
27 contractor shall have fifteen days from the receipt of such notice to
28 submit a written request for reconsideration. The contractor shall be

1 given the opportunity to present any evidence as to why the contractor
2 should be included on the list of eligible bidders.

3 (e) Bidders for contracts for the work of construction, recon-
4 struction, alteration, repair, or improvement of or at a secure facility
5 may, at the discretion of the commissioner of general services, be
6 solicited solely from the list of eligible bidders established pursuant
7 to this subdivision, and such contracts shall be awarded in accordance
8 with section eight of this article, except that notwithstanding the
9 provisions of subdivision two of section eight of this article, solici-
10 itations for bids or proposals shall be advertised in the public notifi-
11 cation service of the office of general services, and either the
12 procurement opportunities newsletter published by the department of
13 economic development or the state register.

14 3. Notwithstanding the provisions of subdivision one of section eight
15 of this article, drawings and specifications when prepared for the work
16 of construction, reconstruction, alteration, repair, or improvement of a
17 secure facility shall be filed in accordance with the provisions of
18 subdivision one of section eight of this article, except that such draw-
19 ings and specifications may not be open to public inspection at the
20 discretion of the commissioner of general services.

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

24 2. The said department or other agency having jurisdiction shall,
25 except as otherwise provided in this chapter, advertise for proposals
26 for such work of construction, reconstruction, alteration, repair or
27 improvement, or, upon the request of said department or other agency,
28 the commissioner of general services is authorized to advertise for and

1 to receive and open such proposals for such work of construction, recon-
2 struction, alteration, repair or improvement, and upon the opening of
3 such proposals he shall, in appropriate cases, transmit to said depart-
4 ment or other agency a tabulation of such proposals. Except as provided
5 in [section] sections eight-a and twenty of this chapter, such adver-
6 tisement for proposals shall be printed in a newspaper published in the
7 city of Albany, and in such other newspaper or newspapers as will be
8 most likely to give adequate notice to contractors of the work contem-
9 plated and of the invitation to submit proposals therefor. Such adver-
10 tisement shall be published for such time and in such manner as shall be
11 determined by the commissioner of general services. Such advertisement
12 shall be a public notice which shall contain a brief description of the
13 work of construction, reconstruction, alteration, repair or improvement,
14 a reference to the drawings and specifications therefor and where they
15 may be seen and obtained, the time when and the place where the
16 proposals invited by such advertisement will be received, the require-
17 ment of a deposit with the proposal, the requirement of a bond to accom-
18 pany the contract and in such amount as may be prescribed for the faith-
19 ful performance of the contract, and such other matters as the
20 commissioner of general services may deem advisable.

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

23 1. Notwithstanding any inconsistent provision of any general or
24 special law, the board, division, department, bureau, agency, officer or
25 commission of the state charged with the duty of preparing plans and
26 specifications for and awarding or entering into contracts for the
27 performance of public work shall require the payment of a fixed sum of
28 money, not exceeding one hundred dollars, for each copy of such plans

1 and specifications, by persons or corporations desiring a copy thereof.
2 Any person or corporation desiring a copy of such plans and specifica-
3 tions and making the deposit required by this section shall be furnished
4 with one copy of the plans and specifications, except that in the case
5 of a contract for the performance of public work at a secure facility,
6 as defined in section eight-a of the public buildings law, the plans and
7 specifications shall be furnished to only those contractors that are on
8 the eligible list of bidders established pursuant to section eight-a of
9 the public buildings law and that have requested copies of such plans
10 and specifications. In the case where the commissioner of general
11 services in his or her discretion has solicited contractors other than
12 those on such eligible list of bidders for the performance of public
13 work at a secure facility, such contractors shall be furnished with
14 plans and specifications pursuant to this section.

15 § 5. This act shall take effect immediately.

16 PART M

17 Section 1. Section 4 of the New York state printing and public docu-
18 ments law is amended by adding a new subdivision 6 to read as follows:

19 6. Notwithstanding any of the foregoing provisions of this section, or
20 of any general or special act, the commissioner may contract for print-
21 ing up to an amount not exceeding eighty-five thousand dollars without
22 competitive bidding for the printing required.

23 § 2. This act shall take effect immediately.

24 PART N

1 Section 1. Subdivisions 1, 2, 3, 4, 5 and 6 of section 162 of the
2 state finance law, subdivisions 1, 3, 4 as added by chapter 83 of the
3 laws of 1995, subdivision 2 as amended by chapter 501 of the laws of
4 2002, paragraph a of subdivision 2, paragraphs a and b of subdivision 3,
5 subparagraph (i) of paragraph a of subdivision 4, subdivision 5, para-
6 graphs a and d of subdivision 6 as amended by section 164 of subpart B
7 of part C of chapter 62 of the laws of 2011, paragraph b of subdivision
8 2 as amended by chapter 519 of the laws of 2003, subparagraph (iii) of
9 paragraph b of subdivision 4 as amended by chapter 430 of the laws of
10 1997, and paragraph e of subdivision 6 as amended by chapter 265 of the
11 laws of 2013, are amended to read as follows:

12 1. Purpose. To advance special social and economic goals, selected
13 providers shall have preferred source status for the purposes of
14 procurement in accordance with the provisions of this section. Procure-
15 ment from these providers shall be exempted from the competitive
16 procurement provisions of section one hundred sixty-three of this arti-
17 cle and other competitive procurement statutes. Such exemption shall
18 apply to commodities produced, manufactured or assembled, including
19 those repackaged when the labor and materials for such repackaging adds
20 value to the commodity, to meet the form, function and utility required
21 by state agencies, in New York state and, where so designated, services
22 provided by those sources in accordance with this section.

23 2. Preferred status. Preferred status as prescribed in this section
24 shall be accorded to:

25 a. Commodities produced by the correctional industries program of the
26 department of corrections and community supervision and provided to the
27 state pursuant to subdivision two of section one hundred eighty-four of
28 the correction law and asbestos abatement services performed by the

1 correctional industries program of the department of corrections and
2 community supervision;

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

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

11 [d.] c. Commodities and services produced by any qualified charitable
12 non-profit-making agency for other [severely] significantly disabled
13 persons approved for such purposes by the commissioner of education, or
14 incorporated under the laws of this state and approved for such purposes
15 by the commissioner of education;

16 [e.] d. Commodities and services produced by a qualified veterans'
17 workshop providing job and employment-skills training to veterans where
18 such a workshop is operated by the United States department of veterans
19 affairs and is manufacturing products or performing services within this
20 state and where such workshop is approved for such purposes by the
21 commissioner of education; or

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

26 3. Public list of services and commodities provided by preferred
27 sources.

1 a. By December thirty-first, nineteen hundred ninety-five, the commis-
2 sioner, in consultation with the commissioners of corrections and commu-
3 nity supervision, the office of children and family services, the office
4 of temporary and disability assistance, mental health and education,
5 shall prepare a list of all commodities and services that are available
6 and are being provided as of said date, for purchase by state agencies,
7 public benefit corporations or political subdivisions from those enti-
8 ties accorded preference or priority status under this section. Such
9 list may include references to catalogs and other descriptive literature
10 which are available directly from any provider accorded preferred status
11 under this section. The commissioner shall make this list available to
12 prospective vendors, state agencies, public benefit corporations, poli-
13 tical subdivisions and other interested parties. Thereafter, new or
14 substantially different commodities or services may only be made avail-
15 able by preferred sources for purchase by more than one state agency,
16 public benefit corporation or political subdivision after addition to
17 said list.

18 b. After January first, nineteen hundred ninety-six, upon the applica-
19 tion of the commissioner of corrections and community supervision, the
20 commissioner of the office of children and family services, the office
21 of temporary and disability assistance, the commissioner of mental
22 health or the commissioner of education, or a non-profit-making facili-
23 tating agency designated by one of the said commissioners pursuant to
24 paragraph e of subdivision six of this section, the state procurement
25 council may recommend that the commissioner: (i) add commodities or
26 services to, or (ii) in order to insure that such list reflects current
27 production and/or availability of commodities and services, delete at
28 the request of a preferred source, commodities or services from, the

1 list established by paragraph a of this subdivision. The council may
2 make a non-binding recommendation to the relevant preferred source to
3 delete a commodity or service from such list. Additions may be made only
4 for new services or commodities, or for services or commodities that are
5 substantially different from those reflected on said list for that
6 provider. The decision to recommend the addition of services or commod-
7 ities shall be based upon a review of relevant factors as determined by
8 the council including costs and benefits to be derived from such addi-
9 tion and shall include an analysis by the office of general services
10 conducted pursuant to subdivision six of this section. Unless the state
11 procurement council shall make a recommendation to the commissioner on
12 any such application within one hundred twenty days of receipt thereof,
13 such application shall be deemed recommended. In the event that the
14 state procurement council shall deny any such application, the commis-
15 sioner or non-profit-making facilitating agency which submitted such
16 application may, within thirty days of such denial, appeal such denial
17 to the commissioner of general services who shall review all materials
18 submitted to the state procurement council with respect to such applica-
19 tion and who may request such further information or material as is
20 deemed necessary. Within sixty days of receipt of all information or
21 materials deemed necessary, the commissioner shall render a written
22 final decision on the application which shall be binding upon the appli-
23 cant and upon the state procurement council.

24 c. The list maintained by the office of general services pursuant to
25 paragraph a of this subdivision shall be revised as necessary to reflect
26 the additions and deletions of commodities and services approved by the
27 state procurement council.

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

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

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

15 (iii) When commodities are available, in the form, function and utili-
16 ty required by, a state agency or political subdivision or public bene-
17 fit corporation having their own purchasing agency, and such commodities
18 are not available pursuant to subparagraphs (i) and (ii) of this para-
19 graph, said commodities shall then be purchased from a qualified non-
20 profit-making agency for other [severely] significantly disabled
21 persons, [a qualified special employment program for mentally ill
22 persons,] or a qualified veterans' workshop;

23 b. When services are available, in the form, function and utility
24 required by, a state agency or political subdivision or public benefit
25 corporation having their own purchasing agency, equal priority shall be
26 accorded the services rendered and offered for sale by the correctional
27 industries program of the department of corrections and community super-
28 vision, by qualified non-profit-making agencies for the blind and those

1 for the other [severely] significantly disabled, by qualified special
2 employment programs for mentally ill persons and by qualified veterans'
3 workshops. In the case of services:

4 (i) state agencies or political subdivisions or public benefit corpo-
5 rations having their own purchasing agency shall [make reasonable
6 efforts to provide a notification] provide a written scope of services
7 describing their requirements to those preferred sources, or to the
8 facilitating entity identified in paragraph e of subdivision six of this
9 section, which provide the required services as indicated on the offi-
10 cial public list maintained by the office of general services pursuant
11 to subdivision three of this section and identify the time frame within
12 which written questions may be submitted, the date answers to questions
13 will be provided, the date by which a written proposal must be submitted
14 and the estimated contract start date;

15 (ii) if[, within ten days of the notification required by subparagraph
16 (i) of this paragraph,] one or more preferred sources or facilitating
17 entities identified in paragraph e of subdivision six of this section
18 submit a [notice of intent] written proposal to provide the service in
19 the form, function and utility required, said service shall be purchased
20 in accordance with this section. If more than one preferred source or
21 facilitating entity identified in paragraph e of subdivision six of this
22 section submits [notification of intent] a written proposal and meets
23 the requirements, costs shall be the determining factor for purchase
24 among the preferred sources;

25 (iii) if[, within ten days of the notification required by subpara-
26 graph (i) of this paragraph,] no preferred source or facilitating entity
27 identified in paragraph e of subdivision six of this section [indicates
28 intent to provide the service,] submits a written proposal within the

1 time frame identified pursuant to subparagraph (i) of this paragraph,
2 then the service shall be procured in accordance with section one
3 hundred sixty-three of this article. If, after such period, a preferred
4 source elects to bid on the service, award shall be made in accordance
5 with section one hundred sixty-three of this article or as otherwise
6 provided by law;

7 (iv) the state procurement council shall establish guidelines to
8 assist the commissioner and state agencies, political subdivisions and
9 public benefit corporations in developing the scope of services, setting
10 reasonable time frames, issuing requests for information and determining
11 the reasonableness of prices of services. Such guidelines shall be post-
12 ed on the website of the office of general services.

13 [c. For the purposes of commodities and services produced by special
14 employment programs operated by facilities approved or operated by the
15 office of mental health, facilities within the office of mental health
16 shall be exempt from the requirements of subparagraph (i) of paragraph a
17 of this subdivision. When such requirements of the office of mental
18 health cannot be met pursuant to subparagraph (ii) or (iii) of paragraph
19 a of this subdivision, or paragraph b of this subdivision, the office of
20 mental health may purchase commodities and services which are compet-
21 itive in price and comparable in quality to those which could otherwise
22 be obtained in accordance with this article, from special employment
23 programs operated by facilities within the office of mental health or
24 other programs approved by the office of mental health.]

25 5. Prices charged by the department of corrections and community
26 supervision. The prices to be charged for commodities produced and
27 services provided by the correctional industries program of the depart-
28 ment of corrections and community supervision shall be established by

1 the commissioner of corrections and community supervision in accordance
2 with section one hundred eighty-six of the correction law.

3 a. The prices established by the commissioner of corrections and
4 community supervision shall be based upon costs as determined pursuant
5 to this subdivision, but shall not exceed a reasonable fair market price
6 determined at or within ninety days before the time of sale. Fair market
7 price as used herein means the price at which a vendor of the same or
8 similar product or service who is regularly engaged in the business of
9 selling such product or service offers to sell such product or service
10 under similar terms in the same market. Costs shall be determined in
11 accordance with an agreement between the commissioner of corrections and
12 community supervision and the director of the budget.

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

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

23 a. (i) Except with respect to the correctional industries program of
24 the department of corrections and community supervision, it shall be the
25 duty of the commissioner to determine, and from time to time review, the
26 prices of all commodities [and to approve the price of all services]
27 provided by preferred sources as specified in this section offered to

1 state agencies, political subdivisions or public benefit corporations
2 having their own purchasing office.

3 (ii) With respect to the purchase of services, it shall be the duty of
4 the commissioner to review and to approve the price of all services
5 offered to be provided by preferred sources in response to the written
6 scope of services issued by the state agency, political subdivision or
7 public benefit corporation. The facilitating entities identified in
8 paragraph e of subdivision six of this section shall provide to the
9 commissioner, within a reasonable time following request, sufficient
10 information to determine price reasonableness including but not limited
11 to a pricing application in the format requested, comparable price
12 information from private contracts and contracts executed by private
13 vendors accorded preferred source status under a partnering arrangement
14 pursuant to subdivision seven of this section, and, where appropriate,
15 the provider of such information may request that such information be
16 exempted from disclosure in accordance with the provisions of paragraph
17 (a) of subdivision five of section eighty-nine of the public officers
18 law. State agencies, political subdivisions, or public benefit corpo-
19 rations may issue a request for information to assist the commissioner
20 in establishing prevailing market prices.

21 b. In determining and revising the prices of such commodities or
22 services, consideration shall be given to the reasonable costs of labor,
23 materials and overhead necessarily incurred by such preferred sources
24 under efficient methods of procurement, production, performance and
25 administration; however, the prices of such products and services shall
26 be as close to prevailing market price as practicable, but in no event
27 greater than fifteen percent above, the prevailing market prices among
28 responsive offerors for the same or equivalent commodities or services.

1 c. Such qualified charitable non-profit-making agencies for the blind
2 and other [severely] significantly disabled may make purchases of mate-
3 rials, equipment or supplies, except printed material, from centralized
4 contracts for commodities in accordance with the conditions set by the
5 office of general services; provided that the qualified charitable non-
6 profit-making agency for the blind or other [severely] significantly
7 disabled shall accept sole responsibility for any payment due the
8 vendor.

9 d. Such qualified charitable non-profit-making agencies for the blind
10 and other [severely] significantly disabled may make purchases of mate-
11 rials, equipment and supplies directly from the correctional industries
12 program administered by the commissioner of corrections and community
13 supervision, subject to such rules as may be established from time to
14 time pursuant to the correction law; provided that the qualified chari-
15 table non-profit-making agency for the blind or other [severely] signif-
16 icantly disabled shall accept sole responsibility for any payment due
17 the department of corrections and community supervision.

18 e. The commissioner of the office of children and family services
19 shall appoint the New York state commission for the blind, or other
20 non-profit-making agency, other than the agency representing the other
21 [severely] significantly disabled, to facilitate the distribution of
22 orders among qualified non-profit-making charitable agencies for the
23 blind. The state commissioner of education shall appoint a non-profit-
24 making agency, other than the agency representing the blind, to facili-
25 tate the distribution of orders among qualified non-profit-making chari-
26 table agencies for the other severely disabled and the veterans'
27 workshops. [The state commissioner of mental health shall facilitate
28 the distribution of orders among qualified special employment programs

1 operated or approved by the office of mental health serving mentally ill
2 persons.]

3 f. The commissioner may request the state comptroller to conduct
4 audits and examinations to be made of all records, books and data of any
5 agency for the blind or the other [severely] significantly disabled,
6 [any special employment program for mentally ill persons] or any veter-
7 ans' workshops qualified under this section to determine the costs of
8 manufacture or the rendering of services and the manner and efficiency
9 of production and administration of such agency or special employment
10 program or veterans' workshop with relation to any product or services
11 purchased by a state agency or political subdivision or public benefit
12 corporation and to furnish the results of such audit and examination to
13 the commissioner for such action as he or she may deem appropriate under
14 this section.

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

17 PART O

18 Section 1. Subdivision 5 of section 54 of the workers' compensation
19 law, as amended by section 23 of part GG of chapter 57 of the laws of
20 2013, is amended to read as follows:

21 5. Cancellation and termination of insurance contracts. No contract of
22 insurance issued by an insurance carrier against liability arising under
23 this chapter shall be cancelled within the time limited in such contract
24 for its expiration unless notice is given as required by this section.
25 When cancellation is due to non-payment of premiums and assessments,
26 such cancellation shall not be effective until at least ten days after a

1 notice of cancellation of such contract, on a date specified in such
2 notice, shall be filed in the office of the chair and also served on the
3 employer. When cancellation is due to any reason other than non-payment
4 of premiums and assessments, such cancellation shall not be effective
5 until at least thirty days after a notice of cancellation of such
6 contract, on a date specified in such notice, shall be filed in the
7 office of the chair and also served on the employer; provided, however,
8 in either case, that if the employer has secured insurance with another
9 insurance carrier which becomes effective prior to the expiration of the
10 time stated in such notice, the cancellation shall be effective as of
11 the date of such other coverage. No insurer shall refuse to renew any
12 policy insuring against liability arising under this chapter unless at
13 least thirty days prior to its expiration notice of intention not to
14 renew has been filed in the office of the chair and also served on the
15 employer.

16 Such notice shall be served on the employer by delivering it to him,
17 her or it or by sending it by mail, by certified or registered letter,
18 return receipt requested, addressed to the employer at his, her or its
19 last known place of business; provided that, if the employer be a part-
20 nership, then such notice may be so given to any of one of the partners,
21 and if the employer be a corporation then the notice may be given to any
22 agent or officer of the corporation upon whom legal process may be
23 served; and further provided that an employer may designate any person
24 or entity at any address to receive such notice including the desig-
25 nation of one person or entity to receive notice on behalf of multiple
26 entities insured under one insurance policy and that service of notice
27 at the address so designated upon the person or entity so designated by
28 delivery or by mail, by certified or registered letter, return receipt

1 requested, shall satisfy the notice requirement of this section.

2 [Provided, however, the]

3 The right to cancellation of a policy of insurance in the state insur-
4 ance fund shall be exercised only for non-payment of premiums [and
5 assessments], or failure by the employer to cooperate with a payroll
6 audit, or as provided in section ninety-four of this chapter.

7 The state insurance fund may cancel a policy for the employer's fail-
8 ure to cooperate with a payroll audit if the employer fails to (i) keep
9 an appointment with a payroll auditor, after the state insurance fund
10 has made at least two attempts to schedule an appointment during the
11 employer's regular business hours, when such employer is provided
12 advance written notice of such appointments or (ii) furnish business
13 records in the course of a payroll audit as required pursuant to section
14 ninety-five or one hundred thirty-one of this chapter. At least fifteen
15 days in advance of sending a notice of cancellation for failure to coop-
16 erate with a payroll audit, the state insurance fund shall send a warn-
17 ing notice to the employer in the same manner as provided in this subdivi-
18 vision for serving a notice of cancellation. Such notice shall specify a
19 means of contacting the state insurance fund to set up an audit appoint-
20 ment. The state insurance fund will be required to provide only one such
21 warning notice to an employer related to any particular payroll audit
22 prior to cancellation.

23 The provisions of this subdivision shall not apply with respect to
24 policies containing coverage pursuant to subsection (j) of section three
25 thousand four hundred twenty of the insurance law relating to every
26 policy providing comprehensive personal liability insurance on a one,
27 two, three or four family owner-occupied dwelling.

1 In the event such cancellation or termination notice is not filed with
2 the chair within the required time period, the chair shall impose a
3 penalty in the amount of up to five hundred dollars for each ten-day
4 period the insurance carrier or state insurance fund failed to file the
5 notification. All penalties collected pursuant to this subdivision shall
6 be deposited in the uninsured employers' fund.

7 § 2. Section 93 of the workers' compensation law, as amended by
8 section 24 of part GG of chapter 57 of the laws of 2013, is amended to
9 read as follows:

10 § 93. Collection of premium in case of default. a. If a policyholder
11 shall default in any payment required to be made by [him] such policy-
12 holder to the state insurance fund or shall fail to cooperate with a
13 payroll audit as specified in subdivision five of section fifty-four of
14 this chapter, after due notice, [his] such policyholder's insurance in
15 the state insurance fund may be cancelled and the amount due from [him]
16 such policyholder shall be collected by civil action brought against
17 [him] such policyholder in any county wherein the state insurance fund
18 maintains an office in the name of the commissioners of the state insur-
19 ance fund and the same when collected, shall be paid into the state
20 insurance fund, and such policyholder's compliance with the provisions
21 of this chapter requiring payments to be made to the state insurance
22 fund shall date from the time of the payment of said money to the state
23 insurance fund.

24 b. An employer, whose policy of insurance has been cancelled by the
25 state insurance fund for non-payment of premium and assessments, or for
26 failure to cooperate with a payroll audit, or [withdraws] cancelled
27 pursuant to section ninety-four of this article, is ineligible to
28 contract for a subsequent policy of insurance with the state insurance

1 fund [while] until the state insurance fund receives full cooperation
2 from such employer in completing any payroll audit on the cancelled
3 policy and the billed premium on the cancelled policy [remains uncol-
4 lected] is paid, including any additional amounts billed following the
5 completion of any payroll audit.

6 c. The state insurance fund shall not be required to write a policy of
7 insurance for any employer which is owned or controlled or the majority
8 interest of which is owned or controlled, directly or indirectly, by any
9 person who directly or indirectly owns or controls or owned or
10 controlled at the time of cancellation an employer whose former policy
11 of insurance with the state insurance fund was cancelled for non-payment
12 of premium and assessments, or for failure to cooperate with a payroll
13 audit, or [withdraws] cancelled pursuant to section ninety-four of this
14 article, or who is or was at the time of cancellation the president,
15 vice-president, secretary or treasurer of such an employer until the
16 state insurance fund receives full cooperation from such employer in
17 completing any payroll audit and the billed premium on the cancelled
18 policy is paid, including any additional amounts billed following the
19 completion of any payroll audit.

20 For purposes of this subdivision, "person" [shall include individuals,
21 partnerships, corporations, and other associations] means any individ-
22 ual, firm, company, partnership, corporation, limited liability company,
23 joint venture, joint-stock association, association, trust or any other
24 legal entity whatsoever.

25 d. For the purposes of this section, the word "premium" includes all
26 amounts required to be paid to the state insurance fund including any
27 assessment by the board that the state insurance fund bills to an
28 employer.

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

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

1 more than twenty-five thousand dollars in addition to any penalties
2 otherwise provided by law.

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

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

12 (1) Every employer subject to the provisions of this chapter shall
13 keep a true and accurate record of the number of [his or her] its
14 employees, the classification of its employees, information regarding
15 employee accidents and the wages paid by [him or her] such employer for
16 a period of four years after each entry therein, [which] as well as such
17 records relating to any person performing services under a subcontract
18 of such employer that is not covered under the subcontractor's own work-
19 ers' compensation insurance policy. Such records shall be open to
20 inspection at any time, and as often as may be necessary to verify the
21 same by investigators of the board, by the authorized auditors, account-
22 ants or inspectors of the carrier with whom the employer is insured, or
23 by the authorized auditors, accountants or inspectors of any workers'
24 compensation insurance rating board or bureau operating under the
25 authority of the insurance law and of which board or bureau such carrier
26 is a member or the group trust of which the employer is a member. Any
27 and all records required by law to be kept by such employer upon which
28 the employer makes or files a return concerning wages paid to employees

1 or any other records of an employer containing such information relevant
2 to any policy period including but not limited to, any ledgers, jour-
3 nals, registers, vouchers, contracts, tax returns and reports, payroll
4 and distribution records, and computer programs for retrieving data,
5 certificates of insurance pertaining to subcontractors and any other
6 business records specified by the rules of the board shall form part of
7 the records described in this section and shall be open to inspection in
8 the same manner as provided in this section. Any employer who shall fail
9 to keep such records, who shall willfully fail to furnish such record as
10 required in this section or who shall falsify any such records, shall be
11 guilty of a misdemeanor and subject to a fine of not less than five nor
12 more than ten thousand dollars in addition to any other penalties other-
13 wise provided by law, except that any such employer that has previously
14 been subject to criminal penalties under this section within the prior
15 ten years shall be guilty of a class E felony, and subject to a fine of
16 not less than ten nor more than twenty-five thousand dollars in addition
17 to any penalties otherwise provided by law.

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

21 PART P

22 Section 1. Subdivision 2 of section 87 of the workers' compensation
23 law, as added by section 20 of part GG of chapter 57 of the laws of
24 2013, is amended to read as follows:

25 2. Any of the surplus funds belonging to the state insurance fund, by
26 order of the commissioners, approved by the superintendent of financial

1 services, may be invested (1) in the types of securities described in
2 subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a,
3 thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,
4 twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five
5 of section two hundred thirty-five of the banking law, or (2) in the
6 types of obligations described in paragraph two of subsection (a) of
7 section one thousand four hundred four of the insurance law except that
8 up to twenty-five percent of surplus funds may be invested in obli-
9 gations rated investment grade by a nationally recognized securities
10 rating organization, or[,] (3) up to fifty percent of surplus funds, in
11 the types of securities or investments described in paragraphs [two,]
12 three, eight and ten of subsection (a) of section one thousand four
13 hundred four of the insurance law, except that [up to ten percent of
14 surplus funds may be invested] investments in [the securities of any
15 solvent American institution as described in such paragraphs] diversi-
16 fied index funds and accounts may be made irrespective of the rating [of
17 such institution's obligations] or other similar qualitative standards
18 [described therein, and] applicable under such paragraphs, or (4) up to
19 ten percent of surplus funds, in the types of securities or investments
20 described in paragraphs two, three and ten of subsection (a) of section
21 one thousand four hundred four of the insurance law irrespective of the
22 rating of such institution's obligations or other similar qualitative
23 standard, or (5) up to fifteen percent of surplus funds in securities or
24 investments which do not otherwise qualify for investment under this
25 section as shall be made with the care, prudence and diligence under the
26 circumstances then prevailing that a prudent person acting in a like
27 capacity and familiar with such matters would use in the conduct of an
28 enterprise of a like character and with like aims as provided for the

1 state insurance fund under this article, but shall not include any
2 direct derivative instrument or derivative transaction except for hedg-
3 ing purposes. Notwithstanding any other provision in this subdivision,
4 the aggregate amount that the state insurance fund may invest in the
5 types of securities or investments described in paragraphs three, eight
6 and ten of subsection (a) of section one thousand four hundred four of
7 the insurance law and as a prudent person acting in a like capacity
8 would invest as provided in this subdivision shall not exceed fifty
9 percent of such surplus funds. For purposes of this subdivision, any
10 funds appropriated pursuant to the provisions of subdivision one or two
11 of section eighty-seven-f of this article shall not be considered
12 surplus funds.

13 § 2. This act shall take effect immediately.

14 PART Q

15 Section 1. The civil service law is amended by adding a new section 66
16 to read as follows:

17 § 66. Term appointments in information technology. 1. The department
18 may authorize a term appointment without examination to a temporary
19 position requiring special expertise or qualifications in information
20 technology within the office of information technology services. Such
21 appointments shall be authorized only in a case where the office of
22 information technology services certifies to the department that because
23 of the type of services to be rendered, or the temporary or occasional
24 character of such services, it would not be practicable to hold an exam-
25 ination of any kind. Such certification shall be a public document
26 pursuant to the public officers law and shall identify the special

1 expertise or qualifications that are required and why they cannot be
2 obtained through an appointment from an eligible list. The department
3 shall review the certification to confirm that the special expertise or
4 qualifications identified by the office of information technology
5 services cannot be obtained through an appointment from an eligible
6 list. The maximum period for such initial term appointment established
7 pursuant to this subdivision shall not exceed sixty months and, other
8 than as set forth in subdivision two of this section, shall not be
9 extended, and the maximum number of such appointments shall not exceed
10 two hundred fifty.

11 2. At least fifteen days prior to making a term appointment pursuant
12 to this section, the appointing authority shall publicly and conspicu-
13 ously post in its offices information about the temporary position and
14 the required qualifications and shall allow any qualified employee to
15 apply for the position. In the event that a permanent competitive
16 employee is qualified for the posted position, the appointment of such
17 employee shall take precedence over the appointment of any term position
18 pursuant to this section. An employee appointed pursuant to this section
19 who has completed two years of continuous service under this section
20 shall be eligible to compete in promotional examinations that are also
21 open to other employees who have permanent civil service appointments
22 and appropriate qualifications. In the event that the department fails
23 to certify a promotional list for an examination in which the appointee
24 has competed within the initial sixty month term appointment, such
25 appointment may be extended by the department, upon certification of the
26 appointing authority, for periods of up to thirty-six months until such
27 time as a promotional list resulting from the examination in which the
28 employee competed is certified.

1 3. A temporary position established pursuant to this section may be
2 abolished for reason of economy, consolidation or abolition of func-
3 tions, curtailment of activities or otherwise. Upon such abolition or at
4 the end of the term of the appointment, the provisions of sections
5 seventy-eight, seventy-nine, eighty and eighty-one of this chapter shall
6 not apply. In the event of a reduction of workforce pursuant to section
7 eighty of this chapter affecting information technology positions, the
8 term appointments pursuant to this section shall be abolished prior to
9 the abolition of permanent competitive class information technology
10 positions at such agency involving comparable skills and responsibil-
11 ities.

12 § 2. Notwithstanding any provision of law to the contrary, the depart-
13 ment of civil service may limit certification from the following eligi-
14 ble lists to those who are eligible and identified as having knowledge,
15 skills or certifications, or any combination thereof, by the appointing
16 authority as necessary to perform the duties of certain positions:

17 Information Technology Specialist 4	G-25
18 Information Technology Specialist 4 (Data Communications)	G-25
19 Information Technology Specialist 4 (Systems Programming)	G-25
20 Manager Information Technology Services 1	G-27
21 Manager Information Technology Services 1 (Data Communications)	G-27
22 Manager Information Technology Services 1 (Database)	G-27
23 Manager Information Technology Services 1 (Systems Programming)	G-27
24 Manager Information Technology Services 2	G-29
25 Manager Information Technology Services 2 (Technical)	G-29

26 § 3. This act shall take effect immediately.

1 Section 1. Subdivisions 1 and 2 of section 3-a of the general municipi-
2 pal law, subdivision 1 as amended by chapter 4 of the laws of 1991, and
3 subdivision 2 as amended by chapter 777 of the laws of 1978, are amended
4 to read as follows:

5 1. Except as provided in subdivisions two, four and five of this
6 section, the rate of interest to be paid by a municipal corporation upon
7 any judgment or accrued claim against the municipal corporation shall
8 [not exceed nine per centum per annum] be calculated at a rate equal to
9 the weekly average one year constant maturity treasury yield, as
10 published by the board of governors of the federal reserve system, for
11 the calendar week preceding the date of the entry of the judgment award-
12 ing damages. In no event, however, shall a municipal corporation pay a
13 rate of interest on any judgment or accrued claim exceeding nine per
14 centum per annum.

15 2. The rate of interest to be paid upon any judgment or accrued claim
16 against the municipal corporation rising out of condemnation proceedings
17 or action to recover damages for wrongful death shall [not exceed six
18 per centum per annum] be calculated at a rate equal to the weekly aver-
19 age one year constant maturity treasury yield, as published by the board
20 of governors of the federal reserve system, for the calendar week
21 preceding the date of the entry of the judgement awarding damages. In no
22 event, however, shall a municipal corporation pay a rate of interest on
23 any judgment or accrued claim exceeding six per centum per annum.

24 § 2. Subdivision 5 of section 157 of the public housing law, as
25 amended by chapter 681 of the laws of 1982, is amended to read as
26 follows:

27 5. The rate of interest to be paid by an authority upon any judgment
28 or accrued claim against the authority shall [not exceed nine per centum

1 per annum] be calculated at a rate equal to the weekly average one year
2 constant maturity treasury yield, as published by the board of governors
3 of the federal reserve system, for the calendar week preceding the date
4 of the entry of the judgment awarding damages. In no event, however,
5 shall an authority pay a rate of interest on any judgment or accrued
6 claim exceeding nine per centum per annum.

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

9 § 16. Rate of interest on judgments and accrued claims against the
10 state. The rate of interest to be paid by the state upon any judgment
11 or accrued claim against the state shall [not exceed nine per centum per
12 annum] be calculated at a rate equal to the weekly average one year
13 constant maturity treasury yield, as published by the board of governors
14 of the federal reserve system, for the calendar week preceding the date
15 of the entry of the judgment awarding damages. In no event, however,
16 shall the state pay a rate of interest on any judgment or accrued claim
17 exceeding nine per centum per annum.

18 § 4. Section 1 of chapter 585 of the laws of 1939, relating to the
19 rate of interest to be paid by certain public corporations upon judg-
20 ments and accrued claims, as amended by chapter 681 of the laws of 1982,
21 is amended to read as follows:

22 Section 1. The rate of interest to be paid by a public corporation
23 upon any judgment or accrued claim against the public corporation shall
24 [not exceed nine per centum per annum] be calculated at a rate equal to
25 the weekly average one year constant maturity treasury yield, as
26 published by the board of governors of the federal reserve system, for
27 the calendar week preceding the date of the entry of the judgment award-
28 ing damages. In no event, however, shall a public corporation pay a rate

1 of interest on any judgment or accrued claim exceeding nine per centum
2 per annum. The term "public corporation" as used in this act shall mean
3 and include every corporation created for the construction of public
4 improvements, other than a county, city, town, village, school district
5 or fire district or an improvement district established in a town or
6 towns, and possessing both the power to contract indebtedness and the
7 power to collect rentals, charges, rates or fees for services or facili-
8 ties furnished or supplied.

9 § 5. This act shall take effect immediately, and shall be deemed to
10 have been in full force and effect on and after April 1, 2017.

11 PART S

12 Section 1. Section 167-a of the civil service law, as amended by
13 section 1 of part I of chapter 55 of the laws of 2012, is amended to
14 read as follows:

15 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
16 from the coverage of the health benefit plan of supplementary medical
17 insurance benefits for which an active or retired employee or a depend-
18 ent covered by the health benefit plan is or would be eligible under the
19 federal old-age, survivors and disability insurance program, effective
20 May first, two thousand seventeen an amount [equal to] not to exceed
21 \$104.90 per month for the standard medicare premium charge for such
22 supplementary medical insurance benefits for such active or retired
23 employee and his or her dependents who enrolled in medicare on or before
24 December thirty-first, two thousand fifteen, if any, shall be paid
25 monthly or at other intervals to such active or retired employee from
26 the health insurance fund. For an active or retired employee or his or

1 her dependents who enrolled in medicare on or after January first, two
2 thousand sixteen, the lesser of \$121.80 per month or the currently
3 applicable standard medicare premium charge for such supplementary
4 medical insurance benefits for such active or retired employee and his
5 or her dependents, if any, shall be paid monthly or at other intervals
6 to such active or retired employee from the health insurance fund.
7 Furthermore, effective January first, two thousand seventeen, there
8 shall be no payment whatsoever for the income related monthly adjustment
9 amount for amounts (premiums) incurred on or after January first, two
10 thousand seventeen to any active or retired employee and his or her
11 dependents, if any. Where appropriate, such standard medicare premium
12 amount may be deducted from contributions payable by the employee or
13 retired employee; or where appropriate in the case of a retired employee
14 receiving a retirement allowance, such standard medicare premium amount
15 may be included with payments of his or her retirement allowance. All
16 state employer, employee, retired employee and dependent contributions
17 to the health insurance fund, including contributions from public
18 authorities, public benefit corporations or other quasi-public organiza-
19 tions of the state eligible for participation in the health benefit plan
20 as authorized by subdivision two of section one hundred sixty-three of
21 this article, shall be adjusted as necessary to cover the cost of reim-
22 bursing federal old-age, survivors and disability insurance program
23 premium charges under this section. This cost shall be included in the
24 calculation of premium or subscription charges for health coverage
25 provided to employees and retired employees of the state, public author-
26 ities, public benefit corporations or other quasi-public organizations
27 of the state; provided, however, the state, public authorities, public
28 benefit corporations or other quasi-public organizations of the state

1 shall remain obligated to pay no less than its share of such increased
2 cost consistent with its share of premium or subscription charges
3 provided for by this article. All other employer contributions to the
4 health insurance fund shall be adjusted as necessary to provide for such
5 payments.

6 § 2. This act shall take effect immediately and shall apply on and
7 after May 1, 2017 for the standard medicare premium amount and shall
8 apply on January 1, 2017 for the income related monthly adjustment
9 amount for amounts (premiums) incurred on or after January 1, 2017.

10 PART T

11 Section 1. Section 167 of the civil service law is amended by adding a
12 new subdivision 10 to read as follows:

13 10. Notwithstanding any inconsistent provision of law, the state's
14 contribution for the cost of premium or subscription charges for the
15 coverage of retired state employees who are enrolled in the statewide
16 and the supplementary health benefit plans established pursuant to this
17 article and who retired on or after October first, two thousand seven-
18 teen shall be as set forth in this subdivision.

19 (a) For state employees who retire from a position at or equated to
20 grade ten or higher with at least ten but less than twenty years of
21 service, the state shall pay fifty percent of the cost of premium or
22 subscription charges for the individual coverage of such retired state
23 employees. Such contributions shall increase by two percent of the cost
24 of premium or subscription charges for each year of service in excess of
25 ten years, to a maximum of sixty-eight percent of the cost of premium or
26 subscription charges. For state employees who retire from a position at

1 or equated to grade ten or higher with twenty or more years of service,
2 the state shall pay seventy-four percent of the cost of premium or
3 subscription charges for the individual coverage of such retired state
4 employees. Such contributions shall increase by one percent of the cost
5 of premium or subscription charges for each year of service in excess of
6 twenty years, to a maximum of eighty-four percent of the cost of premium
7 or subscription charges.

8 (b) For state employees who retire from a position at or equated to
9 grade nine or lower with at least ten but less than twenty years of
10 service, the state shall pay fifty-four percent of the cost of premium
11 or subscription charges for the individual coverage of such retired
12 state employees. Such contributions shall increase by two percent of the
13 cost of premium or subscription charges for each year of service in
14 excess of ten years, to a maximum of seventy-two percent of the cost of
15 premium or subscription charges. For state employees who retire from a
16 position at or equated to grade nine or lower with twenty or more years
17 of service, the state shall pay seventy-eight percent of the cost of
18 premium or subscription charges for the individual coverage of such
19 retired state employees. Such contributions shall increase by one
20 percent of the cost of premium or subscription charges for each year of
21 service in excess of twenty years, to a maximum of eighty-eight percent
22 of the cost of premium or subscription charges.

23 (c) For state employees who retire from a position at or equated to
24 grade ten or higher with at least ten but less than twenty years of
25 service, the state shall pay thirty-five percent of the cost of premium
26 or subscription charges for the coverage of dependents of such retired
27 state employees; such contribution shall increase by two percent of the
28 cost of premium or subscription charges for each year of service in

1 excess of ten years, to a maximum of fifty-three percent of the cost of
2 premium or subscription charges for such dependents. For state employees
3 who retire from a position at or equated to grade ten or higher with
4 twenty or more years of service, the state shall pay fifty-nine percent
5 of the cost of premium or subscription charges for the coverage of
6 dependents of such retired state employees; such contribution shall
7 increase by one percent of the cost of premium or subscription charges
8 for each year of service in excess of twenty years, to a maximum of
9 sixty-nine percent of the cost of premium or subscription charges for
10 such dependents.

11 (d) For state employees who retire from a position at or equated to
12 grade nine or lower with at least ten but less than twenty years of
13 service, the state shall pay thirty-nine percent of the cost of premium
14 or subscription charges for the coverage of dependents of such retired
15 state employees; such contribution shall increase by two percent of the
16 cost of premium or subscription charges for each year of service in
17 excess of ten years, to a maximum of fifty-seven percent of the cost of
18 premium or subscription charges for such dependents. For state employees
19 who retire from a position at or equated to grade nine or lower with
20 twenty or more years of service, the state shall pay sixty-three percent
21 of the cost of premium or subscription charges for the coverage of
22 dependents of such retired state employees; such contribution shall
23 increase by one percent of the cost of premium or subscription charges
24 for each year of service in excess of twenty years, to a maximum of
25 seventy-three percent of the cost of premium or subscription charges for
26 such dependents.

27 (e) With respect to all such retired state employees, each increment
28 of one or two percent of the cost of premium or subscription charges for

1 each year of service shall be applicable for whole years of service to
2 the state and shall not be applied on a pro-rata basis for partial years
3 of service.

4 (f) The provisions of this subdivision shall not be applicable to:

5 (1) Members of the New York state and local police and fire retirement
6 system;

7 (2) Members in the uniformed personnel in institutions under the
8 jurisdiction of the state department of corrections and community super-
9 vision or who are security hospital treatment assistants, as defined in
10 section eighty-nine of the retirement and social security law; and

11 (3) Any state employee determined to have retired with an ordinary,
12 accidental, or performance of duty disability retirement benefit.

13 (g) For the purposes of determining the cost of premium or
14 subscription charges to be paid by the state on behalf of retired state
15 employees enrolled in the New York state health insurance program who
16 retire on or after October first, two thousand seventeen, the state
17 shall consider all years of service that a retired state employee has
18 accrued in a public retirement system of the state or an optional
19 retirement program established pursuant to article three, eight-B, or
20 one hundred twenty-five-A of the education law. The provisions of this
21 paragraph may not be used to grant eligibility for retiree state health
22 insurance coverage to a retiree who is not otherwise eligible to enroll
23 in the New York state health insurance program as a retiree.

24 § 2. This act shall take effect October 1, 2017.

1 Section 1. Article 4 of the municipal home rule law is amended by
2 adding a new part 4 to read as follows:

3 PART 4

4 COUNTY-WIDE SHARED SERVICES PROPERTY TAX SAVINGS PLAN

5 Section 39. County-wide shared services property tax savings plan.

6 § 39. County-wide shared services property tax savings plan. 1.
7 Notwithstanding the provisions of this chapter, the alternative county
8 government law, or any other general, special or local law to the
9 contrary, the chief executive officer of each county outside of a city
10 of one million or more shall prepare a property tax savings plan for
11 shared, coordinated and efficient services among the county, cities,
12 towns and villages within such county.

13 2. The mayor of each city and village in such county, and the supervi-
14 sor of each town in such county, shall inform such property tax savings
15 plan. The chief executive officer of the county shall seek consensus
16 among such mayors and supervisors prior to submission of the property
17 tax savings plan to the county legislative body as set forth in subdivi-
18 sion four of this section. Public input shall inform such property tax
19 savings plan, in addition to input from civic, business, labor, and
20 community leaders. Any such input shall be provided at one or more
21 public hearings to be held within the county.

22 3. Such property tax savings plan shall contain new recurring property
23 tax savings through actions such as, but not limited to, the elimination
24 of duplicative services; shared services, such as joint purchasing,
25 shared highway equipment, shared storage facilities, shared plowing
26 services, and energy and insurance purchasing cooperatives; reduction in
27 back office administrative overhead; and better coordination of
28 services.

1 4. The chief executive officer of the county shall submit such proper-
2 ty tax savings plan to the county legislative body no later than August
3 first, two thousand seventeen. Such property tax savings plan shall be
4 accompanied by a certification as to the accuracy of the savings
5 contained therein. Such certification shall also be transmitted to the
6 director of the division of the budget no later than the date of
7 submission.

8 5. The county legislative body shall review such plan and a majority
9 of the members of such body may make modifications as deemed necessary
10 to ensure compliance with this section. If modifications are made by the
11 county legislative body, the chief executive officer of such county
12 shall transmit to the director of the division of the budget a certif-
13 ication of the amended property tax savings. The chief executive officer
14 shall finalize such property tax savings plan no later than September
15 fifteenth, two thousand seventeen, and the plan shall be publicly
16 disseminated to residents of the county.

17 6. At the general election occurring in November two thousand seven-
18 teen, the county legislative body shall cause the question of whether to
19 implement the provisions of such finalized plan to be placed on the
20 ballot and voted on by the qualified electors of the county. If approved
21 by a majority of such electors, the plan shall be implemented no later
22 than January first, two thousand eighteen.

23 Any such finalized property tax savings plan which would have the
24 effect of transferring or abolishing a function or duty of the county or
25 of the cities, towns, villages, districts or other units of government
26 wholly contained in the county, shall not become operative unless and
27 until it is approved in accordance with subdivision (h) of section one
28 of article nine of the state constitution.

1 7. If the property tax savings plan shall fail to obtain approval of a
2 majority of the electors voting on the plan in accordance with subdivi-
3 sion six of this section, the chief executive officer of the county,
4 with input from the mayor of each city and village in such county, and
5 the supervisor of each town in such county, shall receive and resubmit
6 such plan to the county legislative body no later than August first, two
7 thousand eighteen. Public input shall inform such resubmitted property
8 tax savings plan, in addition to input from civic, business, labor, and
9 community leaders. Any such input shall be provided at one or more
10 public hearings to be held within the county. Such plan shall be accom-
11 panied by a certification as to the accuracy of the savings contained
12 therein. Such certification shall also be transmitted to the director of
13 the division of the budget no later than the date of resubmission. The
14 county legislative body shall review such resubmitted plan. A majority
15 of the members of such body may make modifications as deemed necessary
16 to ensure compliance with this section. If modifications are made by the
17 county legislative body, the chief executive officer of such county
18 shall transmit to the director of the division of the budget a certif-
19 ication of amended property tax savings. The chief executive officer
20 shall finalize such plan no later than September fifteenth, two thousand
21 eighteen, and the plan shall be publicly disseminated to the residents
22 of the county. At the general election occurring in November two thou-
23 sand eighteen, the county legislative body shall cause the question of
24 whether to implement the provisions of such finalized resubmitted plan
25 to be placed on the ballot and voted on by the qualified electors of the
26 county. If approved by a majority of such electors, the resubmitted plan
27 shall be implemented no later than January first, two thousand nineteen.

1 Any such finalized resubmitted property tax savings plan which would
2 have the effect of transferring or abolishing a function or duty of the
3 county or of the cities, towns, villages, districts or other units of
4 government wholly contained in the county, shall not become operative
5 unless and until it is approved in accordance with subdivision (h) of
6 section one of article nine of the state constitution.

7 8. For the purposes of this part "chief executive officer" means the
8 county executive, county manager or other chief executive of the county,
9 or where none, the chair of the county legislative body.

10 § 2. This act shall take effect immediately.

11 PART V

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

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

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

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

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

23 4. It shall be an unlawful discriminatory practice for an [education
24 corporation or association which holds itself out to the public to be
25 non-sectarian and exempt from taxation pursuant to the provisions of
26 article four of the real property tax law] educational institution to

1 deny the use of its facilities to any person otherwise qualified, or to
2 permit the harassment of any student or applicant, by reason of his
3 race, color, religion, disability, national origin, sexual orientation,
4 military status, sex, age or marital status, except that any such insti-
5 tution which establishes or maintains a policy of educating persons of
6 one sex exclusively may admit students of only one sex.

7 § 3. This act shall take effect immediately.

8 PART W

9 Section 1. The public authorities law is amended by adding a new
10 section 1680-s to read as follows:

11 § 1680-s. New York State consolidated laboratory project act. 1. Short
12 title. This section shall be known and may be cited as the "New York
13 state consolidated laboratory project act".

14 2. Legislative findings and declarations. The legislature hereby finds
15 and declares as follows:

16 (a) Procurement findings and declarations. (i) Public works projects
17 in New York have typically been delivered using the traditional design-
18 bid-build project delivery method, under which separate contracts are
19 let for design on a qualifications basis and for construction on a
20 lowest responsible bidder basis.

21 (ii) Experience in New York and in a large number of other states has
22 successfully demonstrated that using alternative project delivery for
23 major public works can provide several advantages over design-bid-build
24 delivery. Alternative project delivery involves procuring a contract or
25 contracts under a competitive proposal process in which both price and
26 non-price factors such as technical, financial and commercial merit are

1 used to select the contractor or contractors. Alternative project deliv-
2 ery methods include the design-build delivery method, the construction
3 manager build delivery method, and the construction manager-at-risk
4 delivery method.

5 (iii) The potential advantages to the public of alternative project
6 delivery generally include:

7 (A) Expediting project delivery;

8 (B) Improving project innovation, quality and efficiency;

9 (C) Reducing and guaranteeing design and construction costs;

10 (D) Permitting the selection of the highest qualified designer and
11 builder team based on past performance and demonstrated capability;

12 (E) Increasing competition for design and construction services;

13 (F) Enhancing collaboration among the designer and builder; and

14 (G) Reducing change orders.

15 (b) Project findings and declarations. (i) Wadsworth Center is
16 currently spread across five separate locations in the Capital District,
17 creating inefficiencies and duplication of operational services. More
18 than half of the laboratories were built in the 1930's and 1960's and
19 are considered end-of-life. Independent facility assessments have estab-
20 lished that the remediation of such facilities through renovation is not
21 feasible, or cost-effective. Accordingly, such facilities must be
22 replaced.

23 (ii) Consolidating such laboratories and related facilities will serve
24 to: strengthen and advance public health and preparedness strategies
25 throughout the state; replace antiquated facilities that are costly to
26 operate and are a hindrance to scientific progress; result in a smaller
27 overall footprint than the combined footprint of the existing facili-
28 ties; establish a sustainable, modernized, and consolidated laboratory

1 campus; provide facilities with improved efficiency and reliability of
2 operations and maintenance; promote economic and intellectual property
3 development; and provide opportunities to generate savings from syner-
4 gies and shared services with other agencies.

5 (iii) A new consolidated laboratory facility will provide a more
6 modern and efficient work environment for public employees.

7 (iv) A new laboratory facility may provide opportunities to host
8 private users that could complement the operations and work of the
9 consolidated laboratory or enhance its economic benefits to the state.

10 (v) Utilization of an alternative project delivery method to be deter-
11 mined by DASNY, in consultation with the department, is appropriate for
12 the development of a new consolidated laboratory facility and is in the
13 best interests of the public.

14 3. Definitions. For the purposes of this act:

15 (a) "best value" shall mean the basis for awarding a project agreement
16 to the offerer that optimizes the quality, cost, efficiency, price and
17 performance criteria of the project. Such basis may include, but is not
18 limited to:

19 (i) the quality of the offerer's performance on previous projects;

20 (ii) the timeliness of the offerer's performance on previous projects;

21 (iii) the level of customer satisfaction with the offerer's perform-
22 ance on previous projects;

23 (iv) the offerer's record of performing previous projects on budget
24 and its ability to minimize cost overruns;

25 (v) the offerer's ability to incorporate innovative ideas and limit
26 change orders;

27 (vi) the offerer's ability to prepare appropriate project plans;

28 (vii) the offerer's financial strength and technical capacities;

1 (viii) the individual qualifications of the offerer's key personnel;
2 and

3 (ix) the offerer's ability to assess and manage risk and minimize risk
4 impact.

5 Such basis shall reflect, wherever possible, objective and quantifi-
6 able analysis.

7 (b) "Comptroller" shall mean the state comptroller.

8 (c) "Construction manager-at-risk delivery method" shall mean a deliv-
9 ery method in which DASNY, in consultation with the department,
10 contracts with an architect or engineer for design and construction
11 phase services and contracts separately with a construction manager to
12 provide consultation during the design phase of the project and to serve
13 as the general contractor during the construction phase of the project.

14 (d) "Construction manager build delivery method" shall mean a delivery
15 method in which a construction manager (i) serves as part of a team in
16 conjunction with DASNY and the department in the design phase of the
17 project, (ii) under the oversight of DASNY, in consultation with the
18 department, acts as the single source of responsibility to bid, select,
19 and hold construction contracts on behalf of DASNY, acting in consulta-
20 tion the department, during the construction phase, and (iii) manages
21 the construction phase of the project on behalf of DASNY or the depart-
22 ment.

23 (e) "Contractor" shall mean the entity that enters into the project
24 agreement with DASNY, acting in consultation with the department.

25 (f) "DASNY" shall mean the dormitory authority of the state of New
26 York.

27 (g) "Department" shall mean the department of health.

1 (h) "Design-build delivery method" shall mean a delivery method in
2 which DASNY, in consultation with the department, enters into a contract
3 for the design and construction of the project with a single contractor,
4 which may also include preliminary services relating to project planning
5 and design.

6 (i) "Offerer" shall mean an entity that has submitted a proposal in
7 response to a request for proposals issued by DASNY, in consultation
8 with the department, pursuant to subparagraph (ii) of paragraph (a) of
9 subdivision five of this section.

10 (j) "Project" shall mean the New York state consolidated laboratory
11 project, consisting of the consolidation and/or co-location into a new
12 laboratory campus of (i) the laboratory facilities and functions of the
13 department located within the capital district region (defined as Alba-
14 ny, Rensselaer, Schenectady, or Saratoga counties), (ii) certain labora-
15 tory functions and facilities of other users that are consistent with
16 the public health mission of the Wadsworth Center or complementary to
17 the public laboratory function and not inconsistent with the purposes of
18 this act, including but not limited to other state or local departments,
19 agencies, institutions and public authorities, all as determined by the
20 department to be appropriate, and (iii) parking and other facilities and
21 functions ancillary to or supportive of the foregoing, which facilities
22 and functions may or may not be dedicated to use solely in connection
23 with the project.

24 (k) "Project agreement" shall mean a contract entered into pursuant to
25 this act by DASNY, in consultation with the department, with a single
26 entity for the design and construction of the project or for the
27 construction management of the project, using the design-build delivery

1 method, the construction manager build delivery method, or the
2 construction manager-at-risk delivery method.

3 (1) "Related agreements" shall mean any leases, subleases, easements,
4 licenses, consulting agreements, architectural, engineering, design and
5 other professional services agreements or other agreements related to
6 the project or ancillary to the project agreement, provided that, in the
7 case of any lease or sublease (i) the term of such lease or sublease may
8 be up to but not longer than fifty years from the date of completion and
9 acceptance of the project, and (ii) upon the expiration or earlier
10 termination of any such lease or sublease title to the project and the
11 project site shall be vested in the state. Related agreements shall
12 include agreements with public corporations and utilities and such other
13 related agreements as DASNY or the department determines to be necessary
14 or convenient to facilitate the implementation of the project, in each
15 case on such terms and conditions as DASNY or the department may deter-
16 mine to be necessary or convenient for implementing the project.

17 4. Authorization for alternative delivery project procurement.
18 Notwithstanding the provisions of sections one hundred thirty-five, one
19 hundred thirty-six, one hundred thirty-six-a, one hundred thirty-seven,
20 one hundred sixty-two and one hundred sixty-three of the state finance
21 law, section one hundred forty-two of the economic development law,
22 section two hundred twenty-four of the labor law, subdivision five of
23 section sixty-three of the executive law, sections sixteen hundred
24 eighty and twenty-eight hundred seventy-nine-a of this chapter, section
25 seventy-two hundred ten of the education law, subdivision six of section
26 eight of the public buildings law and the provisions of any other law to
27 the contrary (including, but not limited to, provisions of non-enumerat-
28 ed sections of the foregoing laws):

1 (a) Upon compliance with the procurement method described in subdivi-
2 sion five of this section and in conformity with the other requirements
3 of this act, DASNY, in consultation with the department, may enter into
4 a project agreement providing for the delivery of the project using the
5 design-build method, the construction manager build method or the
6 construction manager-at-risk method, in each case on such terms and
7 conditions as DASNY, in consultation with the department, may determine
8 in accordance with such procurement method. DASNY, in consultation with
9 the department, may also enter into such amendments to the project
10 agreement as it determines to be necessary or convenient for the
11 project, and DASNY or the department may enter into such related agree-
12 ments as they determine to be necessary or convenient for the project,
13 including agreements for utility services or infrastructure, in each
14 such instance without public auction or bidding or any other competitive
15 procurement process and regardless of whether such agreements have
16 resulted from the two-step procurement method described in subdivision
17 five of this section.

18 (b) Nothing contained in this act shall limit the right of DASNY or
19 the department to award contracts as otherwise provided by law, nor
20 shall anything in this act limit or impair any existing rights, powers
21 or authority of DASNY or the department.

22 (c) The procurement authorization provided in this act shall be
23 subject to the prior or concurrent authorization of a budget for the
24 project by the division of the budget.

25 5. Project procurement. (a) Procurement process. An entity selected by
26 DASNY, in consultation with the department, to enter into a project
27 agreement authorized by subdivision four of this section shall be
28 selected through a two-step procurement process as follows:

1 (i) Pre-qualification of prospective contractors. DASNY, in consulta-
2 tion with the department, shall generate a list of qualified entities
3 that have demonstrated the general capability to deliver the project and
4 otherwise perform the requirements of a project agreement. Such list
5 shall consist of a specified number of entities, as determined by DASNY,
6 in consultation with the department, and shall be generated based upon
7 the review by DASNY and the department of responses to a publicly adver-
8 tised request for qualifications for the project. Such request for qual-
9 ifications shall include a general description of the project and the
10 selection criteria to qualify entities. Such selection criteria shall
11 include such qualifications as DASNY and the department deem appropri-
12 ate, which may include but are not limited to the general qualifications
13 and experience of the members of the proposing team, the organization of
14 the proposing team, demonstrated responsibility, the ability of the team
15 or of a member or members of the team to comply with applicable project
16 requirements, including if applicable the provisions of articles one
17 hundred forty-five, one hundred forty-seven and one hundred forty-eight
18 of the education law, past record of compliance with the labor law or
19 any comparable law applicable in jurisdictions where such entity has
20 conducted business (in each instance to the extent applicable), under-
21 standing of the project and its requirements, financial, management and
22 technical capability, and record of past performance. DASNY and the
23 department shall evaluate all entities responding to the request for
24 qualifications. Based upon such evaluations, DASNY and the department
25 may develop a list of the entities that shall receive a request for
26 proposals in accordance with this subdivision. To the extent consistent
27 with applicable law, DASNY and the department shall consider, when eval-
28 uating entities pursuant to this section: (A) such entities' records of

1 compliance with article fifteen-A of the executive law on other projects
2 or otherwise providing for the participation of firms certified pursuant
3 to article fifteen-A of the executive law as minority or women-owned
4 businesses (or any comparable law applicable in jurisdictions where such
5 entity has conducted business) and the ability of other businesses under
6 consideration to work with minority and women-owned businesses so as to
7 promote and assist participation by such businesses; (B) such entities'
8 utilization of small business concerns identified pursuant to subdivi-
9 sion (b) of section one hundred thirty-nine-g of the state finance law;
10 and (C) such entities utilization of service-disabled veteran-owned
11 businesses pursuant to article seventeen-B of the executive law.

12 (ii) Solicitation and selection of the proposal which is the best
13 value to the state. DASNY, in consultation with the department, may
14 issue a request for proposals to the entities listed pursuant to subpar-
15 agraph (i) of this paragraph. If such an entity consists of a team of
16 separate entities, the entities that comprise such a team and their lead
17 members must remain unchanged from the entity and team members listed
18 pursuant to subparagraph (i) of this paragraph unless otherwise approved
19 by DASNY, in consultation with the department. The request for proposals
20 may include the form of project agreement proposed by DASNY. The request
21 for proposals shall set forth the scope of work for the project and
22 other applicable requirements, as determined by DASNY, in consultation
23 with the department, and may but need not require (A) a lump sum price,
24 or (B) a fee for any preliminary services related to the project, which
25 may include design or other professional services, together with a
26 specific methodology for determining a guaranteed maximum price for the
27 balance of work that will be completed pursuant to the project agreement
28 following the completion of any such preliminary services. The request

1 for proposals shall also specify the criteria to be used to evaluate the
2 responses, as determined by DASNY and the department, including the
3 relative weight of such criteria. Such criteria shall include but are
4 not limited to the proposal's cost, its technical merit, the qualifica-
5 tions and experience of the proposing entity and its team members, the
6 entity's plan of project implementation, the entity's ability to
7 complete the work in a timely and satisfactory manner, and the community
8 impact of the proposal. Notwithstanding any other law to the contrary,
9 DASNY and the department may conduct discussions individually on a
10 commercially confidential basis with the pre-qualified entities prior to
11 their submittal of proposals, and may conduct negotiations regarding
12 project agreement terms and conditions, including cost, with one or more
13 offerers following their submittal of a proposal.

14 (iii) Award of project agreement. A project agreement awarded pursuant
15 to this act shall be awarded to a responsive and responsible entity that
16 submits the proposal, which, in consideration of the criteria set forth
17 in the request for proposals, offers the best value to the state, as
18 determined by DASNY and the department, provided that:

19 (A) where a proposal provides for a guaranteed maximum price, DASNY
20 and the department shall be entitled to monitor and audit all project
21 costs. In establishing the schedule and process for determining a guar-
22 anteed maximum price, the project agreement shall:

23 (1) describe the scope of the work and the cost of performing such
24 work;

25 (2) provide for a detailed line item cost breakdown;

26 (3) provide for a list of all drawings, specifications and other
27 information on which the guaranteed maximum price is based;

1 (4) provide for the dates for substantial and final completion on
2 which the guaranteed maximum price is based; and

3 (5) provide for a schedule of unit prices;

4 (B) where a proposal provides for a lump sum where the contractor
5 agrees to accept a set dollar amount for a project agreement that
6 comprises a single bid, the proposal need not provide a cost breakdown
7 for all costs, such as for equipment, labor, or materials, or the
8 contractor's profit for completing all items of work comprising the
9 project;

10 (C) a proposal may include both lump sum and guaranteed maximum price
11 provisions and may provide for project-related services on a fee-for-
12 service basis; and

13 (D) to the extent consistent with applicable law, DASNY and the
14 department shall consider, when awarding a project agreement pursuant to
15 this section: (1) the participation of firms certified pursuant to
16 article fifteen-A of the executive law as minority or women-owned busi-
17 nesses and the ability of other businesses under consideration to work
18 with minority and women-owned businesses so as to promote and assist
19 participation by such businesses; (2) the participation of firms certi-
20 fied pursuant to article seventeen-B of the executive law as service-
21 disabled veteran-owned businesses and the ability of other businesses
22 under consideration to work with service-disabled veteran-owned busi-
23 nesses so as to promote and assist participation by such businesses; and
24 (3) such entities' utilization of small business concerns identified
25 pursuant to subdivision (b) of section one hundred thirty-nine-g of the
26 state finance law.

27 (iv) Exigent circumstances. In the event that, at any time, the
28 department determines and communicates to the temporary president of the

1 senate and speaker of the assembly that exigent circumstances affecting
2 public health or safety exist at the Wadsworth Center or related facili-
3 ties such that the delivery of the project must be accelerated, DASNY
4 and the department may take commercially reasonable measures, as deter-
5 mined by DASNY, in consultation with the department, to modify the
6 procedures set forth in this subdivision in order to accelerate the
7 delivery of the project, including but not limited to combining the
8 procedures set forth in subparagraphs (i) and (ii) of this paragraph
9 into a single solicitation, and utilizing the discussions provided for
10 in subparagraph (ii) of this paragraph to modify the project schedule
11 and to permit corresponding modifications to the applicable project
12 proposals, and engaging in a non-competitive source selection method
13 consistent with the laws, regulations and rules applicable to DASNY or
14 the department.

15 (b) Project website. DASNY, in consultation with the department, shall
16 establish, maintain and periodically update a website regarding the
17 project. Such website shall inform the public about the project and
18 provide the status of the project through completion of construction.

19 (c) Applicability of certain laws to procurement. (i) The submission
20 of qualifications, proposals or responses, or the execution of a project
21 agreement or any related agreement, shall not be construed to be a
22 violation of section sixty-five hundred twelve of the education law.

23 (ii) Sections one hundred thirty-nine-d, one hundred thirty-nine-j,
24 one hundred thirty-nine-k, paragraph f of subdivision one and paragraph
25 g of subdivision nine of section one hundred sixty-three of the state
26 finance law shall, except as otherwise provided in this section, apply
27 to the procurement process authorized by this section.

1 6. DASNY as party to project agreement and as agent of and project
2 advisor to department of health. Notwithstanding the provisions of any
3 other law to the contrary, to the extent consistent with the procurement
4 method selected pursuant to paragraph (a) of subdivision five of this
5 section, DASNY shall have the power and authority to enter into the
6 project agreement and any related agreements, subject only to compliance
7 with the requirements of this act, and, in addition, to act as a
8 procurement, technical and administrative consultant and advisor to the
9 department in connection with the planning, procurement and implementa-
10 tion of the project, including the power and authority to act as agent
11 for or consultant to the department in procuring and managing the
12 services of technical, legal and other consultants; soliciting, review-
13 ing and evaluating the qualifications and proposals from potential
14 contractors for the project; drafting and negotiating the project agree-
15 ment and any related agreements; supervising the performance of the
16 design and construction of the project by the contractor under the
17 project agreement; and coordinating participation in the project by
18 other involved state agencies and departments. In acting as agent of or
19 advisor to the department, DASNY shall have no independent liability in
20 connection with the project and the department shall indemnify DASNY to
21 the extent permitted by law. For the purposes of this act, the term
22 "employee" as defined in subdivision one of section seventeen of the
23 public officers law shall include the members of the board, officers and
24 employees of the dormitory authority.

25 7. Procurement and contract approval authority. (a) Procurement
26 approvals. The procurement of the project pursuant to this act, includ-
27 ing but not limited to pre-qualification of prospective contractors, the
28 election to issue a request for proposals, the evaluation of responses

1 to the request for proposals, the determination by DASNY and the depart-
2 ment to award the project agreement and any related agreements to which
3 DASNY or the department is a party and the execution of the project
4 agreement pursuant to this act, any related agreement to which DASNY or
5 the department is a party or any amendments thereto, shall not be
6 subject to the approval or authorization of any state officer, depart-
7 ment or agency, except for: (i) the approval of the comptroller to the
8 extent required by law of any agreement to which the department is a
9 party; and (ii) the approval of the state division of the budget.

10 (b) Intergovernmental cooperation agreements. Notwithstanding any
11 provision of law to the contrary and of paragraph (a) of this subdivi-
12 sion, state agencies as defined in section one hundred sixty of the
13 state finance law including the State University of New York, public
14 benefit corporations and public authorities involved in the project are
15 each authorized to enter into such agreements with each other, which
16 shall be in the nature of intergovernmental cooperation agreements, as
17 each may deem necessary or appropriate in furtherance of the project
18 including but not limited to the transfer of jurisdiction over state
19 owned real property or the purposes of this act. Notwithstanding
20 sections one hundred twelve and one hundred sixty-three of the state
21 finance law, sections twenty-eight hundred seventy-nine and twenty-eight
22 hundred seventy-nine-a of this chapter or any other provision of law to
23 the contrary, no agreement entered into pursuant to this paragraph shall
24 require public auction or bidding or any other competitive procurement
25 process or require any approvals or authorizations of any state officer,
26 department or agency other than the respective parties to such agree-
27 ments.

1 (c) Agreements relating to the project between non-state parties.
2 Subject to the terms of the project agreement or any related agreement,
3 and notwithstanding section one hundred twelve of the state finance law,
4 section twenty-eight hundred seventy-nine-a of this chapter or any other
5 law to the contrary that relates to state or other public contracts,
6 agreements relating to the project or otherwise in furtherance of this
7 act to which neither the state nor any state agency, department, public
8 benefit corporation or public authority is a party shall not be deemed
9 to be state contracts and shall not be subject to public auction or
10 bidding requirements or any other competitive procurement requirement.

11 8. Project agreement subject to appropriation; special obligation. To
12 the extent required by law, any obligation under a project agreement or
13 any related agreement for the expenditure of funds shall be subject to
14 appropriation by the legislature, shall be deemed executory only to the
15 extent of monies appropriated therefor, shall not result in any liabil-
16 ity on the part of the state or DASNY beyond appropriated monies, and
17 shall not constitute a debt of the state within any constitutional or
18 statutory provision. Any appropriation of funds made in respect of a
19 project agreement or related agreement shall be allocated by the state
20 division of the budget to DASNY or the department as applicable. Any
21 project agreement or related agreement to which DASNY is a party shall
22 be a special obligation of DASNY.

23 9. Applicability of certain laws to the project. (a) Any professional
24 services performed pursuant to the project agreement or any related
25 agreements that are regulated by articles one hundred forty-five, one
26 hundred forty-seven and one hundred forty-eight of the education law
27 shall be performed and stamped and sealed, where appropriate, by a
28 professional licensed in accordance with such articles.

1 (b) The construction, demolition, reconstruction, excavation, rehabil-
2 itation, repair, or renovation of the project or an improvement to the
3 property pertaining to the property shall be a "public work" for the
4 purposes of article eight of the labor law, to be performed in accord-
5 ance therewith (except as otherwise expressly provided in this act), as
6 well as subject to enforcement of prevailing wage requirements by the
7 New York state department of labor.

8 (c) The project shall be subject to section two hundred twenty-two of
9 the labor law, except that notwithstanding any other section of this act
10 or such section of the labor law or any other law the payment bond and
11 the performance bond required under such section two hundred twenty-two
12 or any other law may be provided by the construction contractor or
13 design-builder performing the construction work if the contractor
14 subcontracts the construction work to a construction contractor or a
15 design-builder.

16 (d) The project agreement shall require that the project be undertaken
17 pursuant to a project labor agreement, as defined in subdivision one of
18 section two hundred twenty-two of the labor law, provided that, based
19 upon a study done by or for DASNY or the department, DASNY or the
20 department makes the determination required by section two hundred twen-
21 ty-two of the labor law. If a project labor agreement is not utilized on
22 the project, section one hundred thirty-five of the state finance law
23 shall apply and the commissioner of labor shall retain authority to
24 enforce section two hundred twenty-four of the labor law, provided,
25 however, that DASNY may fulfill its obligations under section one
26 hundred thirty-five of the state finance law by requiring the contractor
27 to prepare separate specifications in accordance with section one
28 hundred thirty-five of the state finance law.

1 (e) The project agreement shall comply with the objectives and goals
2 of minority and women-owned business enterprises pursuant to article
3 fifteen-A of the executive law and service-disabled veteran-owned busi-
4 ness enterprises pursuant to section seventeen-B of the executive law
5 or, if the project receives federal aid, shall comply with applicable
6 federal requirements for disadvantaged and veterans business enter-
7 prises.

8 § 2. Severability. If any clause, sentence, paragraph, subdivision,
9 section or part of this act shall be adjudged by any court of competent
10 jurisdiction to be invalid, such judgment shall not affect, impair or
11 invalidate the remainder thereof, but shall be confined in its operation
12 to the clause, sentence, paragraph, subdivision, section or part thereof
13 directly involved in the controversy in which such judgment shall have
14 been rendered. It is hereby declared to be the intent of the legislature
15 that this act would have been enacted even if such invalid provision had
16 not been included herein.

17 § 3. This act shall take effect immediately; provided that the project
18 agreement and any related agreements awarded, executed and entered into
19 in accordance with this act shall be deemed valid, binding and enforcea-
20 ble, notwithstanding the fact that any request for qualifications was
21 issued or the selection of the entities authorized to receive a request
22 for proposals occurred prior to the effective date of this act, if such
23 issuance and selection were conducted in accordance with the applicable
24 requirements of this act.

1 Section 1. Section 430 of the economic development law, as added by
2 section 1 of part A of chapter 68 of the laws of 2013, is amended to
3 read as follows:

4 § 430. Short title. This article shall be known and may be cited as
5 the ["SUNY Tax-free Areas to Revitalize and Transform UPstate New York
6 program," or the "START-UP NY] "excelsior business program".

7 § 2. Subdivisions 4, 6, 7, 10 and 15 of section 431 of the economic
8 development law, subdivisions 4, 6, 7 and 10 as added by section 1 of
9 part A of chapter 68 of the laws of 2013 and subdivision 15 as added by
10 section 1 of part B of chapter 60 of the laws of 2015, are amended to
11 read as follows:

12 4. "Private college or university" means a not-for-profit [two or four
13 year] university or college given the power to confer associate, bacca-
14 laurate or higher degrees in this state by the legislature or by the
15 regents under article five of the education law.

16 6. "New business" means a business that satisfies all of the following
17 tests:

18 (a) the business must [not be operating or located within the state
19 at] have been organized no more than five years prior to the time it
20 submits its application to participate in the [START-UP NY] excelsior
21 business program;

22 (b) the business must not [be moving existing jobs into the tax-free
23 NY area from another area in the state] have generated net income from
24 operations in any tax year of the business prior to the submission of
25 its application to participate in the excelsior business program;

26 (c) the business is not substantially similar in operation and in
27 ownership to a business entity (or entities) taxable, or previously
28 taxable within the last five taxable years, under section one hundred

1 eighty-three, one hundred eighty-four, one hundred eighty-five or former
2 section one hundred eighty-six of the tax law, article nine-A, former
3 article thirty-two or article thirty-three of the tax law, article twen-
4 ty-three of the tax law or which would have been subject to tax under
5 such article twenty-three (as such article was in effect on January
6 first, nineteen hundred eighty), or the income (or losses) of which is
7 (or was) includable under article twenty-two of the tax law; [and]

8 (d) the business must not have caused individuals to transfer from
9 existing employment with a related person located in the state to simi-
10 lar employment with the business, unless such business has received
11 approval for such transfers from the commissioner after demonstrating
12 that the related person has not eliminated those existing positions;

13 (e) the business must not be publicly traded, or, if the business is a
14 publicly traded entity, no more than five percent of the beneficial
15 ownership of the business may be owned, directly or indirectly, by a
16 publicly traded entity; and

17 (f) the business and its related persons must not, in the aggregate,
18 have employed more than twenty-five persons in the four calendar quar-
19 ters prior to the submission of the application by the business to
20 participate in the excelsior business program.

21 7. "Tax-free NY area" means the land or vacant space of a university
22 or college that meets the eligibility criteria specified in section four
23 hundred thirty-two of this article and that has been approved as a tax-
24 free NY area pursuant to the provisions in section four hundred thirty-
25 five of this article. It also means a strategic state asset that has
26 been approved by the [START-UP NY] excelsior business approval board
27 pursuant to the provisions of subdivision four of section four hundred
28 thirty-five of this article.

1 10. ["START-UP NY approval board"] "Excelsior business approval board"
2 or "board" means a board consisting of three members, one each appointed
3 by the governor, the speaker of the assembly and the temporary president
4 of the senate. Each member of the [START-UP NY] excelsior business
5 approval board must have significant expertise and experience in academ-
6 ic based economic development and may not have a personal interest in
7 any project that comes before the board.

8 15. ["START-UP NY] "Excelsior business airport facility" means vacant
9 land or space owned by the state of New York on the premises of Stewart
10 Airport or Republic Airport.

11 § 3. Paragraph (c) of subdivision 6 of section 431 of the economic
12 development law, as amended by section 3 of part S of chapter 59 of the
13 laws of 2014, is amended to read as follows:

14 (c) the business is not substantially similar in operation and in
15 ownership to a business entity (or entities) taxable, or previously
16 taxable within the last five taxable years, under section one hundred
17 eighty-three or one hundred eighty-four, former section one hundred
18 eighty-five or former section one hundred eighty-six of the tax law,
19 article nine-A, former article thirty-two or article thirty-three of the
20 tax law, article twenty-three of the tax law or which would have been
21 subject to tax under such article twenty-three (as such article was in
22 effect on January first, nineteen hundred eighty), or the income (or
23 losses) of which is (or was) includable under article twenty-two of the
24 tax law; [and]

25 § 4. Section 431 of the economic development law is amended by adding
26 a new subdivision 16 to read as follows:

27 16. "Significant change in organizational structure" means the convey-
28 ance of five percent or greater of the equity of a business in the form

1 of stock, capital, profits or beneficial interest, the admission of a
2 member or partner to the business, or the sale or transfer of substan-
3 tially all of the assets of a business.

4 § 5. Subdivisions 1, 2 and 3 of section 432 of the economic develop-
5 ment law, as added by section 1 of part A of chapter 68 of the laws of
6 2013, are amended to read as follows:

7 1. State university campuses, community colleges and city university
8 campuses. (a) Subject to the limitations in paragraph (c) of this
9 subdivision, the following will constitute the eligible land of a state
10 university campus, community college, or city university campus:

11 (i) any vacant space in any building [located on a campus of] owned or
12 leased by a state university campus, community college [or], city
13 university campus, or by any affiliate of a state university, community
14 college or city university;

15 (ii) any vacant land [on a campus of] owned or leased by a state
16 university campus, community college [or], city university campus, or by
17 any affiliate of a state university, community college or city universi-
18 ty;

19 (iii) for a state university campus or community college, a total of
20 two hundred thousand square feet of vacant land or vacant building space
21 that, except as provided under paragraph (b) of this subdivision, is
22 located within one mile of a campus of the state university campus or
23 community college; provided that this subparagraph shall not apply to a
24 state university campus or community college located in Nassau county,
25 Suffolk county [or], Westchester county, or New York city; and

26 (iv) a New York state incubator [as the term is used in subdivision
27 four of section four hundred thirty-three of this article] with a bona
28 fide affiliation to the state university campus, community college or

1 city university campus, with approval of the commissioner. In order for
2 there to be a bona fide affiliation of a New York state incubator with a
3 state university campus, community college or city university campus,
4 the incubator and the state university campus, community college or city
5 university campus must have a partnership to provide assistance and
6 physical space to eligible businesses, as the term is used in section
7 sixteen-v of the urban development corporation act; the incubator and
8 the state university campus, community college or city university campus
9 must directly work towards the goals of jointly creating jobs and incu-
10 bating new startup businesses; and the mission and activities of the
11 incubator must align with or further the academic mission of the state
12 university campus, community college or city university campus.

13 (b) A state university campus or community college which qualifies
14 under subparagraph (iii) of paragraph (a) of this subdivision may apply
15 to the commissioner for a determination that identified vacant land or
16 identified vacant space in a building that is located more than one mile
17 from its campus, and is not located in Nassau county, Suffolk county,
18 Westchester county or New York city, is eligible land for purposes of
19 this program. The commissioner shall give consideration to factors
20 including rural, suburban and urban geographic considerations and may
21 qualify the identified land or space in a building as eligible land if
22 the commissioner, in consultation with the chancellor or his or her
23 designee, determines that the state university campus or community
24 college has shown that the use of the land or space will be consistent
25 with the requirements of this program and the plan submitted by the
26 state university campus or community college pursuant to section four
27 hundred thirty-five of this article. In addition, two hundred thousand
28 square feet of vacant land or vacant building space affiliated with or

1 in partnership with Maritime College shall be eligible under this para-
2 graph. The aggregate amount of qualified land or space under this para-
3 graph and subparagraph (iii) of paragraph (a) of this subdivision may
4 not exceed two hundred thousand square feet for a state university
5 campus or community college.

6 (c) The provisions of paragraphs (a) and (b) of this subdivision shall
7 apply only to:

8 (i) a state university campus other than the following: (A) any empire
9 state college campus except for the empire state college campus in Sara-
10 toga Springs[,] and (B) [any property of downstate medical center
11 located in Nassau county, Suffolk county, Westchester county or New York
12 city except for property affiliated with downstate medical center that
13 constitutes a New York state incubator as the term is used in subdivi-
14 sion four of section four hundred thirty-three of this article, and (C)]
15 any property of the college of optometry or maritime college located in
16 Nassau county, Suffolk county, Westchester county or New York city.

17 (ii) a community college, except that for a community college whose
18 main campus is in New York city, paragraphs (a) and (b) of this subdivi-
19 sion shall not apply to property of such community college in Nassau
20 county, Suffolk county, Westchester county or New York city.

21 (iii) a total of five city university campuses, one each in the
22 boroughs of Manhattan, Brooklyn, Bronx, Queens and Staten Island, which
23 will be designated by the board of trustees of the city university of
24 New York. The campus designated in each borough must be located in an
25 economically distressed community. The commissioner shall establish a
26 list of economically distressed communities for the purpose of this
27 designation, based on criteria indicative of economic distress, includ-
28 ing poverty rates, numbers of persons receiving public assistance, unem-

1 ployment rates, and such other indicators as the commissioner deems
2 appropriate to be in need of economic assistance. In addition, para-
3 graphs (a) and (b) of this subdivision shall apply to property of the
4 city university located outside of Nassau county, Suffolk county, West-
5 chester county and New York city.

6 (d) The eligible land of a state university campus, community college,
7 or city university campus will also include eligible land designated
8 under paragraph (c) of subdivision two of this section.

9 2. Private colleges and universities and certain other campuses. (a)
10 Subject to the limitations in paragraph (c) of this subdivision, the
11 following will constitute the eligible land of a private college or
12 university:

13 (i) any vacant space in any building located on a campus of a private
14 university or college other than a campus which is located in Nassau
15 county, Suffolk county, Westchester county or New York city;

16 (ii) any vacant land on a campus of a private university or college
17 other than a campus which is located in Nassau county, Suffolk county,
18 Westchester county or New York city;

19 (iii) any vacant land or vacant space in a building which is not
20 located in Nassau county, Suffolk county, Westchester county or New York
21 city; and

22 (iv) a New York state incubator [as the term is used in subdivision
23 four of section four hundred thirty-three of this article] with a bona
24 fide affiliation to the private university or college, with approval of
25 the commissioner. In order for there to be a bona fide affiliation of a
26 New York state incubator with a private university or college, the incu-
27 bator and the private university or college must have a partnership to
28 provide assistance and physical space to eligible businesses as the term

1 is used in section sixteen-v of the urban development corporation act;
2 the incubator and the private university or college must directly work
3 towards the goals of jointly creating jobs and incubating new startup
4 businesses; and the mission and activities of the incubator must align
5 with or further the academic mission of the private university or
6 college.

7 (b) Subject to the limitations in paragraph (c) of this subdivision,
8 three million square feet is the maximum aggregate amount of tax-free NY
9 areas of private universities and colleges that may be utilized for this
10 program, which shall be designated in a manner that ensures regional
11 balance and balance among eligible rural, urban and suburban areas in
12 the state. The commissioner shall maintain an accounting of the vacant
13 land and space of private universities and colleges that have been
14 approved as tax-free NY areas and shall stop accepting applications for
15 approval of tax-free NY areas when that maximum amount has been reached.

16 (c) Of the maximum aggregate amount in paragraph (b) of this subdivi-
17 sion, an initial amount of seventy-five thousand square feet shall be
18 designated as tax-free NY areas in each of the following: Nassau coun-
19 ty, Suffolk county, Westchester county and the boroughs of Brooklyn,
20 Bronx, Manhattan, Queens and Staten Island. The board may approve the
21 designation of up to an additional seventy-five thousand square feet for
22 any county or borough that reaches the initial seventy-five thousand
23 square foot limit, provided that such additional seventy-five thousand
24 square feet shall not count against the square footage limitations in
25 paragraph (b) of this subdivision. Vacant land and vacant space in a
26 building on the campus of the following shall be eligible for desig-
27 nation under this paragraph:

1 (i) a private university or college which campus is located in Nassau
2 county, Suffolk county, Westchester county or New York city.

3 (ii) a state university campus that meets the criteria of clause (B)
4 [or (C)] of subparagraph (i) of paragraph (c) of subdivision one of this
5 section.

6 (iii) a community college whose main campus is in New York city.

7 (iv) a city university campus that is not designated under subpara-
8 graph (iii) of paragraph (c) of subdivision one of this section.

9 (d) In addition, the board may approve: (i) one application that
10 includes eligible land owned or leased by a city university campus that
11 is directly adjacent to such campus; (ii) one application that includes
12 eligible land owned or leased by a state university campus, community
13 college, or private university or college in Nassau county or Suffolk
14 county that is directly adjacent to such campus, university or college;
15 and (iii) one application that includes eligible land owned or leased by
16 a state university campus, community college, or private university or
17 college in Westchester county that is directly adjacent to such campus,
18 university or college. The board may approve an additional application,
19 for a state university campus, community college, or private university
20 or college in the county not previously approved under subparagraph (ii)
21 of this paragraph, in which case it shall also approve a second applica-
22 tion under subparagraph (i) of this paragraph.

23 3. Prohibition. A state university campus, community college or city
24 university campus is prohibited from relocating or eliminating any
25 academic programs, any administrative programs, offices, housing facili-
26 ties, dining facilities, athletic facilities, or any other facility,
27 space or program that actively serves students, faculty or staff in
28 order to create vacant land or space to be utilized for the program

1 authorized by this article. In addition, nothing in this article shall
2 be deemed to waive or impair any rights or benefits of employees of the
3 state university of New York, a community college or the city university
4 of New York that otherwise would be available to them pursuant to the
5 terms of agreements between the certified representatives of such
6 employees and their employers pursuant to article fourteen of the civil
7 service law. No services or work currently performed by public employees
8 of the state university of New York, a community college, or the city
9 university of New York or future work that is similar in scope and
10 nature to the work being currently performed by public employees shall
11 be contracted out or privatized by the state university of New York, a
12 community college or the city university of New York or by an affiliated
13 entity or associated entity of the state university of New York, a
14 community college or the city university of New York. For the purpose of
15 this section, an affiliated entity or associated entity shall not
16 include a business that is participating in the [START-UP NY] excelsior
17 business program.

18 § 6. Section 433 of the economic development law, as added by section
19 1 of part A of chapter 68 of the laws of 2013, is amended to read as
20 follows:

21 § 433. Eligibility criteria for business. 1. In order to participate
22 in the [START-UP NY] excelsior business program, a business must satisfy
23 all of the following criteria.

24 (a) The mission and activities of the business must align with or
25 further the academic mission of the campus, college or university spon-
26 soring the tax-free NY area in which it seeks to locate, and the busi-
27 ness's participation in the [START-UP NY] excelsior business program
28 must have positive community and economic benefits.

1 (b) The business must demonstrate that it will, in its first [year]
2 five years of operation in a tax-free NY area, create and maintain at
3 least one net new [jobs] job. [After its first year of operation, the
4 business must maintain net new jobs.] In addition, the average number of
5 employees of the business and its related persons in the state during
6 [the] each year must equal or exceed the sum of: (i) the average number
7 of employees of the business and its related persons in the state during
8 the year immediately preceding the year in which the business submits
9 its application to locate in a tax-free NY area; and (ii) net new jobs
10 of the business in the tax-free NY area during the current year. The
11 average number of employees of the business and its related persons in
12 the state shall be determined by adding together the total number of
13 employees of the business and its related persons in the state on March
14 thirty-first, June thirtieth, September thirtieth and December thirty-
15 first and dividing the total by the number of such dates occurring with-
16 in such year.

17 (c) [Except as provided in paragraphs (g) and (h) of this subdivision,
18 at the time it submits its application for the START-UP NY program, the]
19 The business must be a new business [to the state], as defined in subdi-
20 vision six of section four hundred thirty-one of this article.

21 (d) The business may be organized as a corporation, a partnership,
22 limited liability company or a sole proprietorship.

23 (e) Upon completion of its first year in the [START-UP NY] excelsior
24 business program and thereafter, the business must complete and timely
25 file the annual report required under section four hundred thirty-eight
26 of this article.

27 (f) [Except as provided in paragraphs (g) and (h) of this subdivision,
28 the business must not be engaged in a line of business that is currently

1 or was previously conducted by the business or a related person in the
2 last five years in New York state] The business must demonstrate that it
3 is engaged in development or market evaluation for a product or service
4 that will be provided from the tax-free NY area to which the business
5 has applied to locate, and that the predominant activity of the business
6 in the tax-free NY area will be development or production of the product
7 or service.

8 (g) [If a business does not satisfy the eligibility standard set forth
9 in paragraph (c) or (f) of this subdivision, because at one point in
10 time it operated in New York state but moved its operations out of New
11 York state on or before June first, two thousand thirteen, the commis-
12 sioner shall grant that business permission to apply to participate in
13 the START-UP NY program if the commissioner determines that the business
14 has demonstrated that it will substantially restore the jobs in New York
15 state that it previously had moved out of state.] The business must
16 agree to locate all of its business activities in New York state in one
17 or more tax-free NY areas if approved to participate in the excelsior
18 business program.

19 (h) [If a business seeks to expand its current operations in New York
20 state into a tax-free NY area but the business does not qualify as a new
21 business because it does not satisfy the criteria in paragraph (c) of
22 subdivision six of section four hundred thirty-one of this article or
23 the business does not satisfy the eligibility standard set forth in
24 paragraph (f) of this subdivision, the commissioner shall grant the
25 business permission to apply to participate in the START-UP NY program
26 if the commissioner determines that the business has demonstrated that
27 it will create net new jobs in the tax-free NY area and that it or any
28 related person has not eliminated any jobs in the state in connection

1 with this expansion.] The business must agree to promptly notify the
2 sponsoring college or university and the commissioner of any significant
3 change in organizational structure.

4 2. The following types of businesses, as determined by the commission-
5 er based upon the proposed predominant activity of each business apply-
6 ing to participate in the excelsior business program, are prohibited
7 from participating in the [START-UP NY] excelsior business program.

8 (a) retail and wholesale businesses;

9 (b) restaurants;

10 (c) real estate brokers;

11 (d) law firms;

12 (e) medical or dental practices;

13 (f) real estate management companies;

14 (g) hospitality;

15 (h) finance and financial services;

16 (i) businesses providing personal services;

17 (j) businesses providing business administrative or support services,

18 unless such business has received permission from the commissioner to

19 apply to participate in the [START-UP NY] excelsior business program

20 upon demonstration that the business would create no fewer than one

21 hundred net new jobs in the tax-free NY area;

22 (k) accounting firms;

23 (l) businesses providing utilities; and

24 (m) businesses engaged in the generation or distribution of electric-
25 ity, the distribution of natural gas, or the production of steam associ-
26 ated with the generation of electricity.

27 [2-a. Additional eligibility requirements in Nassau county, Suffolk
28 county, Westchester county and New York city. In order to be eligible to

1 participate in the START-UP NY program in Nassau county, Suffolk county,
2 Westchester county or New York city, a business must be:

3 (a) in the formative stage of development; or

4 (b) engaged in the design, development, and introduction of new
5 biotechnology, information technology, remanufacturing, advanced materi-
6 als, processing, engineering or electronic technology products and/or
7 innovative manufacturing processes, and meet such other requirements for
8 a high-tech business as the commissioner shall develop.]

9 3. A business must be in compliance with all worker protection and
10 environmental laws and regulations. In addition, a business may not owe
11 past due federal or state taxes or local property taxes.

12 [4. Any business that has successfully completed residency in a New
13 York state incubator pursuant to section sixteen-v of section one of
14 chapter one hundred seventy-four of the laws of nineteen hundred sixty-
15 eight constituting the urban development corporation act, subject to
16 approval of the commissioner, may apply to participate in the START-UP
17 NY program provided that such business locates in a tax-free NY area,
18 notwithstanding the fact that the business may not constitute a new
19 business.]

20 § 7. Section 434 of the economic development law, as added by section
21 1 of part A of chapter 68 of the laws of 2013, is amended to read as
22 follows:

23 § 434. Tax benefits. 1. A business that is accepted into the [START-UP
24 NY] excelsior business program and locates in a tax-free NY area or the
25 owner of a business that is accepted into the [START-UP NY] excelsior
26 business program and locates in a tax-free NY area is eligible for the
27 tax benefits specified in section thirty-nine of the tax law. Subject to
28 the limitations of subdivision [two] three of this section, employees of

1 such business satisfying the eligibility requirements specified in
2 section thirty-nine of the tax law shall be eligible for the personal
3 income tax benefits described in such section in a manner to be deter-
4 mined by the department of taxation and finance.

5 2. A business that is a new business pursuant to subdivision six of
6 section four hundred thirty-one of this article that is accepted into
7 the excelsior business program and locates in a tax-free NY area shall
8 be eligible for the benefits described in subdivision one of section
9 three hundred fifty-five of this chapter, and, subject to the discretion
10 of the commissioner, may be eligible for the benefits described in
11 subdivisions two, three, and four of section three hundred fifty-five of
12 this chapter, provided that such business satisfies the eligibility
13 criteria enumerated in section three hundred fifty-three of this chap-
14 ter.

15 3. The aggregate number of net new jobs approved for personal income
16 tax benefits under this article shall not exceed ten thousand jobs per
17 year during the period in which applications are accepted pursuant to
18 section four hundred thirty-six of this article. The commissioner shall
19 allocate to each business accepted to locate in a tax-free NY area a
20 maximum number of net new jobs that shall be eligible for the personal
21 income tax benefits described in subdivision (e) of section thirty-nine
22 of the tax law based on the schedule of job creation included in the
23 application of such business. At such time as the total number of net
24 new jobs under such approved applications reaches the applicable allow-
25 able total of aggregate net new jobs for tax benefits for the year in
26 which the application is accepted, the commissioner shall stop granting
27 eligibility for personal income tax benefits for net new jobs until the
28 next year. Any business not granted such personal income tax benefits

1 for net new jobs for such reason shall be granted such benefits in the
2 next year prior to the consideration of new applicants. In addition, if
3 the total number of net new jobs approved for tax benefits in any given
4 year is less than the maximum allowed under this subdivision, the
5 difference shall be carried over to the next year. A business may amend
6 its schedule of job creation in the same manner that it applied for
7 participation in the [START-UP NY] excelsior business program, and any
8 increase in eligibility for personal income tax benefits on behalf of
9 additional net new jobs shall be subject to the limitations of this
10 subdivision. If the business accepted to locate in a tax-free NY area
11 creates more net new jobs than for which it is allocated personal income
12 tax benefits, the personal income tax benefits it is allocated shall be
13 provided to those individuals employed in those net new jobs based on
14 the employees' dates of hiring.

15 § 8. Subdivisions 1, 2, 3 and 4 of section 435 of the economic devel-
16 opment law, subdivisions 1, 2 and 3 as added by section 1 of part A of
17 chapter 68 of the laws of 2013 and subdivision 4 as amended by section 2
18 of part B of chapter 60 of the laws of 2015, are amended to read as
19 follows:

20 1. The president or chief executive officer of any state university
21 campus, community college or city university campus seeking to sponsor a
22 tax-free NY area and have some of its eligible land specified under
23 subdivision one of section four hundred thirty-two of this article be
24 designated as a tax-free NY area must submit a plan to the commissioner
25 that specifies the land or space the campus or college wants to include,
26 describes the type of business or businesses that may locate on that
27 land or in that space, explains how those types of businesses align with
28 or further the academic mission of the campus or college and how partic-

1 ipation by those types of businesses in the [START-UP NY] excelsior
2 business program would have positive community and economic benefits,
3 and describes the process the campus or college will follow to select
4 participating businesses. At least thirty days prior to submitting such
5 plan, the campus or college must provide the municipality or municipi-
6 palities in which the proposed tax-free NY area is located, local
7 economic development entities, the applicable campus or college faculty
8 senate, union representatives and the campus student government with a
9 copy of the plan. In addition, if the plan of the campus or college
10 includes land or space located outside of the campus boundaries, the
11 campus or college must consult with the municipality or municipalities
12 in which such land or space is located prior to including such space or
13 land in its proposed tax-free NY area and shall give preference to unde-
14 rutilized properties. Before approving or rejecting the plan submitted
15 by a state university campus, community college or city university
16 campus, the commissioner shall consult with the chancellor of the appli-
17 cable university system or his or her designee.

18 2. The president or chief executive officer of any private college or
19 university or of any state university campus, community college or city
20 university campus seeking to sponsor a tax-free NY area and have some of
21 its eligible land specified under subdivision two of section four
22 hundred thirty-two of this article be designated as a tax-free NY area
23 must submit a plan to the commissioner that specifies the land or space
24 the college or university wants to include, describes the type of busi-
25 ness or businesses that may locate on that land or in that space,
26 explains how those types of businesses align with or further the academ-
27 ic mission of the college or university and how participation by those
28 types of businesses in the [START-UP NY] excelsior business program

1 would have positive community and economic benefits, and describes the
2 process the campus or college will follow to select participating busi-
3 nesses. In addition, if the plan of the campus or college includes land
4 or space located outside of the campus boundaries, the campus or college
5 must consult with the municipality or municipalities in which such land
6 or space is located prior to including such space or land in its
7 proposed tax-free NY area and shall notify local economic development
8 entities. The commissioner shall forward the plan submitted under this
9 subdivision to the [START-UP NY] excelsior business approval board. In
10 evaluating such plans, the board shall examine the merits of each
11 proposal, including but not limited to, compliance with the provisions
12 of this article, reasonableness of the economic and fiscal assumptions
13 contained in the application and in any supporting documentation and
14 potential of the proposed project to create new jobs, and, except for
15 proposals for designation of eligible land under paragraph (c) of subdi-
16 vision two of section four hundred thirty-two of this article, shall
17 prioritize for acceptance and inclusion into the [START-UP NY] excelsior
18 business program plans for tax-free NY areas in counties that contain a
19 city with a population of one hundred thousand or more without a univer-
20 sity center as defined in subdivision seven of section three hundred
21 fifty of the education law on the effective date of this article. No
22 preference shall be given based on the time of submission of the plan,
23 provided that any submission deadlines established by the board are met.
24 In addition, the board shall give preference to private colleges or
25 universities that include underutilized properties within their proposed
26 tax-free NY areas. The board by a majority vote shall approve or reject
27 each plan forwarded to it by the commissioner.

1 3. A campus, university or college may amend its approved plan,
2 provided that the campus, university or college may not violate the
3 terms of any lease with a business located in the approved tax-free NY
4 area. In addition, if a business located in a tax-free NY area does not
5 have a lease with a campus, university or college, and such business is
6 terminated from the [START-UP NY] excelsior business program pursuant to
7 paragraph (b) of subdivision four of section four hundred thirty-six of
8 this article, and subsequently does not relocate outside of the tax-free
9 NY area, a campus, university or college may amend its approved plan to
10 allocate an amount of vacant land or space equal to the amount of space
11 occupied by the business that is terminated. The amendment must be
12 approved pursuant to the procedures and requirements set forth in subdivi-
13 sion one or two of this section, whichever is applicable; provided,
14 however, that a college or university which has obtained the approval of
15 the excelsior business approval board for a plan pursuant to subdivision
16 two of this section may amend the land and space designated under such
17 plan pursuant to the procedures described in subdivision one of this
18 section.

19 4. The [START-UP NY] excelsior business approval board, by majority
20 vote, shall designate correctional facilities described in subdivision
21 fourteen of section four hundred thirty-one of this article, [START-UP
22 NY] excelsior business airport facilities described in subdivision
23 fifteen of section four hundred thirty-one of this article and up to
24 twenty strategic state assets as tax-free NY areas. Each shall be affil-
25 iated with a state university campus, city university campus, community
26 college, or private college or university and such designation shall
27 require the support of the affiliated campus, college or university.
28 Each strategic state asset and [START-UP NY] excelsior business airport

1 facility, other than a correctional facility, may not exceed a maximum
2 of two hundred thousand square feet of vacant land or vacant building
3 space designated as a tax-free NY area. Designation of strategic state
4 assets, correctional facilities described in subdivision fourteen of
5 section four hundred thirty-one of this article, and [START-UP NY]
6 excelsior business airport facilities described in subdivision fifteen
7 of section four hundred thirty-one of this article as tax-free NY areas
8 shall not count against any square footage limitations in section four
9 hundred thirty-two of this article.

10 § 9. Section 436 of the economic development law, as added by section
11 1 of part A of chapter 68 of the laws of 2013, is amended to read as
12 follows:

13 § 436. Businesses locating in tax-free NY areas. 1. A campus, univer-
14 sity or college that has sponsored a tax-free NY area (including any
15 strategic state asset affiliated with the campus, university or college)
16 shall solicit and accept applications from businesses to locate in such
17 area that are consistent with the plan of such campus, university or
18 college or strategic state asset that has been approved pursuant to
19 section four hundred thirty-five of this article. Any business that
20 wants to locate in a tax-free NY area must submit an application to the
21 campus, university or college which is sponsoring the tax-free NY area
22 by December thirty-first, two thousand twenty. Prior to such date, the
23 commissioner shall prepare an evaluation on the effectiveness of the
24 [START-UP NY] excelsior business program and deliver it to the governor
25 and the legislature to determine continued eligibility for application
26 submissions.

27 2. (a) The sponsoring campus, university or college shall provide the
28 application and all supporting documentation of any business it decides

1 to accept into its tax-free NY area to the commissioner for review. Such
2 application shall be in a form prescribed by the commissioner and shall
3 contain all information the commissioner determines is necessary to
4 properly evaluate the business's application, including, but not limited
5 to, the name, address, and employer identification number of the busi-
6 ness; a description of the land or space the business will use, the
7 terms of the lease agreement, if applicable, between the sponsoring
8 campus, university or college and the business, and whether or not the
9 land or space being used by the business is being transferred or sublet
10 to the business from some other business. The application must include a
11 certification by the business that it meets the eligibility criteria
12 specified in section four hundred thirty-three of this article and will
13 align with or further the academic mission of the sponsoring campus,
14 college or university, and that the business's participation in the
15 [START-UP NY] excelsior business program will have positive community
16 and economic benefits. The application must also describe whether or
17 not the business competes with other businesses in the same community
18 but outside the tax-free NY area. In addition, the application must
19 include a description of how the business plans to recruit employees
20 from the local workforce.

21 (b) The commissioner shall review such application and documentation
22 within sixty days and may reject such application upon a determination
23 that the business does not meet the eligibility criteria in section four
24 hundred thirty-three of this article, has submitted an incomplete appli-
25 cation, has failed to comply with subdivision three of this section, or
26 has failed to demonstrate that the business's participation in the
27 [START-UP NY] excelsior business program will have positive community
28 and economic benefits, which shall be evaluated based on factors includ-

1 ing but not limited to whether or not the business competes with other
2 businesses in the same community but outside the tax-free NY area as
3 prohibited by section four hundred forty of this article. If the commis-
4 sioner rejects such application, it shall provide notice of such
5 rejection to the sponsoring campus, university or college and business.
6 If the commissioner does not reject such application within sixty days,
7 such business is accepted to locate in such tax-free NY area, and the
8 application of such business shall constitute a contract between such
9 business and the sponsoring campus, university or college. The sponsor-
10 ing campus, university or college must provide accepted businesses with
11 documentation of their acceptances in such form as prescribed by the
12 commissioner of taxation and finance which will be used to demonstrate
13 such business's eligibility for the tax benefits specified in section
14 thirty-nine of the tax law.

15 (c) If a state university campus proposes to enter into a lease with a
16 business for eligible land in a tax-free NY area with a term greater
17 than forty years, including any options to renew, or for eligible land
18 in a tax-free NY area of one million or more square feet, the state
19 university campus, at the same time as the application is provided to
20 the commissioner, also must submit the lease for review to the [START-UP
21 NY] excelsior business approval board. If the board does not disapprove
22 of the lease terms within thirty days, the lease is deemed approved. If
23 the board disapproves the lease terms, the state university campus must
24 submit modified lease terms to the commissioner for review. The commis-
25 sioner's sixty day review period is suspended while the board is review-
26 ing the lease and during the time it takes for the state university
27 campus to modify the lease terms.

1 (d) Except as otherwise provided in this article, proprietary informa-
2 tion or supporting documentation submitted by a business to a sponsoring
3 campus, university or college shall only be utilized for the purpose of
4 evaluating such business's application or compliance with the provisions
5 of this article and shall not be otherwise disclosed. Any person who
6 willfully discloses such information to a third party for any other
7 purpose whatsoever shall be guilty of a misdemeanor.

8 3. The business submitting the application, as part of the applica-
9 tion, must:

10 (a) agree to allow the department of taxation and finance to share its
11 tax information with the department and the sponsoring campus, universi-
12 ty or college;

13 (b) agree to allow the department of labor to share its tax and
14 employer information with the department and the sponsoring campus,
15 university or college;

16 (c) allow the department and its agents and the sponsoring campus,
17 university or college access to any and all books and records the
18 department or sponsoring campus, university or college may require to
19 monitor compliance;

20 (d) [include performance benchmarks, including the number of net new
21 jobs that must be created, the schedule for creating those jobs, and
22 details on job titles and expected salaries. The application must speci-
23 fy the consequences for failure to meet such benchmarks, as determined
24 by the business and the sponsoring campus, university or college: (i)]
25 agree that the failure of the business to meet the requirements of
26 subdivision one of section four hundred thirty-three of this article
27 shall result in the suspension of such business's participation in the
28 [START-UP NY] excelsior business program for one or more tax years as

1 specified in such application[; (ii) termination of such business's
2 participation in the START-UP NY program; and/or (iii) proportional
3 recovery of tax benefits awarded under the START-UP NY program as speci-
4 fied in section thirty-nine of the tax law] and that the business's
5 participation in the excelsior business program shall be terminated in
6 the event that it does not create and maintain at least one net new job
7 within five years of the date that such business locates to a tax-free
8 NY area;

9 (e) provide the following information to the department and sponsoring
10 campus, university or college upon request:

11 (i) the prior three years of federal and state income or franchise tax
12 returns, unemployment insurance quarterly returns, real property tax
13 bills and audited financial statements;

14 (ii) the employer identification or social security numbers for all
15 related persons to the business, including those of any members of a
16 limited liability company or partners in a partnership;

17 (f) provide a clear and detailed presentation of all related persons
18 to the business to assure the department that jobs are not being shifted
19 within the state; and

20 (g) certify, under penalty of perjury, that it is in substantial
21 compliance with all environmental, worker protection, and local, state,
22 and federal tax laws, and that it satisfies all the eligibility require-
23 ments to participate in the [START-UP NY] excelsior business program.

24 4. (a) At the conclusion of the lease term of a lease by the sponsor-
25 ing campus, university or college to a business of land or space in a
26 tax-free NY area owned by the sponsoring campus, university or college,
27 the leased land or space and any improvements thereon shall revert to

1 the sponsoring campus, university or college, unless the lease is
2 renewed.

3 (b) If, at any time, the sponsoring campus, university or college or
4 the commissioner determines that a business no longer satisfies any of
5 the eligibility criteria specified in section four hundred thirty-three
6 of this article, the sponsoring campus, university or college shall
7 recommend to the commissioner that the commissioner terminate or the
8 commissioner on his or her own initiative shall immediately terminate
9 such business's participation in the [START-UP NY] excelsior business
10 program. Such business shall be notified of such termination by a method
11 which allows for verification of receipt of such termination notice. A
12 copy of such termination notice shall be sent to the commissioner of
13 taxation and finance. Upon such termination, such business shall not be
14 eligible for the tax benefits specified in section thirty-nine of the
15 tax law for that or any future taxable year, calendar quarter or sales
16 tax quarter, although employees of such business may continue to claim
17 the tax benefit for their wages during the remainder of that taxable
18 year. Further, such lease or contract between the sponsoring campus,
19 university or college and such business shall be rescinded, effective on
20 the thirtieth day after the commissioner mailed such termination notice
21 to such business and the land or space and any improvements thereon
22 shall revert to the sponsoring campus, university or college.

23 5. The commissioner shall promulgate regulations to effectuate the
24 purposes of this section, including, but not limited to, establishing
25 the process for the evaluation and possible rejection of applications,
26 the eligibility criteria that will be applied in evaluating those appli-
27 cations, the amendment of applications of businesses approved to locate
28 to tax-free NY areas, and the process for terminations from the [START-

1 UP NY] excelsior business program and administrative appeals of such
2 terminations.

3 6. Any business approved to participate in the excelsior business
4 program that experiences a significant change in organizational struc-
5 ture shall apply to the commissioner to remain eligible to participate
6 in the excelsior business program. The commissioner may approve the
7 continued participation of such business in the excelsior business
8 program if the significant change in organizational structure does not
9 substantially modify the conditions of such business' participation
10 based upon factors set forth by the commissioner in regulations includ-
11 ing, but not limited to, the affiliation of the business with the spon-
12 soring college or university, the activity to be conducted in the tax-
13 free NY area subsequent to the significant change in organizational
14 structure, and any economic impact resulting from the significant change
15 in organizational structure. The commissioner may terminate the partic-
16 ipation of the business in the excelsior business program in the event
17 that the commissioner determines that the significant change in organ-
18 izational structure of the business will substantially modify the condi-
19 tions of the business' participation in the excelsior business program.
20 Approval by the commissioner of the continued participation of a busi-
21 ness in the excelsior business program subsequent to a significant
22 change in organizational structure shall not affect the period for which
23 the business may claim benefits pursuant to section four hundred thir-
24 ty-four of this article.

25 § 10. Section 438 of the economic development law, as added by section
26 1 of part A of chapter 68 of the laws of 2013, is amended to read as
27 follows:

1 § 438. Disclosure authorization and reporting requirements. [1. The
2 commissioner and the department shall disclose publicly the names and
3 addresses of the businesses located within a tax-free NY area. In addi-
4 tion, the commissioner and the department shall disclose publicly and
5 include in the annual report required under subdivision two of this
6 section such other information contained in such businesses' applica-
7 tions and annual reports, including the projected number of net new jobs
8 to be created, as they determine is relevant and necessary to evaluate
9 the success of this program.

10 2. (a) The commissioner shall prepare an annual report to the governor
11 and the legislature. Such report shall include the number of business
12 applicants, number of businesses approved, the names and addresses of
13 the businesses located within a tax-free NY area, total amount of bene-
14 fits distributed, benefits received per business, number of net new jobs
15 created, net new jobs created per business, new investment per business,
16 the types of industries represented and such other information as the
17 commissioner determines is necessary to evaluate the progress of the
18 START-UP NY program.

19 (b)] Any business located in a tax-free NY area must submit an annual
20 report to the commissioner in a form and at such time and with such
21 information as prescribed by the commissioner in consultation with the
22 commissioner of taxation and finance. Such information shall be suffi-
23 cient for the commissioner and the commissioner of taxation and finance
24 to: (i) monitor the continued eligibility of the business and its
25 employees to participate in the [START-UP NY] excelsior business program
26 and receive the tax benefits described in section thirty-nine of the tax
27 law and section three hundred fifty-five of this chapter; and (ii) eval-
28 uate the progress of the [START-UP NY] excelsior business program[; and

1 (iii) prepare the annual report required by paragraph (a) of this subdi-
2 vision. Such annual report shall also include information regarding the
3 wages paid during the year to its employees employed in the net new jobs
4 created and maintained in the tax-free NY area].

5 § 11. Subdivision 2 of section 358 of the economic development law, as
6 added by section 1 of part MM of chapter 59 of the laws of 2010, is
7 amended to read as follows:

8 2. The commissioner shall prepare a report on [a quarterly] an annual
9 basis [a program report for posting on the department's website. The
10 first report will be due June thirtieth, two thousand eleven, and every
11 three months thereafter. Such report shall include, but not be limited
12 to, the following: number of applicants; number of participants
13 approved; names of participants; total amount of benefits certified;
14 benefits received per participant; total number of net new jobs created;
15 number of net new jobs created per participant; aggregate new investment
16 in the state; new investment per participant;] pertaining to the excels-
17 ior jobs program and excelsior business program. The report shall be
18 posted to the department's website, and shall include such [other]
19 information as the commissioner determines is appropriate to describe
20 the department's progress in promoting business growth, job creation,
21 and innovation through the incentives available under this article and
22 article twenty-one of this chapter.

23 § 12. Section 439 of the economic development law, as added by section
24 1 of part A of chapter 68 of the laws of 2013, is amended to read as
25 follows:

26 § 439. Conflict of interest guidelines. 1. Each campus, university or
27 college participating in the [START-UP NY] excelsior business program
28 shall adopt a conflict of interest policy. Such conflict of interest

1 policy shall provide, as it relates to the [START-UP NY] excelsior busi-
2 ness program: (a) as a general principle, that service as an official of
3 the campus, university or college shall not be used as a means for
4 private benefit or inurement for the official, a relative thereof, or
5 any entity in which the official, or relative thereof, has a business
6 interest; (b) no official who is a vendor or employee of a vendor of
7 goods or services to the campus, university or college, or who has a
8 business interest in such vendor, or whose relative has a business
9 interest in such vendor, shall vote on, or participate in the adminis-
10 tration by the campus, university or college, as the case may be, of any
11 transaction with such vendor; and (c) upon becoming aware of an actual
12 or potential conflict of interest, an official shall advise the presi-
13 dent or chief executive officer of the campus, university or college, as
14 the case may be, of his or her or a relative's business interest in any
15 such existing or proposed vendor with the campus, university or college.
16 Each campus, university or college shall maintain a written record of
17 all disclosures of actual or potential conflicts of interest made pursu-
18 ant to paragraph (c) of this subdivision, and shall report such disclo-
19 sures, on a calendar year basis, by January thirty-first of each year,
20 to the auditor for such campus, university or college. The auditor shall
21 forward such reports to the commissioner, who shall make public such
22 reports.

23 2. For purposes of such conflict of interest policies: (a) an official
24 of a campus, university or college has a "business interest" in an enti-
25 ty if the individual: (i) owns or controls ten percent or more of the
26 stock of the entity (or one percent in the case of an entity the stock
27 of which is regularly traded on an established securities exchange); or
28 (ii) serves as an officer, director or partner of the entity; (b) a

1 "relative" of an official of a campus, university or college shall mean
2 any person living in the same household as the individual and any person
3 who is a direct descendant of that individual's grandparents or the
4 spouse of such descendant; and (c) an "official" of a campus, university
5 or college shall mean an employee at the level of dean and above as well
6 as any other [employee] person with decision-making authority over the
7 [START-UP NY] excelsior business program.

8 § 13. Subdivisions 1, 2 and 3 of section 353 of the economic develop-
9 ment law, subdivisions 1 and 3 as amended by section 2 of part K of
10 chapter 59 of the laws of 2015, and subdivision 2 as amended by section
11 2 of part G of chapter 61 of the laws of 2011, are amended to read as
12 follows:

13 1. To be a participant in the excelsior jobs program, a business enti-
14 ty shall operate in New York state predominantly:

15 (a) as a financial services data center or a financial services back
16 office operation;

17 (b) in manufacturing;

18 (c) in software development and new media;

19 (d) in scientific research and development;

20 (e) in agriculture;

21 (f) in the creation or expansion of back office operations in the
22 state;

23 (g) in a distribution center;

24 (h) in an industry with significant potential for private-sector
25 economic growth and development in this state as established by the
26 commissioner in regulations promulgated pursuant to this article. In
27 promulgating such regulations the commissioner shall include job and
28 investment criteria;

1 (i) as an entertainment company; [or]
2 (j) in music production; or
3 (k) as a business approved to participate in the excelsior business
4 program pursuant to section four hundred thirty-six of this chapter.

5 2. When determining whether an applicant is operating predominately in
6 one of the industries listed in subdivision one of this section, the
7 commissioner will examine the nature of the business activity at the
8 location for the proposed project and will make eligibility determi-
9 nations based on such activity; provided, however, that a business
10 eligible to participate in the excelsior jobs program pursuant to para-
11 graph (k) of subdivision one of this section may engage in any eligible
12 business activity pursuant to section four hundred thirty-three of this
13 chapter.

14 3. For the purposes of this article, in order to participate in the
15 excelsior jobs program, a business entity operating predominantly in
16 manufacturing must create at least ten net new jobs; a business approved
17 to participate in the excelsior business program pursuant to section
18 four hundred thirty-six of this chapter must create at least five net
19 new jobs; a business entity operating predominately in agriculture must
20 create at least five net new jobs; a business entity operating predomi-
21 nantly as a financial service data center or financial services customer
22 back office operation must create at least fifty net new jobs; a busi-
23 ness entity operating predominantly in scientific research and develop-
24 ment must create at least five net new jobs; a business entity operating
25 predominantly in software development must create at least five net new
26 jobs; a business entity creating or expanding back office operations
27 must create at least fifty net new jobs; a business entity operating
28 predominately in music production must create at least five net new

1 jobs; a business entity operating predominantly as an entertainment
2 company must create or obtain at least one hundred net new jobs; or a
3 business entity operating predominantly as a distribution center in the
4 state must create at least seventy-five net new jobs, notwithstanding
5 subdivision five of this section; or a business entity must be a
6 regionally significant project as defined in this article[; or].

7 § 14. Subdivision 5 of section 354 of the economic development law, as
8 amended by section 2 of part 0 of chapter 60 of the laws of 2016, is
9 amended to read as follows:

10 5. A participant may claim tax benefits commencing in the first taxa-
11 ble year that the business enterprise receives a certificate of tax
12 credit or the first taxable year listed on its preliminary schedule of
13 benefits, whichever is later. A participant may claim such benefits for
14 the next nine consecutive taxable years, provided that the participant
15 demonstrates to the department that it continues to satisfy the eligi-
16 bility criteria specified in section three hundred fifty-three of this
17 article and subdivision two of this section in each of those taxable
18 years, and provided that no tax credits may be allowed for taxable years
19 beginning on or after January first, two thousand [twenty-seven] thirty.
20 If, in any given year, a participant who has satisfied the eligibility
21 criteria specified in section three hundred fifty-three of this article
22 realizes job creation less than the estimated amount, the credit shall
23 be reduced by the proportion of actual job creation to the estimated
24 amount, provided the proportion is at least seventy-five percent of the
25 jobs estimated. Notwithstanding the provision in the second sentence of
26 this subdivision regarding the ability of a participant to claim such
27 benefits for the next nine consecutive years, a participant eligible to
28 participate pursuant to paragraph (k) of subdivision one of section

1 three hundred fifty-three of this article may claim such benefits only
 2 for the period ending in the last taxable year under which the business
 3 is entitled to receive benefits pursuant to section thirty-nine of the
 4 tax law, provided that no tax credits may be allowed for taxable years
 5 beginning on or after January first, two thousand thirty.

6 § 15. Section 359 of the economic development law, as amended by
 7 section 1 of part 0 of chapter 60 of the laws of 2016, is amended to
 8 read as follows:

9 § 359. Cap on tax credit. The total amount of tax credits listed on
 10 certificates of tax credit issued by the commissioner for any taxable
 11 year may not exceed the limitations set forth in this section. One-half
 12 of any amount of tax credits not awarded for a particular taxable year
 13 in years two thousand eleven through two thousand twenty-four may be
 14 used by the commissioner to award tax credits in another taxable year.

15 Credit components in the aggregate	With respect to taxable
16 shall not exceed:	years beginning in:

17 \$ 50 million	2011
18 \$ 100 million	2012
19 \$ 150 million	2013
20 \$ 200 million	2014
21 \$ 250 million	2015
22 \$ 183 million	2016
23 \$ 183 million	2017
24 \$ 183 million	2018
25 \$ 183 million	2019
26 \$ 183 million	2020

1	\$ 183 million	2021
2	\$ 133 million	2022
3	\$ 83 million	2023
4	\$ 36 million	2024

5 Twenty-five percent of tax credits shall be allocated to businesses
6 accepted into the program under subdivision four of section three
7 hundred fifty-three of this article and seventy-five percent of tax
8 credits shall be allocated to businesses accepted into the program under
9 subdivision three of section three hundred fifty-three of this article.

10 Provided, however, if by September thirtieth of a calendar year, the
11 department has not allocated the full amount of credits available in
12 that year to either: (i) businesses accepted into the program under
13 subdivision four of section three hundred fifty-three of this article or
14 (ii) businesses accepted into the program under subdivision three of
15 section three hundred fifty-three of this article, the commissioner may
16 allocate any remaining tax credits to businesses referenced in this
17 paragraph as needed; provided, however, that under no circumstances may
18 the aggregate statutory cap for all program years be exceeded. One
19 hundred percent of the unawarded amounts remaining at the end of two
20 thousand twenty-four may be allocated in subsequent years, notwithstand-
21 ing the fifty percent limitation on any amounts of tax credits not
22 awarded in taxable years two thousand eleven through two thousand twen-
23 ty-four. Provided, however, no tax credits may be allowed for taxable
24 years beginning on or after January first, two thousand [twenty-seven]
25 thirty.

26 § 16. Section 215-d of the education law, as added by section 1 of
27 part Z of chapter 56 of the laws of 2014, is amended to read as follows:

1 § 215-d. State university of New York report on economic development
2 activities. The chancellor of the state university of New York shall
3 report to the governor and to the legislature, on or before January
4 first, two thousand fifteen, on economic development activities under-
5 taken by the state university of New York. Such report shall include,
6 but not be limited to, expenditures of capital funds for economic devel-
7 opment activities received from the empire state development corpo-
8 ration, SUNY 2020 challenge grant projects, capital expenditures from
9 other sources, and activities [for the purpose of securing START-UP NY
10 approval] of campuses of the state university of New York related to the
11 excelsior business program.

12 § 17. The section heading of section 361 of the education law, as
13 added by section 21 of part A of chapter 68 of the laws of 2013, is
14 amended to read as follows:

15 [START-UP NY program leases] Excelsior business program leases.

16 § 18. Subdivision (b) of section 31 of the tax law, as amended by
17 section 3 of part 0 of chapter 60 of the laws of 2016, is amended to
18 read as follows:

19 (b) To be eligible for the excelsior jobs program credit, the taxpayer
20 shall have been issued a "certificate of tax credit" by the department
21 of economic development pursuant to subdivision four of section three
22 hundred fifty-four of the economic development law, which certificate
23 shall set forth the amount of each credit component that may be claimed
24 for the taxable year. A taxpayer, other than a business eligible to
25 participate in the excelsior jobs program pursuant to paragraph (k) of
26 subdivision one of section three hundred fifty-three of the economic
27 development law, may claim such credit for ten consecutive taxable years
28 commencing in the first taxable year that the taxpayer receives a

1 certificate of tax credit or the first taxable year listed on its
2 preliminary schedule of benefits, whichever is later, provided that no
3 tax credits may be allowed for taxable years beginning on or after Janu-
4 ary first, two thousand [twenty-seven] thirty. A taxpayer eligible to
5 participate in the excelsior jobs program pursuant to paragraph (k) of
6 subdivision one of section three hundred fifty-three of the economic
7 development law, may claim such credit for the period commencing in the
8 first taxable year that the taxpayer receives a certificate of tax cred-
9 it or the first taxable year listed on its preliminary schedule of bene-
10 fits, whichever is later, and ending in the last taxable year under
11 which the business is entitled to receive benefits pursuant to section
12 thirty-nine of this article, provided that no tax credits may be allowed
13 for taxable years beginning on or after January first, two thousand
14 thirty. The taxpayer shall be allowed to claim only the amount listed on
15 the certificate of tax credit for that taxable year. Such certificate
16 must be attached to the taxpayer's return. No cost or expense paid or
17 incurred by the taxpayer shall be the basis for more than one component
18 of this credit or any other tax credit, except as provided in section
19 three hundred fifty-five of the economic development law.

20 § 19. Paragraph 1 of subdivision (a) of section 39 of the tax law, as
21 added by section 2 of part A of chapter 68 of the laws of 2013, is
22 amended to read as follows:

23 (1) Any business or owner of a business in the case of a business
24 taxed as a sole proprietorship, partnership or New York S corporation,
25 that is approved to locate and is located in a tax-free NY area approved
26 pursuant to article twenty-one of the economic development law is eligi-
27 ble for the tax benefits described in this section. Unless otherwise
28 specified, such business or owner of such business shall be eligible for

1 these tax benefits for a period of ten consecutive taxable years,
2 commencing with the taxable year during which it locates in [the] a
3 tax-free NY area for the first time.

4 § 20. Subdivisions (a), (c-1), (d), (f), (g), (i), (j) and (k) and
5 paragraph (A) of subdivision (h) of section 39 of the tax law, subdivi-
6 sions (a), (d), (f), (g), (i), (j) and (k) and paragraph (A) of subdivi-
7 sion (h) as added by section 2 of part A of chapter 68 of the laws of
8 2013, subdivision (c-1) as added by section 1 of part T of chapter 59 of
9 the laws of 2014, paragraph (4) of subdivision (k) as amended by section
10 53 of part A of chapter 59 of the laws of 2014 and paragraph 6 of subdivi-
11 sion (k) as amended by section 2-a of part T of chapter 59 of the laws
12 of 2014, are amended to read as follows:

13 (a) (1) Any business or owner of a business in the case of a business
14 taxed as a sole proprietorship, partnership or New York S corporation,
15 that is approved to locate and is located in a tax-free NY area approved
16 pursuant to article twenty-one of the economic development law is eligi-
17 ble for the tax benefits described in this section. Unless otherwise
18 specified, such business or owner of such business shall be eligible for
19 these tax benefits for a period of ten consecutive taxable years,
20 commencing with the taxable year during which it locates in [the] a
21 tax-free NY area for the first time.

22 (2) In order to be eligible for these tax benefits during any taxable
23 year, calendar quarter or sales tax quarter, such business must be
24 approved to participate in the [START-UP NY] excelsior business program,
25 must operate at the approved location in the tax-free NY area, and must
26 satisfy the eligibility criteria specified in paragraph (b) of subdivi-
27 sion one of section four hundred thirty-three of the economic develop-
28 ment law.

1 (c-1) Excise tax on telecommunication services. Such business or owner
2 of a business shall be eligible for a credit of the excise tax on tele-
3 communication services imposed by section one hundred eighty-six-e of
4 this chapter that is passed through to such business, pursuant to the
5 provisions referenced in subdivision [(k)] (j) of this section.

6 (d) Metropolitan commuter transportation district mobility tax. If the
7 tax-free NY area at which such business is located is within the metro-
8 politan commuter transportation district (MCTD), and such business is an
9 employer engaged in business within the MCTD, the payroll expense of
10 such business at such location within the tax-free NY area shall be
11 exempt from the metropolitan commuter transportation district mobility
12 tax imposed under article twenty-three of this chapter for forty consec-
13 utive calendar quarters, commencing with the calendar quarter during
14 which the employer locates in the tax-free NY area within the MCTD.
15 Provided, however, if such business located in a tax-free NY area
16 outside the MCTD prior to locating in a tax-free NY area within the
17 MCTD, its benefit period within the MCTD may consist of less than forty
18 consecutive calendar quarters and shall be deemed to commence in the
19 calendar quarter such business first located in a tax-free NY area. If
20 the tax-free NY area at which such business is located is within the
21 MCTD and the owner of such business is an individual who has net earn-
22 ings from self-employment at such location, such net earnings shall be
23 exempt from the metropolitan commuter transportation district mobility
24 tax imposed under article twenty-three of this chapter for ten consec-
25 utive taxable years commencing with the taxable year during which the
26 business locates in the tax-free NY area. Provided, however, if such
27 business located in a tax-free NY area outside the MCTD prior to locat-
28 ing in a tax-free NY area within the MCTD, the benefit period for the

1 owner of such business within the MCTD may consist of less than ten
2 taxable years and shall be deemed to commence in the taxable year in
3 which such business first located in a tax-free NY area.

4 (f) Sales and use tax. Such business shall be eligible for a credit or
5 refund for sales and use taxes imposed on the retail sale of tangible
6 personal property or services under subdivisions (a), (b), and (c) of
7 section eleven hundred five and section eleven hundred ten of this chap-
8 ter and similar taxes imposed pursuant to the authority of article twen-
9 ty-nine of this chapter. The credit or refund shall be allowed for one
10 hundred twenty consecutive months beginning with the earlier of the
11 month during which such business locates in [the] a tax-free NY area for
12 the first time or the month in which such business is approved to locate
13 in a tax-free NY area for the first time.

14 (g) Real estate transfer taxes. Any lease of property to such business
15 shall be exempt from any state or local real estate transfer tax or real
16 property transfer tax. Such exemption shall be available for a period of
17 ten consecutive years commencing on the date that such business is
18 approved for the first time to locate in a tax-free NY area.

19 (A) Notwithstanding any provision of this chapter to the contrary, the
20 commissioner, to the extent practicable, may disclose publicly the names
21 and addresses of the businesses receiving any of the tax benefits speci-
22 fied in this section. In addition, the commissioner may disclose public-
23 ly the amounts of such benefits allowed to each such business, and
24 whether or not a business created or maintained net new jobs during the
25 taxable year. With regard to the income tax exemption specified in
26 subdivision (e) of this section, the commissioner may publicly disclose
27 the aggregate amounts of such tax exemption allowed to employees. In
28 addition, the commissioner may publicly disclose the number of net new

1 jobs such business reports on its tax return or report or any other
2 information necessary for the commissioner of economic development or
3 the campus, college or university sponsoring the tax-free NY area
4 approved pursuant to article twenty-one of the economic development law
5 to monitor and enforce compliance with the law, rules and regulations
6 governing the [START-UP NY] excelsior business program.

7 (i) Such business shall not be allowed to claim any other tax credit
8 allowed under this chapter with respect to its activities or employees
9 in such tax-free NY area, except that such business may be eligible to
10 claim the excelsior jobs program credit components specified in subdivi-
11 sion (a) of section thirty-one of this article, provided that such busi-
12 ness satisfies the eligibility criteria enumerated in section three
13 hundred fifty-three of the economic development law and is issued a
14 certificate of tax credit by the department of economic development
15 pursuant to subdivision four of section three hundred fifty-four of the
16 economic development law.

17 (j) [If the application of a business for participation in the START-
18 UP NY program specifies that failure to meet the performance benchmarks
19 specified in such application shall result in proportional recovery of
20 tax benefits awarded under the START-UP NY program, the business shall
21 be required to reduce the total amount of tax benefits described in this
22 section that the business or its owners claimed or received during the
23 taxable year by the percentage reduction in net new jobs promised by the
24 performance benchmarks, and if the tax benefits are reduced to an amount
25 less than zero, those negative amounts shall be added back as tax. The
26 amount required to be added back shall be reported on such business's
27 corporate franchise tax report if such business is taxed as a corpo-
28 ration or on the corporate franchise tax reports or personal income tax

1 returns of the owners of such business if such business is taxed as a
2 sole proprietorship, partnership or New York S corporation.

3 (k)] Cross-references. For application of the tax benefits provided
4 for in this section, see the following provisions of this chapter:

5 (1) Section 40.

6 (4) Article 9-A: section 210-B, subdivision 41 and subdivision 44.

7 (5) Article 22: section 606, subsection (i), paragraph (1), subpara-
8 graph (B), clause (xxxvi).

9 (6) Article 22: section 606, subsection (ww) and subsection (yy).

10 (7) Article 22: section 612, subsection (c), paragraph (40).

11 (8) Article 23: section 803.

12 (9) Article 28: section 1119, subdivision (d).

13 (10) Article 31: section 1405, subdivision (b), paragraph 11.

14 § 21. Section 39-a of the tax law, as added by section 3 of part A of
15 chapter 68 of the laws of 2013, is amended to read as follows:

16 § 39-a. Penalties for fraud in the [START-UP NY] excelsior business
17 program. If the commissioner of economic development on his or her own
18 initiative or on the recommendation of a sponsoring campus, university
19 or college finally determines that any such business participating in
20 the [START-UP NY] excelsior business program authorized under article
21 twenty-one of the economic development law has acted fraudulently in
22 connection with its participation in such program, such business:

23 (a) shall be immediately terminated from such program;

24 (b) shall be subject to applicable criminal penalties, including but
25 not limited to the felony crime of offering a false instrument for
26 filing in the first degree pursuant to section 175.35 of the penal law;

27 and

1 (c) shall be required in that year to add back to tax the total value
2 of the tax benefits described in section thirty-nine of this article
3 that such business has received and that the employees of such business
4 have received up to the date of such finding. The amount required to be
5 added back shall be reported on such business's corporate franchise
6 report if such business is taxed as a corporation or on the corporate
7 franchise tax reports or personal income tax returns of the owners of
8 such business if such business is taxed as a sole proprietorship, part-
9 nership or New York S corporation.

10 § 22. Subdivisions (a) and (c) of section 40 of the tax law, as added
11 by section 4 of part A of chapter 68 of the laws of 2013, paragraph 1 of
12 subdivision (c) as amended by section 34 of part T of chapter 59 of the
13 laws of 2015, are amended to read as follows:

14 (a) Allowance of credit. A taxpayer that is a business or owner of a
15 business in the case of a business taxed as a sole proprietorship, part-
16 nership or New York S corporation, that is approved to locate and is
17 located in [a] one or more tax-free NY area or areas approved pursuant
18 to article twenty-one of the economic development law and is subject to
19 tax under article nine-A, or twenty-two of this chapter, shall be
20 allowed a credit against such tax, pursuant to the provisions referenced
21 in subdivision (e) of this section, to be computed as hereinafter
22 provided.

23 (c) Tax-free area allocation factor. The tax-free area allocation
24 factor shall be the percentage representing the business's economic
25 presence in the tax-free NY area or areas in which the business was
26 approved to locate pursuant to article twenty-one of the economic devel-
27 opment law. This percentage shall be computed by:

1 (1) ascertaining the percentage that the average value of the busi-
2 ness's real and tangible personal property, whether owned or rented to
3 it, in the tax-free NY [area] areas in which the business was [located]
4 approved to locate during the period covered by the taxpayer's report or
5 return bears to the average value of the business's real and tangible
6 personal property, whether owned or rented to it, within the state
7 during such period; provided that the term "value of the business's real
8 and tangible personal property" shall have the same meaning as such term
9 has in paragraph (a) of subdivision two of section two hundred nine-B of
10 this chapter; and

11 (2) ascertaining the percentage that the total wages, salaries and
12 other personal service compensation, similarly computed, during such
13 period of employees, except general executive officers, employed at each
14 of the business's [location] locations in the tax-free NY [area] areas
15 in which it was approved to locate, bears to the total wages, salaries
16 and other personal service compensation, similarly computed, during such
17 period, of all the business's employees within the state, except general
18 executive officers; and

19 (3) adding together the percentages so determined and dividing the
20 result by two.

21 For purposes of article twenty-two of this chapter, references in this
22 subdivision to property, wages, salaries and other personal service
23 compensation shall be deemed to be references to such items connected
24 with the conduct of a business.

25 § 23. Subdivision (d) of section 40 of the tax law, as added by
26 section 4 of part A of chapter 68 of the laws of 2013, clause (ii) of
27 subparagraph (B) of paragraph 2 as amended by section 35, subparagraph
28 (C) of paragraph 2 as amended by section 36, and subparagraph (B) of

1 paragraph 3 as amended by section 37 of part T of chapter 59 of the laws
2 of 2015, is amended to read as follows:

3 (d) Tax factor. (1) General. The tax factor shall be, in the case of
4 article nine-A of this chapter, the largest of the amounts of tax deter-
5 mined for the taxable year under paragraphs (a) through (d) of subdivi-
6 sion one of section two hundred ten of such article after the deduction
7 of any other credits allowable under such article, other than the
8 excelsior jobs program credits allowed under subdivision thirty-one of
9 section two hundred ten-B. The tax factor shall be, in the case of
10 article twenty-two of this chapter, the tax determined for the taxable
11 year under subsections (a) through (d) of section six hundred one of
12 such article after the deduction of any other credits allowable under
13 such article, other than the excelsior jobs program credits allowed
14 under subsection (qq) of section six hundred six of this chapter.

15 (2) Sole proprietors, partners and S corporation shareholders. (A)
16 Where the taxpayer is a sole proprietor of a business located in [a] one
17 or more tax-free NY [area] areas, the taxpayer's tax factor shall be
18 that portion of the amount determined in paragraph one of this subdivi-
19 sion that is attributable to the income of the business at its location
20 in the tax-free NY [area] areas in which it was approved to locate. Such
21 attribution shall be made in accordance with the ratio of the taxpayer's
22 income from such business allocated within the state, entering into New
23 York adjusted gross income, to the taxpayer's New York adjusted gross
24 income, or in accordance with such other methods as the commissioner may
25 prescribe as providing an apportionment that reasonably reflects the
26 portion of the taxpayer's tax attributable to the income of such busi-
27 ness. In no event may the ratio so determined exceed 1.0. The income

1 from such business allocated within the state shall be determined as if
2 the sole proprietor was a non-resident.

3 (B) (i) Where the taxpayer is a member of a partnership that is a busi-
4 ness located in [a] one or more tax-free NY [area] areas, the taxpayer's
5 tax factor shall be that portion of the amount determined in paragraph
6 one of this subdivision that is attributable to the income of the part-
7 nership. Such attribution shall be made in accordance with the ratio of
8 the partner's income from the partnership allocated within the state to
9 the partner's entire income, or in accordance with such other methods as
10 the commissioner may prescribe as providing an apportionment that
11 reasonably reflects the portion of the partner's tax attributable to the
12 income of the partnership. In no event may the ratio so determined
13 exceed 1.0. The income from the partnership allocated within the state
14 shall be determined as if any of the partners was a non-resident.

15 (ii) For purposes of article nine-A of this chapter, the term "part-
16 ner's income from the partnership" means partnership items of income,
17 gain, loss and deduction, and New York modifications thereto, entering
18 into business income and the term "partner's entire income" means busi-
19 ness income, allocated within the state. For purposes of article twen-
20 ty-two of this chapter, the term "partner's income from the partnership"
21 means partnership items of income, gain, loss and deduction, and New
22 York modifications thereto, entering into New York adjusted gross
23 income, and the term "partner's entire income" means New York adjusted
24 gross income.

25 (C) (i) Where the taxpayer is a shareholder of a New York S corpo-
26 ration that is a business located in [a] one or more tax-free NY [area]
27 areas, the shareholder's tax factor shall be that portion of the amount
28 determined in paragraph one of this subdivision that is attributable to

1 the income of the S corporation. Such attribution shall be made in
2 accordance with the ratio of the shareholder's income from the S corpo-
3 ration allocated within the state, entering into New York adjusted gross
4 income, to the shareholder's New York adjusted gross income, or in
5 accordance with such other methods as the commissioner may prescribe as
6 providing an apportionment that reasonably reflects the portion of the
7 shareholder's tax attributable to the income of such business. The
8 income of the S corporation allocated within the state shall be deter-
9 mined by multiplying the income of the S corporation by a business allo-
10 cation factor that shall be determined in clause (ii) of this subpara-
11 graph. In no event may the ratio so determined exceed 1.0.

12 (ii) The business allocation factor for purposes of this subparagraph
13 shall be computed by adding together the property factor specified in
14 subclause (I) of this clause, the wage factor specified in subclause
15 (II) of this clause and the apportionment factor determined under
16 section two hundred ten-A of this chapter and dividing by three.

17 (I) The property factor shall be determined by ascertaining the
18 percentage that the average value of the business's real and tangible
19 personal property, whether owned or rented to it, within the state
20 during the period covered by the taxpayer's report or return bears to
21 the average value of the business's real and tangible personal property,
22 whether owned or rented to it, within and without the state during such
23 period; provided that the term "value of the business's real and tangi-
24 ble personal property" shall have the same meaning as such term has in
25 paragraph (a) of subdivision two of section two hundred nine-B of this
26 chapter.

27 (II) The wage factor shall be determined by ascertaining the percent-
28 age that the total wages, salaries and other personal service compen-

1 sation, similarly computed, during such period of employees, except
2 general executive officers, employed at the business's location or
3 locations within the state, bears to the total wages, salaries and other
4 personal service compensation, similarly computed, during such period,
5 of all the business's employees within and without the state, except
6 general executive officers.

7 (3) Combined returns or reports. (A) Where the taxpayer is a business
8 located in [a] one or more tax-free NY [area] areas and is required or
9 permitted to make a return or report on a combined basis under article
10 nine-A of this chapter, the taxpayer's tax factor shall be the amount
11 determined in paragraph one of this subdivision that is attributable to
12 the income of such business. Such attribution shall be made in accord-
13 ance with the ratio of the business's income allocated within the state
14 to the combined group's income, or in accordance with such other methods
15 as the commissioner may prescribe as providing an apportionment that
16 reasonably reflects the portion of the combined group's tax attributable
17 to the income of such business. In no event may the ratio so determined
18 exceed 1.0.

19 (B) The term "income of the business located in [a] one or more tax-
20 free NY [area] areas" means business income calculated as if the taxpay-
21 er was filing separately and the term "combined group's income" means
22 business income as shown on the combined report, allocated within the
23 state.

24 (4) If a business is generating or receiving income from a line of
25 business or intangible property that was previously conducted, created
26 or developed by the business or a related person, as that term is
27 defined in section four hundred thirty-one of the economic development
28 law, the tax factor specified in this subdivision shall be adjusted to

1 disregard such income. However, if the income being generated or
2 received is from the expansion of a line of business or intangible prop-
3 erty that the business previously conducted, created or developed in a
4 limited, prototypical fashion, the taxpayer may request that the commis-
5 sioner exercise his or her discretion to not disregard such income.
6 Such request must be made in the manner determined by the commissioner
7 and must be made by the due date of the taxpayer's return, determined
8 with regard to extensions.

9 § 24. Subdivision (b) of section 803 of the tax law, as added by
10 section 11 of part A of chapter 68 of the laws of 2013, is amended to
11 read as follows:

12 (b) If a tax-free NY area approved pursuant to the provisions of arti-
13 cle twenty-one of the economic development law is located within the
14 MCTD, the payroll expense in such tax-free NY area of any employer that
15 is located in such area and accepted into the [START-UP NY] excelsior
16 business program shall be exempt from the tax imposed under this arti-
17 cle. In addition, the net earnings from self-employment of an individual
18 from a business in such tax-free NY area that is accepted into the
19 [START-UP NY] excelsior business program shall be exempt from the tax
20 imposed under this article.

21 § 25. Paragraph 11 of subdivision (b) of section 1405 of the tax law,
22 as added by section 13 of part A of chapter 68 of the laws of 2013, is
23 amended to read as follows:

24 11. Conveyances of real property located in tax-free NY areas approved
25 pursuant to article twenty-one of the economic development law to busi-
26 nesses located in such areas that are participating in the [START-UP NY]
27 excelsior business program pursuant to such article twenty-one.

1 § 26. Subdivision 2 of section 420-a of the real property tax law, as
2 amended by section 17 of part A of chapter 68 of the laws of 2013, is
3 amended to read as follows:

4 2. If any portion of such real property is not so used exclusively to
5 carry out thereupon one or more of such purposes but is leased or other-
6 wise used for other purposes, such portion shall be subject to taxation
7 and the remaining portion only shall be exempt; provided, however, that
8 such real property shall be fully exempt from taxation although it or a
9 portion thereof is used (a) for purposes which are exempt pursuant to
10 this section or sections four hundred twenty-b, four hundred twenty-two,
11 four hundred twenty-four, four hundred twenty-six, four hundred twenty-
12 eight, four hundred thirty or four hundred fifty of this [chapter] title
13 by another corporation which owns real property exempt from taxation
14 pursuant to such sections or whose real property if it owned any would
15 be exempt from taxation pursuant to such sections, (b) for purposes
16 which are exempt pursuant to section four hundred six or section four
17 hundred eight of this [chapter] article by a corporation which owns real
18 property exempt from taxation pursuant to such section or if it owned
19 any would be exempt from taxation pursuant to such section, (c) for
20 purposes which are exempt pursuant to section four hundred sixteen of
21 this [chapter] article by an organization which owns real property
22 exempt from taxation pursuant to such section or whose real property if
23 it owned any would be exempt from taxation pursuant to such section, (d)
24 for purposes relating to civil defense pursuant to the New York state
25 defense emergency act, including but not limited to activities in prepa-
26 ration for anticipated attack, during attack, or following attack or
27 false warning thereof, or in connection with drill or test ordered or
28 directed by civil defense authorities, or (e) for purposes of a tax-free

1 NY area that has been approved pursuant to article twenty-one of the
2 economic development law, subject to the conditions that the real prop-
3 erty must have been owned by the corporation or association organized
4 exclusively for educational purposes and exempt pursuant to this section
5 on June first, two thousand thirteen, and that the exemption shall apply
6 only to the portion of such real property that is used for purposes of
7 the [START-UP NY] excelsior business program; and provided further that
8 such real property shall be exempt from taxation only so long as it or a
9 portion thereof, as the case may be, is devoted to such exempt purposes
10 and so long as any moneys paid for such use do not exceed the amount of
11 the carrying, maintenance and depreciation charges of the property or
12 portion thereof, as the case may be.

13 § 27. This act shall take effect immediately; provided, however, that:

14 a. the amendments to paragraph (c) of subdivision 6 of section 431 of
15 the economic development law made by section three of this act shall
16 take effect on the same date and in the same manner as section 3 of part
17 S of chapter 59 of the laws of 2014, takes effect; and

18 b. the amendments to paragraphs (c), (f) and (g) of subdivision 1 of
19 section 433 of the economic development law made by section six of this
20 act shall not apply to any business approved to participate in the
21 excelsior business program prior to the effective date of this act.

22 PART Y

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

25 § 522. Total unemployment. "Total unemployment" or "totally unem-
26 ployed" means the [total] lack of any employment [on] in any [day] week.

1 The term "employment" as used in this section means any employment
2 including that not defined in this title.

3 § 2. Section 523 of the labor law, as amended by chapter 675 of the
4 laws of 1977, is amended to read as follows:

5 § 523. [Effective day. "Effective day" means a full day of total unem-
6 ployment provided such day falls within a week in which a claimant had
7 four or more days of total unemployment and provided further that only
8 those days of total unemployment in excess of three days within such
9 week are deemed "effective days". No effective day is deemed to occur in
10 a week in which the claimant has days of employment for which he is paid
11 compensation exceeding the highest benefit rate which is applicable to
12 any claimant in such week. A claimant who is employed on a shift
13 continuing through midnight is deemed to have been employed on the day
14 beginning before midnight with respect to such shift, except where night
15 shift employees are regularly scheduled to start their work week at
16 seven post meridiem or thereafter on Sunday night, their regularly sche-
17 duled starting time on Sunday shall be considered as starting on
18 Monday.] Partial unemployment. "Partial unemployment" or "partially
19 unemployed" means any week where a claimant has received remuneration in
20 an amount not more than the maximum benefit amount set forth in para-
21 graph (a) of subdivision five of section five hundred ninety of this
22 article.

23 § 3. Section 524 of the labor law, as added by chapter 5 of the laws
24 of 2000, is amended to read as follows:

25 § 524. Week of employment. For purposes of this article, "week of
26 employment" shall mean a Monday through Sunday period during which a
27 claimant was paid remuneration for employment for an employer or employ-
28 ers liable for contributions or for payments in lieu of contributions

1 under this article. A claimant who is employed on a shift continuing
2 through midnight is deemed to have been employed on the day beginning
3 before midnight with respect to such shift, except where night shift
4 employees are regularly scheduled to start their work week at seven post
5 meridiem or thereafter on Sunday night, their regularly scheduled start-
6 ing time on Sunday shall be considered as starting on Monday.

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

10 4. General condition. A valid original claim may be filed only in a
11 week in which the claimant [has at least one effective day of unemploy-
12 ment] is totally unemployed or partially unemployed as defined in this
13 article.

14 § 5. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph
15 (e) of subdivision 1 of section 581 of the labor law, as amended by
16 chapter 282 of the laws of 2002, are amended to read as follows:

17 (i) In those instances where the claimant may not utilize wages paid
18 to establish entitlement based upon subdivision ten of section five
19 hundred ninety of this article and an educational institution is the
20 claimant's last employer prior to the filing of the claim for benefits,
21 or the claimant performed services in such educational institution in
22 such capacity while employed by an educational service agency which is
23 the claimant's last employer prior to the filing of the claim for bene-
24 fits, such employer shall not be liable for benefit charges [for the
25 first twenty-eight effective days of benefits paid] in an amount equal
26 to the benefits paid for seven weeks of total unemployment as otherwise
27 provided by this section. Under such circumstances, benefits paid shall
28 be charged to the general account. In addition, wages paid during the

1 base period by such educational institutions, or for services in such
2 educational institutions for claimants employed by an educational
3 service agency shall not be considered base period wages during periods
4 that such wages may not be used to gain entitlement to benefits pursuant
5 to subdivision ten of section five hundred ninety of this article.

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

1 (iii) In those instances where the federal government is the claim-
2 ant's last employer prior to the filing of the claim for benefits and
3 such employer is not a base-period employer, payments [equaling the
4 first twenty-eight effective days of benefits] in an amount equal to the
5 benefits paid for seven weeks of total unemployment as otherwise
6 prescribed by this section shall be charged to the general account. In
7 those instances where the federal government is the claimant's last
8 employer prior to the filing of the claim for benefits and a base-period
9 employer, such employer shall be liable for charges for all benefits
10 paid on such claim in the same proportion that the remuneration paid by
11 such employer during the base period bears to the remuneration paid by
12 all employers during the base period. In addition, benefit payment
13 charges for the first twenty-eight effective days of benefits other than
14 those chargeable to the federal government as prescribed above shall be
15 made to the general account.

16 (iv) In those instances where a combined wage claim is filed pursuant
17 to interstate reciprocal agreements and the claimant's last employer
18 prior to the filing of the claim is an out-of-state employer and such
19 employer is not a base-period employer, benefit payments [equaling the
20 first twenty-eight effective days of benefits] in an amount equal to the
21 benefits paid for seven weeks of total unemployment as otherwise
22 prescribed by this section shall be charged to the general account. In
23 those instances where the out-of-state employer is the last employer
24 prior to the filing of the claim for benefits and a base-period employer
25 such employer shall be liable for charges for all benefits paid on such
26 claim in the same proportion that the remuneration paid by such employer
27 during the base period bears to the remuneration paid by all employers
28 during the base period. In addition, benefit payment charges for the

1 twenty-eight effective days of benefits other than those chargeable to
2 the out-of-state employer as prescribed above shall be made to the
3 general account.

4 § 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
5 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
6 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
7 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
8 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-
9 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered
10 by chapter 675 of the laws of 1977, and subdivision 7 as amended by
11 chapter 415 of the laws of 1983, are amended and three new paragraphs
12 (c), (d) and (e) are added to subdivision 5 to read as follows:

13 1. Entitlement to benefits. A claimant shall be entitled to [accumu-
14 late effective days for the purpose of benefit rights] the payment of
15 benefits only if he or she has complied with the provisions of this
16 article regarding the filing of his or her claim, including the filing
17 of a valid original claim, registered as totally unemployed or partially
18 unemployed, reported his or her subsequent employment and unemployment,
19 and reported for work or otherwise given notice of the continuance of
20 his or her unemployment.

21 3. Compensable periods. Benefits shall be paid for each [accumulation
22 of effective days within a] week of partial unemployment or total unem-
23 ployment.

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

1 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
2 the remuneration paid during the highest calendar quarter of the base
3 period by employers, liable for contributions or payments in lieu of
4 contributions under this article, provided the claimant has remuneration
5 paid in all four calendar quarters during his or her base period or
6 alternate base period. However, for any claimant who has remuneration
7 paid in all four calendar quarters during his or her base period or
8 alternate base period and whose high calendar quarter remuneration
9 during the base period is three thousand five hundred seventy-five
10 dollars or less, the benefit amount shall be one twenty-fifth of the
11 remuneration paid during the highest calendar quarter of the base period
12 by employers liable for contributions or payments in lieu of contrib-
13 utions under this article. A claimant's weekly benefit shall be one
14 twenty-sixth of the average remuneration paid in the two highest quar-
15 ters paid during the base period or alternate base period by employers
16 liable for contributions or payments in lieu of contributions under this
17 article when the claimant has remuneration paid in two or three calendar
18 quarters provided however, that a claimant whose high calendar quarter
19 is four thousand dollars or less but greater than three thousand five
20 hundred seventy-five dollars shall have a weekly benefit amount of one
21 twenty-sixth of such high calendar quarter. However, for any claimant
22 who has remuneration paid in two or three calendar quarters during his
23 or her base period or alternate base period and whose high calendar
24 quarter remuneration during the base period is three thousand five
25 hundred seventy-five dollars or less, the benefit amount shall be one
26 twenty-fifth of the remuneration paid during the highest calendar quar-
27 ter of the base period by employers liable for contributions or payments
28 in lieu of contributions under this article. Any claimant whose high

1 calendar quarter remuneration during the base period is more than three
2 thousand five hundred seventy-five dollars shall not have a weekly bene-
3 fit amount less than one hundred forty-three dollars. The weekly benefit
4 amount, so computed, that is not a multiple of one dollar shall be
5 lowered to the next multiple of one dollar. On the first Monday of
6 September, nineteen hundred ninety-eight the weekly benefit amount shall
7 not exceed three hundred sixty-five dollars nor be less than forty
8 dollars, until the first Monday of September, two thousand, at which
9 time the maximum benefit payable pursuant to this subdivision shall
10 equal one-half of the state average weekly wage for covered employment
11 as calculated by the department no sooner than July first, two thousand
12 and no later than August first, two thousand, rounded down to the lowest
13 dollar. On and after the first Monday of October, two thousand fourteen,
14 the weekly benefit shall not be less than one hundred dollars, nor shall
15 it exceed four hundred twenty dollars until the first Monday of October,
16 two thousand fifteen when the maximum benefit amount shall be four
17 hundred twenty-five dollars, until the first Monday of October, two
18 thousand sixteen when the maximum benefit amount shall be four hundred
19 thirty dollars, until the first Monday of October, two thousand seven-
20 teen when the maximum benefit amount shall be four hundred thirty-five
21 dollars, until the first Monday of October, two thousand eighteen when
22 the maximum benefit amount shall be four hundred fifty dollars, until
23 the first Monday of October, two thousand nineteen when the maximum
24 benefit amount shall be thirty-six percent of the average weekly wage
25 until the first Monday of October, two thousand twenty when the maximum
26 benefit amount shall be thirty-eight percent of the average weekly wage,
27 until the first Monday of October two thousand twenty-one when the maxi-
28 mum benefit amount shall be forty percent of the average weekly wage,

1 until the first Monday of October, two thousand twenty-two when the
2 maximum benefit amount shall be forty-two percent of the average weekly
3 wage, until the first Monday of October, two thousand twenty-three when
4 the maximum benefit amount shall be forty-four percent of the average
5 weekly wage, until the first Monday of October, two thousand twenty-four
6 when the maximum benefit amount shall be forty-six percent of the aver-
7 age weekly wage, until the first Monday of October, two thousand twen-
8 ty-five when the maximum benefit amount shall be forty-eight percent of
9 the average weekly wage, until the first Monday of October, two thousand
10 twenty-six and each year thereafter on the first Monday of October when
11 the maximum benefit amount shall be fifty percent of the average weekly
12 wage provided, however, that in no event shall the maximum benefit
13 amount be reduced from the previous year. A claimant shall receive his
14 or her full benefit rate for each week of total unemployment.

15 (c) Any claimant who is partially unemployed and eligible for benefits
16 shall be paid a benefit amount equal to the difference between the week-
17 ly benefit amount to which he or she would have been entitled, if total-
18 ly unemployed, and the amount of his or her remuneration received for
19 partial employment performed during such week, disregarding earnings
20 equal to forty percent of his or her weekly benefit amount or one
21 hundred dollars, whichever is greater. Such weekly benefit amount, so
22 computed, that is not a multiple of one dollar shall be lowered to the
23 next multiple of one dollar. Provided, however, if a claimant earns in
24 any week remuneration for partial employment in an amount greater than
25 the maximum benefit amount set forth in paragraph (a) of this subdivi-
26 sion, he or she shall not be entitled to receive benefits for such week.

27 (d) Any claimant who is partially unemployed whose employment is
28 limited to two days during any week of unemployment and whose paid or

1 payable remuneration for such week is less than the weekly maximum bene-
2 fit amount shall be paid:

3 (1) for employment limited to one day, a benefit amount equal to three
4 quarters of his or her weekly benefit amount, if that amount is greater
5 than what the claimant would have received had his or her benefit amount
6 been computed pursuant to paragraph (c) of this subdivision.

7 (2) for employment limited to two days, a benefit amount equal to
8 fifty percent of his or her weekly benefit amount, if that amount is
9 greater than what the claimant would have received had his or her bene-
10 fit amount been computed pursuant to paragraph (c) of this subdivision.

11 (e) Notwithstanding any other provision in this article, any claimant
12 who performs services as a corporate officer or on a strict commission
13 basis, or who is self-employed shall have his or her weekly benefit
14 amount reduced by twenty-five percent for each day or any portion there-
15 of exceeding three hours during which he or she performs such services
16 or is self-employed.

17 6. Notification requirement. [No effective day shall be counted for
18 any purposes except effective days as to] Benefits shall be payable only
19 for any week for which notification has been given in a manner
20 prescribed by the commissioner.

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

1 § 7. Subdivision 1 and paragraph (a) of subdivision 6 of section 591
2 of the labor law, subdivision 1 as amended by chapter 413 of the laws of
3 2003 and paragraph (a) of subdivision 6 as added by section 13 of part 0
4 of chapter 57 of laws of 2013, are amended to read as follows:

5 1. Unemployment. Benefits, except as provided in section five hundred
6 ninety-one-a of this title, shall be paid only to a claimant who is
7 totally unemployed or partially unemployed and who is unable to engage
8 in his or her usual employment or in any other for which he or she is
9 reasonably fitted by training and experience. A claimant who is receiv-
10 ing benefits under this article shall not be denied such benefits pursu-
11 ant to this subdivision or to subdivision two of this section because of
12 such claimant's service on a grand or petit jury of any state or of the
13 United States.

14 (a) No benefits shall be payable to a claimant for any week during a
15 dismissal period for which a claimant receives dismissal pay, nor shall
16 any [day] period within such week be considered a [day] period of total
17 unemployment under section five hundred twenty-two of this article, if
18 such weekly dismissal pay exceeds the maximum weekly benefit rate.

19 § 8. Subdivision 1 of section 591 of the labor law, as amended by
20 chapter 446 of the laws of 1981, is amended to read as follows:

21 1. Unemployment. Benefits shall be paid only to a claimant who is
22 totally unemployed or partially unemployed and who is unable to engage
23 in his or her usual employment or in any other for which he or she is
24 reasonably fitted by training and experience. A claimant who is receiv-
25 ing benefits under this article shall not be denied such benefits pursu-
26 ant to this subdivision or to subdivision two of this section because of
27 such claimant's service on a grand or petit jury of any state or of the
28 United States.

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

3 2. Concurrent payments prohibited. No [days of total unemployment
4 shall be deemed to occur] benefits shall be payable in any week with
5 respect to which or a part of which a claimant has received or is seek-
6 ing unemployment benefits under an unemployment compensation law of any
7 other state or of the United States, provided that this provision shall
8 not apply if the appropriate agency of such other state or of the United
9 States finally determines that he or she is not entitled to such unem-
10 ployment benefits.

11 § 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
12 sion 2, subdivision 3 and subdivision 4 of section 593 of the labor
13 law, paragraph (a) of subdivision 1, the opening paragraph of subdivi-
14 sion 2 and subdivision 3 as amended by section 15 of part 0 of chapter
15 57 of the laws of 2013, and subdivision 4 as amended by chapter 589 of
16 the laws of 1998, are amended to read as follows:

17 (a) No [days of total unemployment shall be deemed to occur] benefits
18 shall be payable for any week of total unemployment or partial unemploy-
19 ment that occurs after a claimant's voluntary separation without good
20 cause from employment until he or she has subsequently worked in employ-
21 ment and earned remuneration at least equal to ten times his or her
22 weekly benefit rate. In addition to other circumstances that may be
23 found to constitute good cause, including a compelling family reason as
24 set forth in paragraph (b) of this subdivision, voluntary separation
25 from employment shall not in itself disqualify a claimant if circum-
26 stances have developed in the course of such employment that would have
27 justified the claimant in refusing such employment in the first instance
28 under the terms of subdivision two of this section or if the claimant,

1 pursuant to an option provided under a collective bargaining agreement
2 or written employer plan which permits waiver of his or her right to
3 retain the employment when there is a temporary layoff because of lack
4 of work, has elected to be separated for a temporary period and the
5 employer has consented thereto.

6 No [days of total unemployment shall be deemed to occur] benefits
7 shall be payable for any week of total unemployment or partial unemploy-
8 ment beginning with the day on which a claimant, without good cause,
9 refuses to accept an offer of employment for which he or she is reason-
10 ably fitted by training and experience, including employment not subject
11 to this article, until he or she has subsequently worked in employment
12 and earned remuneration at least equal to ten times his or her weekly
13 benefit rate. Except that claimants who are not subject to a recall date
14 or who do not obtain employment through a union hiring hall and who are
15 still unemployed after receiving ten weeks of benefits shall be required
16 to accept any employment proffered that such claimants are capable of
17 performing, provided that such employment would result in a wage not
18 less than eighty percent of such claimant's high calendar quarter wages
19 received in the base period and not substantially less than the prevail-
20 ing wage for similar work in the locality as provided for in paragraph
21 (d) of this subdivision. No refusal to accept employment shall be deemed
22 without good cause nor shall it disqualify any claimant otherwise eligi-
23 ble to receive benefits if:

24 3. Misconduct. No [days of total unemployment shall be deemed to
25 occur] benefits shall be payable for any week of total unemployment or
26 partial unemployment that occurs after a claimant lost employment
27 through misconduct in connection with his or her employment until he or

1 she has subsequently worked in employment and earned remuneration at
2 least equal to ten times his or her weekly benefit rate.

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

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

22 (1) A claimant who has wilfully made a false statement or represen-
23 tation to obtain any benefit under the provisions of this article shall
24 forfeit benefits [for at least the first four but not more than the
25 first eighty effective days] in an amount equal to at least the first
26 week of total unemployment, but not more than the first twenty weeks of
27 total unemployment following discovery of such offense for which he or

1 she otherwise would have been entitled to receive benefits. Such penalty
2 shall apply only once with respect to each such offense.

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

6 § 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-
7 sion 1 as amended by chapter 204 of the laws of 1982, and subdivision 4
8 as added by chapter 705 of the laws of 1944 and as renumbered by section
9 148-a of part B of chapter 436 of the laws of 1997 and such section as
10 renumbered by chapter 663 of the laws of 1946, are amended to read as
11 follows:

12 1. Claim filing and certification to unemployment. A claimant shall
13 file a claim for benefits [at] with the [local state employment office
14 serving the area in which he was last employed or in which he resides]
15 department's unemployment insurance division within such time and in
16 such manner as the commissioner shall prescribe. He or she shall
17 disclose whether he or she owes child support obligations, as hereafter
18 defined. If a claimant making such disclosure is eligible for benefits,
19 the commissioner shall notify the state or local child support enforce-
20 ment agency, as hereafter defined, that the claimant is eligible.

21 A claimant shall correctly report any [days of] employment and any
22 compensation [he] received for such employment, including [employments]
23 employment not subject to this article, and the days on which he or she
24 was totally unemployed or partially unemployed and shall make such
25 reports in accordance with such regulations as the commissioner shall
26 prescribe.

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

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

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

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

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

26 Extended benefits shall be payable to a claimant for [effective days
27 occurring in] any week of total unemployment or partial unemployment
28 within an eligibility period, provided the claimant

1 (e) is not claiming benefits pursuant to an interstate claim filed
2 under the interstate benefit payment plan in a state where an extended
3 benefit period is not in effect, except that this condition shall not
4 apply with respect to the first [eight effective days] two weeks of
5 total unemployment for which extended benefits shall otherwise be paya-
6 ble pursuant to an interstate claim filed under the interstate benefit
7 payment plan; and

8 § 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5
9 of section 601 of the labor law, as amended by chapter 35 of the laws of
10 2009, are amended to read as follows:

11 3. Extended benefit amounts; rate and duration. Extended benefits
12 shall be paid to a claimant

13 (a) at a rate equal to his or her rate for regular benefits during his
14 or her applicable benefit year but

15 (b) for not more than [fifty-two effective days] thirteen weeks of
16 total unemployment or partial unemployment with respect to his or her
17 applicable benefit year, with a total maximum amount equal to fifty
18 percentum of the total maximum amount of regular benefits payable in
19 such benefit year, and

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

26 (d) for periods of high unemployment for not more than [eighty effec-
27 tive days] twenty weeks of total unemployment or partial unemployment
28 with respect to the applicable benefit year with a total maximum amount

1 equal to eighty percent of the total maximum amount of regular benefits
2 payable in such benefit year.

3 4. Charging of extended benefits. The provisions of paragraph (e) of
4 subdivision one of section five hundred eighty-one of this article shall
5 apply to benefits paid pursuant to the provisions of this section, and
6 if they were paid for [effective days] weeks of total unemployment
7 occurring in weeks following the end of a benefit year, they shall be
8 deemed paid with respect to that benefit year. However, except for
9 governmental entities as defined in section five hundred sixty-five and
10 Indian tribes as defined in section five hundred sixty-six of this arti-
11 cle, only one-half of the amount of such benefits shall be debited to
12 the employers' account; the remainder thereof shall be debited to the
13 general account, and such account shall be credited with the amount of
14 payments received in the fund pursuant to the provisions of the feder-
15 al-state extended unemployment compensation act. Notwithstanding the
16 foregoing, where the state has entered an extended benefit period trig-
17 gered pursuant to subparagraph one of paragraph (a) of subdivision one
18 of this section for which federal law provides for one hundred percent
19 federal sharing of the costs of benefits, all charges shall be debited
20 to the general account and such account shall be credited with the
21 amount of payments received in the fund pursuant to the provisions of
22 the federal-state extended unemployment compensation act or other feder-
23 al law providing for one hundred percent federal sharing for the cost of
24 such benefits.

25 (b) No [days of total unemployment shall be deemed to occur in] bene-
26 fits shall be payable for any week within an eligibility period during
27 which a claimant fails to accept any offer of suitable work or fails to
28 apply for suitable work to which he or she was referred by the commis-

1 sioner, who shall make such referral if such work is available, or
2 during which he or she fails to engage actively in seeking work by
3 making a systematic and sustained effort to obtain work and providing
4 tangible evidence of such effort, and until he or she has worked in
5 employment during at least four subsequent weeks and earned remuneration
6 of at least four times his or her benefit rate.

7 (e) No [days of total unemployment] benefits shall be [deemed to occur
8 in] payable for any week within an eligibility period under section five
9 hundred ninety-three of this article, until he or she has subsequently
10 worked in employment in accordance with the requirements set forth in
11 section five hundred ninety-three of this article.

12 § 16. Section 603 of the labor law, as amended by section 21 of part O
13 of chapter 57 of the laws of 2013, is amended to read as follows:

14 § 603. Definitions. For purposes of this title: "Total unemployment"
15 and "partial unemployment" shall [mean the total lack of any employment
16 on any day,] have the same meanings as defined in this article, other
17 than with an employer applying for a shared work program. "Work force"
18 shall mean the total work force, a clearly identifiable unit or units
19 thereof, or a particular shift or shifts. The work force subject to
20 reduction shall consist of no less than two employees.

21 § 17. Severability. If any amendment contained in a clause, sentence,
22 paragraph, section or part of this act shall be adjudged by the United
23 States Department of Labor to violate requirements for maintaining bene-
24 fit standards required of the state in order to be eligible for any
25 financial benefit offered through federal law or regulation, such amend-
26 ments shall be severed from this act and shall not affect, impair or
27 invalidate the remainder thereof.

1 § 18. This act shall take effect eighteen months after it shall have
2 become a law; provided, however, that effective immediately, any actions
3 necessary to be taken for the implementation of the provisions of this
4 act on its effective date, including rulemaking, are authorized and
5 directed to be completed on or before such effective date; provided,
6 further, however, that the amendments made to subdivision 1 of section
7 591 of the labor law by section seven of this act shall be subject to
8 the expiration and reversion of such subdivision pursuant to section 10
9 of chapter 413 of the laws of 2003, as amended, when upon such date the
10 provisions of section eight of this act shall take effect.

11 PART Z

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

- 16 1. Proprietary vocational school supervision account (20452).
- 17 2. Local government records management account (20501).
- 18 3. Child health plus program account (20810).
- 19 4. EPIC premium account (20818).
- 20 5. Education - New (20901).
- 21 6. VLT - Sound basic education fund (20904).
- 22 7. Sewage treatment program management and administration fund
23 (21000).
- 24 8. Hazardous bulk storage account (21061).
- 25 9. Federal grants indirect cost recovery account (21065).
- 26 10. Low level radioactive waste account (21066).

- 1 11. Recreation account (21067).
- 2 12. Public safety recovery account (21077).
- 3 13. Environmental regulatory account (21081).
- 4 14. Natural resource account (21082).
- 5 15. Mined land reclamation program account (21084).
- 6 16. Great lakes restoration initiative account (21087).
- 7 17. Environmental protection and oil spill compensation fund (21200).
- 8 18. Public transportation systems account (21401).
- 9 19. Metropolitan mass transportation (21402).
- 10 20. Operating permit program account (21451).
- 11 21. Mobile source account (21452).
- 12 22. Statewide planning and research cooperative system account
- 13 (21902).
- 14 23. New York state thruway authority account (21905).
- 15 24. Mental hygiene program fund account (21907).
- 16 25. Mental hygiene patient income account (21909).
- 17 26. Financial control board account (21911).
- 18 27. Regulation of racing account (21912).
- 19 28. New York Metropolitan Transportation Council account (21913).
- 20 29. State university dormitory income reimbursable account (21937).
- 21 30. Criminal justice improvement account (21945).
- 22 31. Environmental laboratory reference fee account (21959).
- 23 32. Clinical laboratory reference system assessment account (21962).
- 24 33. Indirect cost recovery account (21978).
- 25 34. High school equivalency program account (21979).
- 26 35. Multi-agency training account (21989).
- 27 36. Interstate reciprocity for post-secondary distance education
- 28 account (23800).

- 1 37. Bell jar collection account (22003).
- 2 38. Industry and utility service account (22004).
- 3 39. Real property disposition account (22006).
- 4 40. Parking account (22007).
- 5 41. Asbestos safety training program account (22009).
- 6 42. Batavia school for the blind account (22032).
- 7 43. Investment services account (22034).
- 8 44. Surplus property account (22036).
- 9 45. Financial oversight account (22039).
- 10 46. Regulation of Indian gaming account (22046).
- 11 47. Rome school for the deaf account (22053).
- 12 48. Seized assets account (22054).
- 13 49. Administrative adjudication account (22055).
- 14 50. Federal salary sharing account (22056).
- 15 51. New York City assessment account (22062).
- 16 52. Cultural education account (22063).
- 17 53. Local services account (22078).
- 18 54. DHCR mortgage servicing account (22085).
- 19 55. Department of motor vehicles compulsory insurance account (22087).
- 20 56. Housing indirect cost recovery account (22090).
- 21 57. DHCR-HCA application fee account (22100).
- 22 58. Low income housing monitoring account (22130).
- 23 59. Corporation administration account (22135).
- 24 60. Montrose veteran's home account (22144).
- 25 61. Deferred compensation administration account (22151).
- 26 62. Rent revenue other New York City account (22156).
- 27 63. Rent revenue account (22158).
- 28 64. Tax revenue arrearage account (22168).

- 1 65. State university general income offset account (22654).
- 2 66. Lake George park trust fund account (22751).
- 3 67. State police motor vehicle law enforcement account (22802).
- 4 68. Highway safety program account (23001).
- 5 69. DOH drinking water program account (23102).
- 6 70. NYCCC operating offset account (23151).
- 7 71. Commercial gaming revenue account (23701).
- 8 72. Commercial gaming regulation account (23702).
- 9 73. Highway use tax administration account (23801).
- 10 74. Highway and bridge capital account (30051).
- 11 75. Aviation purpose account (30053).
- 12 76. State university residence hall rehabilitation fund (30100).
- 13 77. State parks infrastructure account (30351).
- 14 78. Clean water/clean air implementation fund (30500).
- 15 79. Hazardous waste remedial cleanup account (31506).
- 16 80. Youth facilities improvement account (31701).
- 17 81. Housing assistance fund (31800).
- 18 82. Housing program fund (31850).
- 19 83. Highway facility purpose account (31951).
- 20 84. Information technology capital financing account (32215).
- 21 85. New York racing account (32213).
- 22 86. Capital miscellaneous gifts account (32214).
- 23 87. New York environmental protection and spill remediation account.
- 24 88. Mental hygiene facilities capital improvement fund (32300).
- 25 89. Correctional facilities capital improvement fund (32350).
- 26 90. New York State Storm Recovery Capital Fund (33000).
- 27 91. OGS convention center account (50318).
- 28 92. Empire Plaza Gift Shop (50327).

1 93. Centralized services fund (55000).
2 94. Archives records management account (55052).
3 95. Federal single audit account (55053).
4 96. Civil service EHS occupational health program account (55056).
5 97. Banking services account (55057).
6 98. Cultural resources survey account (55058).
7 99. Neighborhood work project account (55059).
8 100. Automation & printing chargeback account (55060).
9 101. OFT NYT account (55061).
10 102. Data center account (55062).
11 103. Intrusion detection account (55066).
12 104. Domestic violence grant account (55067).
13 105. Centralized technology services account (55069).
14 106. Labor contact center account (55071).
15 107. Human services contact center account (55072).
16 108. Tax contact center account (55073).
17 109. Executive direction internal audit account (55251).
18 110. CIO Information technology centralized services account (55252).
19 111. Health insurance internal service account (55300).
20 112. Civil service employee benefits division administrative account
21 (55301).
22 113. Correctional industries revolving fund (55350).
23 114. Employees health insurance account (60201).
24 115. Medicaid management information system escrow fund (60900).
25 § 1-a. The state comptroller is hereby authorized and directed to loan
26 money in accordance with the provisions set forth in subdivision 5 of
27 section 4 of the state finance law to any account within the following
28 federal funds, provided the comptroller has made a determination that

1 sufficient federal grant award authority is available to reimburse such
2 loans:

- 3 1. Federal USDA-food and nutrition services fund (25000).
- 4 2. Federal health and human services fund (25100).
- 5 3. Federal education fund (25200).
- 6 4. Federal block grant fund (25250).
- 7 5. Federal miscellaneous operating grants fund (25300).
- 8 6. Federal unemployment insurance administration fund (25900).
- 9 7. Federal unemployment insurance occupational training fund (25950).
- 10 8. Federal emergency employment act fund (26000).
- 11 9. Federal capital projects fund (31350).

12 § 2. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, upon request of the director of the budget, on
15 or before March 31, 2018, up to the unencumbered balance or the follow-
16 ing amounts:

17 Economic Development and Public Authorities:

- 18 1. \$175,000 from the miscellaneous special revenue fund, underground
19 facilities safety training account (22172), to the general fund.
- 20 2. An amount up to the unencumbered balance from the miscellaneous
21 special revenue fund, business and licensing services account (21977),
22 to the general fund.
- 23 3. \$14,810,000 from the miscellaneous special revenue fund, code
24 enforcement account (21904), to the general fund.
- 25 4. \$3,000,000 from the general fund to the miscellaneous special
26 revenue fund, tax revenue arrearage account (22168).

27 Education:

- 1 1. \$2,394,714,000 from the general fund to the state lottery fund,
2 education account (20901), as reimbursement for disbursements made from
3 such fund for supplemental aid to education pursuant to section 92-c of
4 the state finance law that are in excess of the amounts deposited in
5 such fund for such purposes pursuant to section 1612 of the tax law.
- 6 2. \$966,634,000 from the general fund to the state lottery fund, VLT
7 education account (20904), as reimbursement for disbursements made from
8 such fund for supplemental aid to education pursuant to section 92-c of
9 the state finance law that are in excess of the amounts deposited in
10 such fund for such purposes pursuant to section 1612 of the tax law.
- 11 3. Moneys from the state lottery fund (20900) up to an amount deposit-
12 ed in such fund pursuant to section 1612 of the tax law in excess of the
13 current year appropriation for supplemental aid to education pursuant to
14 section 92-c of the state finance law.
- 15 4. \$300,000 from the New York state local government records manage-
16 ment improvement fund, local government records management account
17 (20501), to the New York state archives partnership trust fund, archives
18 partnership trust maintenance account (20351).
- 19 5. \$900,000 from the general fund to the miscellaneous special revenue
20 fund, Batavia school for the blind account (22032).
- 21 6. \$900,000 from the general fund to the miscellaneous special revenue
22 fund, Rome school for the deaf account (22053).
- 23 7. \$343,400,000 from the state university dormitory income fund
24 (40350) to the miscellaneous special revenue fund, state university
25 dormitory income reimbursable account (21937).
- 26 8. \$20,000,000 from any of the state education department special
27 revenue and internal service funds to the miscellaneous special revenue
28 fund, indirect cost recovery account (21978).

1 9. \$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 10. \$40,000,000 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, 2017 through March 31,
7 2018.

8 11. An amount up to \$13,540,000 from the general fund to the state
9 university income fund, state university general revenue account
10 (22653).

11 Environmental Affairs:

12 1. \$9,000,000 from any of the department of environmental conserva-
13 tion's special revenue federal funds to the environmental conservation
14 special revenue fund, federal indirect recovery account (21065).

15 2. \$2,000,000 from any of the department of environmental conserva-
16 tion's special revenue federal funds to the conservation fund (21150) as
17 necessary to avoid diversion of conservation funds.

18 3. \$3,000,000 from any of the office of parks, recreation and historic
19 preservation capital projects federal funds and special revenue federal
20 funds to the miscellaneous special revenue fund, federal grant indirect
21 cost recovery account (22188).

22 4. \$1,000,000 from any of the office of parks, recreation and historic
23 preservation special revenue federal funds to the miscellaneous special
24 revenue fund, I love NY water account (21930).

25 5. \$28,000,000 from the general fund to the environmental protection
26 fund, environmental protection fund transfer account (30451).

27 6. \$1,800,000 from the general fund to the hazardous waste remedial
28 fund, hazardous waste oversight and assistance account (31505).

1 Family Assistance:

2 1. \$7,000,000 from any of the office of children and family services,
3 office of temporary and disability assistance, or department of health
4 special revenue federal funds and the general fund, in accordance with
5 agreements with social services districts, to the miscellaneous special
6 revenue fund, office of human resources development state match account
7 (21967).

8 2. \$4,000,000 from any of the office of children and family services
9 or office of temporary and disability assistance special revenue federal
10 funds to the miscellaneous special revenue fund, family preservation and
11 support services and family violence services account (22082).

12 3. \$18,670,000 from any of the office of children and family services,
13 office of temporary and disability assistance, or department of health
14 special revenue federal funds and any other miscellaneous revenues
15 generated from the operation of office of children and family services
16 programs to the general fund.

17 4. \$140,000,000 from any of the office of temporary and disability
18 assistance or department of health special revenue funds to the general
19 fund.

20 5. \$2,500,000 from any of the office of temporary and disability
21 assistance special revenue funds to the miscellaneous special revenue
22 fund, office of temporary and disability assistance program account
23 (21980).

24 6. \$7,400,000 from any of the office of children and family services,
25 office of temporary and disability assistance, department of labor, and
26 department of health special revenue federal funds to the office of
27 children and family services miscellaneous special revenue fund, multi-
28 agency training contract account (21989).

1 7. \$65,000,000 from the miscellaneous special revenue fund, youth
2 facility per diem account (22186), to the general fund.

3 8. \$621,850 from the general fund to the combined gifts, grants, and
4 bequests fund, WB Hoyt Memorial account (20128).

5 9. \$3,100,000 from the miscellaneous special revenue fund, state
6 central registry (22028), to the general fund.

7 General Government:

8 1. \$1,961,000 from the miscellaneous special revenue fund, examination
9 and miscellaneous revenue account (22065) to the general fund.

10 2. \$8,083,000 from the general fund to the health insurance revolving
11 fund (55300).

12 3. \$192,400,000 from the health insurance reserve receipts fund
13 (60550) to the general fund.

14 4. \$150,000 from the general fund to the not-for-profit revolving loan
15 fund (20650).

16 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
17 general fund.

18 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
19 property account (22036), to the general fund.

20 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
21 arrearage account (22024), to the general fund.

22 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
23 arrearage account (22024), to the miscellaneous special revenue fund,
24 authority budget office account (22138).

25 9. \$1,000,000 from the miscellaneous special revenue fund, parking
26 services account (22007), to the general fund, for the purpose of reim-
27 bursing the costs of debt service related to state parking facilities.

1 10. \$21,783,000 from the general fund to the centralized services
2 fund, COPS account (55013).

3 11. \$8,960,000 from the general fund to the agencies internal service
4 fund, central technology services account (55069), for the purpose of
5 enterprise technology projects.

6 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
7 compensation account (21995), to the miscellaneous capital projects
8 fund, workers' compensation board IT business process design fund,
9 (32218).

10 Health:

11 1. A transfer from the general fund to the combined gifts, grants and
12 bequests fund, breast cancer research and education account (20155), up
13 to an amount equal to the monies collected and deposited into that
14 account in the previous fiscal year.

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

19 3. A transfer from the general fund to the combined gifts, grants and
20 bequests fund, Alzheimer's disease research and assistance account
21 (20143), up to an amount equal to the moneys collected and deposited
22 into that account in the previous fiscal year.

23 4. \$30,555,000 from the HCRA resources fund (20800) to the miscella-
24 neous special revenue fund, empire state stem cell trust fund account
25 (22161).

26 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
27 of need account (21920), to the miscellaneous capital projects fund,
28 healthcare IT capital subfund (32216).

1 6. \$2,000,000 from the miscellaneous special revenue fund, vital
2 health records account (22103), to the miscellaneous capital projects
3 fund, healthcare IT capital subfund (32216)

4 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
5 sional medical conduct account (22088), to the miscellaneous capital
6 projects fund, healthcare IT capital subfund (32216).

7 8. \$76,021,000 from the HCRA resources fund (20800) to the capital
8 projects fund (30000).

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

11 10. \$1,086,000 from the miscellaneous special revenue fund, certif-
12 icate of need account (21920), to the general fund.

13 Labor:

14 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
15 penalty account (21923), to the child performer's protection fund, child
16 performer protection account (20401).

17 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
18 penalty account (21923), to the general fund.

19 3. \$3,300,000 from the unemployment insurance interest and penalty
20 fund, unemployment insurance special interest and penalty account
21 (23601), to the general fund.

22 Mental Hygiene:

23 1. \$10,000,000 from the miscellaneous special revenue fund, mental
24 hygiene patient income account (21909), to the miscellaneous special
25 revenue fund, federal salary sharing account (22056).

26 2. \$1,800,000,000 from the general fund to the miscellaneous special
27 revenue fund, mental hygiene patient income account (21909).

1 3. \$1,700,000,000 from the general fund to the miscellaneous special
2 revenue fund, mental hygiene program fund account (21907).

3 4. \$100,000,000 from the miscellaneous special revenue fund, mental
4 hygiene program fund account (21907), to the general fund.

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

7 6. \$3,800,000 from the miscellaneous special revenue fund, mental
8 hygiene patient income account (21909), to the agencies internal service
9 fund, civil service EHS occupational health program account (55056).

10 7. \$11,500,000 from the chemical dependence service fund, substance
11 abuse services fund account (22700), to the capital projects fund
12 (30000).

13 8. \$3,500,000 from the chemical dependence service fund, substance
14 abuse services fund account (22700), to the mental hygiene capital
15 improvement fund (32305).

16 Public Protection:

17 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
18 management account (21944), to the general fund.

19 2. \$2,087,000 from the general fund to the miscellaneous special
20 revenue fund, recruitment incentive account (22171).

21 3. \$12,000,000 from the general fund to the correctional industries
22 revolving fund, correctional industries internal service account
23 (55350).

24 4. \$3,000,000 from the federal miscellaneous operating grants fund,
25 DMNA damage account (25324), to the general fund.

26 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
27 justice improvement account (21945), to the general fund.

1 6. \$112,420,000 from the state police motor vehicle law enforcement
2 and motor vehicle theft and insurance fraud prevention fund, state
3 police motor vehicle enforcement account (22802), to the general fund
4 for state operation expenses of the division of state police.

5 7. A transfer of the unencumbered balance from the miscellaneous
6 special revenue fund, seized assets account (22061), to the miscella-
7 neous special revenue fund, seized assets account (22054).

8 8. \$26,500,000 from the general fund to the correctional facilities
9 capital improvement fund (32350).

10 9. \$5,000,000 from the general fund to the dedicated highway and
11 bridge trust fund (30050) for the purpose of work zone safety activities
12 provided by the division of state police for the department of transpor-
13 tation.

14 10. \$5,238,000 from the miscellaneous special revenue fund, statewide
15 public safety communications account (22123), to the capital projects
16 fund (30000).

17 11. \$9,545,000 from the miscellaneous special revenue fund, legal
18 services assistance account (22096), to the general fund.

19 12. \$300,000 from the state police motor vehicle law enforcement and
20 motor vehicle theft and insurance fraud prevention fund, motor vehicle
21 theft and insurance fraud account (22801), to the general fund.

22 13. \$1,000,000 from the general fund to the agencies internal service
23 fund, neighborhood work project account (55059).

24 14. \$5,940,556 from the miscellaneous special revenue fund, finger-
25 print identification & technology account (21950), to the general fund.

26 15. \$4,000,000 from the state police motor vehicle law enforcement and
27 motor vehicle theft and insurance fraud prevention fund, motor vehicle
28 theft and insurance fraud account (22801), to the general fund.

1 16. \$50,000,000 from the miscellaneous special revenue fund, public
2 safety communications account (22123), to the general fund.

3 17. \$2,000,000 from the general fund to the miscellaneous special
4 revenue fund, crimes against revenue program account (22015).

5 Transportation:

6 1. \$17,672,000 from the federal miscellaneous operating grants fund to
7 the miscellaneous special revenue fund, New York Metropolitan Transpor-
8 tation Council account (21913).

9 2. \$20,147,000 from the federal capital projects fund to the miscella-
10 neous special revenue fund, New York Metropolitan Transportation Council
11 account (21913).

12 3. \$15,058,017 from the general fund to the mass transportation oper-
13 ating assistance fund, public transportation systems operating assist-
14 ance account (21401), of which \$12,000,000 constitutes the base need for
15 operations.

16 4. \$720,000,000 from the general fund to the dedicated highway and
17 bridge trust fund (30050).

18 5. \$3,662,000 from the miscellaneous special revenue fund, accident
19 prevention course program account (22094), to the dedicated highway and
20 bridge trust fund (30050).

21 6. \$3,065,000 from the miscellaneous special revenue fund, motorcycle
22 safety account (21976), to the dedicated highway and bridge trust fund
23 (30050).

24 7. \$244,250,000 from the general fund to the MTA financial assistance
25 fund, mobility tax trust account (23651).

26 8. \$5,000,000 from the miscellaneous special revenue fund, transporta-
27 tion regulation account (22067) to the dedicated highway and bridge
28 trust fund (30050), for disbursements made from such fund for motor

1 carrier safety that are in excess of the amounts deposited in the dedi-
2 cated highway and bridge trust fund (30050) for such purpose pursuant to
3 section 94 of the transportation law.

4 9. \$114,000 from the miscellaneous special revenue fund, seized assets
5 account (21906), to the dedicated highway and bridge trust fund (30050).

6 10. \$500,000 from the clean air fund, mobile source account (21452),
7 to the general fund.

8 11. \$3,000,000 from the miscellaneous special revenue fund, traffic
9 adjudication account (22055), to the general fund.

10 12. \$121,548,000 from the mass transportation operating assistance
11 fund, metropolitan mass transportation operating assistance account
12 (21402), to the capital projects fund (30000).

13 Miscellaneous:

14 1. \$250,000,000 from the general fund to any funds or accounts for the
15 purpose of reimbursing certain outstanding accounts receivable balances.

16 2. \$1,000,000,000 from the general fund to the debt reduction reserve
17 fund (40000).

18 3. \$450,000,000 from the New York state storm recovery capital fund
19 (33000) to the revenue bond tax fund (40152).

20 4. \$15,500,000 from the general fund, community projects account GG
21 (10256), to the general fund, state purposes account (10050).

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

25 1. Upon request of the commissioner of environmental conservation, up
26 to \$11,410,000 from revenues credited to any of the department of envi-
27 ronmental conservation special revenue funds, including \$3,293,400 from
28 the environmental protection and oil spill compensation fund (21200),

1 and \$1,783,600 from the conservation fund (21150), to the environmental
2 conservation special revenue fund, indirect charges account (21060).

3 2. Upon request of the commissioner of agriculture and markets, up to
4 \$3,000,000 from any special revenue fund or enterprise fund within the
5 department of agriculture and markets to the general fund, to pay appro-
6 priate administrative expenses.

7 3. Upon request of the commissioner of agriculture and markets, up to
8 \$2,000,000 from the state exposition special fund, state fair receipts
9 account (50051) to the miscellaneous capital projects fund, state fair
10 capital improvement account (32208).

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

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

20 6. Upon request of the commissioner of health up to \$8,500,000 from
21 revenues credited to any of the department of health's special revenue
22 funds, to the miscellaneous special revenue fund, administration account
23 (21982).

24 § 4. On or before March 31, 2018, the comptroller is hereby authorized
25 and directed to deposit earnings that would otherwise accrue to the
26 general fund that are attributable to the operation of section 98-a of
27 the state finance law, to the agencies internal service fund, banking

1 services account (55057), for the purpose of meeting direct payments
2 from such account.

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

10 § 6. 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 and
13 upon consultation with the state university chancellor or his or her
14 designee, on or before March 31, 2018, up to \$16,000,000 from the state
15 university income fund general revenue account (22653) to the state
16 general fund for debt service costs related to campus supported capital
17 project costs for the NY-SUNY 2020 challenge grant program at the
18 University at Buffalo.

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

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

6 § 9. Notwithstanding any law to the contrary, and in accordance with
7 section 4 of the state finance law, the comptroller is hereby authorized
8 and directed to transfer, upon request of the director of the budget, up
9 to \$69,264,000 from the general fund to the state university income
10 fund, state university hospitals income reimbursable account (22656)
11 during the period July 1, 2017 through June 30, 2018 to reflect ongoing
12 state subsidy of SUNY hospitals and to pay costs attributable to the
13 SUNY hospitals' state agency status.

14 § 10. Notwithstanding any law to the contrary, and in accordance with
15 section 4 of the state finance law, the comptroller is hereby authorized
16 and directed to transfer, upon request of the director of the budget, up
17 to \$996,778,300 from the general fund to the state university income
18 fund, state university general revenue offset account (22655) during the
19 period of July 1, 2017 through June 30, 2018 to support operations at
20 the state university.

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

1 § 12. Notwithstanding any law to the contrary, and in accordance with
2 section 4 of the state finance law, the comptroller is hereby authorized
3 and directed to transfer, upon request of the state university chancel-
4 lor or his or her designee, up to \$55,000,000 from the state university
5 income fund, state university hospitals income reimbursable account
6 (22656), for services and expenses of hospital operations and capital
7 expenditures at the state university hospitals; and the state university
8 income fund, Long Island veterans' home account (22652) to the state
9 university capital projects fund (32400) on or before June 30, 2018.

10 § 13. Notwithstanding any law to the contrary, and in accordance with
11 section 4 of the state finance law, the comptroller, after consultation
12 with the state university chancellor or his or her designee, is hereby
13 authorized and directed to transfer moneys, in the first instance, from
14 the state university collection fund, Stony Brook hospital collection
15 account (61006), Brooklyn hospital collection account (61007), and Syra-
16 cuse hospital collection account (61008) to the state university income
17 fund, state university hospitals income reimbursable account (22656) in
18 the event insufficient funds are available in the state university
19 income fund, state university hospitals income reimbursable account
20 (22656) to permit the full transfer of moneys authorized for transfer,
21 to the general fund for payment of debt service related to the SUNY
22 hospitals. Notwithstanding any law to the contrary, the comptroller is
23 also hereby authorized and directed, after consultation with the state
24 university chancellor or his or her designee, to transfer moneys from
25 the state university income fund to the state university income fund,
26 state university hospitals income reimbursable account (22656) in the
27 event insufficient funds are available in the state university income
28 fund, state university hospitals income reimbursable account (22656) to

1 pay hospital operating costs or to permit the full transfer of moneys
2 authorized for transfer, to the general fund for payment of debt service
3 related to the SUNY hospitals on or before March 31, 2018.

4 § 14. Notwithstanding any law to the contrary, upon the direction of
5 the director of the budget and the chancellor of the state university of
6 New York or his or her designee, and in accordance with section 4 of the
7 state finance law, the comptroller is hereby authorized and directed to
8 transfer monies from the state university dormitory income fund (40350)
9 to the state university residence hall rehabilitation fund (30100), and
10 from the state university residence hall rehabilitation fund (30100) to
11 the state university dormitory income fund (40350), in an amount not to
12 exceed \$80 million from each fund.

13 § 15. Notwithstanding any law to the contrary, and in accordance with
14 section 4 of the state finance law, the comptroller is hereby authorized
15 and directed to transfer monies, upon request of the director of the
16 budget, on or before March 31, 2018, from and to any of the following
17 accounts: the miscellaneous special revenue fund, patient income account
18 (21909), the miscellaneous special revenue fund, mental hygiene program
19 fund account (21907), the miscellaneous special revenue fund, federal
20 salary sharing account (22056), or the general fund in any combination,
21 the aggregate of which shall not exceed \$350 million.

22 § 16. Notwithstanding any law to the contrary, and in accordance with
23 section 4 of the state finance law, the comptroller is hereby authorized
24 and directed to transfer, at the request of the director of the budget,
25 up to \$750 million from the unencumbered balance of any special revenue
26 fund or account, agency fund or account, internal service fund or
27 account, enterprise fund or account, or any combination of such funds
28 and accounts, to the general fund. The amounts transferred pursuant to

1 this authorization shall be in addition to any other transfers expressly
2 authorized in the 2017-18 budget. Transfers from federal funds, debt
3 service funds, capital projects funds, the community projects fund, or
4 funds that would result in the loss of eligibility for federal benefits
5 or federal funds pursuant to federal law, rule, or regulation as assent-
6 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
7 1951 are not permitted pursuant to this authorization.

8 § 17. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, at the request of the director of the budget,
11 up to \$100 million from any non-general fund or account, or combination
12 of funds and accounts, to the miscellaneous special revenue fund, tech-
13 nology financing account (22207), the miscellaneous capital projects
14 fund, information technology capital financing account (32215), or the
15 centralized technology services account (55069), for the purpose of
16 consolidating technology procurement and services. The amounts trans-
17 ferred to the miscellaneous special revenue fund, technology financing
18 account (22207) pursuant to this authorization shall be equal to or less
19 than the amount of such monies intended to support information technolo-
20 gy costs which are attributable, according to a plan, to such account
21 made in pursuance to an appropriation by law. Transfers to the technolo-
22 gy financing account shall be completed from amounts collected by non-
23 general funds or accounts pursuant to a fund deposit schedule or perma-
24 nent statute, and shall be transferred to the technology financing
25 account pursuant to a schedule agreed upon by the affected agency
26 commissioner. Transfers from funds that would result in the loss of
27 eligibility for federal benefits or federal funds pursuant to federal
28 law, rule, or regulation as assented to in chapter 683 of the laws of

1 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
2 this authorization.

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

10 § 19. 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, at the request of the director of the budget,
13 up to \$400 million from any non-general fund or account, or combination
14 of funds and accounts, to the general fund for the purpose of consol-
15 idating technology procurement and services. The amounts transferred
16 pursuant to this authorization shall be equal to or less than the amount
17 of such monies intended to support information technology costs which
18 are attributable, according to a plan, to such account made in pursuance
19 to an appropriation by law. Transfers to the general fund shall be
20 completed from amounts collected by non-general funds or accounts pursu-
21 ant to a fund deposit schedule. Transfers from funds that would result
22 in the loss of eligibility for federal benefits or federal funds pursu-
23 ant to federal law, rule, or regulation as assented to in chapter 683 of
24 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
25 pursuant to this authorization.

26 § 20. Notwithstanding any provision of law, rule or regulation to the
27 contrary, the New York state energy research and development authority
28 is authorized and directed to make the following contributions to the

1 state treasury to the credit of the general fund on or before March 31,
2 2018: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
3 authority from the auction or sale of carbon dioxide emission allowances
4 allocated by the department of environmental conservation.

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

8 5. Notwithstanding the provisions of section one hundred seventy-one-a
9 of the tax law, as separately amended by chapters four hundred eighty-
10 one and four hundred eighty-four of the laws of nineteen hundred eight-
11 y-one, and notwithstanding the provisions of chapter ninety-four of the
12 laws of two thousand eleven, or any other provisions of law to the
13 contrary, during the fiscal year beginning April first, two thousand
14 [sixteen] seventeen, the state comptroller is hereby authorized and
15 directed to deposit to the fund created pursuant to this section from
16 amounts collected pursuant to article twenty-two of the tax law and
17 pursuant to a schedule submitted by the director of the budget, up to
18 [\$3,283,844,000] \$2,605,997,000, as may be certified in such schedule as
19 necessary to meet the purposes of such fund for the fiscal year begin-
20 ning April first, two thousand [sixteen] seventeen.

21 § 22. Notwithstanding any law to the contrary, the comptroller is
22 hereby authorized and directed to transfer, upon request of the director
23 of the budget, on or before March 31, 2018, the following amounts from
24 the following special revenue accounts to the capital projects fund
25 (30000), for the purposes of reimbursement to such fund for expenses
26 related to the maintenance and preservation of state assets:

27 1. \$43,000 from the miscellaneous special revenue fund, administrative
28 program account (21982).

- 1 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
2 hospital account (22140).
 - 3 3. \$366,000 from the miscellaneous special revenue fund, New York city
4 veterans' home account (22141).
 - 5 4. \$513,000 from the miscellaneous special revenue fund, New York
6 state home for veterans' and their dependents at oxford account (22142).
 - 7 5. \$159,000 from the miscellaneous special revenue fund, western New
8 York veterans' home account (22143).
 - 9 6. \$323,000 from the miscellaneous special revenue fund, New York
10 state for veterans in the lower-hudson valley account (22144).
 - 11 7. \$2,550,000 from the miscellaneous special revenue fund, patron
12 services account (22163).
 - 13 8. \$41,930,000 from the miscellaneous special revenue fund, state
14 university dormitory income reimbursable account (21937).
 - 15 9. \$830,000 from the miscellaneous special revenue fund, long island
16 veterans' home account (22652).
 - 17 10. \$5,379,000 from the miscellaneous special revenue fund, state
18 university general income reimbursable account (22653).
 - 19 11. \$112,556,000 from the miscellaneous special revenue fund, state
20 university revenue offset account (22655).
 - 21 12. \$557,000 from the miscellaneous special revenue fund, state
22 university of New York tuition reimbursement account (22659).
- 23 § 22-a. Subdivision 3 of section 93-b of the state finance law, as
24 added by section 1 of part H of chapter 60 of the laws of 2015, the
25 opening paragraph as amended by section 1 of part M of chapter 57 of the
26 laws of 2016, and paragraph (a) as amended by section 27 of part UU of
27 chapter 54 of the laws of 2016, is amended to read as follows:

1 3. Transfers. Notwithstanding any other provisions of law to the
2 contrary, commencing on April first, two thousand fifteen, and continu-
3 ing through March thirty-first, two thousand twenty-one, the comptroller
4 is hereby authorized to transfer monies from the dedicated infrastruc-
5 ture investment fund to the general fund, and from the general fund to
6 the dedicated infrastructure investment fund, in an amount determined by
7 the director of the budget to the extent moneys are available in the
8 fund; provided, however, that the comptroller is only authorized to
9 transfer monies from the dedicated infrastructure investment fund to the
10 general fund in the event of an economic downturn as described in para-
11 graph (a) of this subdivision; and/or to fulfill disallowances and/or
12 settlements related to over-payments of federal medicare and medicaid
13 revenues in excess of one hundred million dollars from anticipated
14 levels, as determined by the director of the budget and described in
15 paragraph (b) of this subdivision; and/or a catastrophic event as
16 described in paragraph (c) of this subdivision.

17 (a) Economic downturn. Notwithstanding any law to the contrary, for
18 the purpose of this section, the commissioner of labor shall calculate
19 and publish, on or before the fifteenth day of each month, a composite
20 index of business cycle indicators. Such index shall be calculated using
21 monthly data on New York state private sector employment, average weekly
22 hours of manufacturing workers, and the unemployment rate prepared by
23 the department of labor or its successor agency, and total sales tax
24 collections adjusted for inflation, prepared by the department of taxa-
25 tion and finance or its successor agency. Such index shall be adjusted
26 for seasonal variations in accordance with the procedures issued by the
27 United States Census Bureau or its successor agency. If the composite
28 index declines for five consecutive months, the commissioner of labor

1 shall notify the governor, the speaker of the assembly, the temporary
2 president of the senate, and the minority leaders of the assembly and
3 the senate. Upon such notification, the director of the budget may
4 authorize and direct the comptroller to transfer from the dedicated
5 infrastructure investment fund to the general fund such amounts as the
6 director of the budget deems necessary to meet the requirements of the
7 state financial plan. The authority to transfer funds under the
8 provisions of this paragraph shall lapse when the composite index shall
9 have increased for five consecutive months or twelve months from the
10 original notification of the commissioner of labor, whichever occurs
11 earlier. Provided, however, that for every additional and consecutive
12 monthly decline succeeding the five month decline so noted by the
13 commissioner of labor, the twelve month lapse date shall be extended by
14 one additional month.

15 (b) Federal medicare and medicaid revenues. Notwithstanding any law to
16 the contrary, the director of the budget may authorize and direct the
17 comptroller to transfer from the dedicated infrastructure investment
18 fund to the general fund an amount not to exceed the disallowances
19 and/or settlements related to the over-payments of federal medicare and
20 medicaid revenues. In the event this authorization is utilized, the
21 director of the budget may authorize and direct the comptroller to
22 transfer such amount and the concomitant reduction in state share medi-
23 care and medicaid revenues from the general fund to the miscellaneous
24 special revenue fund, mental hygiene program fund (21907), the miscella-
25 neous special revenue fund, patient income account (21909), and the
26 Medicaid Management Information System (MMIS) Statewide Escrow Fund
27 (60901).

1 (c) Catastrophic events. In the event of a need to repel invasion,
2 suppress insurrection, defend the state in war, or to respond to any
3 other emergency resulting from a disaster, including but not limited to,
4 a disaster caused by an act of terrorism, the director of the budget may
5 authorize and direct the comptroller to transfer from the dedicated
6 infrastructure investment fund to the general fund such amounts as the
7 director of the budget deems necessary to meet the requirements of the
8 state financial plan.

9 (d) Prior to authorizing any transfer from the dedicated infrastruc-
10 ture investment fund accounts pursuant to the provisions of this
11 section, the director of the budget shall notify the speaker of the
12 assembly, the temporary president of the senate, and the minority lead-
13 ers of the assembly and the senate. Such letter shall specify the
14 reasons for the transfer and the amount thereof.

15 § 22-b. Subdivision 2 of section 97-rrr of the state finance law, as
16 amended by section 45 of part H of chapter 56 of the laws of 2000, is
17 amended and a new subdivision 4 is added to read as follows:

18 2. Such fund shall consist of all monies credited or transferred ther-
19 eto from the general fund or from any other fund or sources pursuant to
20 law, and include an amount equal to fifty percent of any estimated cash-
21 basis surplus in the general fund, as certified by the director of the
22 budget on or before the twenty-fifth day of March of each fiscal year.
23 Upon request of the director of the budget, the state comptroller shall
24 transfer such surplus amount from the general fund to the debt reduction
25 reserve fund. The director of budget shall calculate the surplus as the
26 excess of estimated aggregate receipts above the estimated aggregate
27 disbursements at the end of the fiscal year. Notwithstanding paragraph
28 (a) of subdivision four of section seventy-two of this article, the

1 state comptroller shall retain any balance of moneys in the debt
2 reduction reserve fund at the end of any fiscal year in such fund.

3 4. Any amounts disbursed from such fund shall be excluded from the
4 calculation of annual spending growth in state operating funds.

5 § 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter
6 62 of the laws of 2003 amending the general business law and other laws
7 relating to implementing the state fiscal plan for the 2003-2004 state
8 fiscal year, is amended to read as follows:

9 1. The state representative, upon the execution of a sale agreement on
10 behalf of the state may sell to the corporation, and the corporation may
11 purchase, for cash or other consideration and in one or more install-
12 ments, all or a portion of the state's share. Any such agreement shall
13 provide, among other matters, that the purchase price payable by the
14 corporation to the state for such state's share or portion thereof shall
15 consist of the net proceeds of the bonds issued to finance such purchase
16 price and the residual interests, if any. The residual interests shall
17 be deposited into [the tobacco settlement fund pursuant to section 92-x
18 of the state finance law, unless otherwise directed by statute] the
19 Medicaid management information system (MMIS) statewide escrow fund
20 within thirty days upon the availability of such residual interests to
21 fund a portion of the cumulative non-federal share of expenses related
22 to the state takeover of the local share of Medicaid growth pursuant to
23 part F of chapter 56 of the laws of 2012. Such deposit shall be in an
24 amount equal to (a) the amount of residual interests scheduled for
25 deposit into the MMIS statewide escrow fund in the applicable year's
26 enacted budget financial plan as updated or (b) the total amount of
27 residual interests available if the total amount of such residual inter-
28 ests is less than the total amount of residual interests scheduled for

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

1 § 22-d. The state finance law is amended by adding a new section 99-aa
2 to read as follows:

3 § 99-aa. Retiree health benefit trust fund. 1. There is hereby estab-
4 lished in the sole custody of the commissioner of the department of
5 civil service a special investment fund to be known as the retiree
6 health benefit trust fund.

7 2. For purposes of this section: (a) "commissioner" shall mean the
8 commissioner of the department of civil service, except wherein this
9 section the commissioner of the department of taxation and finance is
10 referenced;

11 (b) "state" shall mean the state of New York;

12 (c) "fund", or "trust", or "trust fund" shall mean the retiree health
13 benefit trust fund created by this section; and

14 (d) "retiree health benefits" shall mean benefits, except pensions or
15 other benefits funded through a public retirement system, provided or to
16 be provided by the state as compensation, whether pursuant to statute,
17 contract or other lawful authority, to its current or former officers or
18 employees, or their families or beneficiaries, after service to the
19 state has ended, including, but not limited to, health care benefits.

20 3. (a) Notwithstanding any provision of law to the contrary, the reti-
21 ree health benefit trust fund is established for the exclusive benefit
22 of retired state employees and their dependents.

23 (b) The sole purpose of the trust fund established pursuant to subdi-
24 vision one of this section shall be to fund the health and welfare bene-
25 fits of retired state employees and their dependents.

26 4. (a) Payments into and from the trust fund established pursuant to
27 subdivision one of this section shall be made in accordance with this
28 section.

1 (b) Contributions to the trust, and any interest or other income or
2 earnings on contributions, shall be irrevocable before all liabilities
3 of the state government for retiree health benefits have been satisfied
4 and shall be solely dedicated to, and used solely for, providing retiree
5 health benefits and paying appropriate and reasonable expenses of admin-
6 istering the trust. No assets, income, earnings or distributions of the
7 trust shall be subject to any claim of creditors of the state, or to
8 assignment or execution, attachment or any other claim enforcement proc-
9 ess initiated by or on behalf of such creditors. Except as otherwise
10 provided in subdivision eight of this section, the commissioner shall
11 not be responsible for the adequacy of the assets of the trust to meet
12 any other post-employment benefit. The commissioner shall not be respon-
13 sible for taking any action to enforce the payment of any appropriation
14 into the trust. The trust may be terminated only when all liabilities of
15 the state for retiree health benefits have been satisfied and there is
16 no present or future obligation, contingent or otherwise, of the state
17 to provide such retiree health benefits. Upon such termination, any
18 remaining trust assets, after any proper expenses of the trust have been
19 paid, shall revert to the state.

20 (c) At the close of each fiscal year, the director of the budget shall
21 certify the cash surplus remaining in the general fund; such cash
22 surplus shall be calculated by the director of the budget as the excess
23 of estimated aggregate receipts above the estimated aggregate disburse-
24 ments at the end of the fiscal year. Upon such calculation and certif-
25 ication, a portion of any certified cash surplus remaining in the gener-
26 al fund, which such portion shall be determined in the sole discretion
27 of the director of the budget, may be transferred or deposited directly
28 to the trust fund at the sole request of the director of the budget.

1 (d) All payments for retiree health and welfare benefits from such
2 trust fund shall not be subject to an appropriation and shall be trans-
3 ferred, to the extent funds are available in such trust fund, to the
4 health insurance fund for the sole and exclusive purpose of funding
5 retiree health benefits.

6 5. Investments. (a) The commissioner may establish a trust in his or
7 her custody for the purpose of accumulating assets to fund the cost of
8 providing retiree health benefits.

9 (b) The commissioner is hereby declared to be the trustee of the trust
10 established pursuant to subdivision one of this section, and the commis-
11 sioner shall delegate responsibility for managing the investments of the
12 trust fund established pursuant to subdivision one of this section to
13 the commissioner of the department of taxation and finance. The commis-
14 sioner of the department of taxation and finance shall manage the
15 investments of the trust fund established pursuant to subdivision one of
16 this section in a careful and prudent manner consistent with the guide-
17 lines and provisions of section ninety-eight this article.

18 (c) Any interest or other income or earnings resulting from the
19 investment of assets of the trust shall accrue to and become part of the
20 assets of the trust.

21 6. In accordance with paragraph (b) of subdivision five of this
22 section, the commissioner of taxation and finance shall develop, in
23 consultation with the state health insurance council, a written invest-
24 ment policy for selecting investment options in a manner consistent with
25 the investment options prescribed in section ninety-eight of this arti-
26 cle so that the commissioner may be able to invest fund monies in
27 accordance with such policy. Such policy shall include a statement of
28 investment objectives addressing, in the following order of priority,

1 the ability to timely meet disbursement requests without forced sale of
2 assets, safety of principal and attainment of market rates of return.

3 7. Neither the state nor the commissioner shall be liable for any loss
4 or expense suffered by the trust in the absence of bad faith, willful
5 misconduct or intentional wrongdoing. The commissioner shall be consid-
6 ered to be acting as an officer of the state for purposes of section
7 seventeen of the public officers law, provided, however, that the costs
8 of any defense or indemnification of the commissioner arising from the
9 exercise of the functions of trustee shall be payable from the assets of
10 the trust.

11 8. Nothing contained in this section shall be interpreted or construed
12 to: (a) create any obligation in, impose any obligation on, or alter any
13 obligation of the state to provide retiree health benefits;

14 (b) limit or restrict the authority of the state to modify or elimi-
15 nate retiree health benefits;

16 (c) assure or deny retiree health benefits; or

17 (d) require the state to fund its liability for retiree health bene-
18 fits.

19 § 23. Notwithstanding any other law, rule, or regulation to the
20 contrary, the state comptroller is hereby authorized and directed to use
21 any balance remaining in the mental health services fund debt service
22 appropriation, after payment by the state comptroller of all obligations
23 required pursuant to any lease, sublease, or other financing arrangement
24 between the dormitory authority of the state of New York as successor to
25 the New York state medical care facilities finance agency, and the
26 facilities development corporation pursuant to chapter 83 of the laws of
27 1995 and the department of mental hygiene for the purpose of making
28 payments to the dormitory authority of the state of New York for the

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

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

17 1. Notwithstanding the provisions of any other law to the contrary,
18 the dormitory authority and the corporation are hereby authorized to
19 issue bonds or notes in one or more series for the purpose of funding
20 project costs for the office of information technology services, depart-
21 ment of law, and other state costs associated with such capital
22 projects. The aggregate principal amount of bonds authorized to be
23 issued pursuant to this section shall not exceed [~~three~~] four hundred
24 [~~sixty-four~~] fifty million [~~eight~~] five hundred forty thousand dollars,
25 excluding bonds issued to fund one or more debt service reserve funds,
26 to pay costs of issuance of such bonds, and bonds or notes issued to
27 refund or otherwise repay such bonds or notes previously issued. Such
28 bonds and notes of the dormitory authority and the corporation shall not

1 be a debt of the state, and the state shall not be liable thereon, nor
2 shall they be payable out of any funds other than those appropriated by
3 the state to the dormitory authority and the corporation for principal,
4 interest, and related expenses pursuant to a service contract and such
5 bonds and notes shall contain on the face thereof a statement to such
6 effect. Except for purposes of complying with the internal revenue code,
7 any interest income earned on bond proceeds shall only be used to pay
8 debt service on such bonds.

9 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws
10 of 1997, relating to the financing of the correctional facilities
11 improvement fund and the youth facility improvement fund, as amended by
12 section 30 of part UU of chapter 54 of the laws of 2016, is amended to
13 read as follows:

14 1. Subject to the provisions of chapter 59 of the laws of 2000, but
15 notwithstanding the provisions of section 18 of section 1 of chapter 174
16 of the laws of 1968, the New York state urban development corporation is
17 hereby authorized to issue bonds, notes and other obligations in an
18 aggregate principal amount not to exceed seven billion [four] seven
19 hundred [twenty-four] forty-one million [nine] one hundred ninety-nine
20 thousand dollars [\$7,424,999,000] \$7,741,199,000, and shall include all
21 bonds, notes and other obligations issued pursuant to chapter 56 of the
22 laws of 1983, as amended or supplemented. The proceeds of such bonds,
23 notes or other obligations shall be paid to the state, for deposit in
24 the correctional facilities capital improvement fund to pay for all or
25 any portion of the amount or amounts paid by the state from appropri-
26 ations or reappropriations made to the department of corrections and
27 community supervision from the correctional facilities capital improve-
28 ment fund for capital projects. The aggregate amount of bonds, notes or

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

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

4 (a) Subject to the provisions of chapter fifty-nine of the laws of two
5 thousand, in order to enhance and encourage the promotion of housing
6 programs and thereby achieve the stated purposes and objectives of such
7 housing programs, the agency shall have the power and is hereby author-
8 ized from time to time to issue negotiable housing program bonds and
9 notes in such principal amount as shall be necessary to provide suffi-
10 cient funds for the repayment of amounts disbursed (and not previously
11 reimbursed) pursuant to law or any prior year making capital appropri-
12 ations or reappropriations for the purposes of the housing program;
13 provided, however, that the agency may issue such bonds and notes in an
14 aggregate principal amount not exceeding [four] five billion [six] three
15 hundred [ninety-seven] eighty-four million [four] one hundred [seventy-
16 four] ninety-nine thousand dollars, plus a principal amount of bonds
17 issued to fund the debt service reserve fund in accordance with the debt
18 service reserve fund requirement established by the agency and to fund
19 any other reserves that the agency reasonably deems necessary for the
20 security or marketability of such bonds and to provide for the payment
21 of fees and other charges and expenses, including underwriters'
22 discount, trustee and rating agency fees, bond insurance, credit
23 enhancement and liquidity enhancement related to the issuance of such
24 bonds and notes. No reserve fund securing the housing program bonds
25 shall be entitled or eligible to receive state funds apportioned or
26 appropriated to maintain or restore such reserve fund at or to a partic-
27 ular level, except to the extent of any deficiency resulting directly or
28 indirectly from a failure of the state to appropriate or pay the agreed

1 amount under any of the contracts provided for in subdivision four of
2 this section.

3 § 27. Subdivision (b) of section 11 of chapter 329 of the laws of
4 1991, amending the state finance law and other laws relating to the
5 establishment of the dedicated highway and bridge trust fund, as amended
6 by section 32 of part UU of chapter 54 of the laws of 2016, is amended
7 to read as follows:

8 (b) Any service contract or contracts for projects authorized pursuant
9 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
10 14-k of the transportation law, and entered into pursuant to subdivision
11 (a) of this section, shall provide for state commitments to provide
12 annually to the thruway authority a sum or sums, upon such terms and
13 conditions as shall be deemed appropriate by the director of the budget,
14 to fund, or fund the debt service requirements of any bonds or any obli-
15 gations of the thruway authority issued to fund or to reimburse the
16 state for funding such projects having a cost not in excess of
17 [\$9,147,234,000] \$9,634,586,000 cumulatively by the end of fiscal year
18 [2016-17] 2017-18.

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

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

1 § 29. Subdivision (a) of section 27 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 UU of chapter 54 of the laws of 2016, 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, the urban devel-
8 opment corporation is hereby authorized to issue bonds or notes in one
9 or more series in an aggregate principal amount not to exceed
10 [§167,600,000] \$173,600,000, excluding bonds issued to finance one or
11 more debt service reserve funds, to pay costs of issuance of such bonds,
12 and bonds or notes issued to refund or otherwise repay such bonds or
13 notes previously issued, for the purpose of financing capital projects
14 including IT initiatives for the division of state police, debt service
15 and leases; and to reimburse the state general fund for disbursements
16 made therefor. Such bonds and notes of such authorized issuer shall not
17 be a debt of the state, and the state shall not be liable thereon, nor
18 shall they be payable out of any funds other than those appropriated by
19 the state to such authorized issuer for debt service and related
20 expenses pursuant to any service contract executed pursuant to subdivi-
21 sion (b) of this section and such bonds and notes shall contain on the
22 face thereof a statement to such effect. Except for purposes of comply-
23 ing with the internal revenue code, any interest income earned on bond
24 proceeds shall only be used to pay debt service on such bonds.

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

1 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
2 provisions of any other law to the contrary, the dormitory authority and
3 the corporation are hereby authorized to issue bonds or notes in one or
4 more series for the purpose of funding project costs for the regional
5 economic development council initiative, the economic transformation
6 program, state university of New York college for nanoscale and science
7 engineering, projects within the city of Buffalo or surrounding envi-
8 rons, the New York works economic development fund, projects for the
9 retention of professional football in western New York, the empire state
10 economic development fund, the clarkson-trudeau partnership, the New
11 York genome center, the cornell university college of veterinary medi-
12 cine, the olympic regional development authority, projects at nano
13 Utica, onondaga county revitalization projects, Binghamton university
14 school of pharmacy, New York power electronics manufacturing consortium,
15 regional infrastructure projects, high technology manufacturing projects
16 in Chautauqua and Erie county, an industrial scale research and develop-
17 ment facility in Clinton county, upstate revitalization initiative
18 projects, market New York projects, fairground buildings or facilities
19 used to house and promote agriculture, the state fair, the empire state
20 trail, the moynihan station development project, the Kingsbridge armory
21 project, strategic economic development projects, the cultural, arts and
22 public spaces fund, an LGBT memorial, water infrastructure in the city
23 of Auburn and town of Owasco, a life sciences laboratory public health
24 initiative, and other state costs associated with such projects. The
25 aggregate principal amount of bonds authorized to be issued pursuant to
26 this section shall not exceed [four] six billion [six] five hundred
27 [seventy-one] five million [seven] two hundred fifty-seven thousand
28 dollars, excluding bonds issued to fund one or more debt service reserve

1 funds, to pay costs of issuance of such bonds, and bonds or notes issued
2 to refund or otherwise repay such bonds or notes previously issued. Such
3 bonds and notes of the dormitory authority and the corporation shall not
4 be a debt of the state, and the state shall not be liable thereon, nor
5 shall they be payable out of any funds other than those appropriated by
6 the state to the dormitory authority and the corporation for principal,
7 interest, and related expenses pursuant to a service contract and such
8 bonds and notes shall contain on the face thereof a statement to such
9 effect. Except for purposes of complying with the internal revenue code,
10 any interest income earned on bond proceeds shall only be used to pay
11 debt service on such bonds.

12 2. Notwithstanding any other provision of law to the contrary, in
13 order to assist the dormitory authority and the corporation in undertak-
14 ing the financing for project costs for the regional economic develop-
15 ment council initiative, the economic transformation program, state
16 university of New York college for nanoscale and science engineering,
17 projects within the city of Buffalo or surrounding environs, the New
18 York works economic development fund, projects for the retention of
19 professional football in western New York, the empire state economic
20 development fund, the clarkson-trudeau partnership, the New York genome
21 center, the cornell university college of veterinary medicine, the olym-
22 pic regional development authority, projects at nano Utica, onondaga
23 county revitalization projects, Binghamton university school of pharma-
24 cy, New York power electronics manufacturing consortium, regional
25 infrastructure projects, high technology manufacturing projects in Chau-
26 tauqua and Erie county, an industrial scale research and development
27 facility in Clinton county, upstate revitalization initiative projects,
28 market New York projects, fairground buildings or facilities used to

1 house and promote agriculture, the state fair, the empire state trail,
2 the moynihan station development project, the Kingsbridge armory
3 project, strategic economic development projects, the cultural, arts and
4 public spaces fund, an LGBT memorial, water infrastructure in the city
5 of Auburn and town of Owasco, a life sciences laboratory public health
6 initiative, and other state costs associated with such projects, the
7 director of the budget is hereby authorized to enter into one or more
8 service contracts with the dormitory authority and the corporation, none
9 of which shall exceed thirty years in duration, upon such terms and
10 conditions as the director of the budget and the dormitory authority and
11 the corporation agree, so as to annually provide to the dormitory
12 authority and the corporation, in the aggregate, a sum not to exceed the
13 principal, interest, and related expenses required for such bonds and
14 notes. Any service contract entered into pursuant to this section shall
15 provide that the obligation of the state to pay the amount therein
16 provided shall not constitute a debt of the state within the meaning of
17 any constitutional or statutory provision and shall be deemed executory
18 only to the extent of monies available and that no liability shall be
19 incurred by the state beyond the monies available for such purpose,
20 subject to annual appropriation by the legislature. Any such contract or
21 any payments made or to be made thereunder may be assigned and pledged
22 by the dormitory authority and the corporation as security for its bonds
23 and notes, as authorized by this section.

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

1 1. Subject to chapter fifty-nine of the laws of two thousand, but
2 notwithstanding any other provisions of law to the contrary, in order to
3 assist the corporation in undertaking the administration and the financ-
4 ing of the design, acquisition, construction, improvement, installation,
5 and related work for all or any portion of any of the following environ-
6 mental infrastructure projects and for the provision of funds to the
7 state for any amounts disbursed therefor: (a) projects authorized under
8 the environmental protection fund, or for which appropriations are made
9 to the environmental protection fund including, but not limited to
10 municipal parks and historic preservation, stewardship, farmland
11 protection, non-point source, pollution control, Hudson River Park, land
12 acquisition, and waterfront revitalization; (b) department of environ-
13 mental conservation capital appropriations for Onondaga Lake for certain
14 water quality improvement projects in the same manner as set forth in
15 paragraph (d) of subdivision one of section 56-0303 of the environmental
16 conservation law; (c) for the purpose of the administration, management,
17 maintenance, and use of the real property at the western New York nucle-
18 ar service center; (d) department of environmental conservation capital
19 appropriations for the administration, design, acquisition,
20 construction, improvement, installation, and related work on department
21 of environmental conservation environmental infrastructure projects; (e)
22 office of parks, recreation and historic preservation appropriations or
23 reappropriations from the state parks infrastructure fund; (f) capital
24 grants for the cleaner, greener communities program [and]; (g) capital
25 costs of water quality infrastructure projects and (h) capital costs of
26 clean water infrastructure projects the director of the division of
27 budget and the corporation are each authorized to enter into one or more
28 service contracts, none of which shall exceed twenty years in duration,

1 upon such terms and conditions as the director and the corporation may
2 agree, so as to annually provide to the corporation in the aggregate, a
3 sum not to exceed the annual debt service payments and related expenses
4 required for any bonds and notes authorized pursuant to section twelve
5 hundred ninety of this title. Any service contract entered into pursuant
6 to this section shall provide that the obligation of the state to fund
7 or to pay the amounts therein provided for shall not constitute a debt
8 of the state within the meaning of any constitutional or statutory
9 provision and shall be deemed executory only to the extent of moneys
10 available for such purposes, subject to annual appropriation by the
11 legislature. Any such service contract or any payments made or to be
12 made thereunder may be assigned and pledged by the corporation as secu-
13 rity for its bonds and notes, as authorized pursuant to section twelve
14 hundred ninety of this title.

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

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

5 1. Notwithstanding the provisions of any other law to the contrary,
6 the urban development corporation of the state of New York is hereby
7 authorized to issue bonds or notes in one or more series for the purpose
8 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
9 2020 challenge grant program subject to the approval of a NY-SUNY and
10 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
11 the state university of New York or the chancellor of the city universi-
12 ty of New York, as applicable. The aggregate principal amount of bonds
13 authorized to be issued pursuant to this section shall not exceed
14 [\$550,000,000] \$660,000,000, excluding bonds issued to fund one or more
15 debt service reserve funds, to pay costs of issuance of such bonds, and
16 bonds or notes issued to refund or otherwise repay such bonds or notes
17 previously issued. Such bonds and notes of the corporation shall not be
18 a debt of the state, and the state shall not be liable thereon, nor
19 shall they be payable out of any funds other than those appropriated by
20 the state to the corporation for principal, interest, and related
21 expenses pursuant to a service contract and such bonds and notes shall
22 contain on the face thereof a statement to such effect. Except for
23 purposes of complying with the internal revenue code, any interest
24 income earned on bond proceeds shall only be used to pay debt service on
25 such bonds.

26 § 33. Subdivision (a) of section 48 of part K of chapter 81 of the
27 laws of 2002, providing for the administration of certain funds and
28 accounts related to the 2002-2003 budget, as amended by section 38 of

1 part UU of chapter 54 of the laws of 2016, is amended to read as
2 follows:

3 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
4 notwithstanding the provisions of section 18 of the urban development
5 corporation act, the corporation is hereby authorized to issue bonds or
6 notes in one or more series in an aggregate principal amount not to
7 exceed [~~\$197,000,000~~] \$250,000,000 excluding bonds issued to fund one or
8 more debt service reserve funds, to pay costs of issuance of such bonds,
9 and bonds or notes issued to refund or otherwise repay such bonds or
10 notes previously issued, for the purpose of financing capital costs
11 related to homeland security and training facilities for the division of
12 state police, the division of military and naval affairs, and any other
13 state agency, including the reimbursement of any disbursements made from
14 the state capital projects fund, and is hereby authorized to issue bonds
15 or notes in one or more series in an aggregate principal amount not to
16 exceed [~~\$509,600,000~~] \$654,800,000, excluding bonds issued to fund one
17 or more debt service reserve funds, to pay costs of issuance of such
18 bonds, and bonds or notes issued to refund or otherwise repay such bonds
19 or notes previously issued, for the purpose of financing improvements to
20 State office buildings and other facilities located statewide, including
21 the reimbursement of any disbursements made from the state capital
22 projects fund. Such bonds and notes of the corporation shall not be a
23 debt of the state, and the state shall not be liable thereon, nor shall
24 they be payable out of any funds other than those appropriated by the
25 state to the corporation for debt service and related expenses pursuant
26 to any service contracts executed pursuant to subdivision (b) of this
27 section, and such bonds and notes shall contain on the face thereof a
28 statement to such effect.

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

4 1. Notwithstanding any other provision of law to the contrary, the
5 authority, the dormitory authority and the urban development corporation
6 are hereby authorized to issue bonds or notes in one or more series for
7 the purpose of financing peace bridge projects and capital costs of
8 state and local highways, parkways, bridges, the New York state thruway,
9 Indian reservation roads, and facilities, and transportation infrastruc-
10 ture projects including aviation projects, non-MTA mass transit
11 projects, and rail service preservation projects, including work appur-
12 tenant and ancillary thereto. The aggregate principal amount of bonds
13 authorized to be issued pursuant to this section shall not exceed three
14 billion [sixty-five million dollars \$3,065,000,000] nine hundred fifty-
15 four million dollars \$3,954,000,000, excluding bonds issued to fund one
16 or more debt service reserve funds, to pay costs of issuance of such
17 bonds, and to refund or otherwise repay such bonds or notes previously
18 issued. Such bonds and notes of the authority, the dormitory authority
19 and the urban development corporation shall not be a debt of the state,
20 and the state shall not be liable thereon, nor shall they be payable out
21 of any funds other than those appropriated by the state to the authori-
22 ty, the dormitory authority and the urban development corporation for
23 principal, interest, and related expenses pursuant to a service contract
24 and such bonds and notes shall contain on the face thereof a statement
25 to such effect. Except for purposes of complying with the internal
26 revenue code, any interest income earned on bond proceeds shall only be
27 used to pay debt service on such bonds.

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

4 (c) Subject to the provisions of chapter fifty-nine of the laws of two
5 thousand, the dormitory authority shall not issue any bonds for state
6 university educational facilities purposes if the principal amount of
7 bonds to be issued when added to the aggregate principal amount of bonds
8 issued by the dormitory authority on and after July first, nineteen
9 hundred eighty-eight for state university educational facilities will
10 exceed [~~eleven~~] twelve billion [~~six~~] three hundred [~~sixty-three~~] forty-
11 three million dollars; provided, however, that bonds issued or to be
12 issued shall be excluded from such limitation if: (1) such bonds are
13 issued to refund state university construction bonds and state universi-
14 ty construction notes previously issued by the housing finance agency;
15 or (2) such bonds are issued to refund bonds of the authority or other
16 obligations issued for state university educational facilities purposes
17 and the present value of the aggregate debt service on the refunding
18 bonds does not exceed the present value of the aggregate debt service on
19 the bonds refunded thereby; provided, further that upon certification by
20 the director of the budget that the issuance of refunding bonds or other
21 obligations issued between April first, nineteen hundred ninety-two and
22 March thirty-first, nineteen hundred ninety-three will generate long
23 term economic benefits to the state, as assessed on a present value
24 basis, such issuance will be deemed to have met the present value test
25 noted above. For purposes of this subdivision, the present value of the
26 aggregate debt service of the refunding bonds and the aggregate debt
27 service of the bonds refunded, shall be calculated by utilizing the true
28 interest cost of the refunding bonds, which shall be that rate arrived

1 at by doubling the semi-annual interest rate (compounded semi-annually)
2 necessary to discount the debt service payments on the refunding bonds
3 from the payment dates thereof to the date of issue of the refunding
4 bonds to the purchase price of the refunding bonds, including interest
5 accrued thereon prior to the issuance thereof. The maturity of such
6 bonds, other than bonds issued to refund outstanding bonds, shall not
7 exceed the weighted average economic life, as certified by the state
8 university construction fund, of the facilities in connection with which
9 the bonds are issued, and in any case not later than the earlier of
10 thirty years or the expiration of the term of any lease, sublease or
11 other agreement relating thereto; provided that no note, including
12 renewals thereof, shall mature later than five years after the date of
13 issuance of such note. The legislature reserves the right to amend or
14 repeal such limit, and the state of New York, the dormitory authority,
15 the state university of New York, and the state university construction
16 fund are prohibited from covenanting or making any other agreements with
17 or for the benefit of bondholders which might in any way affect such
18 right.

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

22 (c) Subject to the provisions of chapter fifty-nine of the laws of two
23 thousand, (i) the dormitory authority shall not deliver a series of
24 bonds for city university community college facilities, except to refund
25 or to be substituted for or in lieu of other bonds in relation to city
26 university community college facilities pursuant to a resolution of the
27 dormitory authority adopted before July first, nineteen hundred eighty-
28 five or any resolution supplemental thereto, if the principal amount of

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

24 § 37. Subdivision 10-a of section 1680 of the public authorities law,
25 as amended by section 42 of part UU of chapter 54 of the laws of 2016,
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

1 contrary, the maximum amount of bonds and notes to be issued after March
2 thirty-first, two thousand two, on behalf of the state, in relation to
3 any locally sponsored community college, shall be [eight] nine hundred
4 [sixty-one] fourteen million [four] five hundred [fifty-four] ninety
5 thousand dollars. Such amount shall be exclusive of bonds and notes
6 issued to fund any reserve fund or funds, costs of issuance and to
7 refund any outstanding bonds and notes, issued on behalf of the state,
8 relating to a locally sponsored community college.

9 § 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws
10 of 1997, relating to the financing of the correctional facilities
11 improvement fund and the youth facility improvement fund, as amended by
12 section 43 of part UU of chapter 54 of the laws of 2016, is amended to
13 read as follows:

14 1. Subject to the provisions of chapter 59 of the laws of 2000, but
15 notwithstanding the provisions of section 18 of section 1 of chapter 174
16 of the laws of 1968, the New York state urban development corporation is
17 hereby authorized to issue bonds, notes and other obligations in an
18 aggregate principal amount not to exceed six hundred [forty-seven]
19 eighty-two million [sixty-five] nine hundred fifteen thousand dollars
20 [(\$647,065,000)] (\$682,915,000), which authorization increases the
21 aggregate principal amount of bonds, notes and other obligations author-
22 ized by section 40 of chapter 309 of the laws of 1996, and shall include
23 all bonds, notes and other obligations issued pursuant to chapter 211 of
24 the laws of 1990, as amended or supplemented. The proceeds of such
25 bonds, notes or other obligations shall be paid to the state, for depos-
26 it in the youth facilities improvement fund, to pay for all or any
27 portion of the amount or amounts paid by the state from appropriations
28 or reappropriations made to the office of children and family services

1 from the youth facilities improvement fund for capital projects. The
2 aggregate amount of bonds, notes and other obligations authorized to be
3 issued pursuant to this section shall exclude bonds, notes or other
4 obligations issued to refund or otherwise repay bonds, notes or other
5 obligations theretofore issued, the proceeds of which were paid to the
6 state for all or a portion of the amounts expended by the state from
7 appropriations or reappropriations made to the office of children and
8 family services; provided, however, that upon any such refunding or
9 repayment the total aggregate principal amount of outstanding bonds,
10 notes or other obligations may be greater than six hundred [forty-seven]
11 eighty-two million [sixty-five] nine hundred fifteen thousand dollars
12 [(\$647,065,000)] (\$682,915,000), only if the present value of the aggre-
13 gate debt service of the refunding or repayment bonds, notes or other
14 obligations to be issued shall not exceed the present value of the
15 aggregate debt service of the bonds, notes or other obligations so to be
16 refunded or repaid. For the purposes hereof, the present value of the
17 aggregate debt service of the refunding or repayment bonds, notes or
18 other obligations and of the aggregate debt service of the bonds, notes
19 or other obligations so refunded or repaid, shall be calculated by
20 utilizing the effective interest rate of the refunding or repayment
21 bonds, notes or other obligations, which shall be that rate arrived at
22 by doubling the semi-annual interest rate (compounded semi-annually)
23 necessary to discount the debt service payments on the refunding or
24 repayment bonds, notes or other obligations from the payment dates ther-
25 eof to the date of issue of the refunding or repayment bonds, notes or
26 other obligations and to the price bid including estimated accrued
27 interest or proceeds received by the corporation including estimated
28 accrued interest from the sale thereof.

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

5 b. The agency shall have power and is hereby authorized from time to
6 time to issue negotiable bonds and notes in conformity with applicable
7 provisions of the uniform commercial code in such principal amount as,
8 in the opinion of the agency, shall be necessary, after taking into
9 account other moneys which may be available for the purpose, to provide
10 sufficient funds to the facilities development corporation, or any
11 successor agency, for the financing or refinancing of or for the design,
12 construction, acquisition, reconstruction, rehabilitation or improvement
13 of mental health services facilities pursuant to paragraph a of this
14 subdivision, the payment of interest on mental health services improve-
15 ment bonds and mental health services improvement notes issued for such
16 purposes, the establishment of reserves to secure such bonds and notes,
17 the cost or premium of bond insurance or the costs of any financial
18 mechanisms which may be used to reduce the debt service that would be
19 payable by the agency on its mental health services facilities improve-
20 ment bonds and notes and all other expenditures of the agency incident
21 to and necessary or convenient to providing the facilities development
22 corporation, or any successor agency, with funds for the financing or
23 refinancing of or for any such design, construction, acquisition, recon-
24 struction, rehabilitation or improvement and for the refunding of mental
25 hygiene improvement bonds issued pursuant to section 47-b of the private
26 housing finance law; provided, however, that the agency shall not issue
27 mental health services facilities improvement bonds and mental health
28 services facilities improvement notes in an aggregate principal amount

1 exceeding eight billion [twenty-one] three hundred seventy-two million
2 eight hundred fifteen thousand dollars, excluding mental health services
3 facilities improvement bonds and mental health services facilities
4 improvement notes issued to refund outstanding mental health services
5 facilities improvement bonds and mental health services facilities
6 improvement notes; provided, however, that upon any such refunding or
7 repayment of mental health services facilities improvement bonds and/or
8 mental health services facilities improvement notes the total aggregate
9 principal amount of outstanding mental health services facilities
10 improvement bonds and mental health facilities improvement notes may be
11 greater than eight billion [twenty-one] three hundred seventy-two
12 million eight hundred fifteen thousand dollars only if, except as here-
13 inafter provided with respect to mental health services facilities bonds
14 and mental health services facilities notes issued to refund mental
15 hygiene improvement bonds authorized to be issued pursuant to the
16 provisions of section 47-b of the private housing finance law, the pres-
17 ent value of the aggregate debt service of the refunding or repayment
18 bonds to be issued shall not exceed the present value of the aggregate
19 debt service of the bonds to be refunded or repaid. For purposes hereof,
20 the present values of the aggregate debt service of the refunding or
21 repayment bonds, notes or other obligations and of the aggregate debt
22 service of the bonds, notes or other obligations so refunded or repaid,
23 shall be calculated by utilizing the effective interest rate of the
24 refunding or repayment bonds, notes or other obligations, which shall be
25 that rate arrived at by doubling the semi-annual interest rate
26 (compounded semi-annually) necessary to discount the debt service
27 payments on the refunding or repayment bonds, notes or other obligations
28 from the payment dates thereof to the date of issue of the refunding or

1 repayment bonds, notes or other obligations and to the price bid includ-
2 ing estimated accrued interest or proceeds received by the authority
3 including estimated accrued interest from the sale thereof. Such bonds,
4 other than bonds issued to refund outstanding bonds, shall be scheduled
5 to mature over a term not to exceed the average useful life, as certi-
6 fied by the facilities development corporation, of the projects for
7 which the bonds are issued, and in any case shall not exceed thirty
8 years and the maximum maturity of notes or any renewals thereof shall
9 not exceed five years from the date of the original issue of such notes.
10 Notwithstanding the provisions of this section, the agency shall have
11 the power and is hereby authorized to issue mental health services
12 facilities improvement bonds and/or mental health services facilities
13 improvement notes to refund outstanding mental hygiene improvement bonds
14 authorized to be issued pursuant to the provisions of section 47-b of
15 the private housing finance law and the amount of bonds issued or
16 outstanding for such purposes shall not be included for purposes of
17 determining the amount of bonds issued pursuant to this section. The
18 director of the budget shall allocate the aggregate principal authorized
19 to be issued by the agency among the office of mental health, office for
20 people with developmental disabilities, and the office of alcoholism and
21 substance abuse services, in consultation with their respective commis-
22 sioners to finance bondable appropriations previously approved by the
23 legislature.

24 § 40. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
25 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
26 ter 63 of the laws of 2005, relating to the composition and responsibil-
27 ities of the New York state higher education capital matching grant

1 board, as amended by section 45 of part UU of chapter 54 of the laws of
2 2016, are amended to read as follows:

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

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

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

22 § 1680-r. Authorization for the issuance of bonds for the capital
23 restructuring financing program [and], the health care facility trans-
24 formation [program] programs, and the essential health care provider
25 program. 1. Notwithstanding the provisions of any other law to the
26 contrary, the dormitory authority and the urban development corporation
27 are hereby authorized to issue bonds or notes in one or more series for
28 the purpose of funding project costs for the capital restructuring

1 financing program for health care and related facilities licensed pursu-
2 ant to the public health law or the mental hygiene law and other state
3 costs associated with such capital projects [and], the health care
4 facility transformation [program] programs, and the essential health
5 care provider program. The aggregate principal amount of bonds author-
6 ized to be issued pursuant to this section shall not exceed two billion
7 [four] seven hundred million dollars, excluding bonds issued to fund one
8 or more debt service reserve funds, to pay costs of issuance of such
9 bonds, and bonds or notes issued to refund or otherwise repay such bonds
10 or notes previously issued. Such bonds and notes of the dormitory
11 authority and the urban development corporation shall not be a debt of
12 the state, and the state shall not be liable thereon, nor shall they be
13 payable out of any funds other than those appropriated by the state to
14 the dormitory authority and the urban development corporation for prin-
15 cipal, interest, and related expenses pursuant to a service contract and
16 such bonds and notes shall contain on the face thereof a statement to
17 such effect. Except for purposes of complying with the internal revenue
18 code, any interest income earned on bond proceeds shall only be used to
19 pay debt service on such bonds.

20 2. Notwithstanding any other provision of law to the contrary, in
21 order to assist the dormitory authority and the urban development corpo-
22 ration in undertaking the financing for project costs for the capital
23 restructuring financing program for health care and related facilities
24 licensed pursuant to the public health law or the mental hygiene law and
25 other state costs associated with such capital projects [and], the
26 health care facility transformation [program] programs, and the essen-
27 tial health care provider program, the director of the budget is hereby
28 authorized to enter into one or more service contracts with the dormito-

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

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

22 § 50. 1. Notwithstanding the provisions of any other law to the
23 contrary, the dormitory authority and the urban development corporation
24 are hereby authorized to issue bonds or notes in one or more series for
25 the purpose of funding project costs undertaken by or on behalf of
26 special act school districts, state-supported schools for the blind and
27 deaf [and], approved private special education schools, non-public
28 schools and other state costs associated with such capital projects.

1 The aggregate principal amount of bonds authorized to be issued pursuant
2 to this section shall not exceed [five] thirty million dollars, exclud-
3 ing bonds issued to fund one or more debt service reserve funds, to pay
4 costs of issuance of such bonds, and bonds or notes issued to refund or
5 otherwise repay such bonds or notes previously issued. Such bonds and
6 notes of the dormitory authority and the urban development corporation
7 shall not be a debt of the state, and the state shall not be liable
8 thereon, nor shall they be payable out of any funds other than those
9 appropriated by the state to the dormitory authority and the urban
10 development corporation for principal, interest, and related expenses
11 pursuant to a service contract and such bonds and notes shall contain on
12 the face thereof a statement to such effect. Except for purposes of
13 complying with the internal revenue code, any interest income earned on
14 bond proceeds shall only be used to pay debt service on such bonds.

15 2. Notwithstanding any other provision of law to the contrary, in
16 order to assist the dormitory authority and the urban development corpo-
17 ration in undertaking the financing for project costs undertaken by or
18 on behalf of special act school districts, state-supported schools for
19 the blind and deaf and approved private special education schools, non-
20 public schools, and other state costs associated with such capital
21 projects, the director of the budget is hereby authorized to enter into
22 one or more service contracts with the dormitory authority and the urban
23 development corporation, none of which shall exceed thirty years in
24 duration, upon such terms and conditions as the director of the budget
25 and the dormitory authority and the urban development corporation agree,
26 so as to annually provide to the dormitory authority and the urban
27 development corporation, in the aggregate, a sum not to exceed the prin-
28 cipal, interest, and related expenses required for such bonds and notes.

1 Any service contract entered into pursuant to this section shall provide
2 that the obligation of the state to pay the amount therein provided
3 shall not constitute a debt of the state within the meaning of any
4 constitutional or statutory provision and shall be deemed executory only
5 to the extent of monies available and that no liability shall be
6 incurred by the state beyond the monies available for such purpose,
7 subject to annual appropriation by the legislature. Any such contract or
8 any payments made or to be made thereunder may be assigned and pledged
9 by the dormitory authority and the urban development corporation as
10 security for its bonds and notes, as authorized by this section.

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

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

22 (b) On or before the beginning of each quarter, the director of the
23 budget may certify to the state comptroller the estimated amount of
24 monies that shall be reserved in the general debt service fund for the
25 payment of debt service and related expenses payable by such fund during
26 each month of the state fiscal year, excluding payments due from the
27 revenue bond tax fund. Such certificate may be periodically updated, as
28 necessary. Notwithstanding any provision of law to the contrary, the

1 state comptroller shall reserve in the general debt service fund the
2 amount of monies identified on such certificate as necessary for the
3 payment of debt service and related expenses during the current or next
4 succeeding quarter of the state fiscal year. Such monies reserved shall
5 not be available for any other purpose. Such certificate shall be
6 reported to the chairpersons of the Senate Finance Committee and the
7 Assembly Ways and Means Committee. [The provisions of this paragraph
8 shall expire June thirtieth, two thousand seventeen.]

9 § 44. Paragraph (a) of subdivision 1 of section 3234 of the public
10 authorities law, as amended by section 46-d of part I of chapter 55 of
11 the laws of 2014, is amended to read as follows:

12 (a) The corporation shall be administered by [seven] three directors,
13 one of whom shall be the comptroller, one of whom shall be the director
14 of the budget and [five] one of whom shall be appointed by the governor.
15 The comptroller and the director of the budget shall be entitled to
16 designate a representative or representatives to attend meetings of the
17 board in their place, and to vote or otherwise act on their behalf in
18 their absence. Notice of such designation shall be furnished in writing
19 to the board by the designating director. A representative shall serve
20 at the pleasure of the designating director during the director's term
21 of office. A representative shall not be authorized to delegate any of
22 his or her duties or functions to any other person. A director who is
23 not a state official shall serve for a term expiring at the end of the
24 term actually served by the officer making the appointment and may be
25 removed for cause by such officer after hearing on ten days notice.

26 § 45. Section 3234 of the public authorities law is amended by adding
27 a new subdivision 7 to read as follows:

1 7. Notwithstanding any other provision of law to the contrary, the
2 provisions of subdivisions four, six, seven and eight of section two
3 thousand eight hundred twenty-four of this chapter shall not apply to
4 the corporation.

5 § 46. Paragraph (d) of subdivision 1 of section 68-b of the state
6 finance law, as added by section 2 of part I of chapter 383 of the laws
7 of 2001, is amended to read as follows:

8 (d) All of the provisions of the enabling acts of the authorized
9 issuers relating to bonds and notes, which are not inconsistent with the
10 provisions of this section, may, at the discretion of the authorized
11 issuer, apply to revenue bonds authorized by this section. Notwith-
12 standing the foregoing, where the provisions of the enabling acts of the
13 authorized issuers relating to bonds and notes may be inconsistent with
14 the provisions of this section, including but not limited to the amount
15 of bonds authorized to be issued for authorized purposes, the authori-
16 zation for, manner, and requirements for the issuance of refunding
17 bonds, and any other similar powers, the provisions of this section
18 shall govern and be applied consistently for all such authorized
19 purposes.

20 § 47. Paragraph (d) of subdivision 1 of section 69-n of the state
21 finance law, as added by section 58 of part HH of chapter 57 of the laws
22 of 2013, is amended to read as follows:

23 (d) All of the provisions of the enabling acts of the authorized
24 issuers relating to bonds and notes, which are not inconsistent with the
25 provisions of this section, may, at the discretion of the authorized
26 issuer, apply to revenue bonds authorized by this section. Notwith-
27 standing the foregoing, where the provisions of the enabling acts of the
28 authorized issuers relating to bonds and notes may be inconsistent with

1 the provisions of this section, including but not limited to the amount
2 of bonds authorized to be issued for authorized purposes, the authori-
3 zation for, manner, and requirements for the issuance of refunding
4 bonds, and any other similar powers, the provisions of this section
5 shall govern and be applied consistently for all such authorized
6 purposes.

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

10 (a) Refunding bonds shall be issued only when the comptroller shall
11 have certified that, as a result of the refunding, there will be a debt
12 service savings to the state on a present value basis as a result of the
13 refunding transaction and that either (i) the refunding will benefit
14 state taxpayers over the life of the refunding bonds by achieving an
15 actual debt service savings each year or state fiscal year during the
16 term to maturity of the refunding bonds when debt service on the refund-
17 ing bonds is expected to be paid from legislative appropriations or (ii)
18 debt service on the refunding bonds shall be payable in annual install-
19 ments of principal and interest which result in substantially level or
20 declining debt service payments pursuant to paragraph (b) of subdivision
21 two of section fifty-seven of this [chapter] article. Such certif-
22 ication by the comptroller shall be conclusive as to matters contained
23 therein after the refunding bonds have been issued.

24 (g) Any refunding bonds issued pursuant to this section shall be paid
25 in annual installments which shall, so long as any refunding bonds are
26 outstanding, be made in each year or state fiscal year in which install-
27 ments were due on the bonds to be refunded and shall be in an amount
28 which shall result in annual debt service payments which shall be less

1 in each year or state fiscal year than the annual debt service payments
2 on the bonds to be refunded unless debt service on the refunding bonds
3 is payable in annual installments of principal and interest which will
4 result in substantially level or declining debt service payments pursu-
5 ant to paragraph (b) of subdivision two of section fifty-seven of this
6 [chapter] article.

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

10 1. Whenever the legislature, after authorization of a bond issue by
11 the people at a general election, as provided by section eleven of arti-
12 cle seven of the state constitution, or as provided by section three of
13 article eighteen of the state constitution, shall have authorized, by
14 one or more laws, the creation of a state debt or debts, bonds of the
15 state, to the amount of the debt or debts so authorized, shall be issued
16 and sold by the state comptroller. Any appropriation from the proceeds
17 of the sale of bonds, pursuant to this section, shall be deemed to be an
18 authorization for the creation of a state debt or debts to the extent of
19 such appropriation. The state comptroller may issue and sell a single
20 series of bonds pursuant to one or more such authorizations and for one
21 or more duly authorized works or purposes. As part of the proceedings
22 for each such issuance and sale of bonds, the state comptroller shall
23 designate the works or purposes for which they are issued. It shall not
24 be necessary for him to designate the works or purposes for which the
25 bonds are issued on the face of the bonds. The proceeds from the sale of
26 bonds for more than one work or purpose shall be separately accounted
27 for according to the works or purposes designated for such sale by the
28 comptroller and the proceeds received for each work or purpose shall be

1 expended only for such work or purpose. The bonds shall bear interest at
2 such rate or rates as in the judgment of the state comptroller may be
3 sufficient or necessary to effect a sale of the bonds, and such interest
4 shall be payable at least semi-annually, in the case of bonds with a
5 fixed interest rate, and at least annually, in the case of bonds with an
6 interest rate that varies periodically, in the city of New York unless
7 annual payments of principal and interest result in substantially level
8 or declining debt service payments over the life of an issue of bonds
9 pursuant to paragraph (b) of subdivision two of this section or unless
10 accrued interest is contributed to a sinking fund in accordance with
11 subdivision three of section twelve of article seven of the state
12 constitution, in which case interest shall be paid at such times and at
13 such places as shall be determined by the state comptroller prior to
14 issuance of the bonds.

15 2. Such bonds, or the portion thereof at any time issued, shall be
16 made payable (a) in equal annual principal installments or (b) in annual
17 installments of principal and interest which result in substantially
18 level or declining debt service payments, over the life of the bonds,
19 the first of which annual installments shall be payable not more than
20 one year from the date of issue and the last of which shall be payable
21 at such time as the comptroller may determine but not more than forty
22 years or state fiscal years after the date of issue, not more than fifty
23 years after the date of issue in the case of housing bonds, and not more
24 than twenty-five years in the case of urban renewal bonds. Where bonds
25 are payable pursuant to paragraph (b) of this subdivision, except for
26 the year or state fiscal year of initial issuance if less than a full
27 year of debt service is to become due in that year or state fiscal year,
28 either (i) the greatest aggregate amount of debt service payable in any

1 year or state fiscal year shall not differ from the lowest aggregate
2 amount of debt service payable in any other year or state fiscal year by
3 more than five percent or (ii) the aggregate amount of debt service in
4 each year or state fiscal year shall be less than the aggregate amount
5 of debt service in the immediately preceding year or state fiscal year.
6 For purposes of this subdivision, debt service shall include all princi-
7 pal, redemption price, sinking fund installments or contributions, and
8 interest scheduled to become due. For purposes of determining whether
9 debt service is level or declining on bonds issued with a variable rate
10 of interest pursuant to paragraph b of subdivision four of this section,
11 the comptroller shall assume a market rate of interest as of the date of
12 issuance. Where the comptroller determines that interest on any bonds
13 shall be compounded and payable at maturity, such bonds shall be payable
14 only in accordance with paragraph (b) of this subdivision unless accrued
15 interest is contributed to a sinking fund in accordance with subdivision
16 three of section twelve of article seven of the state constitution. In
17 no case shall any bonds or portion thereof be issued for a period longer
18 than the probable life of the work or purpose, or part thereof, to which
19 the proceeds of the bonds are to be applied, or in the alternative, the
20 weighted average period of the probable life of the works or purposes to
21 which the proceeds of the bonds are to be applied taking into consider-
22 ation the respective amounts of bonds issued for each work or purpose,
23 as may be determined under section sixty-one of this [chapter] article
24 and in accordance with the certificate of the commissioner of general
25 services, and/or the commissioner of transportation, state architect,
26 state commissioner of housing and urban renewal, or other authority, as
27 the case may be, having charge by law of the acquisition, construction,
28 work or improvement for which the debt was authorized. Such certificate

1 shall be filed in the office of the state comptroller and shall state
2 the group, or, where the probable lives of two or more separable parts
3 of the work or purposes are different, the groups, specified in such
4 section, for which the amount or amounts, shall be provided by the issu-
5 ance and sale of bonds. Weighted average period of probable life shall
6 be determined by computing the sum of the products derived from multi-
7 plying the dollar value of the portion of the debt contracted for each
8 work or purpose (or class of works or purposes) by the probable life of
9 such work or purpose (or class of works or purposes) and dividing the
10 resulting sum by the dollar value of the entire debt after taking into
11 consideration any original issue discount. Any costs of issuance
12 financed with bond proceeds shall be prorated among the various works or
13 purposes. Such bonds, or the portion thereof at any time sold, shall be
14 of such denominations, subject to the foregoing provisions, as the state
15 comptroller may determine. Notwithstanding the foregoing provisions of
16 this subdivision, the comptroller may issue all or a portion of such
17 bonds as serial debt, term debt or a combination thereof, maturing as
18 required by this subdivision, provided that the comptroller shall have
19 provided for the retirement each year or state fiscal year, or otherwise
20 have provided for the payment of, through sinking fund installment
21 payments or otherwise, a portion of such term bonds in an amount meeting
22 the requirements of paragraph (a) or (b) of this subdivision or shall
23 have established a sinking fund and provided for contributions thereto
24 as provided in subdivision eight of this section and section twelve of
25 article seven of the state constitution.

26 6. Except with respect to bonds issued in the manner provided in para-
27 graph (c) of subdivision seven of this section, all bonds of the state
28 of New York which the comptroller of the state of New York is authorized

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

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

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

4 § 62. Replacement of lost certificates. The comptroller, who may act
5 through his duly authorized fiscal agent or trustee appointed pursuant
6 to section sixty-five of this article, may issue to the lawful owner of
7 any certificate or bond issued by him in behalf of this state, which he
8 or such duly authorized fiscal agent or trustee is satisfied, by due
9 proof filed in his office or with such duly authorized fiscal agent or
10 trustee, has been lost or casually destroyed, a new certificate or bond,
11 corresponding in date, number and amount with the certificate or bond so
12 lost or destroyed, and expressing on its face that it is a renewed
13 certificate or bond. No such renewed certificate or bond shall be issued
14 unless sufficient security is given to satisfy the lawful claim of any
15 person to the original certificate or bond, or to any interest therein.
16 The comptroller shall report annually to the legislature the number and
17 amount of all renewed certificates or bonds so issued. If the renewed
18 certificate is issued by the state's duly authorized fiscal agent or
19 trustee and such agent or trustee agrees to be responsible for any loss
20 suffered as a result of unauthorized payment, the security shall be
21 provided to and approved by the fiscal agent or trustee and no addi-
22 tional approval by the comptroller or the attorney general shall be
23 required.

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

27 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.
28 Notwithstanding any other provisions of this chapter, the comptroller,

1 on behalf of the state, may contract from time to time for a period or
2 periods not exceeding ten years each, except in the case of a bank or
3 trust company agreeing to act as issuing, paying and/or tender agent
4 with respect to a particular issue of variable interest rate bonds in
5 which case the comptroller, on behalf of the state, may contract for a
6 period not to exceed the term of such particular issue of bonds, with
7 one or more banks or trust companies located in the city of New York, to
8 act as fiscal agent, trustee, or agents of the state, and for the main-
9 tenance of an office for the registration, conversion, reconversion and
10 transfer of the bonds and notes of the state, including the preparation
11 and substitution of new bonds and notes, for the payment of the princi-
12 pal thereof and interest thereon, [and] for related services, and to
13 otherwise effectuate the powers and duties of a fiscal agent or trustee
14 on behalf of the state in all such respects as may be determined by the
15 comptroller for such bonds and notes, and for the payment by the state
16 of such compensation therefor as the comptroller may determine. Any such
17 fiscal agent or trustee may, where authorized pursuant to the terms of
18 its contract, accept delivery of obligations purchased by the state and
19 of securities deposited with the state pursuant to sections one hundred
20 five and one hundred six of this chapter and hold the same in safekeep-
21 ing, make delivery to purchasers of obligations sold by the state, and
22 accept deposit of such proceeds of sale without securing the same. Any
23 such contract may also provide that such fiscal agent or trustee may,
24 upon the written instruction of the comptroller, deposit any obligations
25 or securities which it receives pursuant to such contract, in an account
26 with a federal reserve bank, to be held in such account in the form of
27 entries on the books of the federal reserve bank, and to be transferred
28 in the event of any assignment, sale, redemption, maturity or other

1 disposition of such obligations or securities, by entries on the books
2 of the federal reserve bank. Any such bank or trust company shall be
3 responsible to the people of this state for the faithful and safe
4 conduct of the business of said office, for the fidelity and integrity
5 of its officers and agents employed in such office, and for all loss or
6 damage which may result from any failure to discharge their duties, and
7 for any improper and incorrect discharge of those duties, and shall save
8 the state free and harmless from any and all loss or damage occasioned
9 by or incurred in the performance of such services. Any such contract
10 may be terminated by the comptroller at any time. In the event of any
11 change in any office maintained pursuant to any such contract, the comp-
12 troller shall give public notice thereof in such form as he may deter-
13 mine appropriate.

14 2. The comptroller shall prescribe rules and regulations for the
15 registration, conversion, reconversion and transfer of the bonds and
16 notes of the state, including the preparation and substitution of new
17 bonds, for the payment of the principal thereof and interest thereon,
18 and for other authorized services to be performed by such fiscal agent
19 or trustee. Such rules and regulations, and all amendments thereof,
20 shall be prepared in duplicate, one copy of which shall be filed in the
21 office of the department of audit and control and the other in the
22 office of the department of state. A copy thereof may be filed as a
23 public record in such other offices as the comptroller may determine.
24 Such rules and regulations shall be obligatory on all persons having any
25 interests in bonds and notes of the state heretofore or hereafter
26 issued.

27 § 53. The state finance law is amended by adding a new article 5-G to
28 read as follows:

1 ARTICLE 5-G

2 PRIVATE SALE APPROVALS

3 Section 69-p. Private sale approvals.

4 § 69-p. Private sale approvals. Notwithstanding any other provision of
5 law to the contrary, wherever any issuer of bonds, notes, or other obli-
6 gations, as authorized in the state finance law, the public authorities
7 law, the local finance law, the general municipal law, the private hous-
8 ing finance law, the arts and cultural affairs law, the racing, pari-mu-
9 tual wagering and breeding law, or unconsolidated law, shall have a
10 requirement that such bonds, notes, or other obligations shall not be
11 sold at private sale unless such sale and the terms thereof have been
12 approved by the state comptroller, such issuer shall only be required to
13 seek or secure the approval from the state comptroller of the interest
14 rates, yields, and prices of such bonds, notes or other obligations, and
15 their costs of issuance. If the state comptroller shall not have
16 provided a decision on such approval by no later than noon eastern stan-
17 dard time on the next business day following the final pricing activity
18 of each such private sale, then the sale and the terms thereof shall be
19 deemed to be approved.

20 § 54. Subdivision 2 of section 365 of the public authorities law, as
21 separately amended by sections 349 and 381 of chapter 190 of the laws of
22 1990, is amended to read as follows:

23 2. The notes and bonds shall be authorized by resolution of the board,
24 shall bear such date or dates and mature at such time or times, in the
25 case of notes and any renewals thereof within five years after their
26 respective dates and in the case of bonds not exceeding forty years from
27 their respective dates, as such resolution or resolutions may provide.
28 The notes and bonds shall bear interest at such rate or rates, be in

1 such denominations, be in such form, either coupon or registered, carry
2 such registration privileges, be executed in such manner, be payable in
3 such medium of payment, at such place or places, and be subject to such
4 terms of redemption as such resolution or resolutions may provide. Bonds
5 and notes shall be sold by the authority, at public or private sale, at
6 such price or prices as the authority may determine. Bonds and notes of
7 the authority shall not be sold by the authority at private sale unless
8 such sale and the terms thereof have been approved in writing by the
9 comptroller, where such sale is not to the comptroller, or by the direc-
10 tor of the budget, where such sale is to the comptroller. [Bonds and
11 notes sold at public sale shall be sold by the comptroller, as agent of
12 the authority, in such manner as the authority, with the approval of the
13 comptroller, shall determine.]

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

21 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
22 sion, section or part of this act shall be adjudged by any court of
23 competent jurisdiction to be invalid, such judgment shall not affect,
24 impair, or invalidate the remainder thereof, but shall be confined in
25 its operation to the clause, sentence, paragraph, subdivision, section
26 or part thereof directly involved in the controversy in which such judg-
27 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.

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