

STATE OF NEW YORK

S. 2005--A

A. 3005--A

SENATE - ASSEMBLY

January 23, 2017

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

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 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 relat-

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

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ing 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 regarding 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); 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); and to amend the insurance law, in relation to workers' compensation rate service organizations; and to amend chapter 11 of the laws of 2008, amending the workers' compensation law, the insurance law, the volunteer ambulance workers' benefit law and the volunteer firefighters' benefit law, relating to rates for workers' compensation insurance and setting forth conditions for a workers' compensation rate service organization, in relation to the effectiveness thereof (Part AA)

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

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

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

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

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

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

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

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

36 § 10. This act shall take effect 30 days after it shall have become a
37 law and shall remain in effect until September 1, [2017] 2019, and
38 provided further that the commissioner of correctional services shall
39 report each January first, and July first, to the chairman of the senate
40 crime victims, crime and correction committee, the senate codes commit-
41 tee, the assembly correction committee, and the assembly codes commit-
42 tee, the number of eligible inmates in each facility under the custody
43 and control of the commissioner who have applied for participation in
44 any program offered under the provisions of work release, furlough, or
45 leave, and the number of such inmates who have been approved for partic-
46 ipation.

47 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994
48 relating to certain provisions which impact upon expenditure of certain
49 appropriations made by chapter 50 of the laws of 1994 enacting the state
50 operations budget, as amended by section 7 of part B of chapter 55 of
51 the laws of 2015, is amended to read as follows:

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

1 § 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,
2 amending the correction law and other laws relating to the incarceration
3 fee, as amended by section 8 of part B of chapter 55 of the laws of
4 2015, is amended to read as follows:

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

21 § 9. Subdivision (c) of section 49 of subpart A of part C of chapter
22 62 of the laws of 2011 amending the correction law and the executive
23 law, relating to merging the department of correctional services and
24 division of parole into the department of corrections and community
25 supervision, as amended by section 9 of part B of chapter 55 of the laws
26 of 2015, is amended to read as follows:

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

31 § 10. Subdivision (aa) of section 427 of chapter 55 of the laws of
32 1992, amending the tax law and other laws relating to taxes, surcharges,
33 fees and funding, as amended by section 10 of part B of chapter 55 of
34 the laws of 2015, is amended to read as follows:

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

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

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

47 § 12. Subdivision (p) of section 406 of chapter 166 of the laws of
48 1991, amending the tax law and other laws relating to taxes, as amended
49 by section 12 of part B of chapter 55 of the laws of 2015, is amended to
50 read as follows:

51 (p) The amendments to section 1809 of the vehicle and traffic law made
52 by sections three hundred thirty-seven and three hundred thirty-eight of
53 this act shall not apply to any offense committed prior to such effec-
54 tive date; provided, further, that section three hundred forty-one of
55 this act shall take effect immediately and shall expire November 1, 1993
56 at which time it shall be deemed repealed; sections three hundred

1 forty-five and three hundred forty-six of this act shall take effect
2 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
3 six, three hundred fifty-seven and three hundred fifty-nine of this act
4 shall take effect immediately and shall expire June 30, 1995 and shall
5 revert to and be read as if this act had not been enacted; section three
6 hundred fifty-eight of this act shall take effect immediately and shall
7 expire June 30, 1998 and shall revert to and be read as if this act had
8 not been enacted; section three hundred sixty-four through three hundred
9 sixty-seven of this act shall apply to claims filed on or after such
10 effective date; sections three hundred sixty-nine, three hundred seven-
11 ty-two, three hundred seventy-three, three hundred seventy-four, three
12 hundred seventy-five and three hundred seventy-six of this act shall
13 remain in effect until September 1, [2017] 2019, at which time they
14 shall be deemed repealed; provided, however, that the mandatory
15 surcharge provided in section three hundred seventy-four of this act
16 shall apply to parking violations occurring on or after said effective
17 date; and provided further that the amendments made to section 235 of
18 the vehicle and traffic law by section three hundred seventy-two of this
19 act, the amendments made to section 1809 of the vehicle and traffic law
20 by sections three hundred thirty-seven and three hundred thirty-eight of
21 this act and the amendments made to section 215-a of the labor law by
22 section three hundred seventy-five of this act shall expire on September
23 1, [2017] 2019 and upon such date the provisions of such subdivisions
24 and sections shall revert to and be read as if the provisions of this
25 act had not been enacted; the amendments to subdivisions 2 and 3 of
26 section 400.05 of the penal law made by sections three hundred seventy-
27 seven and three hundred seventy-eight of this act shall expire on July
28 1, 1992 and upon such date the provisions of such subdivisions shall
29 revert and shall be read as if the provisions of this act had not been
30 enacted; the state board of law examiners shall take such action as is
31 necessary to assure that all applicants for examination for admission to
32 practice as an attorney and counsellor at law shall pay the increased
33 examination fee provided for by the amendment made to section 465 of the
34 judiciary law by section three hundred eighty of this act for any exam-
35 ination given on or after the effective date of this act notwithstanding
36 that an applicant for such examination may have prepaid a lesser fee for
37 such examination as required by the provisions of such section 465 as of
38 the date prior to the effective date of this act; the provisions of
39 section 306-a of the civil practice law and rules as added by section
40 three hundred eighty-one of this act shall apply to all actions pending
41 on or commenced on or after September 1, 1991, provided, however, that
42 for the purposes of this section service of such summons made prior to
43 such date shall be deemed to have been completed on September 1, 1991;
44 the provisions of section three hundred eighty-three of this act shall
45 apply to all money deposited in connection with a cash bail or a
46 partially secured bail bond on or after such effective date; and the
47 provisions of sections three hundred eighty-four and three hundred
48 eighty-five of this act shall apply only to jury service commenced
49 during a judicial term beginning on or after the effective date of this
50 act; provided, however, that nothing contained herein shall be deemed to
51 affect the application, qualification, expiration or repeal of any
52 provision of law amended by any section of this act and such provisions
53 shall be applied or qualified or shall expire or be deemed repealed in
54 the same manner, to the same extent and on the same date as the case may
55 be as otherwise provided by law;



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

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

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

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

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

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

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

29 § 4. This act shall take effect 120 days after it shall have become a
30 law and shall remain in full force and effect until September 1, [2017]
31 2019, when upon such date it shall expire.

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

36 2. Subdivision 4 of section 140.10 of the criminal procedure law as
37 added by section thirty-two of this act shall take effect January 1,
38 1996 and shall expire and be deemed repealed on September 1, [2017]
39 2019.

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

45 § 5. This act shall take effect immediately and shall apply to all
46 criminal actions and proceedings commenced prior to the effective date
47 of this act but still pending on such date as well as all criminal
48 actions and proceedings commenced on or after such effective date and
49 its provisions shall expire on September 1, [2017] 2019, when upon such
50 date the provisions of this act shall be deemed repealed.

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

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

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

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

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

14 § 3. This act shall take effect immediately, except that section one
15 of this act shall take effect on the first of January next succeeding
16 the date on which it shall have become a law, and shall remain in effect
17 until the first of September, [2017] 2019, upon which date this act
18 shall be deemed repealed and have no further force and effect; provided
19 that section one of this act shall only take effect with respect to any
20 compacting state which has enacted an interstate compact entitled
21 "Interstate compact for adult offender supervision" and having an iden-
22 tical effect to that added by section one of this act and provided
23 further that with respect to any such compacting state, upon the effec-
24 tive date of section one of this act, section 259-m of the executive law
25 is hereby deemed REPEALED and section 259-mm of the executive law, as
26 added by section one of this act, shall take effect; and provided
27 further that with respect to any state which has not enacted an inter-
28 state compact entitled "Interstate compact for adult offender super-
29 vision" and having an identical effect to that added by section one of
30 this act, section 259-m of the executive law shall take effect and the
31 provisions of section one of this act, with respect to any such state,
32 shall have no force or effect until such time as such state shall adopt
33 an interstate compact entitled "Interstate compact for adult offender
34 supervision" and having an identical effect to that added by section one
35 of this act in which case, with respect to such state, effective imme-
36 diately, section 259-m of the executive law is deemed repealed and
37 section 259-mm of the executive law, as added by section one of this
38 act, shall take effect.

39 § 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
40 the correction law relating to limiting the closing of certain correc-
41 tional facilities, providing for the custody by the department of
42 correctional services of inmates serving definite sentences, providing
43 for custody of federal prisoners and requiring the closing of certain
44 correctional facilities, as amended by section 22 of part B of chapter
45 55 of the laws of 2015, is amended to read as follows:

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

49 § 23. Section 3 of part C of chapter 152 of the laws of 2001 amending
50 the military law relating to military funds of the organized militia, as
51 amended by section 23 of part B of chapter 55 of the laws of 2015, is
52 amended to read as follows:

53 § 3. This act shall take effect on the same date as the reversion of
54 subdivision 5 of section 183 and subdivision 1 of section 221 of the
55 military law as provided by section 76 of chapter 435 of the laws of
56 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-

1 standing this act shall be deemed to have been in full force and effect
2 on and after July 31, 2005 and shall remain in full force and effect
3 until September 1, [2017] 2019 when upon such date this act shall
4 expire.

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

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

21 § 25. Section 2 of part H of chapter 503 of the laws of 2009 relating
22 to the disposition of monies recovered by county district attorneys
23 before the filing of an accusatory instrument, as amended by section 1
24 of part B of chapter 57 of the laws of 2016, is amended to read as
25 follows:

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

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

32 PART B

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

36 § 221.10 Criminal possession of marihuana in the fifth degree.

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

- 39 1. marihuana in a public place, as defined in section 240.00 of this
40 chapter, and such marihuana is burning [or open to public view]; or
- 41 2. one or more preparations, compounds, mixtures or substances
42 containing marihuana and the preparations, compounds, mixtures or
43 substances are of an aggregate weight of more than twenty-five grams.

44 Criminal possession of marihuana in the fifth degree is a class B
45 misdemeanor.

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

48 PART C

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

51 § 190.78 Identity theft in the [third] fifth degree.

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

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

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

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

11 § 2. Section 190.79 of the penal law, as added by chapter 619 of the
12 laws of 2002, subdivision 4 as amended by chapter 279 of the laws of
13 2008, is amended to read as follows:

14 § 190.79 Identity theft in the [second] fourth degree.

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

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

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

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

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

28 [4.] d. commits the crime of identity theft in the [third] fifth
29 degree as defined in section 190.78 of this article and has been previ-
30 ously convicted within the last [five years of identity theft in the
31 third degree as defined in section 190.78, identity theft in the second
32 degree as defined in this section, identity theft in the first degree as
33 defined in section 190.80, unlawful possession of personal identifica-
34 tion information in the third degree as defined in section 190.81,
35 unlawful possession of personal identification information in the second
36 degree as defined in section 190.82, unlawful possession of personal
37 identification information in the first degree as defined in section
38 190.83, unlawful possession of a skimmer device in the second degree as
39 defined in section 190.85, unlawful possession of a skimmer device in
40 the first degree as defined in section 190.86, grand larceny in the
41 fourth degree as defined in section 155.30, grand larceny in the third
42 degree as defined in section 155.35, grand larceny in the second degree
43 as defined in section 155.40 or grand larceny in the first degree as
44 defined in section 155.42 of this chapter] ten years, excluding any time
45 during which such person was incarcerated for any reason, of any crime
46 in this article or article 170 of this title, or of any larceny crime as
47 defined in article 155 of this chapter, or of any criminal possession of
48 stolen property crime as defined in article 165 of this chapter; or

49 2. he or she knowingly and with intent to defraud assumes the identity
50 of three or more persons by presenting himself or herself as those
51 persons or by acting as those persons or by using personal identifying
52 information of any of those persons and thereby obtains goods, money,
53 property or services or uses credit in the name of at least one such
54 persons, or causes financial loss to at least one such person or to
55 another person or persons.

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

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

4 § 190.80 Identity theft in the [first] third degree.

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

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

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

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

18 [4.] d. commits the crime of identity theft in the [second] fourth
19 degree as defined in section 190.79 of this article and has been previ-
20 ously convicted within the last [five years of identity theft in the
21 third degree as defined in section 190.78, identity theft in the second
22 degree as defined in section 190.79, identity theft in the first degree
23 as defined in this section, unlawful possession of personal identifica-
24 tion information in the third degree as defined in section 190.81,
25 unlawful possession of personal identification information in the second
26 degree as defined in section 190.82, unlawful possession of personal
27 identification information in the first degree as defined in section
28 190.83, unlawful possession of a skimmer device in the second degree as
29 defined in section 190.85, unlawful possession of a skimmer device in
30 the first degree as defined in section 190.86, grand larceny in the
31 fourth degree as defined in section 155.30, grand larceny in the third
32 degree as defined in section 155.35, grand larceny in the second degree
33 as defined in section 155.40 or grand larceny in the first degree as
34 defined in section 155.42 of this chapter] ten years, excluding any time
35 during which such person was incarcerated for any reason, of any crime
36 in this article or article 170 of this title, or of any larceny crime as
37 defined in article 155 of this chapter, or of any criminal possession of
38 stolen property crime as defined in article 165 of this chapter; or

39 2. assumes the identity of ten or more persons by presenting himself
40 or herself as those other persons, or by acting as those other persons,
41 or by using personal identifying information of those other persons, and
42 thereby obtains goods, money, property or services or uses credit in the
43 name of at least one such persons, or causes financial loss to at least
44 one such person, or to another person or persons.

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

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

48 § 190.81 Identity theft in the second degree.

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

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

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

1 b. causes financial loss to such person or to another person or
2 persons in an aggregate amount that exceeds twenty-five thousand
3 dollars; or

4 c. commits or attempts to commit a class C felony or higher level
5 crime or acts as an accessory in the commission of a class C or higher
6 level felony; or

7 d. commits the crime of identity theft in the third degree as defined
8 in section 190.80 of this article and has been previously convicted
9 within the last ten years, excluding any time during which such person
10 was incarcerated for any reason, of any crime in this article or article
11 170 of this title, or of any larceny crime as defined in article 155 of
12 this chapter, or of any criminal possession of stolen property crime as
13 defined in article 165 of this chapter; or

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

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

21 § 190.82 Identity theft in the first degree.

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

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

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

30 b. causes financial loss to such person or to another person or
31 persons in an aggregate amount that exceeds five hundred thousand
32 dollars; or

33 c. commits or attempts to commit a class B felony or higher level
34 crime or acts as an accessory in the commission of a class B or higher
35 level felony; or

36 d. commits the crime of identity theft in the second degree as defined
37 in section 190.81 of this article and has been previously convicted
38 within the last ten years, excluding any time during which such person
39 was incarcerated for any reason, of any crime in this article or article
40 170 of this title, or of any larceny crime as defined in article 155 of
41 this chapter, or of any criminal possession of stolen property crime as
42 defined in article 165 of this chapter; or

43 2. assumes the identity of one hundred or more persons by presenting
44 himself or herself as those other persons, or by acting as those other
45 persons, or by using personal identifying information of those other
46 persons, and thereby obtains goods, money, property or services or uses
47 credit in the name of at least one such persons, or causes financial
48 loss to at least one such person, or to another person or persons.

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

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

52 § 190.80-a Aggravated identity theft in the first degree.

53 A person is guilty of aggravated identity theft in the first degree
54 when he or she knowingly and with intent to defraud assumes the identity
55 of another person by presenting himself or herself as that other person,
56 or by acting as that other person or by using personal identifying

1 information of that other person, and knows that such person is a member
2 of the armed forces, and knows that such member is presently deployed
3 outside of the continental United States; or knows that such person is a
4 vulnerable elderly person as defined in subdivision three of section
5 260.31 of this part; or knows that such person is an incompetent or
6 physically disabled person as defined in subdivision four of section
7 260.31 of this part; and:

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

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

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

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

17 (c) is not and is not intended to be available to anyone other than
18 the person or persons rightfully in possession thereof or selected
19 persons having access thereto with his, her or their consent and which
20 [accords or may accord such rightful possessors an advantage over
21 competitors or other persons who do not have knowledge or the benefit
22 thereof] persons other than those rightly in possession, know or should
23 know that said material is not intended to be available to them.

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

26 8. "Without authorization" means to use or to access a computer,
27 computer service or computer network without the permission of the owner
28 or lessor or someone licensed or privileged by the owner or lessor where
29 such person knew that his or her use or access was without permission or
30 after actual notice to such person that such use or access was without
31 permission. It shall also mean the access of a computer service by a
32 person without permission where such person knew that such access was
33 without permission or after actual notice to such person, that such
34 access was without permission. For purposes of criminal prosecution
35 under this article, "without authorization" shall also include use or
36 access exceeding the scope of authorization. A person exceeds the scope
37 of authorization to use or access a computer, computer service or
38 computer network when such person uses or accesses such computer,
39 computer service or computer network for purposes other than legitimate
40 purposes for which such person has permission to use and access such
41 computer, computer service or computer network.

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

44 § 156.20 Computer tampering in the [fourth] fifth degree.

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

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

52 § 9. Section 156.25 of the penal law, as amended by chapter 89 of the
53 laws of 1993, subdivision 2 as amended by chapter 376 of the laws of
54 1997, is amended to read as follows:

55 § 156.25 Computer tampering in the [third] fourth degree.

1 A person is guilty of computer tampering in the [third] fourth degree
2 when he or she commits the crime of computer tampering in the [fourth]
3 fifth degree and:

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

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

8 3. he or she intentionally alters in any manner or destroys computer
9 material; or

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

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

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

16 § 156.26 Computer tampering in the [second] third degree.

17 A person is guilty of computer tampering in the [second] third degree
18 when he or she commits the crime of computer tampering in the [fourth]
19 fifth degree and he or she intentionally alters in any manner or
20 destroys:

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

23 2. computer material that contains records of the medical history or
24 medical treatment of an identified or readily identifiable individual or
25 individuals and as a result of such alteration or destruction, such
26 individual or individuals suffer serious physical injury, and he or she
27 is aware of and consciously disregards a substantial and unjustifiable
28 risk that such serious physical injury may occur.

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

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

32 § 156.27 Computer tampering in the [first] second degree.

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

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

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

41 § 156.28 Computer tampering in the first degree.

42 A person is guilty of computer tampering in the first degree when he
43 or she commits the crime of computer tampering in the fifth degree and
44 he or she intentionally alters in any manner or destroys computer data
45 or a computer program and thereby causes damages in an aggregate amount
46 of one million dollars or more.

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

48 § 13. This act shall take effect on the first of November next
49 succeeding the date on which it shall have become a law; provided,
50 however, that section eleven of this act shall take effect on the nine-
51 tieth day after it shall have become a law.

52

PART D

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

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

16 (b) No confession, admission or other statement shall be subject to a
17 motion to suppress pursuant to subdivision three of section 710.20 of
18 this chapter based solely upon the failure to video record such interro-
19 gation in a detention facility as defined in paragraph (a) of this
20 subdivision. However, where the people offer into evidence a confession,
21 admission or other statement made by a person in custody with respect to
22 his or her participation or lack of participation in an offense speci-
23 fied in paragraph (a) of this subdivision, that has not been video
24 recorded, the court shall consider the failure to record as a factor,
25 but not as the sole factor, in accordance with paragraph (c) of this
26 subdivision in determining whether such confession, admission or other
27 statement shall be admissible.

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

32 (i) If electronic recording equipment malfunctions.

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

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

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

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

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

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

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

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

54 (x) If such statement is made at a location not equipped with a video
55 recording device and the reason for using that location is not to
56 subvert the intent of the law. For purposes of this section, the term

1 "location" shall include those locations specified in paragraph (b) of
2 subdivision four of section 305.2 of the family court act.

3 (d) In the event the court finds that the people have not shown good
4 cause for the non-recording of the confession, admission, or other
5 statement, but determines that a non-recorded confession, admission or
6 other statement is nevertheless admissible because it was voluntarily
7 made then, upon request of the defendant, the court must instruct the
8 jury that the people's failure to record the defendant's confession,
9 admission or other statement as required by this section may be weighed
10 as a factor, but not as the sole factor, in determining whether such
11 confession, admission or other statement was voluntarily made, or was
12 made at all.

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

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

18 3. Where a respondent is subject to custodial interrogation by a
19 public servant at a facility specified in subdivision four of section
20 305.2 of this article, the entire custodial interrogation, including the
21 giving of any required advice of the rights of the individual being
22 questioned, and the waiver of any rights by the individual, shall be
23 recorded and governed in accordance with the provisions of paragraphs
24 (a), (b), (c), (d) and (e) of subdivision three of section 60.45 of the
25 criminal procedure law.

26 § 3. Section 60.25 of the criminal procedure law, subparagraph (ii) of
27 paragraph (a) of subdivision 1 as amended by chapter 479 of the laws of
28 1977, is amended to read as follows:

29 § 60.25 Rules of evidence; identification by means of previous recogni-
30 tion, in absence of present identification.

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

34 (a) Such witness testifies that:

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

38 (ii) On a subsequent occasion he or she observed, under circumstances
39 consistent with such rights as an accused person may derive under the
40 constitution of this state or of the United States, a person or, where
41 the observation is made pursuant to a blind or blinded procedure as
42 defined in paragraph (c) of this subdivision, a pictorial, photographic,
43 electronic, filmed or video recorded reproduction of a person whom he or
44 she recognized as the same person whom he or she had observed on the
45 first or incriminating occasion; and

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

49 (b) It is established that the defendant is in fact the person whom
50 the witness observed and recognized or whose pictorial, photographic,
51 electronic, filmed or video recorded reproduction the witness observed
52 and recognized on the second occasion. Such fact may be established by
53 testimony of another person or persons to whom the witness promptly
54 declared his or her recognition on such occasion and by such pictorial,
55 photographic, electronic, filmed or video recorded reproduction.

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

14 2. Under circumstances prescribed in subdivision one of this section,
15 such witness may testify at the criminal proceeding that the person whom
16 he or she observed and recognized or whose pictorial, photographic,
17 electronic, filmed or video recorded reproduction he or she observed and
18 recognized on the second occasion is the same person whom he or she
19 observed on the first or incriminating occasion. Such testimony,
20 together with the evidence that the defendant is in fact the person whom
21 the witness observed and recognized or whose pictorial, photographic,
22 electronic, filmed or video recorded reproduction he or she observed and
23 recognized on the second occasion, constitutes evidence in chief.

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

26 § 60.30 Rules of evidence; identification by means of previous recogni-
27 tion, in addition to present identification.

28 In any criminal proceeding in which the defendant's commission of an
29 offense is in issue, a witness who testifies that (a) he or she observed
30 the person claimed by the people to be the defendant either at the time
31 and place of the commission of the offense or upon some other occasion
32 relevant to the case, and (b) on the basis of present recollection, the
33 defendant is the person in question and (c) on a subsequent occasion he
34 or she observed the defendant, or where the observation is made pursuant
35 to a blind or blinded procedure, as defined in paragraph (c) of subdivi-
36 sion one of section 60.25 of this article, a pictorial, photographic,
37 electronic, filmed or video recorded reproduction of the defendant,
38 under circumstances consistent with such rights as an accused person may
39 derive under the constitution of this state or of the United States, and
40 then also recognized him or her or the pictorial, photographic, elec-
41 tronic, filmed or video recorded reproduction of him or her as the same
42 person whom he or she had observed on the first or incriminating occa-
43 sion, may, in addition to making an identification of the defendant at
44 the criminal proceeding on the basis of present recollection as the
45 person whom he or she observed on the first or incriminating occasion,
46 also describe his or her previous recognition of the defendant and
47 testify that the person whom he or she observed or whose pictorial,
48 photographic, electronic, filmed or video recorded reproduction he or
49 she observed on such second occasion is the same person whom he or she
50 had observed on the first or incriminating occasion. Such testimony and
51 such pictorial, photographic, electronic, filmed or video recorded
52 reproduction constitutes evidence in chief.

53 § 5. Subdivision 6 of section 710.20 of the criminal procedure law, as
54 amended by chapter 8 of the laws of 1976 and as renumbered by chapter
55 481 of the laws of 1983, is amended to read as follows:

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

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

23 1. Whenever the people intend to offer at a trial (a) evidence of a
24 statement made by a defendant to a public servant, which statement if
25 involuntarily made would render the evidence thereof suppressible upon
26 motion pursuant to subdivision three of section 710.20, or (b) testimony
27 regarding an observation of the defendant either at the time or place of
28 the commission of the offense or upon some other occasion relevant to
29 the case, to be given by a witness who has previously identified him or
30 her or a pictorial, photographic, electronic, filmed or video recorded
31 reproduction of him or her as such, they must serve upon the defendant a
32 notice of such intention, specifying the evidence intended to be
33 offered.

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

36 § 343.3. Rules of evidence; identification by means of previous recog-
37 nition in absence of present identification. 1. In any juvenile delin-
38 quency proceeding in which the respondent's commission of a crime is in
39 issue, testimony as provided in subdivision two may be given by a
40 witness when:

41 (a) such witness testifies that:

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

45 (ii) on a subsequent occasion he or she observed, under circumstances
46 consistent with such rights as an accused person may derive under the
47 constitution of this state or of the United States, a person, or, where
48 the observation is made pursuant to a blind or blinded procedure as
49 defined herein, a pictorial, photographic, electronic, filmed or video
50 recorded reproduction of a person whom he or she recognized as the same
51 person whom he or she had observed on the first incriminating occasion;
52 and

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

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

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

22 2. Under circumstances prescribed in subdivision one, such witness may
23 testify at the proceeding that the person whom he or she observed and
24 recognized or whose pictorial, photographic, electronic, filmed or video
25 recorded reproduction he or she observed and recognized on the second
26 occasion is the same person whom he or she observed on the first or
27 incriminating occasion. Such testimony, together with the evidence that
28 the respondent is in fact the person whom the witness observed and
29 recognized or whose pictorial, photographic, electronic, filmed or video
30 recorded reproduction he or she observed and recognized on the second
31 occasion, constitutes evidence in chief.

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

34 § 343.4. Rules of evidence; identification by means of previous recog-
35 nition, in addition to present identification. In any juvenile delin-
36 quency proceeding in which the respondent's commission of a crime is in
37 issue, a witness who testifies that: (a) he or she observed the person
38 claimed by the presentment agency to be the respondent either at the
39 time and place of the commission of the crime or upon some other occa-
40 sion relevant to the case, and (b) on the basis of present recollection,
41 the respondent is the person in question, and (c) on a subsequent occa-
42 sion he or she observed the respondent, or, where the observation is
43 made pursuant to a blind or blinded procedure, a pictorial, photograph-
44 ic, electronic, filmed or video recorded reproduction of the respondent
45 under circumstances consistent with such rights as an accused person may
46 derive under the constitution of this state or of the United States, and
47 then also recognized him or her or the pictorial, photographic, elec-
48 tronic, filmed or video recorded reproduction of him or her as the same
49 person whom he or she had observed on the first or incriminating occa-
50 sion, may, in addition to making an identification of the respondent at
51 the delinquency proceeding on the basis of present recollection as the
52 person whom he or she observed on the first or incriminating occasion,
53 also describe his or her previous recognition of the respondent and
54 testify that the person whom he or she observed or whose pictorial,
55 photographic, electronic, filmed or video recorded reproduction he or
56 she observed on such second occasion is the same person whom he or she

1 had observed on the first or incriminating occasion. Such testimony and
2 such pictorial, photographic, electronic, filmed or video recorded
3 reproduction constitutes evidence in chief. For purposes of this
4 section, a "blind or blinded procedure" shall be as defined in paragraph
5 (c) of subdivision one of section 343.3 of this part.

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

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

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

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

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

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

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

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

29 (c) Disseminate the written policies and procedures promulgated in
30 accordance with subdivision twenty-one of section eight hundred thirty-
31 seven of this article to all police departments in this state and imple-
32 ment a training program for all current and new police officers regard-
33 ing the policies and procedures established pursuant to such
34 subdivision.

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

37 § 722-e. Expenses. All expenses for providing counsel and services
38 other than counsel hereunder shall be a county charge or in the case of
39 a county wholly located within a city a city charge to be paid out of an
40 appropriation for such purposes. Provided, however, that any such addi-
41 tional expenses incurred for the provision of counsel and services as a
42 result of the implementation of a plan established pursuant to subdivi-
43 sion four of section eight hundred thirty-two of the executive law,
44 including any interim steps taken to implement such plan, shall be reim-
45 bursed by the state to the county or city providing such services. The
46 state shall appropriate funds sufficient to provide for the reimburse-
47 ment required by this section.

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

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

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

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

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.

18 (iii) Each county and the city of New York shall, in consultation with
19 the office, undertake good faith efforts to implement the plan by April
20 first, two thousand twenty-three. Pursuant to section seven hundred
21 twenty-two-e of the county law, the state shall reimburse each county
22 and the city of New York for any costs incurred as a result of imple-
23 menting such plan.

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

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

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

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

41 (iii) Each county and the city of New York shall, in consultation
42 with the office, undertake good faith efforts to implement the
43 caseload/workload standards and such standards shall be fully imple-
44 mented and adhered to in each county and the city of New York by April
45 first, two thousand twenty-three. Pursuant to section seven hundred
46 twenty-two-e of the county law, the state shall reimburse each county
47 and the city of New York for any costs incurred as a result of imple-
48 menting such plan.

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

52 (c) Initiatives to improve the quality of indigent defense. (i) Devel-
53 op and implement a written plan to improve the quality of constitu-
54 tionally mandated publicly funded representation in criminal cases for
55 people who are unable to afford counsel and ensure that attorneys
56 providing such representation: (A) receive effective supervision and

1 training; (B) have access to and appropriately utilize investigators,
2 interpreters and expert witnesses on behalf of clients; (C) communicate
3 effectively with their clients; (D) have the necessary qualifications
4 and experience; and (E) in the case of assigned counsel attorneys, are
5 assigned to cases in accordance with article eighteen-b of the county
6 law and in a manner that accounts for the attorney's level of experience
7 and caseload/workload.

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

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

15 (iv) Each county and the city of New York shall, in consultation with
16 the office, undertake good faith efforts to implement the initiatives to
17 improve the quality of indigent defense and such initiatives shall be
18 fully implemented and adhered to in each county and the city of New York
19 by April first, two thousand twenty-three. Pursuant to section seven
20 hundred twenty-two-e of the county law, the state shall reimburse each
21 county and the city of New York for any costs incurred as a result of
22 implementing such plan.

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

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

31 § 14. Notwithstanding the provisions of any other law: (a) the fee
32 collected by the office of court administration for the provision of
33 criminal history searches and other searches for data kept electron-
34 ically by the unified court system shall be [sixty-five] eighty dollars;
35 (b) [thirty-five] fifty dollars of each such fee collected shall be
36 deposited in the indigent legal services fund established by section
37 98-b of the state finance law, as added by section twelve of this act,
38 (c) nine dollars of each such fee collected shall be deposited in the
39 legal services assistance fund established by section 98-c of the state
40 finance law, as added by section nineteen of this act, (d) sixteen
41 dollars of each such fee collected shall be deposited to the judiciary
42 data processing offset fund established by section 94-b of the state
43 finance law, and (e) the remainder shall be deposited in the general
44 fund.

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

48 4. The biennial registration fee shall be [three] four hundred [seven-
49 ty-five] twenty-five dollars, sixty dollars of which shall be allocated
50 to and be deposited in a fund established pursuant to the provisions of
51 section ninety-seven-t of the state finance law, [fifty] one hundred
52 dollars of which shall be allocated to and shall be deposited in a fund
53 established pursuant to the provisions of section ninety-eight-b of the
54 state finance law, twenty-five dollars of which shall be allocated to be
55 deposited in a fund established pursuant to the provisions of section
56 ninety-eight-c of the state finance law, and the remainder of which

1 shall be deposited in the attorney licensing fund. Such fee shall be
2 required of every attorney who is admitted and licensed to practice law
3 in this state, whether or not the attorney is engaged in the practice of
4 law in this state or elsewhere, except attorneys who certify to the
5 chief administrator of the courts that they have retired from the prac-
6 tice of law.

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

11 (i) When a license issued pursuant to this article, or a privilege of
12 operating a motor vehicle or of obtaining such a license, has been
13 suspended based upon a failure to answer an appearance ticket or a
14 summons or failure to pay a fine, penalty or mandatory surcharge, pursu-
15 ant to subdivision three of section two hundred twenty-six, subdivision
16 four of section two hundred twenty-seven, subdivision four-a of section
17 five hundred ten or subdivision five-a of section eighteen hundred nine
18 of this chapter, such suspension shall remain in effect until a termi-
19 nation of a suspension fee of [seventy] one hundred five dollars is paid
20 to the court or tribunal that initiated the suspension of such license
21 or privilege. In no event may the aggregate of the fees imposed by an
22 individual court pursuant to this paragraph for the termination of all
23 suspensions that may be terminated as a result of a person's answers,
24 appearances or payments made in such cases pending before such individ-
25 ual court exceed four hundred dollars. For the purposes of this para-
26 graph, the various locations of the administrative tribunal established
27 under article two-A of this chapter shall be considered an individual
28 court.

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

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

37

PART E

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

41 2. The commissioner shall have the power and duty of determining the
42 conditions of release of persons who may be presumptively released,
43 conditionally released or subject to a period of post-release super-
44 vision under an indeterminate or determinate sentence of imprisonment,
45 other than persons who have been granted parole by the board of parole
46 pursuant to subdivision two of section two hundred fifty-nine-i of the
47 executive law, and shall have the management and control of persons
48 released on community supervision and of all matters relating to such
49 persons' effective reentry into the community, as well as all contracts
50 and fiscal concerns thereof. The commissioner shall have the power and
51 it shall be his or her duty to inquire into all matters connected with
52 said community supervision. The commissioner shall make such rules and
53 regulations, not in conflict with the statutes of this state, for the
54 governance of the officers and other employees of the department

1 assigned to said community supervision, and in regard to the duties to
2 be performed by them, as he or she deems proper and shall cause such
3 rules and regulations to be furnished to each employee assigned to
4 perform community supervision. The commissioner shall also prescribe a
5 system of accounts and records to be kept, which shall be uniform. The
6 commissioner shall also make rules and regulations for a record of
7 photographs and other means of identifying each inmate released to
8 community supervision. The commissioner shall appoint officers and other
9 employees of the department who are assigned to perform community super-
10 vision.

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

14 1. All requests for presumptive release or conditional release shall
15 be made in writing on forms prescribed and furnished by the department.
16 Within one month from the date any such application is received, if it
17 appears that the applicant is eligible for presumptive release or condi-
18 tional release or will be eligible for such release during such month,
19 the conditions of release shall be fixed in accordance with rules
20 prescribed by the [board of parole] commissioner. Such conditions shall
21 be substantially the same as conditions imposed upon parolees.

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

24 3. Conditions of post-release supervision. [The] For persons who have
25 been granted parole by the board of parole pursuant to subdivision two
26 of section two hundred fifty-nine-i of the executive law, such board [of
27 parole] shall establish and impose conditions of post-release super-
28 vision in the same manner and to the same extent as it may establish and
29 impose conditions in accordance with the executive law upon persons who
30 are granted parole [or conditional release]; for all other persons
31 released to post-release supervision said conditions shall be estab-
32 lished and imposed by the commissioner of corrections and community
33 supervision; provided that, notwithstanding any other provision of law,
34 the board of parole may impose as a condition of post-release super-
35 vision that for a period not exceeding six months immediately following
36 release from the underlying term of imprisonment pursuant to the grant
37 of parole the person be transferred to and participate in the programs
38 of a residential treatment facility as that term is defined in subdivi-
39 sion six of section two of the correction law. [Upon release from the
40 underlying term of imprisonment, the person] All individuals released to
41 post-release supervision shall be furnished with a written statement
42 setting forth the conditions of [post-release supervision] release in
43 sufficient detail to provide for the person's conduct and supervision.

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

47 6. Upon delivery of the defendant to the reception center, he or she
48 shall be given a copy of the conditions of parole by a representative of
49 the department of corrections and community supervision and shall
50 acknowledge receipt of a copy of the conditions in writing. The condi-
51 tions shall be established by the commissioner of corrections and commu-
52 nity supervision in accordance with [article twelve-B] section one
53 hundred twelve of the [executive] correction law [and the rules and
54 regulations of the board of parole]. Thereafter and while the parolee
55 is participating in the intensive drug treatment program provided at the
56 drug treatment campus, the department of corrections and community

1 supervision shall assess the parolee's special needs and shall develop
2 an intensive program of parole supervision that will address the
3 parolee's substance abuse history and which shall include periodic
4 urinalysis testing. Unless inappropriate, such program shall include the
5 provision of treatment services by a community-based substance abuse
6 service provider which has a contract with the department of corrections
7 and community supervision.

8 § 5. Subdivision 2 of section 259-c of the executive law, as amended
9 by section 38-b of subpart A of part C of chapter 62 of the laws of
10 2011, is amended to read as follows:

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

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

19 (b) Upon the completion of the period of post-release supervision, the
20 running of such sentence or sentences of imprisonment shall resume and
21 only then shall the remaining portion of any maximum or aggregate maxi-
22 mum term previously held in abeyance be credited with and diminished by
23 such period of post-release supervision. In the event such period of
24 post-release supervision is reduced pursuant to subdivision six of this
25 section, the remaining portion of any maximum or aggregate maximum term
26 previously held in abeyance shall be credited with and diminished by
27 such reduced period of post-release supervision. The person shall then
28 be under the jurisdiction of the department of corrections and community
29 supervision for the remaining portion of such maximum or aggregate maxi-
30 mum term.

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

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

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

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

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

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

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

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

52 (c) The six-month period shall not commence or continue to run while
53 the person is in custody for any reason. No reduction shall be granted
54 for the period between the commencement of the six-month period and the
55 date on which the person was taken into custody if such period was less

1 than six months. In such case, the next six-month period shall not
2 commence until the person's next release from custody.

3 (d) A declaration of delinquency shall interrupt the running of the
4 six-month period retroactively as of the date of delinquency. No
5 reduction shall be granted for the period between the commencement of
6 the six-month period and the date of delinquency if such period was less
7 than six months. In such case, the next six-month period shall not
8 commence until the person's next release from custody.

9 (e) When a person is subject to more than one period of post-release
10 supervision, the reduction authorized in this subdivision shall be
11 applied to every period of post-release supervision to which the person
12 is subject at the commencement of the six-month period. In the event a
13 person becomes subject to an additional period of post-release super-
14 vision after the six-month period of a previously imposed period of
15 post-release supervision has commenced, the six-month period of the
16 additional period of post-release supervision shall commence as provided
17 in paragraph (a) of this subdivision.

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

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

25 (c) "significant programmatic accomplishment" means that the inmate:
26 (i) participates in no less than two years of college programming; or
27 (ii) obtains a masters of professional studies degree; or
28 (iii) successfully participates as an inmate program associate for no
29 less than two years; or
30 (iv) receives a certification from the state department of labor for
31 his or her successful participation in an apprenticeship program; or
32 (v) successfully works as an inmate hospice aid for a period of no
33 less than two years; or
34 (vi) successfully works in the division of correctional industries'
35 optical program for no less than two years and receives a certification
36 as an optician from the American board of opticianry; or
37 (vii) receives an asbestos handling certificate from the department of
38 labor upon successful completion of the training program and then works
39 in the division of correctional industries' asbestos abatement program
40 as a hazardous materials removal worker or group leader for no less than
41 eighteen months; or
42 (viii) successfully completes the course curriculum and passes the
43 minimum competency screening process performance examination for sign
44 language interpreter, and then works as a sign language interpreter for
45 deaf inmates for no less than one year; or
46 (ix) successfully works in the puppies behind bars program for a peri-
47 od of no less than two years; or
48 (x) successfully participates in a vocational culinary arts program
49 for a period of no less than two years and earns a servsafe certificate
50 that is recognized by the national restaurant association; or
51 (xi) successfully completes the four hundred ninety hour training
52 program while assigned to a department of motor vehicles call center,
53 and continues to work at such call center for an additional twenty-one
54 months.

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

1 (2) If the sentence is to be imposed upon a youthful offender finding
2 which has been substituted for a conviction for any felony, the court
3 must impose a sentence authorized to be imposed upon a person convicted
4 of a class E felony [provided, however, that the court must not impose a
5 sentence of conditional discharge or unconditional discharge if the
6 youthful offender finding was substituted for a conviction of a felony
7 defined in article two hundred twenty of this chapter], as hereinafter
8 provided:

9 (a) if the youthful offender finding was substituted for a felony
10 defined in article two hundred twenty or two hundred twenty-one of this
11 chapter, then the sentence shall be as authorized by section 60.04 of
12 this article for a class E felony, and if a determinate sentence of
13 imprisonment is imposed, the corresponding period of post-release super-
14 vision provided for that class E felony by section 70.45 of this title
15 shall also be imposed. In addition to such authorized sentences, if the
16 defendant meets the requirements of subdivision two of section 410.91 of
17 the criminal procedure law, a court may direct that such sentence be
18 executed as a parole supervision sentence as defined in and pursuant to
19 the procedures prescribed by that section.

20 (b) if the youthful offender finding was substituted for any other
21 felony, then the sentence shall be as authorized by section 60.01 of
22 this article for a sentence upon a conviction of a class E felony;
23 provided, however, that if the youthful offender finding was substituted
24 for a violent felony offense as defined in subdivision one of section
25 70.02 of this title or for a felony sex offense as defined in paragraph
26 (a) of subdivision one of section 70.80 of this title and, in either
27 case, a sentence of imprisonment in excess of one year is imposed to be
28 served in a facility of the state department of corrections and communi-
29 ty supervision, the sentence shall be the determinate sentence of impri-
30 sonment authorized for a class E violent felony offense or felony sex
31 offense, as the case may be, and the corresponding period of post-re-
32 lease supervision provided for that class E felony by section 70.45 of
33 this title.

34 § 10. Section 70.00 of the penal law, the section heading as amended
35 by chapter 277 of the laws of 1973, subdivision 1 as amended by section
36 36 of chapter 7 of the laws of 2007, subdivisions 2, 3 and 4 as amended
37 by chapter 738 of the laws of 2004, paragraph (a) of subdivision 3 as
38 amended by chapter 107 of the laws of 2006, paragraph (b) of subdivision
39 3 as amended by chapter 746 of the laws of 2006, subdivision 5 as
40 amended by chapter 482 of the laws of 2009 and subdivision 6 as amended
41 by chapter 1 of the laws of 1998, is amended to read as follows:

42 § 70.00 Sentence of imprisonment for felony.

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

46 (a) Class A felony sentence. Except as provided in [subdivisions
47 four,] subdivision five [and six] of this section [or section 70.80 of
48 this article], a sentence of imprisonment for a class A felony, other
49 than a felony defined in article two hundred twenty [or two hundred
50 twenty-one] of this chapter, shall be an indeterminate sentence. When
51 such a sentence is imposed, the court shall impose a maximum term in
52 accordance with the provisions of subdivision two of this section and
53 the minimum period of imprisonment shall be as provided in subdivision
54 three of this section.

55 (b) Class B, C, D or E felony sentence. Except as provided in subdivi-
56 sions four and six of this section or section 70.80 of this article, a

1 sentence of imprisonment for a class B, C, D or E felony, other than a
2 felony defined in article two hundred twenty or two hundred twenty-one
3 of this chapter, shall be a determinate sentence of imprisonment in
4 accordance with the provisions of subdivision three-a of this section,
5 which shall include, as part thereof, a period of post-release super-
6 vision in accordance with the provisions of section 70.45 of this arti-
7 cle.

8 2. Maximum indeterminate term of [sentence] imprisonment for a class A
9 felony. The maximum term of an indeterminate sentence of imprisonment
10 for a class A felony shall be [at least three years and the term shall
11 be fixed as follows:

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

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

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

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

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

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

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

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

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

35 (B) where a sentence is imposed upon a defendant convicted of murder
36 in the second degree as defined in subdivision five of section 125.25 of
37 this chapter or convicted of aggravated murder as defined in section
38 125.26 of this chapter, the sentence shall be life imprisonment without
39 parole, and[,]

40 (C) where a sentence is imposed upon a defendant convicted of
41 attempted murder in the first degree as defined in article one hundred
42 ten of this chapter and subparagraph (i), (ii) or (iii) of paragraph (a)
43 of subdivision one and paragraph (b) of subdivision one of section
44 125.27 of this chapter or attempted aggravated murder as defined in
45 article one hundred ten of this chapter and section 125.26 of this chap-
46 ter such minimum period shall be not less than twenty years nor more
47 than forty years.

48 (ii) For a class A-II felony, such minimum period shall not be less
49 than three years nor more than eight years four months, except that for
50 the class A-II felony of predatory sexual assault as defined in section
51 130.95 of this chapter or the class A-II felony of predatory sexual
52 assault against a child as defined in section 130.96 of this chapter,
53 such minimum period shall be not less than ten years nor more than twen-
54 ty-five years.

55 (b) [For any other felony, the minimum period shall be fixed by the
56 court and specified in the sentence and shall be not less than one year

1 nor more than one-third of the maximum term imposed] A minimum period of
2 imprisonment shall not be fixed by the court for a class A felony when a
3 sentence of life imprisonment without parole is authorized by section
4 60.06 of this title, or subdivision five of this section, or any other
5 provision of this chapter and is imposed.

6 3-a. Determinate term of imprisonment for a class B, C, D or E felony.

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

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

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

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

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

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

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

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

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

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

29 4. Alternative definite sentence for class C, D and E felonies. When a
30 person, other than a second or persistent felony offender, is sentenced
31 for a class C, D or [class] E felony, and the court, having regard to
32 the nature and circumstances of the crime and to the history and charac-
33 ter of the defendant, is of the opinion that a sentence of imprisonment
34 is necessary but that it would be unduly harsh to impose [an indetermi-
35 nate or] a determinate sentence, the court may impose a definite
36 sentence of imprisonment and fix a term of one year or less.

37 5. Life imprisonment without parole. (a) Notwithstanding any other
38 provision of law, a defendant sentenced to life imprisonment without
39 parole shall not be or become eligible for parole or conditional
40 release. For purposes of commitment and custody, other than parole and
41 conditional release, such sentence shall be deemed to be an indetermi-
42 nate sentence.

43 (b) A defendant may be sentenced to life imprisonment without parole
44 upon conviction for the crime of murder in the first degree as defined
45 in section 125.27 of this chapter and in accordance with the procedures
46 provided by law for imposing a sentence for such crime.

47 (c) A defendant must be sentenced to life imprisonment without parole
48 upon conviction for the crime of terrorism as defined in section 490.25
49 of this chapter, where the specified offense the defendant committed is
50 a class A-I felony; the crime of criminal possession of a chemical weap-
51 on or biological weapon in the first degree as defined in section 490.45
52 of this chapter; or the crime of criminal use of a chemical weapon or
53 biological weapon in the first degree as defined in section 490.55 of
54 this chapter; provided, however, that nothing in this subdivision shall
55 preclude or prevent a sentence of death when the defendant is also

1 convicted of the crime of murder in the first degree as defined in
2 section 125.27 of this chapter.

3 (d) A defendant must be sentenced to life imprisonment without parole
4 upon conviction for the crime of murder in the second degree as defined
5 in subdivision five of section 125.25 of this chapter or for the crime
6 of aggravated murder as defined in subdivision one of section 125.26 of
7 this chapter.

8 (e) A defendant may be sentenced to life imprisonment without parole
9 upon conviction for the crime of aggravated murder as defined in subdi-
10 vision two of section 125.26 of this chapter.

11 6. Determinate sentence for conviction of a violent felony. Except as
12 provided in subdivision four of this section and subdivisions two and
13 four of section 70.02 of this article, when a person is sentenced as a
14 violent felony offender pursuant to section 70.02 of this article or as
15 a second violent felony offender pursuant to section 70.04 of this arti-
16 cle or as a second felony offender on a conviction for a violent felony
17 offense pursuant to section 70.06 of this article, the court must impose
18 a determinate sentence of imprisonment in accordance with the provisions
19 of such sections and such sentence shall include, as a part thereof, a
20 period of post-release supervision in accordance with section 70.45 of
21 this article.

22 § 11. Section 70.06 of the penal law, as added by chapter 277 of the
23 laws of 1973, paragraph (a) of subdivision 1 and subdivision 4 as
24 amended by chapter 410 of the laws of 1979, subparagraph (i) of para-
25 graph (b) of subdivision 1 as amended by chapter 784 of the laws of
26 1975, subparagraph (iii) of paragraph (b) of subdivision 1 as amended by
27 chapter 471 of the laws of 1980, subdivisions 2 and 3 as amended by
28 section 38 of chapter 7 of the laws of 2007, paragraph (a) of subdivi-
29 sion 4 as amended by chapter 107 of the laws of 2006, subdivision 6 as
30 added by chapter 3 of the laws of 1995 and subdivision 7 as amended by
31 section 123 of subpart B of part C of chapter 62 of the laws of 2011, is
32 amended to read as follows:

33 § 70.06 Sentence of imprisonment for second felony offender.

34 1. Definition of second felony offender.

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

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

42 (i) The conviction must have been in this state of a felony, or in any
43 other jurisdiction of an offense for which a sentence to a term of
44 imprisonment in excess of one year or a sentence of death was authorized
45 and is authorized in this state irrespective of whether such sentence
46 was imposed;

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

49 (iii) Suspended sentence, suspended execution of sentence, a sentence
50 of probation, a sentence of conditional discharge or of unconditional
51 discharge, and a sentence of certification to the care and custody of
52 the division of substance abuse services, shall be deemed to be a
53 sentence;

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

1 (v) In calculating the ten year period under subparagraph (iv), any
2 period of time during which the person was incarcerated for any reason
3 between the time of commission of the previous felony and the time of
4 commission of the present felony shall be excluded and such ten year
5 period shall be extended by a period or periods equal to the time served
6 under such incarceration;

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

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

12 (a) Authorized sentence for a class A-II felony. [Except as provided
13 in subdivision five or six of this section, or as provided in subdivi-
14 sion five of section 70.80 of this article, when] When the court has
15 found, pursuant to the provisions of the criminal procedure law, that a
16 person is a second felony offender the court must impose an indetermi-
17 nate sentence of imprisonment. The maximum term of such sentence must be
18 in accordance with the provisions of subdivision three of this section
19 and the minimum period of imprisonment under such sentence must be in
20 accordance with subdivision four of this section.

21 (b) Authorized sentence for a class B, C, D or E felony. Except as
22 provided in section 70.70 or section 70.80 of this article, when the
23 court has found, pursuant to the provisions of the criminal procedure
24 law, that a person is a second felony offender the court must impose a
25 determinate sentence of imprisonment in accordance with subdivision five
26 or six of this section and a period of post-release supervision as
27 authorized by section 70.45 of this article. The court may direct such
28 sentence be executed as a parole supervision sentence to the extent
29 authorized and provided for by subdivision seven of this section. For a
30 class D or E felony specified in subdivision eight of this section, the
31 court may, in lieu of a determinate sentence of imprisonment, impose a
32 sentence authorized by such subdivision.

33 3. Maximum indeterminate term of [sentence] imprisonment for a class
34 A-II felony. [Except as provided in subdivision five or six of this
35 section, or as provided in subdivision five of section 70.80 of this
36 article, the] The maximum term of an indeterminate sentence of imprison-
37 ment for a class A-II felony for a second felony offender must be fixed
38 by the court [as follows:

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

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

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

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

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

51 4. Minimum indeterminate period of imprisonment for a class A-II felo-
52 ny. [(a)] The minimum period of imprisonment for a second felony offen-
53 der convicted of a class A-II felony must be fixed by the court at no
54 less than six years and not to exceed twelve and one-half years and must
55 be specified in the sentence, except that for the class A-II felony of
56 predatory sexual assault as defined in section 130.95 of this chapter or

1 the class A-II felony of predatory sexual assault against a child as
2 defined in section 130.96 of this chapter, such minimum period shall be
3 not less than ten years nor more than twenty-five years.

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

8 5. Determinate term of imprisonment for a second felony offender
9 convicted of a class B, C, D or E felony not defined as a violent felony
10 offense. (a) When the court has found, pursuant to the provisions of the
11 criminal procedure law, that a person is a second felony offender and
12 the sentence to be imposed on such person is for a felony offense
13 defined in article one hundred twenty-five of this chapter, which is not
14 defined a violent felony offense by subdivision one of section 70.02 of
15 this article, the court must impose a determinate sentence of imprison-
16 ment, the term of which must be fixed by the court as follows:

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

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

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

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

25 (b) When the court has found, pursuant to the provisions of the crimi-
26 nal procedure law, that a person is a second felony offender and the
27 sentence to be imposed on such person is for a felony offense which is
28 not defined in article one hundred twenty-five of this chapter and which
29 is not designated a violent felony offense by subdivision one of section
30 70.02 of this article, the court must impose a determinate sentence of
31 imprisonment, the term of which must be fixed by the court as follows:

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

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

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

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

40 6. Determinate [sentence] term of imprisonment for second felony
41 offender convicted of a class B, C, D or E violent felony offense. When
42 the court has found, pursuant to the provisions of the criminal proce-
43 dure law, that a person is a second felony offender and the sentence to
44 be imposed on such person is for a violent felony offense, as defined in
45 subdivision one of section 70.02 of this article, the court must impose
46 a determinate sentence of imprisonment the term of which must be fixed
47 by the court as follows:

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

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

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

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

1 7. Parole supervision sentence. Notwithstanding any other provision of
2 law, in the case of a person sentenced for a specified offense or
3 offenses as defined in subdivision five of section 410.91 of the crimi-
4 nal procedure law, who stands convicted of no other felony offense, who
5 has not previously been convicted of either a violent felony offense as
6 defined in section 70.02 of this article, a class A felony offense or a
7 class B felony offense, and is not under the jurisdiction of or awaiting
8 delivery to the department of corrections and community supervision, the
9 court may direct that such sentence be executed as a parole supervision
10 sentence as defined in and pursuant to the procedures prescribed in
11 section 410.91 of the criminal procedure law.

12 8. Alternative sentence for certain class D or E felony. When a second
13 felony offender is sentenced for a class D or class E felony, other than
14 an offense defined in article one hundred twenty-five of this chapter or
15 an offense requiring registration as a sex offender pursuant to article
16 six-C of the correction law, and the court, having regard to the nature
17 and circumstances of the crime and to the history and character of the
18 defendant, is of the opinion that it would be unduly harsh to impose a
19 determinate sentence of imprisonment, the court may impose a definite
20 sentence of imprisonment and fix a term of one year or less, or it may
21 sentence the defendant to probation pursuant to the provisions of
22 section 65.00 of this title, or it may impose both a definite sentence
23 of imprisonment and a sentence of probation as provided for in paragraph
24 (d) of subdivision two of section 60.01 of this title.

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

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

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

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

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

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

53 (k) such period shall be not less than one year whenever a determinate
54 sentence of imprisonment is imposed pursuant to paragraph (b) of subdi-
55 vision three-a of section 70.00 of this article or paragraph (b) of

1 subdivision five of section 70.06 of this article upon a conviction of a
2 class E felony offense.

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

5 § 105.15 Conspiracy in the second degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 4. Certain class C felonies. Except as provided in subdivision six,
44 every person convicted of a class C violent felony offense as defined in
45 subdivision one of section 70.02 of this title, must be sentenced to
46 imprisonment in accordance with section 70.02 of this title; and, except
47 as provided in subdivision six of this section, every person convicted
48 of the class C felonies of: attempt to commit any of the class B felo-
49 nies of bribery in the first degree as defined in section 200.04, bribe
50 receiving in the first degree as defined in section 200.12, conspiracy
51 in the second degree as defined in section 105.15 and criminal mischief
52 in the first degree as defined in section 145.12; criminal usury in the
53 first degree as defined in section 190.42, rewarding official misconduct
54 in the first degree as defined in section 200.22, receiving reward for
55 official misconduct in the first degree as defined in section 200.27,
56 [attempt to promote prostitution in the first degree as defined in

1 section 230.32,] promoting prostitution in the second degree as defined
2 in section 230.30, arson in the third degree as defined in section
3 150.10 of this chapter, must be sentenced to imprisonment in accordance
4 with section 70.00 of this title.

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

8 (b) Class C violent felony offenses: an attempt to commit any of the
9 class B felonies set forth in paragraph (a) of this subdivision; aggra-
10 vated criminally negligent homicide as defined in section 125.11, aggra-
11 vated manslaughter in the second degree as defined in section 125.21,
12 aggravated sexual abuse in the second degree as defined in section
13 130.67, assault on a peace officer, police officer, fireman or emergency
14 medical services professional as defined in section 120.08, assault on a
15 judge as defined in section 120.09, gang assault in the second degree as
16 defined in section 120.06, strangulation in the first degree as defined
17 in section 121.13, burglary in the second degree as defined in section
18 140.25, robbery in the second degree as defined in section 160.10, crim-
19 inal possession of a weapon in the second degree as defined in section
20 265.03, criminal use of a firearm in the second degree as defined in
21 section 265.08, criminal sale of a firearm in the second degree as
22 defined in section 265.12, criminal sale of a firearm with the aid of a
23 minor as defined in section 265.14, aggravated criminal possession of a
24 weapon as defined in section 265.19, soliciting or providing support for
25 an act of terrorism in the first degree as defined in section 490.15,
26 hindering prosecution of terrorism in the second degree as defined in
27 section 490.30, [and] criminal possession of a chemical weapon or
28 biological weapon in the third degree as defined in section 490.37,
29 conspiracy in the second degree as defined in subdivision two of section
30 105.15, promoting prostitution in the first degree as defined in section
31 230.32, and tampering with a witness in the first degree as defined in
32 section 215.13.

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

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

39 § 23. This act shall take effect April 1, 2017, provided, however
40 sections six and seven of this act shall take effect June 1, 2017; and
41 provided, further, that sections nine through twenty-two of this act
42 shall take effect on the one hundred twentieth day after it shall have
43 become a law and shall apply to offenses committed on or after such
44 date.

45

PART F

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

48 2. There shall be within the bureau of criminal investigation a hate
49 crime task force. The superintendent shall assign to it such personnel
50 as may be required for the purpose of preventing, investigating, and
51 detecting hate crimes as defined in article four hundred eighty-five and
52 sections 240.30 and 240.31 of the penal law. The task force shall issue
53 reports and publications, in conjunction with the division of human
54 rights, in order to: inform persons of all rights and remedies, includ-



1 ing penalties, provided under article fifteen of this chapter as well as
2 article four hundred eighty-five and sections 240.30 and 240.31 of the
3 penal law and to combat against discrimination because of age, race,
4 creed, color, national origin, sexual orientation, military status, sex,
5 disability, familial status, domestic violence victim status, genetic
6 predisposition status, or marital status.

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

11 § 3. This act shall take effect immediately.

12 PART G

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

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

36 12. Notwithstanding the provisions of subdivisions one, two and three
37 of this section, an individual who was a victim of either the crime of
38 menacing in the second degree as defined in subdivision two or three of
39 section 120.14 of the penal law, menacing in the first degree as defined
40 in section 120.13 of the penal law, criminal obstruction of breathing or
41 blood circulation as defined in section 121.11 of the penal law, harass-
42 ment in the second degree as defined in [subdivision two or three of]
43 section 240.26 of the penal law, harassment in the first degree as
44 defined in section 240.25 of the penal law, aggravated harassment in the
45 second degree as defined in subdivision three or five of section 240.30
46 of the penal law, aggravated harassment in the first degree as defined
47 in subdivision two of section 240.31 of the penal law, criminal contempt
48 in the first degree as defined in [paragraph (ii) or (iv) of] subdivi-
49 sion (b) or subdivision (c) of section 215.51 of the penal law, or
50 stalking in the fourth, third, second or first degree as defined in
51 sections 120.45, 120.50, 120.55 and 120.60 of the penal law, respective-
52 ly, or a hate crime as defined in section 485.05 of the penal law who
53 has not been physically injured as a direct result of such crime shall
54 only be eligible for an award that includes loss of earning or support,

1 the unreimbursed cost of repair or replacement of essential personal
2 property that has been lost, damaged or destroyed as a direct result of
3 such crime, the unreimbursed cost for security devices to enhance the
4 personal protection of such victim, transportation expenses incurred for
5 necessary court [expenses] appearances in connection with the prose-
6 cution of such crime, the unreimbursed costs of counseling provided to
7 such victim on account of mental or emotional stress resulting from the
8 incident in which the crime occurred, the unreimbursed cost of securing
9 a crime scene, reasonable relocation expenses, and for occupational or
10 job training.

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

14

PART H

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

18 5. "Victim" shall mean (a) a person who suffers personal physical
19 injury as a direct result of a crime; (b) a person who is the victim of
20 either the crime of (1) unlawful imprisonment in the first degree as
21 defined in section 135.10 of the penal law, (2) kidnapping in the second
22 degree as defined in section 135.20 of the penal law, (3) kidnapping in
23 the first degree as defined in section 135.25 of the penal law, (4)
24 menacing in the first degree as defined in section 120.13 of the penal
25 law, (5) criminal obstruction of breathing or blood circulation as
26 defined in section 121.11 of the penal law, (6) harassment in the second
27 degree as defined in section 240.26 of the penal law, (7) harassment in
28 the first degree as defined in section 240.25 of the penal law, (8)
29 aggravated harassment in the second degree as defined in subdivision
30 three or five of section 240.30 of the penal law, (9) aggravated harass-
31 ment in the first degree as defined in subdivision two of section 240.31
32 of the penal law, (10) criminal contempt in the first degree as defined
33 in subdivision (b) or subdivision (c) of section 215.51 of the penal
34 law, (11) stalking in the fourth, third, second or first degree as
35 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,
36 (12) labor trafficking as defined in section 135.35 of the penal law, or
37 [(5)] (13) sex trafficking as defined in section 230.34 of the penal
38 law; a vulnerable elderly person or an incompetent or physically disa-
39 bled person as defined in section 260.31 of the penal law who incurs a
40 loss of savings as defined in subdivision twenty-four of this section;
41 or a person who has had a frivolous lawsuit filed against them.

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

44 24. "Loss of savings" shall mean the result of any act or series of
45 acts of larceny as defined in article one hundred fifty-five of the
46 penal law, indicated by a criminal justice agency as defined in subdivi-
47 sion one of section six hundred thirty-one of this article, in which
48 cash is stolen from a vulnerable elderly person or an incompetent or
49 physically disabled person as defined in section 260.31 of the penal
50 law.

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

53 2. Any award made pursuant to this article shall be in an amount not
54 exceeding out-of-pocket expenses, including indebtedness reasonably

1 incurred for medical or other services necessary as a result of the
2 injury upon which the claim is based; loss of earnings or support
3 resulting from such injury not to exceed thirty thousand dollars; loss
4 of savings not to exceed thirty thousand dollars; burial expenses not
5 exceeding six thousand dollars of a victim who died as a direct result
6 of a crime; the costs of crime scene cleanup and securing of a crime
7 scene not exceeding twenty-five hundred dollars; reasonable relocation
8 expenses not exceeding twenty-five hundred dollars; and the unreimbursed
9 cost of repair or replacement of articles of essential personal property
10 lost, damaged or destroyed as a direct result of the crime. An award for
11 loss of earnings shall include earnings lost by a parent or guardian as
12 a result of the hospitalization of a child victim under age eighteen for
13 injuries sustained as a direct result of a crime. In addition to the
14 medical or other services necessary as a result of the injury upon which
15 the claim is based, an award may be made for rehabilitative occupational
16 training for the purpose of job retraining or similar employment-orient-
17 ed rehabilitative services based upon the claimant's medical and employ-
18 ment history. For the purpose of this subdivision, rehabilitative occu-
19 pational training shall include but not be limited to educational
20 training and expenses. An award for rehabilitative occupational training
21 may be made to a victim, or to a family member of a victim where neces-
22 sary as a direct result of a crime.

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

25 3-a. Any award made for loss of savings shall, unless reduced pursuant
26 to other provisions of this article, be in an amount equal to the actual
27 loss sustained.

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

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

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

35 8-a. Notwithstanding the provisions of subdivision one of this
36 section, a vulnerable elderly person or an incompetent or physically
37 disabled person, as defined in section 260.31 of the penal law, who has
38 not been physically injured as a direct result of a crime, shall be
39 eligible for an award that includes loss of savings.

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

43

PART I

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

46 § 203-a. Additional duties of the commissioner regarding flood related
47 losses. In accordance with 44 CFR 75.11 of the code of federal regu-
48 lations, in the event that state-owned structures and their contents are
49 damaged as the result of flood related losses, flood, and/or flood
50 related hazards occurring in areas identified by the federal insurance
51 administrator as A, AO, AH, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO,
52 AR/AH, AR/A, A99, M, V, VO, V1-30, VE, and E Zones, the commissioner of
53 general services shall pay an amount not less than the limits of cover-
54 age that would be applicable if such state-owned structures and their



1 contents had been covered by standard flood insurance policies, as
2 defined in 44 CFR 59.1, for the repair, restoration, or replacement of
3 such state-owned structures and contents, and shall maintain and update,
4 not less frequently than annually, an inventory of all state-owned
5 structures and their contents within such zones.

6 § 2. This act shall take effect immediately.

7

PART J

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

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

12 § 146-a. American materials. 1. Definitions. For the purposes of this
13 section, the following terms shall have the following meanings unless
14 specified otherwise:

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

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

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

33 (d) "End product" or "product" means the ultimate item or items to be
34 procured under the State contract (such as a vehicle, structure, arti-
35 cle, material, supply, system or project) which may directly incorporate
36 constituent components, and which is ready to provide its intended end
37 function or use without further manufacturing or assembly change or
38 changes. Excluded from this definition are (i) steel products procured
39 in accordance with section one hundred forty-six of this article; (ii)
40 energy, electricity, fuel and other petroleum products; and (iii) soft-
41 ware products such as software, microprocessors, computers, microcomput-
42 ers, and other such products used for the purpose of processing or stor-
43 ing data.

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

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

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

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

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

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

7 (h) "State entity" means a state agency as defined in paragraph (a) of
8 subdivision 11 of section three hundred ten of the executive law.

9 (i) "State contract" means:

10 (i) a written agreement in excess of one hundred thousand dollars
11 whereby a state entity is committed to expend or does expend funds for
12 products, including products used in the construction, demolition,
13 replacement, major repair or renovation of real property and improve-
14 ments thereon;

15 (ii) leases of real property by a state entity to a lessee where the
16 terms of such leases provide for the state entity to be engaged in the
17 purchase of products for construction, demolition, replacement, major
18 repair or renovation of real property and improvements thereon, and the
19 cost of such construction, demolition, replacement, major repair or
20 renovation of real property and improvements thereon is in excess of one
21 hundred thousand dollars.

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

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

29 2. Procurements subject to the provisions of this section. (a) This
30 section shall apply to all state contracts as defined in subparagraph
31 (i) of subdivision one of this section and all requests for bids and
32 proposals for such contracts, which shall state that, notwithstanding
33 the provisions of sections 135 and 163 of the state finance law, section
34 8 of the public buildings law, section 38 of the highway law, and any
35 other law to the contrary, a preference is given to bidders and propo-
36 sers who agree to provide products Manufactured in America, and bidders
37 and proposers, in their bids or proposals, shall: (i) state that they
38 agree to meet such requirement; or (ii) state in detail why they cannot
39 meet such requirement.

40 (b) No bidder or proposer on a state contract subject to this section
41 shall be deemed to be the lowest responsive and responsible bidder or
42 proposer unless: (i) the bidder or proposer complies with the provisions
43 required by subparagraph (i) of paragraph (a) of this subdivision; or
44 (ii) the executive determines in accordance with subdivision three of
45 this section that the provisions of this section shall not apply to the
46 subject procurement.

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

50 (a) the best interests of the state will be served by exempting the
51 procurement from the requirements of this section based upon: (i) an
52 immediate or emergency need existing for the product or service; or (ii)
53 a need to protect the health, safety, or welfare of persons occupying or
54 visiting a public improvement or property located adjacent to the public
55 improvement; or

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

6 (c) a reciprocal trade agreement or treaty has been negotiated by the
7 state or by the United States government on behalf of or including this
8 state with a foreign nation or government for nondiscriminatory govern-
9 mental procurement practices or policies with such foreign nation or
10 government; or

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

13 (e) the specified products are not Manufactured in America in suffi-
14 cient quantities or quality to meet the state entity's requirements or
15 cannot be Manufactured in America or within the necessary time in suffi-
16 cient quantities or of satisfactory quality or design to meet the agen-
17 cy's requirements; or

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

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

23 (h) the specified products are necessary for the operation of or
24 repairs of critical infrastructure that is necessary to avoid a delay in
25 the delivery of critical services that could compromise the public
26 welfare.

27 4. Product certifications. (a) Prior to the contractor delivering the
28 product, the contractor must certify in writing to the contracting state
29 entity that the product is Manufactured in America in accordance with
30 the requirements of this section, or if the contractor cannot so state,
31 shall specify in such certification all respects in which it would
32 provide products that do not meet the definition contained in subdivi-
33 sion one of this section.

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

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

38 5. Contractor misrepresentation regarding source of materials. If it
39 has been determined by a court or federal or state entity that any
40 contractor intentionally: (a) affixed a label bearing a "Made in Ameri-
41 ca" inscription, or any inscription with the same meaning, to any mate-
42 rials used in state contracts to which this section applies, that were
43 not made in America; or (b) represented that materials used in state
44 contracts to which this section applies that were not produced in the
45 United States, were produced in the United States; then such contractor
46 shall be deemed non-responsible and such determination shall be posted
47 on the list of non-responsible entities maintained on the website of the
48 office of general services.

49 6. Treaties and law of the United States to supersede. Nothing in
50 this section is intended to contravene any existing treaties, laws,
51 trade agreements, or regulations of the United States. All contracts
52 subject to this section shall be entered into in accordance with exist-
53 ing treaties, laws, trade agreements, or regulations of the United
54 States including all treaties and trade agreements entered into between
55 foreign countries and the United States regarding export-import

1 restrictions and international trade and shall not be in violation of
2 this section to the extent of such accordance.

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

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

17 § 2603-b. American materials. 1. Definitions. For the purposes of this
18 section, the following terms shall have the following meanings unless
19 specified otherwise:

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

22 (b) "Component" means any article, material or supply, whether manu-
23 factured or unmanufactured, that is directly incorporated into the end
24 product at the final assembly location. A component may be manufactured
25 at the final assembly location if the manufacturing process to produce
26 the component is an activity separate and distinct from the final assem-
27 bly of the end product. For a component to be Manufactured in America,
28 more than sixty percent of the subcomponents of that component, by cost,
29 must be of domestic origin and the manufacture of the component must
30 take place in the United States. If a component is determined to be made
31 in America, its entire cost may be used in calculating the cost of the
32 United States content of an end product.

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

38 (d) "End product" or "product" means the ultimate item or items to be
39 procured under the state contract (such as a vehicle, structure, arti-
40 cle, material, supply, system or project) which may directly incorporate
41 constituent components, and which is ready to provide its intended end
42 function or use without further manufacturing or assembly change or
43 changes. Excluded from this definition are (i) steel products procured
44 in accordance with section twenty-six hundred three-a of this title;
45 (ii) energy, electricity, fuel and other petroleum products; and (iii)
46 software products such as software, microprocessors, computers, micro-
47 computers, and other such products used for the purpose of processing or
48 storing data.

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

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

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

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

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

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

11 (h) "State entity" means a state agency as defined in paragraphs (b)
12 and (c) of subdivision 11 of section three hundred ten of the executive
13 law.

14 (i) "State contract" means:

15 (i) a written agreement in excess of one hundred thousand dollars
16 whereby a state entity is committed to expend or does expend funds for
17 products, including products used in the construction, demolition,
18 replacement, major repair or renovation of real property and improve-
19 ments thereon;

20 (ii) leases of real property by a state entity to a lessee where the
21 terms of such leases provide for the state entity to be engaged in the
22 purchase of products for construction, demolition, replacement, major
23 repair or renovation of real property and improvements thereon, and the
24 cost of such construction, demolition, replacement, major repair or
25 renovation of real property and improvements thereon is in excess of one
26 hundred thousand dollars.

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

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

34 2. Procurements subject to the provisions of this section. (a) This
35 section shall apply to all state contracts as defined in paragraph (i)
36 of subdivision one of this section and all requests for bids and
37 proposals for such contracts, which shall state that, notwithstanding
38 the provisions of section 135 of the state finance law, sections 1209,
39 1265-a, 1678, 1680, 1680-a, 1696 and 2879-a of the public authorities
40 law, sections 407-a and 6281 of the education law, section 11 of chapter
41 795 of the laws of 1967, sections 8 and 9 of section 1 of chapter 359 of
42 the laws of 1968 as amended, section 29 of chapter 337 of the laws of
43 1972, section 21 of chapter 464 of the laws of 1972 and sections 101 and
44 103 of the general municipal law, a preference is given to bidders and
45 proposers who agree to provide products Manufactured in America, and
46 bidders and proposers, in their bids or proposals, shall (i) state that
47 they agree to meet such requirement or (ii) state in detail why they
48 cannot meet such requirement. (b) No bidder or proposer on a state
49 contract subject to this section shall be deemed to be the lowest
50 responsive and responsible bidder or proposer unless (i) the bidder or
51 proposer complies with the provisions required by subparagraph (i) of
52 paragraph (a) of this subdivision, or (ii) the executive determines in
53 accordance with subdivision three of this section that the provisions of
54 this section shall not apply to the subject procurement.



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

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

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

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

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

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

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

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

32 (h) the specified products are necessary for the operation of or
33 repairs of critical infrastructure that is necessary to avoid a delay in
34 the delivery of critical services that could compromise the public
35 welfare.

36 4. Product certifications. (a) Prior to the contractor delivering the
37 product, the contractor must certify in writing to the contracting state
38 entity that the product is Manufactured in America in accordance with
39 the requirements of this section, or if the contractor cannot so state,
40 shall specify in such certification all respects in which it would
41 provide products that do not meet the definition contained in subdivi-
42 sion one of this section.

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

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

47 5. Contractor misrepresentation regarding source of materials. If it
48 has been determined by a court or federal or state entity that any
49 contractor intentionally: (a) affixed a label bearing a "Made in Ameri-
50 ca" inscription, or any inscription with the same meaning, to any mate-
51 rials used in state contracts to which this section applies, that were
52 not made in America; or (b) represented that materials used in state
53 contracts to which this section applies that were not produced in the
54 United States, were produced in the United States; then such contractor
55 shall be deemed non-responsible and such determination shall be posted

1 on the list of non-responsible entities maintained on the website of the
2 office of general services.

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

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

24 § 4. Severability. If any clause, sentence, paragraph, subdivision,
25 section or part of this act shall be adjudged by any court of competent
26 jurisdiction to be invalid, such judgement shall not affect, impair or
27 invalidate the remainder thereof, but shall be confined in its operation
28 to the clause, sentence, paragraph, subdivision, section or part thereof
29 directly involved in the controversy in which such judgment shall have
30 been rendered. It is hereby declared to be the intent of the legislature
31 that this act would have been enacted even if such invalid provision had
32 not been included herein.

33 § 5. This act shall take effect on January 1, 2018 and shall apply to
34 any state contracts, executed and entered into on or after that date and
35 shall exclude such contracts that have been previously awarded or have
36 pending bids or pending requests for proposals issued as of January 1,
37 2018.

38 PART K

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

49 § 2. This act shall take effect immediately and shall have been deemed
50 to have been in full force and effect on and after March 31, 2015 and
51 shall remain in effect until March 31, 2020 when it shall be deemed
52 repealed.

53 PART L

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

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

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

9 § 8-a. Contracts for work performed at secure facilities. 1. For the
10 purposes of this section, "secure facility" shall mean (a) a building,
11 property, or facility under the jurisdiction of the department of
12 corrections and community supervision, the office of mental health, the
13 office of children and family services, or the office for people with
14 developmental disabilities, and where inmates, patients, or residents
15 who dwell within such building, property, or facility have limited or
16 restricted ingress and egress or (b) any other facility of the state
17 that is determined to be a secure facility by the commissioner of gener-
18 al services because of potential risks to the life, safety, or health of
19 the public or of the inhabitants of such facility.

20 2. Generation of list of eligible bidders. (a) The office of general
21 services shall establish a list of eligible bidders for contracts for
22 the work of construction, reconstruction, alteration, repair, or
23 improvement of or at a secure facility by issuing on a quarterly basis
24 an invitation to contractors to be so listed. The invitation to contrac-
25 tors shall be advertised quarterly in the procurement opportunities
26 newsletter published by the department of economic development, in the
27 public notification service of the office of general services, and by
28 newspaper advertisement as provided in section eight of this article.
29 The office of general services shall seek to provide prime contract
30 bidding opportunities for minority- and women-owned contractors and
31 service-disabled veteran-owned contractors in the letting of
32 construction contracts in or at a secure facility and shall comply with
33 the provisions of articles fifteen-A and seventeen-B of the executive
34 law. The office of general services may remove any bidder from such list
35 for non-responsibility or non-reliability.

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

39 (c) The criteria that shall be used by the office of general services
40 to include a prospective contractor on the list of eligible bidders
41 shall include, but not be limited to: (i) experience with projects that
42 have been completed in secure facilities by the contractor, as either a
43 prime contractor or a subcontractor, within the last five years, (ii)
44 violations of secure facility regulations and rules, (iii) type of
45 licenses that the contractor holds, (iv) terminations on prior jobs, (v)
46 assessment of liquidated damages on earlier projects, (vi) contractor's
47 ability to secure bonding, (vii) insurability, (viii) financial
48 strength, and (ix) any other criteria that the commissioner of general
49 services shall determine to be relevant.

50 (d) If the office of general services makes a determination not to
51 include a contractor on the list of eligible bidders, the office of
52 general services shall provide written notice to the contractor, and the
53 contractor shall have fifteen days from the receipt of such notice to
54 submit a written request for reconsideration. The contractor shall be
55 given the opportunity to present any evidence as to why the contractor
56 should be included on the list of eligible bidders.

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

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

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

22 2. The said department or other agency having jurisdiction shall,
23 except as otherwise provided in this chapter, advertise for proposals
24 for such work of construction, reconstruction, alteration, repair or
25 improvement, or, upon the request of said department or other agency,
26 the commissioner of general services is authorized to advertise for and
27 to receive and open such proposals for such work of construction, recon-
28 struction, alteration, repair or improvement, and upon the opening of
29 such proposals he shall, in appropriate cases, transmit to said depart-
30 ment or other agency a tabulation of such proposals. Except as provided
31 in [section] sections eight-a and twenty of this chapter, such adver-
32 tisement for proposals shall be printed in a newspaper published in the
33 city of Albany, and in such other newspaper or newspapers as will be
34 most likely to give adequate notice to contractors of the work contem-
35 plated and of the invitation to submit proposals therefor. Such adver-
36 tisement shall be published for such time and in such manner as shall be
37 determined by the commissioner of general services. Such advertisement
38 shall be a public notice which shall contain a brief description of the
39 work of construction, reconstruction, alteration, repair or improvement,
40 a reference to the drawings and specifications therefor and where they
41 may be seen and obtained, the time when and the place where the
42 proposals invited by such advertisement will be received, the require-
43 ment of a deposit with the proposal, the requirement of a bond to accom-
44 pany the contract and in such amount as may be prescribed for the faith-
45 ful performance of the contract, and such other matters as the
46 commissioner of general services may deem advisable.

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

49 1. Notwithstanding any inconsistent provision of any general or
50 special law, the board, division, department, bureau, agency, officer or
51 commission of the state charged with the duty of preparing plans and
52 specifications for and awarding or entering into contracts for the
53 performance of public work shall require the payment of a fixed sum of
54 money, not exceeding one hundred dollars, for each copy of such plans
55 and specifications, by persons or corporations desiring a copy thereof.
56 Any person or corporation desiring a copy of such plans and specifica-

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

13 § 5. This act shall take effect immediately.

14

PART M

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

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

21 § 2. This act shall take effect immediately.

22

PART N

23 Section 1. Subdivisions 1, 2, 3, 4, 5 and 6 of section 162 of the
24 state finance law, subdivisions 1, 3, 4 as added by chapter 83 of the
25 laws of 1995, subdivision 2 as amended by chapter 501 of the laws of
26 2002, paragraph a of subdivision 2, paragraphs a and b of subdivision 3,
27 subparagraph (i) of paragraph a of subdivision 4, subdivision 5, para-
28 graphs a and d of subdivision 6 as amended by section 164 of subpart B
29 of part C of chapter 62 of the laws of 2011, paragraph b of subdivision
30 2 as amended by chapter 519 of the laws of 2003, subparagraph (iii) of
31 paragraph b of subdivision 4 as amended by chapter 430 of the laws of
32 1997, and paragraph e of subdivision 6 as amended by chapter 265 of the
33 laws of 2013, are amended to read as follows:

34 1. Purpose. To advance special social and economic goals, selected
35 providers shall have preferred source status for the purposes of
36 procurement in accordance with the provisions of this section. Procure-
37 ment from these providers shall be exempted from the competitive
38 procurement provisions of section one hundred sixty-three of this arti-
39 cle and other competitive procurement statutes. Such exemption shall
40 apply to commodities produced, manufactured or assembled, including
41 those repackaged when the labor and materials for such repackaging adds
42 value to the commodity, to meet the form, function and utility required
43 by state agencies, in New York state and, where so designated, services
44 provided by those sources in accordance with this section.

45 2. Preferred status. Preferred status as prescribed in this section
46 shall be accorded to:

47 a. Commodities produced by the correctional industries program of the
48 department of corrections and community supervision and provided to the
49 state pursuant to subdivision two of section one hundred eighty-four of
50 the correction law and asbestos abatement services performed by the
51 correctional industries program of the department of corrections and
52 community supervision;



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

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

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

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

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

24 3. Public list of services and commodities provided by preferred
25 sources.

26 a. By December thirty-first, nineteen hundred ninety-five, the commis-
27 sioner, in consultation with the commissioners of corrections and commu-
28 nity supervision, the office of children and family services, the office
29 of temporary and disability assistance, mental health and education,
30 shall prepare a list of all commodities and services that are available
31 and are being provided as of said date, for purchase by state agencies,
32 public benefit corporations or political subdivisions from those enti-
33 ties accorded preference or priority status under this section. Such
34 list may include references to catalogs and other descriptive literature
35 which are available directly from any provider accorded preferred status
36 under this section. The commissioner shall make this list available to
37 prospective vendors, state agencies, public benefit corporations, poli-
38 tical subdivisions and other interested parties. Thereafter, new or
39 substantially different commodities or services may only be made avail-
40 able by preferred sources for purchase by more than one state agency,
41 public benefit corporation or political subdivision after addition to
42 said list.

43 b. After January first, nineteen hundred ninety-six, upon the applica-
44 tion of the commissioner of corrections and community supervision, the
45 commissioner of the office of children and family services, the office
46 of temporary and disability assistance, the commissioner of mental
47 health or the commissioner of education, or a non-profit-making facili-
48 tating agency designated by one of the said commissioners pursuant to
49 paragraph e of subdivision six of this section, the state procurement
50 council may recommend that the commissioner: (i) add commodities or
51 services to, or (ii) in order to insure that such list reflects current
52 production and/or availability of commodities and services, delete at
53 the request of a preferred source, commodities or services from, the
54 list established by paragraph a of this subdivision. The council may
55 make a non-binding recommendation to the relevant preferred source to
56 delete a commodity or service from such list. Additions may be made only

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

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

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

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

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

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

47 b. When services are available, in the form, function and utility
48 required by, a state agency or political subdivision or public benefit
49 corporation having their own purchasing agency, equal priority shall be
50 accorded the services rendered and offered for sale by the correctional
51 industries program of the department of corrections and community super-
52 vision, by qualified non-profit-making agencies for the blind and those
53 for the other [severely] significantly disabled, by qualified special
54 employment programs for mentally ill persons and by qualified veterans'
55 workshops. In the case of services:

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

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

22 (iii) if[, within ten days of the notification required by subpara-
23 graph (i) of this paragraph,] no preferred source or facilitating entity
24 identified in paragraph e of subdivision six of this section [indicates
25 intent to provide the service,] submits a written proposal within the
26 time frame identified pursuant to subparagraph (i) of this paragraph,
27 then the service shall be procured in accordance with section one
28 hundred sixty-three of this article. If, after such period, a preferred
29 source elects to bid on the service, award shall be made in accordance
30 with section one hundred sixty-three of this article or as otherwise
31 provided by law;

32 (iv) the state procurement council shall establish guidelines to
33 assist the commissioner and state agencies, political subdivisions and
34 public benefit corporations in developing the scope of services, setting
35 reasonable time frames, issuing requests for information and determining
36 the reasonableness of prices of services. Such guidelines shall be post-
37 ed on the website of the office of general services.

38 [c. For the purposes of commodities and services produced by special
39 employment programs operated by facilities approved or operated by the
40 office of mental health, facilities within the office of mental health
41 shall be exempt from the requirements of subparagraph (i) of paragraph a
42 of this subdivision. When such requirements of the office of mental
43 health cannot be met pursuant to subparagraph (ii) or (iii) of paragraph
44 a of this subdivision, or paragraph b of this subdivision, the office of
45 mental health may purchase commodities and services which are compet-
46 itive in price and comparable in quality to those which could otherwise
47 be obtained in accordance with this article, from special employment
48 programs operated by facilities within the office of mental health or
49 other programs approved by the office of mental health.]

50 5. Prices charged by the department of corrections and community
51 supervision. The prices to be charged for commodities produced and
52 services provided by the correctional industries program of the depart-
53 ment of corrections and community supervision shall be established by
54 the commissioner of corrections and community supervision in accordance
55 with section one hundred eighty-six of the correction law.

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

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

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

21 a. (i) Except with respect to the correctional industries program of
22 the department of corrections and community supervision, it shall be the
23 duty of the commissioner to determine, and from time to time review, the
24 prices of all commodities [and to approve the price of all services]
25 provided by preferred sources as specified in this section offered to
26 state agencies, political subdivisions or public benefit corporations
27 having their own purchasing office.

28 (ii) With respect to the purchase of services, it shall be the duty of
29 the commissioner to review and to approve the price of all services
30 offered to be provided by preferred sources in response to the written
31 scope of services issued by the state agency, political subdivision or
32 public benefit corporation. The facilitating entities identified in
33 paragraph e of this subdivision shall provide to the commissioner, with-
34 in a reasonable time following request, sufficient information to deter-
35 mine price reasonableness including but not limited to a pricing appli-
36 cation in the format requested, comparable price information from
37 private contracts and contracts executed by private vendors accorded
38 preferred source status under a partnering arrangement pursuant to
39 subdivision seven of this section, and, where appropriate, the provider
40 of such information may request that such information be exempted from
41 disclosure in accordance with the provisions of paragraph (a) of subdi-
42 vision five of section eighty-nine of the public officers law. State
43 agencies, political subdivisions, or public benefit corporations may
44 issue a request for information to assist the commissioner in establish-
45 ing prevailing market prices.

46 b. In determining and revising the prices of such commodities or
47 services, consideration shall be given to the reasonable costs of labor,
48 materials and overhead necessarily incurred by such preferred sources
49 under efficient methods of procurement, production, performance and
50 administration; however, the prices of such products and services shall
51 be as close to prevailing market price as practicable, but in no event
52 greater than fifteen percent above, the prevailing market prices among
53 responsive offerors for the same or equivalent commodities or services.

54 c. Such qualified charitable non-profit-making agencies for the blind
55 and other [severely] significantly disabled may make purchases of mate-
56 rials, equipment or supplies, except printed material, from centralized

1 contracts for commodities in accordance with the conditions set by the
2 office of general services; provided that the qualified charitable non-
3 profit-making agency for the blind or other [severely] significantly
4 disabled shall accept sole responsibility for any payment due the
5 vendor.

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

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

28 f. The commissioner may request the state comptroller to conduct
29 audits and examinations to be made of all records, books and data of any
30 agency for the blind or the other [severely] significantly disabled,
31 [any special employment program for mentally ill persons] or any veter-
32 ans' workshops qualified under this section to determine the costs of
33 manufacture or the rendering of services and the manner and efficiency
34 of production and administration of such agency or special employment
35 program or veterans' workshop with relation to any product or services
36 purchased by a state agency or political subdivision or public benefit
37 corporation and to furnish the results of such audit and examination to
38 the commissioner for such action as he or she may deem appropriate under
39 this section.

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

42

PART O

43 Section 1. Subdivision 5 of section 54 of the workers' compensation
44 law, as amended by section 23 of part GG of chapter 57 of the laws of
45 2013, is amended to read as follows:

46 5. Cancellation and termination of insurance contracts. No contract of
47 insurance issued by an insurance carrier against liability arising under
48 this chapter shall be cancelled within the time limited in such contract
49 for its expiration unless notice is given as required by this section.
50 When cancellation is due to non-payment of premiums and assessments,
51 such cancellation shall not be effective until at least ten days after a
52 notice of cancellation of such contract, on a date specified in such
53 notice, shall be filed in the office of the chair and also served on the
54 employer. When cancellation is due to any reason other than non-payment



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

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

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

32 The state insurance fund may cancel a policy for the employer's fail-
33 ure to cooperate with a payroll audit if the employer fails to (i) keep
34 an appointment with a payroll auditor, after the state insurance fund
35 has made at least two attempts to schedule an appointment during the
36 employer's regular business hours, when such employer is provided
37 advance written notice of such appointments or (ii) furnish business
38 records in the course of a payroll audit as required pursuant to section
39 ninety-five or one hundred thirty-one of this chapter. At least fifteen
40 days in advance of sending a notice of cancellation for failure to coop-
41 erate with a payroll audit, the state insurance fund shall send a warn-
42 ing notice to the employer in the same manner as provided in this subdi-
43 vision for serving a notice of cancellation. Such notice shall specify a
44 means of contacting the state insurance fund to set up an audit appoint-
45 ment. The state insurance fund will be required to provide only one such
46 warning notice to an employer related to any particular payroll audit
47 prior to cancellation.

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

53 In the event such cancellation or termination notice is not filed with
54 the chair within the required time period, the chair shall impose a
55 penalty in the amount of up to five hundred dollars for each ten-day
56 period the insurance carrier or state insurance fund failed to file the

1 notification. All penalties collected pursuant to this subdivision shall
2 be deposited in the uninsured employers' fund.

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

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

20 b. An employer, whose policy of insurance has been cancelled by the
21 state insurance fund for non-payment of premium and assessments, or for
22 failure to cooperate with a payroll audit, or [withdraws] cancelled
23 pursuant to section ninety-four of this article, is ineligible to
24 contract for a subsequent policy of insurance with the state insurance
25 fund [while] until the state insurance fund receives full cooperation
26 from such employer in completing any payroll audit on the cancelled
27 policy and the billed premium on the cancelled policy [remains uncol-
28 lected] is paid, including any additional amounts billed following the
29 completion of any payroll audit.

30 c. The state insurance fund shall not be required to write a policy of
31 insurance for any employer which is owned or controlled or the majority
32 interest of which is owned or controlled, directly or indirectly, by any
33 person who directly or indirectly owns or controls or owned or
34 controlled at the time of cancellation an employer whose former policy
35 of insurance with the state insurance fund was cancelled for non-payment
36 of premium and assessments, or for failure to cooperate with a payroll
37 audit, or [withdraws] cancelled pursuant to section ninety-four of this
38 article, or who is or was at the time of cancellation the president,
39 vice-president, secretary or treasurer of such an employer until the
40 state insurance fund receives full cooperation from such employer in
41 completing any payroll audit and the billed premium on the cancelled
42 policy is paid, including any additional amounts billed following the
43 completion of any payroll audit.

44 For purposes of this subdivision, "person" [shall include individuals,
45 partnerships, corporations, and other associations] means any individ-
46 ual, firm, company, partnership, corporation, limited liability company,
47 joint venture, joint-stock association, association, trust or any other
48 legal entity whatsoever.

49 d. For the purposes of this section, the word "premium" includes all
50 amounts required to be paid to the state insurance fund including any
51 assessment by the board that the state insurance fund bills to an
52 employer.

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

55 § 95. Record and audit of payrolls. (1) Every employer who is insured
56 in the state insurance fund shall keep a true and accurate record of the

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

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

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

36 (1) Every employer subject to the provisions of this chapter shall
37 keep a true and accurate record of the number of [his or her] its
38 employees, the classification of its employees, information regarding
39 employee accidents and the wages paid by [him or her] such employer for
40 a period of four years after each entry therein, [which] as well as such
41 records relating to any person performing services under a subcontract
42 of such employer that is not covered under the subcontractor's own work-
43 ers' compensation insurance policy. Such records shall be open to
44 inspection at any time, and as often as may be necessary to verify the
45 same by investigators of the board, by the authorized auditors, account-
46 ants or inspectors of the carrier with whom the employer is insured, or
47 by the authorized auditors, accountants or inspectors of any workers'
48 compensation insurance rating board or bureau operating under the
49 authority of the insurance law and of which board or bureau such carrier
50 is a member or the group trust of which the employer is a member. Any
51 and all records required by law to be kept by such employer upon which
52 the employer makes or files a return concerning wages paid to employees
53 or any other records of an employer containing such information relevant
54 to any policy period including but not limited to, any ledgers, jour-
55 nals, registers, vouchers, contracts, tax returns and reports, payroll
56 and distribution records, and computer programs for retrieving data,



1 certificates of insurance pertaining to subcontractors and any other
2 business records specified by the rules of the board shall form part of
3 the records described in this section and shall be open to inspection in
4 the same manner as provided in this section. Any employer who shall fail
5 to keep such records, who shall willfully fail to furnish such record as
6 required in this section or who shall falsify any such records, shall be
7 guilty of a misdemeanor and subject to a fine of not less than five nor
8 more than ten thousand dollars in addition to any other penalties other-
9 wise provided by law, except that any such employer that has previously
10 been subject to criminal penalties under this section within the prior
11 ten years shall be guilty of a class E felony, and subject to a fine of
12 not less than ten nor more than twenty-five thousand dollars in addition
13 to any penalties otherwise provided by law.

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

17

PART P

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

21 2. Any of the surplus funds belonging to the state insurance fund, by
22 order of the commissioners, approved by the superintendent of financial
23 services, may be invested (1) in the types of securities described in
24 subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a,
25 thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,
26 twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five
27 of section two hundred thirty-five of the banking law, or (2) in the
28 types of obligations described in paragraph two of subsection (a) of
29 section one thousand four hundred four of the insurance law except that
30 up to twenty-five percent of surplus funds may be invested in obli-
31 gations rated investment grade by a nationally recognized securities
32 rating organization, or[,] (3) up to fifty percent of surplus funds, in
33 the types of securities or investments described in paragraphs [two,]
34 three, eight and ten of subsection (a) of section one thousand four
35 hundred four of the insurance law, except that [up to ten percent of
36 surplus funds may be invested] investments in [the securities of any
37 solvent American institution as described in such paragraphs] diversi-
38 fied index funds and accounts may be made irrespective of the rating [of
39 such institution's obligations] or other similar qualitative standards
40 [described therein, and] applicable under such paragraphs, or (4) up to
41 ten percent of surplus funds, in the types of securities or investments
42 described in paragraphs two, three and ten of subsection (a) of section
43 one thousand four hundred four of the insurance law irrespective of the
44 rating of such institution's obligations or other similar qualitative
45 standard, or (5) up to fifteen percent of surplus funds in securities or
46 investments which do not otherwise qualify for investment under this
47 section as shall be made with the care, prudence and diligence under the
48 circumstances then prevailing that a prudent person acting in a like
49 capacity and familiar with such matters would use in the conduct of an
50 enterprise of a like character and with like aims as provided for the
51 state insurance fund under this article, but shall not include any
52 direct derivative instrument or derivative transaction except for hedg-
53 ing purposes. Notwithstanding any other provision in this subdivision,
54 the aggregate amount that the state insurance fund may invest in the



1 types of securities or investments described in paragraphs three, eight
2 and ten of subsection (a) of section one thousand four hundred four of
3 the insurance law and as a prudent person acting in a like capacity
4 would invest as provided in this subdivision shall not exceed fifty
5 percent of such surplus funds. For purposes of this subdivision, any
6 funds appropriated pursuant to the provisions of subdivision one or two
7 of section eighty-seven-f of this article shall not be considered
8 surplus funds.

9 § 2. This act shall take effect immediately.

10

PART Q

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

13 § 66. Term appointments in information technology. 1. The department
14 may authorize a term appointment without examination to a temporary
15 position requiring special expertise or qualifications in information
16 technology within the office of information technology services. Such
17 appointments shall be authorized only in a case where the office of
18 information technology services certifies to the department that because
19 of the type of services to be rendered, or the temporary or occasional
20 character of such services, it would not be practicable to hold an exam-
21 ination of any kind. Such certification shall be a public document
22 pursuant to the public officers law and shall identify the special
23 expertise or qualifications that are required and why they cannot be
24 obtained through an appointment from an eligible list. The department
25 shall review the certification to confirm that the special expertise or
26 qualifications identified by the office of information technology
27 services cannot be obtained through an appointment from an eligible
28 list. The maximum period for such initial term appointment established
29 pursuant to this subdivision shall not exceed sixty months and, other
30 than as set forth in subdivision two of this section, shall not be
31 extended, and the maximum number of such appointments shall not exceed
32 two hundred fifty.

33 2. At least fifteen days prior to making a term appointment pursuant
34 to this section, the appointing authority shall publicly and conspicu-
35 ously post in its offices information about the temporary position and
36 the required qualifications and shall allow any qualified employee to
37 apply for the position. In the event that a permanent competitive
38 employee is qualified for the posted position, the appointment of such
39 employee shall take precedence over the appointment of any term position
40 pursuant to this section. An employee appointed pursuant to this section
41 who has completed two years of continuous service under this section
42 shall be eligible to compete in promotional examinations that are also
43 open to other employees who have permanent civil service appointments
44 and appropriate qualifications. In the event that the department fails
45 to certify a promotional list for an examination in which the appointee
46 has competed within the initial sixty month term appointment, such
47 appointment may be extended by the department, upon certification of the
48 appointing authority, for periods of up to thirty-six months until such
49 time as a promotional list resulting from the examination in which the
50 employee competed is certified.

51 3. A temporary position established pursuant to this section may be
52 abolished for reason of economy, consolidation or abolition of func-
53 tions, curtailment of activities or otherwise. Upon such abolition or at
54 the end of the term of the appointment, the provisions of sections

1 seventy-eight, seventy-nine, eighty and eighty-one of this chapter shall
 2 not apply. In the event of a reduction of workforce pursuant to section
 3 eighty of this chapter affecting information technology positions, the
 4 term appointments pursuant to this section shall be abolished prior to
 5 the abolition of permanent competitive class information technology
 6 positions at such agency involving comparable skills and responsibil-
 7 ities.

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

- 13 Information Technology Specialist 4 G-25
- 14 Information Technology Specialist 4 (Data Communications) G-25
- 15 Information Technology Specialist 4 (Systems Programming) G-25
- 16 Manager Information Technology Services 1 G-27
- 17 Manager Information Technology Services 1 (Data Communications) G-27
- 18 Manager Information Technology Services 1 (Database) G-27
- 19 Manager Information Technology Services 1 (Systems Programming) G-27
- 20 Manager Information Technology Services 2 G-29
- 21 Manager Information Technology Services 2 (Technical) G-29

22 § 3. This act shall take effect immediately.

23 PART R

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

28 1. Except as provided in subdivisions two, four and five of this
 29 section, the rate of interest to be paid by a municipal corporation upon
 30 any judgment or accrued claim against the municipal corporation shall
 31 [not exceed nine per centum per annum] be calculated at a rate equal to
 32 the weekly average one year constant maturity treasury yield, as
 33 published by the board of governors of the federal reserve system, for
 34 the calendar week preceding the date of the entry of the judgment award-
 35 ing damages. In no event, however, shall a municipal corporation pay a
 36 rate of interest on any judgment or accrued claim exceeding nine per
 37 centum per annum.

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

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

50 5. The rate of interest to be paid by an authority upon any judgment
 51 or accrued claim against the authority shall [not exceed nine per centum
 52 per annum] be calculated at a rate equal to the weekly average one year
 53 constant maturity treasury yield, as published by the board of governors
 54 of the federal reserve system, for the calendar week preceding the date

1 of the entry of the judgment awarding damages. In no event, however,
2 shall an authority pay a rate of interest on any judgment or accrued
3 claim exceeding nine per centum per annum.

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

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

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

19 Section 1. The rate of interest to be paid by a public corporation
20 upon any judgment or accrued claim against the public corporation shall
21 [not exceed nine per centum per annum] be calculated at a rate equal to
22 the weekly average one year constant maturity treasury yield, as
23 published by the board of governors of the federal reserve system, for
24 the calendar week preceding the date of the entry of the judgment award-
25 ing damages. In no event, however, shall a public corporation pay a rate
26 of interest on any judgment or accrued claim exceeding nine per centum
27 per annum. The term "public corporation" as used in this act shall mean
28 and include every corporation created for the construction of public
29 improvements, other than a county, city, town, village, school district
30 or fire district or an improvement district established in a town or
31 towns, and possessing both the power to contract indebtedness and the
32 power to collect rentals, charges, rates or fees for services or facili-
33 ties furnished or supplied.

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

36 PART S

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

40 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
41 from the coverage of the health benefit plan of supplementary medical
42 insurance benefits for which an active or retired employee or a depend-
43 ent covered by the health benefit plan is or would be eligible under the
44 federal old-age, survivors and disability insurance program, effective
45 May first, two thousand seventeen an amount [equal to] not to exceed
46 \$104.90 per month for the standard medicare premium charge for such
47 supplementary medical insurance benefits for such active or retired
48 employee and his or her dependents who enrolled in medicare on or before
49 December thirty-first, two thousand fifteen, if any, shall be paid
50 monthly or at other intervals to such active or retired employee from
51 the health insurance fund. For an active or retired employee or his or
52 her dependents who enrolled in medicare on or after January first, two
53 thousand sixteen, the lesser of \$121.80 per month or the currently
54 applicable standard medicare premium charge for such supplementary



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

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

35

PART T

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

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

44 (a) For state employees who retire from a position at or equated to
45 grade ten or higher with at least ten but less than twenty years of
46 service, the state shall pay fifty percent of the cost of premium or
47 subscription charges for the individual coverage of such retired state
48 employees. Such contributions shall increase by two percent of the cost
49 of premium or subscription charges for each year of service in excess of
50 ten years, to a maximum of sixty-eight percent of the cost of premium or
51 subscription charges. For state employees who retire from a position at
52 or equated to grade ten or higher with twenty or more years of service,
53 the state shall pay seventy-four percent of the cost of premium or
54 subscription charges for the individual coverage of such retired state



1 employees. Such contributions shall increase by one percent of the cost
2 of premium or subscription charges for each year of service in excess of
3 twenty years, to a maximum of eighty-four percent of the cost of premium
4 or subscription charges.

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

20 (c) For state employees who retire from a position at or equated to
21 grade ten or higher with at least ten but less than twenty years of
22 service, the state shall pay thirty-five percent of the cost of premium
23 or subscription charges for the coverage of dependents of such retired
24 state employees; such contribution shall increase by two percent of the
25 cost of premium or subscription charges for each year of service in
26 excess of ten years, to a maximum of fifty-three percent of the cost of
27 premium or subscription charges for such dependents. For state employees
28 who retire from a position at or equated to grade ten or higher with
29 twenty or more years of service, the state shall pay fifty-nine percent
30 of the cost of premium or subscription charges for the coverage of
31 dependents of such retired state employees; such contribution shall
32 increase by one percent of the cost of premium or subscription charges
33 for each year of service in excess of twenty years, to a maximum of
34 sixty-nine percent of the cost of premium or subscription charges for
35 such dependents.

36 (d) For state employees who retire from a position at or equated to
37 grade nine or lower with at least ten but less than twenty years of
38 service, the state shall pay thirty-nine percent of the cost of premium
39 or subscription charges for the coverage of dependents of such retired
40 state employees; such contribution shall increase by two percent of the
41 cost of premium or subscription charges for each year of service in
42 excess of ten years, to a maximum of fifty-seven percent of the cost of
43 premium or subscription charges for such dependents. For state employees
44 who retire from a position at or equated to grade nine or lower with
45 twenty or more years of service, the state shall pay sixty-three percent
46 of the cost of premium or subscription charges for the coverage of
47 dependents of such retired state employees; such contribution shall
48 increase by one percent of the cost of premium or subscription charges
49 for each year of service in excess of twenty years, to a maximum of
50 seventy-three percent of the cost of premium or subscription charges for
51 such dependents.

52 (e) With respect to all such retired state employees, each increment
53 of one or two percent of the cost of premium or subscription charges for
54 each year of service shall be applicable for whole years of service to
55 the state and shall not be applied on a pro-rata basis for partial years
56 of service.

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

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

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

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

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

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

22 PART U

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

25 PART 4

26 COUNTY-WIDE SHARED SERVICES PROPERTY TAX SAVINGS PLAN

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

28 § 39. County-wide shared services property tax savings plan. 1.
29 Notwithstanding the provisions of this chapter, the alternative county
30 government law, or any other general, special or local law to the
31 contrary, the chief executive officer of each county outside of a city
32 of one million or more shall prepare a property tax savings plan for
33 shared, coordinated and efficient services among the county, cities,
34 towns and villages within such county.

35 2. The mayor of each city and village in such county, and the supervi-
36 sor of each town in such county, shall inform such property tax savings
37 plan. The chief executive officer of the county shall seek consensus
38 among such mayors and supervisors prior to submission of the property
39 tax savings plan to the county legislative body as set forth in subdivi-
40 sion four of this section. Public input shall inform such property tax
41 savings plan, in addition to input from civic, business, labor, and
42 community leaders. Any such input shall be provided at one or more
43 public hearings to be held within the county.

44 3. Such property tax savings plan shall contain new recurring property
45 tax savings through actions such as, but not limited to, the elimination
46 of duplicative services; shared services, such as joint purchasing,
47 shared highway equipment, shared storage facilities, shared plowing
48 services, and energy and insurance purchasing cooperatives; reduction in
49 back office administrative overhead; and better coordination of
50 services.

51 4. The chief executive officer of the county shall submit such proper-
52 ty tax savings plan to the county legislative body no later than August
53 first, two thousand seventeen. Such property tax savings plan shall be
54 accompanied by a certification as to the accuracy of the savings

1 contained therein. Such certification shall also be transmitted to the
2 director of the division of the budget no later than the date of
3 submission.

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

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

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

25 7. If the property tax savings plan shall fail to obtain approval of a
26 majority of the electors voting on the plan in accordance with subdivi-
27 sion six of this section, the chief executive officer of the county,
28 with input from the mayor of each city and village in such county, and
29 the supervisor of each town in such county, shall receive and resubmit
30 such plan to the county legislative body no later than August first, two
31 thousand eighteen. Public input shall inform such resubmitted property
32 tax savings plan, in addition to input from civic, business, labor, and
33 community leaders. Any such input shall be provided at one or more
34 public hearings to be held within the county. Such plan shall be accom-
35 panied by a certification as to the accuracy of the savings contained
36 therein. Such certification shall also be transmitted to the director of
37 the division of the budget no later than the date of resubmission. The
38 county legislative body shall review such resubmitted plan. A majority
39 of the members of such body may make modifications as deemed necessary
40 to ensure compliance with this section. If modifications are made by the
41 county legislative body, the chief executive officer of such county
42 shall transmit to the director of the division of the budget a certifi-
43 ication of amended property tax savings. The chief executive officer
44 shall finalize such plan no later than September fifteenth, two thousand
45 eighteen, and the plan shall be publicly disseminated to the residents
46 of the county. At the general election occurring in November two thou-
47 sand eighteen, the county legislative body shall cause the question of
48 whether to implement the provisions of such finalized resubmitted plan
49 to be placed on the ballot and voted on by the qualified electors of the
50 county. If approved by a majority of such electors, the resubmitted plan
51 shall be implemented no later than January first, two thousand nineteen.

52 Any such finalized resubmitted property tax savings plan which would
53 have the effect of transferring or abolishing a function or duty of the
54 county or of the cities, towns, villages, districts or other units of
55 government wholly contained in the county, shall not become operative

1 unless and until it is approved in accordance with subdivision (h) of
2 section one of article nine of the state constitution.

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

6 § 2. This act shall take effect immediately.

7

PART V

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

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

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

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

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

19 4. It shall be an unlawful discriminatory practice for an [education
20 corporation or association which holds itself out to the public to be
21 non-sectarian and exempt from taxation pursuant to the provisions of
22 article four of the real property tax law] educational institution to
23 deny the use of its facilities to any person otherwise qualified, or to
24 permit the harassment of any student or applicant, by reason of his
25 race, color, religion, disability, national origin, sexual orientation,
26 military status, sex, age or marital status, except that any such insti-
27 tution which establishes or maintains a policy of educating persons of
28 one sex exclusively may admit students of only one sex.

29 § 3. This act shall take effect immediately.

30

PART W

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

33 § 1680-s. New York State consolidated laboratory project act. 1. Short
34 title. This section shall be known and may be cited as the "New York
35 state consolidated laboratory project act".

36 2. Legislative findings and declarations. The legislature hereby finds
37 and declares as follows:

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

43 (ii) Experience in New York and in a large number of other states has
44 successfully demonstrated that using alternative project delivery for
45 major public works can provide several advantages over design-bid-build
46 delivery. Alternative project delivery involves procuring a contract or
47 contracts under a competitive proposal process in which both price and
48 non-price factors such as technical, financial and commercial merit are
49 used to select the contractor or contractors. Alternative project deliv-
50 ery methods include the design-build delivery method, the construction
51 manager build delivery method, and the construction manager-at-risk
52 delivery method.

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

3 (A) Expediting project delivery;

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

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

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

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

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

10 (G) Reducing change orders.

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

19 (ii) Consolidating such laboratories and related facilities will serve
20 to: strengthen and advance public health and preparedness strategies
21 throughout the state; replace antiquated facilities that are costly to
22 operate and are a hindrance to scientific progress; result in a smaller
23 overall footprint than the combined footprint of the existing facili-
24 ties; establish a sustainable, modernized, and consolidated laboratory
25 campus; provide facilities with improved efficiency and reliability of
26 operations and maintenance; promote economic and intellectual property
27 development; and provide opportunities to generate savings from syner-
28 gies and shared services with other agencies.

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

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

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

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

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

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

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

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

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

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

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

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

53 (viii) the individual qualifications of the offerer's key personnel;
54 and

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

1 Such basis shall reflect, wherever possible, objective and quantifi-
2 able analysis.

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

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

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

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

21 (f) "DASNY" shall mean the dormitory authority of the state of New
22 York.

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

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

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

33 (j) "Project" shall mean the New York state consolidated laboratory
34 project, consisting of the consolidation and/or co-location into a new
35 laboratory campus of (i) the laboratory facilities and functions of the
36 department located within the capital district region (defined as Alba-
37 ny, Rensselaer, Schenectady, or Saratoga counties), (ii) certain labora-
38 tory functions and facilities of other users that are consistent with
39 the public health mission of the Wadsworth Center or complementary to
40 the public laboratory function and not inconsistent with the purposes of
41 this act, including but not limited to other state or local departments,
42 agencies, institutions and public authorities, all as determined by the
43 department to be appropriate, and (iii) parking and other facilities and
44 functions ancillary to or supportive of the foregoing, which facilities
45 and functions may or may not be dedicated to use solely in connection
46 with the project.

47 (k) "Project agreement" shall mean a contract entered into pursuant to
48 this act by DASNY, in consultation with the department, with a single
49 entity for the design and construction of the project or for the
50 construction management of the project, using the design-build delivery
51 method, the construction manager build delivery method, or the
52 construction manager-at-risk delivery method.

53 (l) "Related agreements" shall mean any leases, subleases, easements,
54 licenses, consulting agreements, architectural, engineering, design and
55 other professional services agreements or other agreements related to
56 the project or ancillary to the project agreement, provided that, in the

1 case of any lease or sublease (i) the term of such lease or sublease may
2 be up to but not longer than fifty years from the date of completion and
3 acceptance of the project, and (ii) upon the expiration or earlier
4 termination of any such lease or sublease title to the project and the
5 project site shall be vested in the state. Related agreements shall
6 include agreements with public corporations and utilities and such other
7 related agreements as DASNY or the department determines to be necessary
8 or convenient to facilitate the implementation of the project, in each
9 case on such terms and conditions as DASNY or the department may deter-
10 mine to be necessary or convenient for implementing the project.

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

23 (a) Upon compliance with the procurement method described in subdivi-
24 sion five of this section and in conformity with the other requirements
25 of this act, DASNY, in consultation with the department, may enter into
26 a project agreement providing for the delivery of the project using the
27 design-build method, the construction manager build method or the
28 construction manager-at-risk method, in each case on such terms and
29 conditions as DASNY, in consultation with the department, may determine
30 in accordance with such procurement method. DASNY, in consultation with
31 the department, may also enter into such amendments to the project
32 agreement as it determines to be necessary or convenient for the
33 project, and DASNY or the department may enter into such related agree-
34 ments as they determine to be necessary or convenient for the project,
35 including agreements for utility services or infrastructure, in each
36 such instance without public auction or bidding or any other competitive
37 procurement process and regardless of whether such agreements have
38 resulted from the two-step procurement method described in subdivision
39 five of this section.

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

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

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

51 (i) Pre-qualification of prospective contractors. DASNY, in consulta-
52 tion with the department, shall generate a list of qualified entities
53 that have demonstrated the general capability to deliver the project and
54 otherwise perform the requirements of a project agreement. Such list
55 shall consist of a specified number of entities, as determined by DASNY,
56 in consultation with the department, and shall be generated based upon

1 the review by DASNY and the department of responses to a publicly adver-
2 tised request for qualifications for the project. Such request for qual-
3 ifications shall include a general description of the project and the
4 selection criteria to qualify entities. Such selection criteria shall
5 include such qualifications as DASNY and the department deem appropri-
6 ate, which may include but are not limited to the general qualifications
7 and experience of the members of the proposing team, the organization of
8 the proposing team, demonstrated responsibility, the ability of the team
9 or of a member or members of the team to comply with applicable project
10 requirements, including if applicable the provisions of articles one
11 hundred forty-five, one hundred forty-seven and one hundred forty-eight
12 of the education law, past record of compliance with the labor law or
13 any comparable law applicable in jurisdictions where such entity has
14 conducted business (in each instance to the extent applicable), under-
15 standing of the project and its requirements, financial, management and
16 technical capability, and record of past performance. DASNY and the
17 department shall evaluate all entities responding to the request for
18 qualifications. Based upon such evaluations, DASNY and the department
19 may develop a list of the entities that shall receive a request for
20 proposals in accordance with this subdivision. To the extent consistent
21 with applicable law, DASNY and the department shall consider, when eval-
22 uating entities pursuant to this section: (A) such entities' records of
23 compliance with article fifteen-A of the executive law on other projects
24 or otherwise providing for the participation of firms certified pursuant
25 to article fifteen-A of the executive law as minority or women-owned
26 businesses (or any comparable law applicable in jurisdictions where such
27 entity has conducted business) and the ability of other businesses under
28 consideration to work with minority and women-owned businesses so as to
29 promote and assist participation by such businesses; (B) such entities'
30 utilization of small business concerns identified pursuant to subdivi-
31 sion (b) of section one hundred thirty-nine-g of the state finance law;
32 and (C) such entities utilization of service-disabled veteran-owned
33 businesses pursuant to article seventeen-B of the executive law.

34 (ii) Solicitation and selection of the proposal which is the best
35 value to the state. DASNY, in consultation with the department, may
36 issue a request for proposals to the entities listed pursuant to subpar-
37 agraph (i) of this paragraph. If such an entity consists of a team of
38 separate entities, the entities that comprise such a team and their lead
39 members must remain unchanged from the entity and team members listed
40 pursuant to subparagraph (i) of this paragraph unless otherwise approved
41 by DASNY, in consultation with the department. The request for proposals
42 may include the form of project agreement proposed by DASNY. The request
43 for proposals shall set forth the scope of work for the project and
44 other applicable requirements, as determined by DASNY, in consultation
45 with the department, and may but need not require (A) a lump sum price,
46 or (B) a fee for any preliminary services related to the project, which
47 may include design or other professional services, together with a
48 specific methodology for determining a guaranteed maximum price for the
49 balance of work that will be completed pursuant to the project agreement
50 following the completion of any such preliminary services. The request
51 for proposals shall also specify the criteria to be used to evaluate the
52 responses, as determined by DASNY and the department, including the
53 relative weight of such criteria. Such criteria shall include but are
54 not limited to the proposal's cost, its technical merit, the qualifica-
55 tions and experience of the proposing entity and its team members, the
56 entity's plan of project implementation, the entity's ability to

1 complete the work in a timely and satisfactory manner, and the community
2 impact of the proposal. Notwithstanding any other law to the contrary,
3 DASNY and the department may conduct discussions individually on a
4 commercially confidential basis with the pre-qualified entities prior to
5 their submittal of proposals, and may conduct negotiations regarding
6 project agreement terms and conditions, including cost, with one or more
7 offerers following their submittal of a proposal.

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

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

17 (1) describe the scope of the work and the cost of performing such
18 work;

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

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

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

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

25 (B) where a proposal provides for a lump sum where the contractor
26 agrees to accept a set dollar amount for a project agreement that
27 comprises a single bid, the proposal need not provide a cost breakdown
28 for all costs, such as for equipment, labor, or materials, or the
29 contractor's profit for completing all items of work comprising the
30 project;

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

34 (D) to the extent consistent with applicable law, DASNY and the
35 department shall consider, when awarding a project agreement pursuant to
36 this section: (1) the participation of firms certified pursuant to
37 article fifteen-A of the executive law as minority or women-owned busi-
38 nesses and the ability of other businesses under consideration to work
39 with minority and women-owned businesses so as to promote and assist
40 participation by such businesses; (2) the participation of firms certi-
41 fied pursuant to article seventeen-B of the executive law as service-
42 disabled veteran-owned businesses and the ability of other businesses
43 under consideration to work with service-disabled veteran-owned busi-
44 nesses so as to promote and assist participation by such businesses; and
45 (3) such entities' utilization of small business concerns identified
46 pursuant to subdivision (b) of section one hundred thirty-nine-g of the
47 state finance law.

48 (iv) Exigent circumstances. In the event that, at any time, the
49 department determines and communicates to the temporary president of the
50 senate and speaker of the assembly that exigent circumstances affecting
51 public health or safety exist at the Wadsworth Center or related facili-
52 ties such that the delivery of the project must be accelerated, DASNY
53 and the department may take commercially reasonable measures, as deter-
54 mined by DASNY, in consultation with the department, to modify the
55 procedures set forth in this subdivision in order to accelerate the
56 delivery of the project, including but not limited to combining the

1 procedures set forth in subparagraphs (i) and (ii) of this paragraph
2 into a single solicitation, and utilizing the discussions provided for
3 in subparagraph (ii) of this paragraph to modify the project schedule
4 and to permit corresponding modifications to the applicable project
5 proposals, and engaging in a non-competitive source selection method
6 consistent with the laws, regulations and rules applicable to DASNY or
7 the department.

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

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

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

21 6. DASNY as party to project agreement and as agent of and project
22 advisor to department of health. Notwithstanding the provisions of any
23 other law to the contrary, to the extent consistent with the procurement
24 method selected pursuant to paragraph (a) of subdivision five of this
25 section, DASNY shall have the power and authority to enter into the
26 project agreement and any related agreements, subject only to compliance
27 with the requirements of this act, and, in addition, to act as a
28 procurement, technical and administrative consultant and advisor to the
29 department in connection with the planning, procurement and implementa-
30 tion of the project, including the power and authority to act as agent
31 for or consultant to the department in procuring and managing the
32 services of technical, legal and other consultants; soliciting, review-
33 ing and evaluating the qualifications and proposals from potential
34 contractors for the project; drafting and negotiating the project agree-
35 ment and any related agreements; supervising the performance of the
36 design and construction of the project by the contractor under the
37 project agreement; and coordinating participation in the project by
38 other involved state agencies and departments. In acting as agent of or
39 advisor to the department, DASNY shall have no independent liability in
40 connection with the project and the department shall indemnify DASNY to
41 the extent permitted by law. For the purposes of this act, the term
42 "employee" as defined in subdivision one of section seventeen of the
43 public officers law shall include the members of the board, officers and
44 employees of the dormitory authority.

45 7. Procurement and contract approval authority. (a) Procurement
46 approvals. The procurement of the project pursuant to this act, includ-
47 ing but not limited to pre-qualification of prospective contractors, the
48 election to issue a request for proposals, the evaluation of responses
49 to the request for proposals, the determination by DASNY and the depart-
50 ment to award the project agreement and any related agreements to which
51 DASNY or the department is a party and the execution of the project
52 agreement pursuant to this act, any related agreement to which DASNY or
53 the department is a party or any amendments thereto, shall not be
54 subject to the approval or authorization of any state officer, depart-
55 ment or agency, except for: (i) the approval of the comptroller to the

1 extent required by law of any agreement to which the department is a
2 party; and (ii) the approval of the state division of the budget.

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

21 (c) Agreements relating to the project between non-state parties.
22 Subject to the terms of the project agreement or any related agreement,
23 and notwithstanding section one hundred twelve of the state finance law,
24 section twenty-eight hundred seventy-nine-a of this chapter or any other
25 law to the contrary that relates to state or other public contracts,
26 agreements relating to the project or otherwise in furtherance of this
27 act to which neither the state nor any state agency, department, public
28 benefit corporation or public authority is a party shall not be deemed
29 to be state contracts and shall not be subject to public auction or
30 bidding requirements or any other competitive procurement requirement.

31 8. Project agreement subject to appropriation; special obligation. To
32 the extent required by law, any obligation under a project agreement or
33 any related agreement for the expenditure of funds shall be subject to
34 appropriation by the legislature, shall be deemed executory only to the
35 extent of monies appropriated therefor, shall not result in any liabil-
36 ity on the part of the state or DASNY beyond appropriated monies, and
37 shall not constitute a debt of the state within any constitutional or
38 statutory provision. Any appropriation of funds made in respect of a
39 project agreement or related agreement shall be allocated by the state
40 division of the budget to DASNY or the department as applicable. Any
41 project agreement or related agreement to which DASNY is a party shall
42 be a special obligation of DASNY.

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

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

1 (c) The project shall be subject to section two hundred twenty-two of
2 the labor law, except that notwithstanding any other section of this act
3 or such section of the labor law or any other law the payment bond and
4 the performance bond required under such section two hundred twenty-two
5 or any other law may be provided by the construction contractor or
6 design-builder performing the construction work if the contractor
7 subcontracts the construction work to a construction contractor or a
8 design-builder.

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

22 (e) The project agreement shall comply with the objectives and goals
23 of minority and women-owned business enterprises pursuant to article
24 fifteen-A of the executive law and service-disabled veteran-owned busi-
25 ness enterprises pursuant to section seventeen-B of the executive law
26 or, if the project receives federal aid, shall comply with applicable
27 federal requirements for disadvantaged and veterans business enter-
28 prises.

29 § 2. Severability. If any clause, sentence, paragraph, subdivision,
30 section or part of this act shall be adjudged by any court of competent
31 jurisdiction to be invalid, such judgment shall not affect, impair or
32 invalidate the remainder thereof, but shall be confined in its operation
33 to the clause, sentence, paragraph, subdivision, section or part thereof
34 directly involved in the controversy in which such judgment shall have
35 been rendered. It is hereby declared to be the intent of the legislature
36 that this act would have been enacted even if such invalid provision had
37 not been included herein.

38 § 3. This act shall take effect immediately; provided that the project
39 agreement and any related agreements awarded, executed and entered into
40 in accordance with this act shall be deemed valid, binding and enforcea-
41 ble, notwithstanding the fact that any request for qualifications was
42 issued or the selection of the entities authorized to receive a request
43 for proposals occurred prior to the effective date of this act, if such
44 issuance and selection were conducted in accordance with the applicable
45 requirements of this act.

46 PART X

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

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

53 § 2. Subdivisions 4, 6, 7, 10 and 15 of section 431 of the economic
54 development law, subdivisions 4, 6, 7 and 10 as added by section 1 of

1 part A of chapter 68 of the laws of 2013 and subdivision 15 as added by
2 section 1 of part B of chapter 60 of the laws of 2015, are amended to
3 read as follows:

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

8 6. "New business" means a business that satisfies all of the following
9 tests:

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

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

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

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

33 (e) the business must not be publicly traded, or, if the business is a
34 publicly traded entity, no more than five percent of the beneficial
35 ownership of the business may be owned, directly or indirectly, by a
36 publicly traded entity; and

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

41 7. "Tax-free NY area" means the land or vacant space of a university
42 or college that meets the eligibility criteria specified in section four
43 hundred thirty-two of this article and that has been approved as a tax-
44 free NY area pursuant to the provisions in section four hundred thirty-
45 five of this article. It also means a strategic state asset that has
46 been approved by the [START-UP NY] excelsior business approval board
47 pursuant to the provisions of subdivision four of section four hundred
48 thirty-five of this article.

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

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

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

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

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

20 16. "Significant change in organizational structure" means the convey-
21 ance of five percent or greater of the equity of a business in the form
22 of stock, capital, profits or beneficial interest, the admission of a
23 member or partner to the business, or the sale or transfer of substan-
24 tially all of the assets of a business.

25 § 5. Subdivisions 1, 2 and 3 of section 432 of the economic develop-
26 ment law, as added by section 1 of part A of chapter 68 of the laws of
27 2013, are amended to read as follows:

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

32 (i) any vacant space in any building [located on a campus of] owned or
33 leased by a state university campus, community college [or], city
34 university campus, or by any affiliate of a state university, community
35 college or city university;

36 (ii) any vacant land [on a campus of] owned or leased by a state
37 university campus, community college [or], city university campus, or by
38 any affiliate of a state university, community college or city universi-
39 ty;

40 (iii) for a state university campus or community college, a total of
41 two hundred thousand square feet of vacant land or vacant building space
42 that, except as provided under paragraph (b) of this subdivision, is
43 located within one mile of a campus of the state university campus or
44 community college; provided that this subparagraph shall not apply to a
45 state university campus or community college located in Nassau county,
46 Suffolk county [or], Westchester county, or New York city; and

47 (iv) a New York state incubator [as the term is used in subdivision
48 four of section four hundred thirty-three of this article] with a bona
49 fide affiliation to the state university campus, community college or
50 city university campus, with approval of the commissioner. In order for
51 there to be a bona fide affiliation of a New York state incubator with a
52 state university campus, community college or city university campus,
53 the incubator and the state university campus, community college or city
54 university campus must have a partnership to provide assistance and
55 physical space to eligible businesses, as the term is used in section
56 sixteen-v of the urban development corporation act; the incubator and

1 the state university campus, community college or city university campus
2 must directly work towards the goals of jointly creating jobs and incu-
3 bating new startup businesses; and the mission and activities of the
4 incubator must align with or further the academic mission of the state
5 university campus, community college or city university campus.

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

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

29 (i) a state university campus other than the following: (A) any empire
30 state college campus except for the empire state college campus in Sara-
31 toga Springs[,] and (B) [any property of downstate medical center
32 located in Nassau county, Suffolk county, Westchester county or New York
33 city except for property affiliated with downstate medical center that
34 constitutes a New York state incubator as the term is used in subdivi-
35 sion four of section four hundred thirty-three of this article, and (C)]
36 any property of the college of optometry or maritime college located in
37 Nassau county, Suffolk county, Westchester county or New York city.

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

42 (iii) a total of five city university campuses, one each in the
43 boroughs of Manhattan, Brooklyn, Bronx, Queens and Staten Island, which
44 will be designated by the board of trustees of the city university of
45 New York. The campus designated in each borough must be located in an
46 economically distressed community. The commissioner shall establish a
47 list of economically distressed communities for the purpose of this
48 designation, based on criteria indicative of economic distress, includ-
49 ing poverty rates, numbers of persons receiving public assistance, unem-
50 ployment rates, and such other indicators as the commissioner deems
51 appropriate to be in need of economic assistance. In addition, para-
52 graphs (a) and (b) of this subdivision shall apply to property of the
53 city university located outside of Nassau county, Suffolk county, West-
54 chester county and New York city.



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

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

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

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

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

17 (iv) a New York state incubator [as the term is used in subdivision
18 four of section four hundred thirty-three of this article] with a bona
19 fide affiliation to the private university or college, with approval of
20 the commissioner. In order for there to be a bona fide affiliation of a
21 New York state incubator with a private university or college, the incu-
22 bator and the private university or college must have a partnership to
23 provide assistance and physical space to eligible businesses as the term
24 is used in section sixteen-v of the urban development corporation act;
25 the incubator and the private university or college must directly work
26 towards the goals of jointly creating jobs and incubating new startup
27 businesses; and the mission and activities of the incubator must align
28 with or further the academic mission of the private university or
29 college.

30 (b) Subject to the limitations in paragraph (c) of this subdivision,
31 three million square feet is the maximum aggregate amount of tax-free NY
32 areas of private universities and colleges that may be utilized for this
33 program, which shall be designated in a manner that ensures regional
34 balance and balance among eligible rural, urban and suburban areas in
35 the state. The commissioner shall maintain an accounting of the vacant
36 land and space of private universities and colleges that have been
37 approved as tax-free NY areas and shall stop accepting applications for
38 approval of tax-free NY areas when that maximum amount has been reached.

39 (c) Of the maximum aggregate amount in paragraph (b) of this subdivi-
40 sion, an initial amount of seventy-five thousand square feet shall be
41 designated as tax-free NY areas in each of the following: Nassau coun-
42 ty, Suffolk county, Westchester county and the boroughs of Brooklyn,
43 Bronx, Manhattan, Queens and Staten Island. The board may approve the
44 designation of up to an additional seventy-five thousand square feet for
45 any county or borough that reaches the initial seventy-five thousand
46 square foot limit, provided that such additional seventy-five thousand
47 square feet shall not count against the square footage limitations in
48 paragraph (b) of this subdivision. Vacant land and vacant space in a
49 building on the campus of the following shall be eligible for desig-
50 nation under this paragraph:

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

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

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

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

3 (d) In addition, the board may approve: (i) one application that
4 includes eligible land owned or leased by a city university campus that
5 is directly adjacent to such campus; (ii) one application that includes
6 eligible land owned or leased by a state university campus, community
7 college, or private university or college in Nassau county or Suffolk
8 county that is directly adjacent to such campus, university or college;
9 and (iii) one application that includes eligible land owned or leased by
10 a state university campus, community college, or private university or
11 college in Westchester county that is directly adjacent to such campus,
12 university or college. The board may approve an additional application,
13 for a state university campus, community college, or private university
14 or college in the county not previously approved under subparagraph (ii)
15 of this paragraph, in which case it shall also approve a second applica-
16 tion under subparagraph (i) of this paragraph.

17 3. Prohibition. A state university campus, community college or city
18 university campus is prohibited from relocating or eliminating any
19 academic programs, any administrative programs, offices, housing facili-
20 ties, dining facilities, athletic facilities, or any other facility,
21 space or program that actively serves students, faculty or staff in
22 order to create vacant land or space to be utilized for the program
23 authorized by this article. In addition, nothing in this article shall
24 be deemed to waive or impair any rights or benefits of employees of the
25 state university of New York, a community college or the city university
26 of New York that otherwise would be available to them pursuant to the
27 terms of agreements between the certified representatives of such
28 employees and their employers pursuant to article fourteen of the civil
29 service law. No services or work currently performed by public employees
30 of the state university of New York, a community college, or the city
31 university of New York or future work that is similar in scope and
32 nature to the work being currently performed by public employees shall
33 be contracted out or privatized by the state university of New York, a
34 community college or the city university of New York or by an affiliated
35 entity or associated entity of the state university of New York, a
36 community college or the city university of New York. For the purpose of
37 this section, an affiliated entity or associated entity shall not
38 include a business that is participating in the [START-UP NY] excelsior
39 business program.

40 § 6. Section 433 of the economic development law, as added by section
41 1 of part A of chapter 68 of the laws of 2013, is amended to read as
42 follows:

43 § 433. Eligibility criteria for business. 1. In order to participate
44 in the [START-UP NY] excelsior business program, a business must satisfy
45 all of the following criteria.

46 (a) The mission and activities of the business must align with or
47 further the academic mission of the campus, college or university spon-
48 soring the tax-free NY area in which it seeks to locate, and the busi-
49 ness's participation in the [START-UP NY] excelsior business program
50 must have positive community and economic benefits.

51 (b) The business must demonstrate that it will, in its first [year]
52 five years of operation in a tax-free NY area, create and maintain at
53 least one net new [jobs] job. [After its first year of operation, the
54 business must maintain net new jobs.] In addition, the average number of
55 employees of the business and its related persons in the state during
56 [the] each year must equal or exceed the sum of: (i) the average number

1 of employees of the business and its related persons in the state during
2 the year immediately preceding the year in which the business submits
3 its application to locate in a tax-free NY area; and (ii) net new jobs
4 of the business in the tax-free NY area during the current year. The
5 average number of employees of the business and its related persons in
6 the state shall be determined by adding together the total number of
7 employees of the business and its related persons in the state on March
8 thirty-first, June thirtieth, September thirtieth and December thirty-
9 first and dividing the total by the number of such dates occurring with-
10 in such year.

11 (c) [Except as provided in paragraphs (g) and (h) of this subdivision,
12 at the time it submits its application for the START-UP NY program, the]
13 The business must be a new business [to the state], as defined in subdi-
14 vision six of section four hundred thirty-one of this article.

15 (d) The business may be organized as a corporation, a partnership,
16 limited liability company or a sole proprietorship.

17 (e) Upon completion of its first year in the [START-UP NY] excelsior
18 business program and thereafter, the business must complete and timely
19 file the annual report required under section four hundred thirty-eight
20 of this article.

21 (f) [Except as provided in paragraphs (g) and (h) of this subdivision,
22 the business must not be engaged in a line of business that is currently
23 or was previously conducted by the business or a related person in the
24 last five years in New York state] The business must demonstrate that it
25 is engaged in development or market evaluation for a product or service
26 that will be provided from the tax-free NY area to which the business
27 has applied to locate, and that the predominant activity of the business
28 in the tax-free NY area will be development or production of the product
29 or service.

30 (g) [If a business does not satisfy the eligibility standard set forth
31 in paragraph (c) or (f) of this subdivision, because at one point in
32 time it operated in New York state but moved its operations out of New
33 York state on or before June first, two thousand thirteen, the commis-
34 sioner shall grant that business permission to apply to participate in
35 the START-UP NY program if the commissioner determines that the business
36 has demonstrated that it will substantially restore the jobs in New York
37 state that it previously had moved out of state.] The business must
38 agree to locate all of its business activities in New York state in one
39 or more tax-free NY areas if approved to participate in the excelsior
40 business program.

41 (h) [If a business seeks to expand its current operations in New York
42 state into a tax-free NY area but the business does not qualify as a new
43 business because it does not satisfy the criteria in paragraph (c) of
44 subdivision six of section four hundred thirty-one of this article or
45 the business does not satisfy the eligibility standard set forth in
46 paragraph (f) of this subdivision, the commissioner shall grant the
47 business permission to apply to participate in the START-UP NY program
48 if the commissioner determines that the business has demonstrated that
49 it will create net new jobs in the tax-free NY area and that it or any
50 related person has not eliminated any jobs in the state in connection
51 with this expansion.] The business must agree to promptly notify the
52 sponsoring college or university and the commissioner of any significant
53 change in organizational structure.

54 2. The following types of businesses, as determined by the commission-
55 er based upon the proposed predominant activity of each business apply-

1 ing to participate in the excelsior business program, are prohibited
2 from participating in the [START-UP NY] excelsior business program.

3 (a) retail and wholesale businesses;

4 (b) restaurants;

5 (c) real estate brokers;

6 (d) law firms;

7 (e) medical or dental practices;

8 (f) real estate management companies;

9 (g) hospitality;

10 (h) finance and financial services;

11 (i) businesses providing personal services;

12 (j) businesses providing business administrative or support services,
13 unless such business has received permission from the commissioner to
14 apply to participate in the [START-UP NY] excelsior business program
15 upon demonstration that the business would create no fewer than one
16 hundred net new jobs in the tax-free NY area;

17 (k) accounting firms;

18 (l) businesses providing utilities; and

19 (m) businesses engaged in the generation or distribution of electric-
20 ity, the distribution of natural gas, or the production of steam associ-
21 ated with the generation of electricity.

22 [2-a. Additional eligibility requirements in Nassau county, Suffolk
23 county, Westchester county and New York city. In order to be eligible to
24 participate in the START-UP NY program in Nassau county, Suffolk county,
25 Westchester county or New York city, a business must be:

26 (a) in the formative stage of development; or

27 (b) engaged in the design, development, and introduction of new
28 biotechnology, information technology, remanufacturing, advanced materi-
29 als, processing, engineering or electronic technology products and/or
30 innovative manufacturing processes, and meet such other requirements for
31 a high-tech business as the commissioner shall develop.]

32 3. A business must be in compliance with all worker protection and
33 environmental laws and regulations. In addition, a business may not owe
34 past due federal or state taxes or local property taxes.

35 [4. Any business that has successfully completed residency in a New
36 York state incubator pursuant to section sixteen-v of section one of
37 chapter one hundred seventy-four of the laws of nineteen hundred sixty-
38 eight constituting the urban development corporation act, subject to
39 approval of the commissioner, may apply to participate in the START-UP
40 NY program provided that such business locates in a tax-free NY area,
41 notwithstanding the fact that the business may not constitute a new
42 business.]

43 § 7. Section 434 of the economic development law, as added by section
44 1 of part A of chapter 68 of the laws of 2013, is amended to read as
45 follows:

46 § 434. Tax benefits. 1. A business that is accepted into the [START-UP
47 NY] excelsior business program and locates in a tax-free NY area or the
48 owner of a business that is accepted into the [START-UP NY] excelsior
49 business program and locates in a tax-free NY area is eligible for the
50 tax benefits specified in section thirty-nine of the tax law. Subject to
51 the limitations of subdivision [two] three of this section, employees of
52 such business satisfying the eligibility requirements specified in
53 section thirty-nine of the tax law shall be eligible for the personal
54 income tax benefits described in such section in a manner to be deter-
55 mined by the department of taxation and finance.

1 2. A business that is a new business pursuant to subdivision six of
2 section four hundred thirty-one of this article that is accepted into
3 the excelsior business program and locates in a tax-free NY area shall
4 be eligible for the benefits described in subdivision one of section
5 three hundred fifty-five of this chapter, and, subject to the discretion
6 of the commissioner, may be eligible for the benefits described in
7 subdivisions two, three, and four of section three hundred fifty-five of
8 this chapter, provided that such business satisfies the eligibility
9 criteria enumerated in section three hundred fifty-three of this chap-
10 ter.

11 3. The aggregate number of net new jobs approved for personal income
12 tax benefits under this article shall not exceed ten thousand jobs per
13 year during the period in which applications are accepted pursuant to
14 section four hundred thirty-six of this article. The commissioner shall
15 allocate to each business accepted to locate in a tax-free NY area a
16 maximum number of net new jobs that shall be eligible for the personal
17 income tax benefits described in subdivision (e) of section thirty-nine
18 of the tax law based on the schedule of job creation included in the
19 application of such business. At such time as the total number of net
20 new jobs under such approved applications reaches the applicable allow-
21 able total of aggregate net new jobs for tax benefits for the year in
22 which the application is accepted, the commissioner shall stop granting
23 eligibility for personal income tax benefits for net new jobs until the
24 next year. Any business not granted such personal income tax benefits
25 for net new jobs for such reason shall be granted such benefits in the
26 next year prior to the consideration of new applicants. In addition, if
27 the total number of net new jobs approved for tax benefits in any given
28 year is less than the maximum allowed under this subdivision, the
29 difference shall be carried over to the next year. A business may amend
30 its schedule of job creation in the same manner that it applied for
31 participation in the [START-UP NY] excelsior business program, and any
32 increase in eligibility for personal income tax benefits on behalf of
33 additional net new jobs shall be subject to the limitations of this
34 subdivision. If the business accepted to locate in a tax-free NY area
35 creates more net new jobs than for which it is allocated personal income
36 tax benefits, the personal income tax benefits it is allocated shall be
37 provided to those individuals employed in those net new jobs based on
38 the employees' dates of hiring.

39 § 8. Subdivisions 1, 2, 3 and 4 of section 435 of the economic devel-
40 opment law, subdivisions 1, 2 and 3 as added by section 1 of part A of
41 chapter 68 of the laws of 2013 and subdivision 4 as amended by section 2
42 of part B of chapter 60 of the laws of 2015, are amended to read as
43 follows:

44 1. The president or chief executive officer of any state university
45 campus, community college or city university campus seeking to sponsor a
46 tax-free NY area and have some of its eligible land specified under
47 subdivision one of section four hundred thirty-two of this article be
48 designated as a tax-free NY area must submit a plan to the commissioner
49 that specifies the land or space the campus or college wants to include,
50 describes the type of business or businesses that may locate on that
51 land or in that space, explains how those types of businesses align with
52 or further the academic mission of the campus or college and how partic-
53 ipation by those types of businesses in the [START-UP NY] excelsior
54 business program would have positive community and economic benefits,
55 and describes the process the campus or college will follow to select
56 participating businesses. At least thirty days prior to submitting such

1 plan, the campus or college must provide the municipality or municipi-
2 palities in which the proposed tax-free NY area is located, local
3 economic development entities, the applicable campus or college faculty
4 senate, union representatives and the campus student government with a
5 copy of the plan. In addition, if the plan of the campus or college
6 includes land or space located outside of the campus boundaries, the
7 campus or college must consult with the municipality or municipalities
8 in which such land or space is located prior to including such space or
9 land in its proposed tax-free NY area and shall give preference to unde-
10 rutilized properties. Before approving or rejecting the plan submitted
11 by a state university campus, community college or city university
12 campus, the commissioner shall consult with the chancellor of the appli-
13 cable university system or his or her designee.

14 2. The president or chief executive officer of any private college or
15 university or of any state university campus, community college or city
16 university campus seeking to sponsor a tax-free NY area and have some of
17 its eligible land specified under subdivision two of section four
18 hundred thirty-two of this article be designated as a tax-free NY area
19 must submit a plan to the commissioner that specifies the land or space
20 the college or university wants to include, describes the type of busi-
21 ness or businesses that may locate on that land or in that space,
22 explains how those types of businesses align with or further the academ-
23 ic mission of the college or university and how participation by those
24 types of businesses in the [START-UP NY] excelsior business program
25 would have positive community and economic benefits, and describes the
26 process the campus or college will follow to select participating busi-
27 nesses. In addition, if the plan of the campus or college includes land
28 or space located outside of the campus boundaries, the campus or college
29 must consult with the municipality or municipalities in which such land
30 or space is located prior to including such space or land in its
31 proposed tax-free NY area and shall notify local economic development
32 entities. The commissioner shall forward the plan submitted under this
33 subdivision to the [START-UP NY] excelsior business approval board. In
34 evaluating such plans, the board shall examine the merits of each
35 proposal, including but not limited to, compliance with the provisions
36 of this article, reasonableness of the economic and fiscal assumptions
37 contained in the application and in any supporting documentation and
38 potential of the proposed project to create new jobs, and, except for
39 proposals for designation of eligible land under paragraph (c) of subdivi-
40 sion two of section four hundred thirty-two of this article, shall
41 prioritize for acceptance and inclusion into the [START-UP NY] excelsior
42 business program plans for tax-free NY areas in counties that contain a
43 city with a population of one hundred thousand or more without a univer-
44 sity center as defined in subdivision seven of section three hundred
45 fifty of the education law on the effective date of this article. No
46 preference shall be given based on the time of submission of the plan,
47 provided that any submission deadlines established by the board are met.
48 In addition, the board shall give preference to private colleges or
49 universities that include underutilized properties within their proposed
50 tax-free NY areas. The board by a majority vote shall approve or reject
51 each plan forwarded to it by the commissioner.

52 3. A campus, university or college may amend its approved plan,
53 provided that the campus, university or college may not violate the
54 terms of any lease with a business located in the approved tax-free NY
55 area. In addition, if a business located in a tax-free NY area does not
56 have a lease with a campus, university or college, and such business is

1 terminated from the [START-UP NY] excelsior business program pursuant to
2 paragraph (b) of subdivision four of section four hundred thirty-six of
3 this article, and subsequently does not relocate outside of the tax-free
4 NY area, a campus, university or college may amend its approved plan to
5 allocate an amount of vacant land or space equal to the amount of space
6 occupied by the business that is terminated. The amendment must be
7 approved pursuant to the procedures and requirements set forth in subdivi-
8 sion one or two of this section, whichever is applicable; provided,
9 however, that a college or university which has obtained the approval of
10 the excelsior business approval board for a plan pursuant to subdivision
11 two of this section may amend the land and space designated under such
12 plan pursuant to the procedures described in subdivision one of this
13 section.

14 4. The [START-UP NY] excelsior business approval board, by majority
15 vote, shall designate correctional facilities described in subdivision
16 fourteen of section four hundred thirty-one of this article, [START-UP
17 NY] excelsior business airport facilities described in subdivision
18 fifteen of section four hundred thirty-one of this article and up to
19 twenty strategic state assets as tax-free NY areas. Each shall be affil-
20 iated with a state university campus, city university campus, community
21 college, or private college or university and such designation shall
22 require the support of the affiliated campus, college or university.
23 Each strategic state asset and [START-UP NY] excelsior business airport
24 facility, other than a correctional facility, may not exceed a maximum
25 of two hundred thousand square feet of vacant land or vacant building
26 space designated as a tax-free NY area. Designation of strategic state
27 assets, correctional facilities described in subdivision fourteen of
28 section four hundred thirty-one of this article, and [START-UP NY]
29 excelsior business airport facilities described in subdivision fifteen
30 of section four hundred thirty-one of this article as tax-free NY areas
31 shall not count against any square footage limitations in section four
32 hundred thirty-two of this article.

33 § 9. Section 436 of the economic development law, as added by section
34 1 of part A of chapter 68 of the laws of 2013, is amended to read as
35 follows:

36 § 436. Businesses locating in tax-free NY areas. 1. A campus, univer-
37 sity or college that has sponsored a tax-free NY area (including any
38 strategic state asset affiliated with the campus, university or college)
39 shall solicit and accept applications from businesses to locate in such
40 area that are consistent with the plan of such campus, university or
41 college or strategic state asset that has been approved pursuant to
42 section four hundred thirty-five of this article. Any business that
43 wants to locate in a tax-free NY area must submit an application to the
44 campus, university or college which is sponsoring the tax-free NY area
45 by December thirty-first, two thousand twenty. Prior to such date, the
46 commissioner shall prepare an evaluation on the effectiveness of the
47 [START-UP NY] excelsior business program and deliver it to the governor
48 and the legislature to determine continued eligibility for application
49 submissions.

50 2. (a) The sponsoring campus, university or college shall provide the
51 application and all supporting documentation of any business it decides
52 to accept into its tax-free NY area to the commissioner for review. Such
53 application shall be in a form prescribed by the commissioner and shall
54 contain all information the commissioner determines is necessary to
55 properly evaluate the business's application, including, but not limited
56 to, the name, address, and employer identification number of the busi-

1 ness; a description of the land or space the business will use, the
2 terms of the lease agreement, if applicable, between the sponsoring
3 campus, university or college and the business, and whether or not the
4 land or space being used by the business is being transferred or sublet
5 to the business from some other business. The application must include a
6 certification by the business that it meets the eligibility criteria
7 specified in section four hundred thirty-three of this article and will
8 align with or further the academic mission of the sponsoring campus,
9 college or university, and that the business's participation in the
10 [START-UP NY] excelsior business program will have positive community
11 and economic benefits. The application must also describe whether or
12 not the business competes with other businesses in the same community
13 but outside the tax-free NY area. In addition, the application must
14 include a description of how the business plans to recruit employees
15 from the local workforce.

16 (b) The commissioner shall review such application and documentation
17 within sixty days and may reject such application upon a determination
18 that the business does not meet the eligibility criteria in section four
19 hundred thirty-three of this article, has submitted an incomplete appli-
20 cation, has failed to comply with subdivision three of this section, or
21 has failed to demonstrate that the business's participation in the
22 [START-UP NY] excelsior business program will have positive community
23 and economic benefits, which shall be evaluated based on factors includ-
24 ing but not limited to whether or not the business competes with other
25 businesses in the same community but outside the tax-free NY area as
26 prohibited by section four hundred forty of this article. If the commis-
27 sioner rejects such application, it shall provide notice of such
28 rejection to the sponsoring campus, university or college and business.
29 If the commissioner does not reject such application within sixty days,
30 such business is accepted to locate in such tax-free NY area, and the
31 application of such business shall constitute a contract between such
32 business and the sponsoring campus, university or college. The sponsor-
33 ing campus, university or college must provide accepted businesses with
34 documentation of their acceptances in such form as prescribed by the
35 commissioner of taxation and finance which will be used to demonstrate
36 such business's eligibility for the tax benefits specified in section
37 thirty-nine of the tax law.

38 (c) If a state university campus proposes to enter into a lease with a
39 business for eligible land in a tax-free NY area with a term greater
40 than forty years, including any options to renew, or for eligible land
41 in a tax-free NY area of one million or more square feet, the state
42 university campus, at the same time as the application is provided to
43 the commissioner, also must submit the lease for review to the [START-UP
44 NY] excelsior business approval board. If the board does not disapprove
45 of the lease terms within thirty days, the lease is deemed approved. If
46 the board disapproves the lease terms, the state university campus must
47 submit modified lease terms to the commissioner for review. The commis-
48 sioner's sixty day review period is suspended while the board is review-
49 ing the lease and during the time it takes for the state university
50 campus to modify the lease terms.

51 (d) Except as otherwise provided in this article, proprietary informa-
52 tion or supporting documentation submitted by a business to a sponsoring
53 campus, university or college shall only be utilized for the purpose of
54 evaluating such business's application or compliance with the provisions
55 of this article and shall not be otherwise disclosed. Any person who

1 willfully discloses such information to a third party for any other
2 purpose whatsoever shall be guilty of a misdemeanor.

3 3. The business submitting the application, as part of the applica-
4 tion, must:

5 (a) agree to allow the department of taxation and finance to share its
6 tax information with the department and the sponsoring campus, universi-
7 ty or college;

8 (b) agree to allow the department of labor to share its tax and
9 employer information with the department and the sponsoring campus,
10 university or college;

11 (c) allow the department and its agents and the sponsoring campus,
12 university or college access to any and all books and records the
13 department or sponsoring campus, university or college may require to
14 monitor compliance;

15 (d) [include performance benchmarks, including the number of net new
16 jobs that must be created, the schedule for creating those jobs, and
17 details on job titles and expected salaries. The application must speci-
18 fy the consequences for failure to meet such benchmarks, as determined
19 by the business and the sponsoring campus, university or college: (i)]
20 agree that the failure of the business to meet the requirements of
21 subdivision one of section four hundred thirty-three of this article
22 shall result in the suspension of such business's participation in the
23 [START-UP NY] excelsior business program for one or more tax years as
24 specified in such application[; (ii) termination of such business's
25 participation in the START-UP NY program; and/or (iii) proportional
26 recovery of tax benefits awarded under the START-UP NY program as speci-
27 fied in section thirty-nine of the tax law] and that the business's
28 participation in the excelsior business program shall be terminated in
29 the event that it does not create and maintain at least one net new job
30 within five years of the date that such business locates to a tax-free
31 NY area;

32 (e) provide the following information to the department and sponsoring
33 campus, university or college upon request:

34 (i) the prior three years of federal and state income or franchise tax
35 returns, unemployment insurance quarterly returns, real property tax
36 bills and audited financial statements;

37 (ii) the employer identification or social security numbers for all
38 related persons to the business, including those of any members of a
39 limited liability company or partners in a partnership;

40 (f) provide a clear and detailed presentation of all related persons
41 to the business to assure the department that jobs are not being shifted
42 within the state; and

43 (g) certify, under penalty of perjury, that it is in substantial
44 compliance with all environmental, worker protection, and local, state,
45 and federal tax laws, and that it satisfies all the eligibility require-
46 ments to participate in the [START-UP NY] excelsior business program.

47 4. (a) At the conclusion of the lease term of a lease by the sponsor-
48 ing campus, university or college to a business of land or space in a
49 tax-free NY area owned by the sponsoring campus, university or college,
50 the leased land or space and any improvements thereon shall revert to
51 the sponsoring campus, university or college, unless the lease is
52 renewed.

53 (b) If, at any time, the sponsoring campus, university or college or
54 the commissioner determines that a business no longer satisfies any of
55 the eligibility criteria specified in section four hundred thirty-three
56 of this article, the sponsoring campus, university or college shall

1 recommend to the commissioner that the commissioner terminate or the
2 commissioner on his or her own initiative shall immediately terminate
3 such business's participation in the [START-UP NY] excelsior business
4 program. Such business shall be notified of such termination by a method
5 which allows for verification of receipt of such termination notice. A
6 copy of such termination notice shall be sent to the commissioner of
7 taxation and finance. Upon such termination, such business shall not be
8 eligible for the tax benefits specified in section thirty-nine of the
9 tax law for that or any future taxable year, calendar quarter or sales
10 tax quarter, although employees of such business may continue to claim
11 the tax benefit for their wages during the remainder of that taxable
12 year. Further, such lease or contract between the sponsoring campus,
13 university or college and such business shall be rescinded, effective on
14 the thirtieth day after the commissioner mailed such termination notice
15 to such business and the land or space and any improvements thereon
16 shall revert to the sponsoring campus, university or college.

17 5. The commissioner shall promulgate regulations to effectuate the
18 purposes of this section, including, but not limited to, establishing
19 the process for the evaluation and possible rejection of applications,
20 the eligibility criteria that will be applied in evaluating those appli-
21 cations, the amendment of applications of businesses approved to locate
22 to tax-free NY areas, and the process for terminations from the [START-
23 UP NY] excelsior business program and administrative appeals of such
24 terminations.

25 6. Any business approved to participate in the excelsior business
26 program that experiences a significant change in organizational struc-
27 ture shall apply to the commissioner to remain eligible to participate
28 in the excelsior business program. The commissioner may approve the
29 continued participation of such business in the excelsior business
30 program if the significant change in organizational structure does not
31 substantially modify the conditions of such business' participation
32 based upon factors set forth by the commissioner in regulations includ-
33 ing, but not limited to, the affiliation of the business with the spon-
34 soring college or university, the activity to be conducted in the tax-
35 free NY area subsequent to the significant change in organizational
36 structure, and any economic impact resulting from the significant change
37 in organizational structure. The commissioner may terminate the partic-
38 ipation of the business in the excelsior business program in the event
39 that the commissioner determines that the significant change in organ-
40 izational structure of the business will substantially modify the condi-
41 tions of the business' participation in the excelsior business program.
42 Approval by the commissioner of the continued participation of a busi-
43 ness in the excelsior business program subsequent to a significant
44 change in organizational structure shall not affect the period for which
45 the business may claim benefits pursuant to section four hundred thir-
46 ty-four of this article.

47 § 10. Section 438 of the economic development law, as added by section
48 1 of part A of chapter 68 of the laws of 2013, is amended to read as
49 follows:

50 § 438. Disclosure authorization and reporting requirements. [1. The
51 commissioner and the department shall disclose publicly the names and
52 addresses of the businesses located within a tax-free NY area. In addi-
53 tion, the commissioner and the department shall disclose publicly and
54 include in the annual report required under subdivision two of this
55 section such other information contained in such businesses' applica-
56 tions and annual reports, including the projected number of net new jobs

1 to be created, as they determine is relevant and necessary to evaluate
2 the success of this program.

3 2. (a) The commissioner shall prepare an annual report to the governor
4 and the legislature. Such report shall include the number of business
5 applicants, number of businesses approved, the names and addresses of
6 the businesses located within a tax-free NY area, total amount of bene-
7 fits distributed, benefits received per business, number of net new jobs
8 created, net new jobs created per business, new investment per business,
9 the types of industries represented and such other information as the
10 commissioner determines is necessary to evaluate the progress of the
11 START-UP NY program.

12 (b)] Any business located in a tax-free NY area must submit an annual
13 report to the commissioner in a form and at such time and with such
14 information as prescribed by the commissioner in consultation with the
15 commissioner of taxation and finance. Such information shall be suffi-
16 cient for the commissioner and the commissioner of taxation and finance
17 to: (i) monitor the continued eligibility of the business and its
18 employees to participate in the [START-UP NY] excelsior business program
19 and receive the tax benefits described in section thirty-nine of the tax
20 law and section three hundred fifty-five of this chapter; and (ii) eval-
21 uate the progress of the [START-UP NY] excelsior business program[; and
22 (iii) prepare the annual report required by paragraph (a) of this subdi-
23 vision. Such annual report shall also include information regarding the
24 wages paid during the year to its employees employed in the net new jobs
25 created and maintained in the tax-free NY area].

26 § 11. Subdivision 2 of section 358 of the economic development law, as
27 added by section 1 of part MM of chapter 59 of the laws of 2010, is
28 amended to read as follows:

29 2. The commissioner shall prepare a report on [a quarterly] an annual
30 basis [a program report for posting on the department's website. The
31 first report will be due June thirtieth, two thousand eleven, and every
32 three months thereafter. Such report shall include, but not be limited
33 to, the following: number of applicants; number of participants
34 approved; names of participants; total amount of benefits certified;
35 benefits received per participant; total number of net new jobs created;
36 number of net new jobs created per participant; aggregate new investment
37 in the state; new investment per participant;] pertaining to the excels-
38 ior jobs program and excelsior business program. The report shall be
39 posted to the department's website, and shall include such [other]
40 information as the commissioner determines is appropriate to describe
41 the department's progress in promoting business growth, job creation,
42 and innovation through the incentives available under this article and
43 article twenty-one of this chapter.

44 § 12. Section 439 of the economic development law, as added by section
45 1 of part A of chapter 68 of the laws of 2013, is amended to read as
46 follows:

47 § 439. Conflict of interest guidelines. 1. Each campus, university or
48 college participating in the [START-UP NY] excelsior business program
49 shall adopt a conflict of interest policy. Such conflict of interest
50 policy shall provide, as it relates to the [START-UP NY] excelsior busi-
51 ness program: (a) as a general principle, that service as an official of
52 the campus, university or college shall not be used as a means for
53 private benefit or inurement for the official, a relative thereof, or
54 any entity in which the official, or relative thereof, has a business
55 interest; (b) no official who is a vendor or employee of a vendor of
56 goods or services to the campus, university or college, or who has a

1 business interest in such vendor, or whose relative has a business
2 interest in such vendor, shall vote on, or participate in the adminis-
3 tration by the campus, university or college, as the case may be, of any
4 transaction with such vendor; and (c) upon becoming aware of an actual
5 or potential conflict of interest, an official shall advise the presi-
6 dent or chief executive officer of the campus, university or college, as
7 the case may be, of his or her or a relative's business interest in any
8 such existing or proposed vendor with the campus, university or college.
9 Each campus, university or college shall maintain a written record of
10 all disclosures of actual or potential conflicts of interest made pursu-
11 ant to paragraph (c) of this subdivision, and shall report such disclo-
12 sures, on a calendar year basis, by January thirty-first of each year,
13 to the auditor for such campus, university or college. The auditor shall
14 forward such reports to the commissioner, who shall make public such
15 reports.

16 2. For purposes of such conflict of interest policies: (a) an official
17 of a campus, university or college has a "business interest" in an enti-
18 ty if the individual: (i) owns or controls ten percent or more of the
19 stock of the entity (or one percent in the case of an entity the stock
20 of which is regularly traded on an established securities exchange); or
21 (ii) serves as an officer, director or partner of the entity; (b) a
22 "relative" of an official of a campus, university or college shall mean
23 any person living in the same household as the individual and any person
24 who is a direct descendant of that individual's grandparents or the
25 spouse of such descendant; and (c) an "official" of a campus, university
26 or college shall mean an employee at the level of dean and above as well
27 as any other [employee] person with decision-making authority over the
28 [START-UP NY] excelsior business program.

29 § 13. Subdivisions 1, 2 and 3 of section 353 of the economic develop-
30 ment law, subdivisions 1 and 3 as amended by section 2 of part K of
31 chapter 59 of the laws of 2015, and subdivision 2 as amended by section
32 2 of part G of chapter 61 of the laws of 2011, are amended to read as
33 follows:

34 1. To be a participant in the excelsior jobs program, a business enti-
35 ty shall operate in New York state predominantly:

36 (a) as a financial services data center or a financial services back
37 office operation;

38 (b) in manufacturing;

39 (c) in software development and new media;

40 (d) in scientific research and development;

41 (e) in agriculture;

42 (f) in the creation or expansion of back office operations in the
43 state;

44 (g) in a distribution center;

45 (h) in an industry with significant potential for private-sector
46 economic growth and development in this state as established by the
47 commissioner in regulations promulgated pursuant to this article. In
48 promulgating such regulations the commissioner shall include job and
49 investment criteria;

50 (i) as an entertainment company; [or]

51 (j) in music production; or

52 (k) as a business approved to participate in the excelsior business
53 program pursuant to section four hundred thirty-six of this chapter.

54 2. When determining whether an applicant is operating predominately in
55 one of the industries listed in subdivision one of this section, the
56 commissioner will examine the nature of the business activity at the

1 location for the proposed project and will make eligibility determi-
2 nations based on such activity; provided, however, that a business
3 eligible to participate in the excelsior jobs program pursuant to para-
4 graph (k) of subdivision one of this section may engage in any eligible
5 business activity pursuant to section four hundred thirty-three of this
6 chapter.

7 3. For the purposes of this article, in order to participate in the
8 excelsior jobs program, a business entity operating predominantly in
9 manufacturing must create at least ten net new jobs; a business approved
10 to participate in the excelsior business program pursuant to section
11 four hundred thirty-six of this chapter must create at least five net
12 new jobs; a business entity operating predominately in agriculture must
13 create at least five net new jobs; a business entity operating predomi-
14 nantly as a financial service data center or financial services customer
15 back office operation must create at least fifty net new jobs; a busi-
16 ness entity operating predominantly in scientific research and develop-
17 ment must create at least five net new jobs; a business entity operating
18 predominantly in software development must create at least five net new
19 jobs; a business entity creating or expanding back office operations
20 must create at least fifty net new jobs; a business entity operating
21 predominately in music production must create at least five net new
22 jobs; a business entity operating predominantly as an entertainment
23 company must create or obtain at least one hundred net new jobs; or a
24 business entity operating predominantly as a distribution center in the
25 state must create at least seventy-five net new jobs, notwithstanding
26 subdivision five of this section; or a business entity must be a
27 regionally significant project as defined in this article[; or].

28 § 14. Subdivision 5 of section 354 of the economic development law, as
29 amended by section 2 of part 0 of chapter 60 of the laws of 2016, is
30 amended to read as follows:

31 5. A participant may claim tax benefits commencing in the first taxa-
32 ble year that the business enterprise receives a certificate of tax
33 credit or the first taxable year listed on its preliminary schedule of
34 benefits, whichever is later. A participant may claim such benefits for
35 the next nine consecutive taxable years, provided that the participant
36 demonstrates to the department that it continues to satisfy the eligi-
37 bility criteria specified in section three hundred fifty-three of this
38 article and subdivision two of this section in each of those taxable
39 years, and provided that no tax credits may be allowed for taxable years
40 beginning on or after January first, two thousand [twenty-seven] thirty.
41 If, in any given year, a participant who has satisfied the eligibility
42 criteria specified in section three hundred fifty-three of this article
43 realizes job creation less than the estimated amount, the credit shall
44 be reduced by the proportion of actual job creation to the estimated
45 amount, provided the proportion is at least seventy-five percent of the
46 jobs estimated. Notwithstanding the provision in the second sentence of
47 this subdivision regarding the ability of a participant to claim such
48 benefits for the next nine consecutive years, a participant eligible to
49 participate pursuant to paragraph (k) of subdivision one of section
50 three hundred fifty-three of this article may claim such benefits only
51 for the period ending in the last taxable year under which the business
52 is entitled to receive benefits pursuant to section thirty-nine of the
53 tax law, provided that no tax credits may be allowed for taxable years
54 beginning on or after January first, two thousand thirty.



1 but not be limited to, expenditures of capital funds for economic devel-
2 opment activities received from the empire state development corpo-
3 ration, SUNY 2020 challenge grant projects, capital expenditures from
4 other sources, and activities [for the purpose of securing START-UP NY
5 approval] of campuses of the state university of New York related to the
6 excelsior business program.

7 § 17. The section heading of section 361 of the education law, as
8 added by section 21 of part A of chapter 68 of the laws of 2013, is
9 amended to read as follows:

10 [START-UP NY program leases] Excelsior business program leases.

11 § 18. Subdivision (b) of section 31 of the tax law, as amended by
12 section 3 of part 0 of chapter 60 of the laws of 2016, is amended to
13 read as follows:

14 (b) To be eligible for the excelsior jobs program credit, the taxpayer
15 shall have been issued a "certificate of tax credit" by the department
16 of economic development pursuant to subdivision four of section three
17 hundred fifty-four of the economic development law, which certificate
18 shall set forth the amount of each credit component that may be claimed
19 for the taxable year. A taxpayer, other than a business eligible to
20 participate in the excelsior jobs program pursuant to paragraph (k) of
21 subdivision one of section three hundred fifty-three of the economic
22 development law, may claim such credit for ten consecutive taxable years
23 commencing in the first taxable year that the taxpayer receives a
24 certificate of tax credit or the first taxable year listed on its
25 preliminary schedule of benefits, whichever is later, provided that no
26 tax credits may be allowed for taxable years beginning on or after Janu-
27 ary first, two thousand [twenty-seven] thirty. A taxpayer eligible to
28 participate in the excelsior jobs program pursuant to paragraph (k) of
29 subdivision one of section three hundred fifty-three of the economic
30 development law, may claim such credit for the period commencing in the
31 first taxable year that the taxpayer receives a certificate of tax cred-
32 it or the first taxable year listed on its preliminary schedule of bene-
33 fits, whichever is later, and ending in the last taxable year under
34 which the business is entitled to receive benefits pursuant to section
35 thirty-nine of this article, provided that no tax credits may be allowed
36 for taxable years beginning on or after January first, two thousand
37 thirty. The taxpayer shall be allowed to claim only the amount listed on
38 the certificate of tax credit for that taxable year. Such certificate
39 must be attached to the taxpayer's return. No cost or expense paid or
40 incurred by the taxpayer shall be the basis for more than one component
41 of this credit or any other tax credit, except as provided in section
42 three hundred fifty-five of the economic development law.

43 § 19. Paragraph 1 of subdivision (a) of section 39 of the tax law, as
44 added by section 2 of part A of chapter 68 of the laws of 2013, is
45 amended to read as follows:

46 (1) Any business or owner of a business in the case of a business
47 taxed as a sole proprietorship, partnership or New York S corporation,
48 that is approved to locate and is located in a tax-free NY area approved
49 pursuant to article twenty-one of the economic development law is eligi-
50 ble for the tax benefits described in this section. Unless otherwise
51 specified, such business or owner of such business shall be eligible for
52 these tax benefits for a period of ten consecutive taxable years,
53 commencing with the taxable year during which it locates in [the] a
54 tax-free NY area for the first time.

55 § 20. Subdivisions (a), (c-1), (d), (f), (g), (i), (j) and (k) and
56 paragraph (A) of subdivision (h) of section 39 of the tax law, subdivi-

1 sions (a), (d), (f), (g), (i), (j) and (k) and paragraph (A) of subdivi-
2 sion (h) as added by section 2 of part A of chapter 68 of the laws of
3 2013, subdivision (c-1) as added by section 1 of part T of chapter 59 of
4 the laws of 2014, paragraph (4) of subdivision (k) as amended by section
5 53 of part A of chapter 59 of the laws of 2014 and paragraph 6 of subdivi-
6 sion (k) as amended by section 2-a of part T of chapter 59 of the laws
7 of 2014, are amended to read as follows:

8 (a) (1) Any business or owner of a business in the case of a business
9 taxed as a sole proprietorship, partnership or New York S corporation,
10 that is approved to locate and is located in a tax-free NY area approved
11 pursuant to article twenty-one of the economic development law is eligi-
12 ble for the tax benefits described in this section. Unless otherwise
13 specified, such business or owner of such business shall be eligible for
14 these tax benefits for a period of ten consecutive taxable years,
15 commencing with the taxable year during which it locates in [the] a
16 tax-free NY area for the first time.

17 (2) In order to be eligible for these tax benefits during any taxable
18 year, calendar quarter or sales tax quarter, such business must be
19 approved to participate in the [START-UP NY] excelsior business program,
20 must operate at the approved location in the tax-free NY area, and must
21 satisfy the eligibility criteria specified in paragraph (b) of subdivi-
22 sion one of section four hundred thirty-three of the economic develop-
23 ment law.

24 (c-1) Excise tax on telecommunication services. Such business or owner
25 of a business shall be eligible for a credit of the excise tax on tele-
26 communication services imposed by section one hundred eighty-six-e of
27 this chapter that is passed through to such business, pursuant to the
28 provisions referenced in subdivision [(k)] (j) of this section.

29 (d) Metropolitan commuter transportation district mobility tax. If the
30 tax-free NY area at which such business is located is within the metro-
31 politan commuter transportation district (MCTD), and such business is an
32 employer engaged in business within the MCTD, the payroll expense of
33 such business at such location within the tax-free NY area shall be
34 exempt from the metropolitan commuter transportation district mobility
35 tax imposed under article twenty-three of this chapter for forty consec-
36 utive calendar quarters, commencing with the calendar quarter during
37 which the employer locates in the tax-free NY area within the MCTD.
38 Provided, however, if such business located in a tax-free NY area
39 outside the MCTD prior to locating in a tax-free NY area within the
40 MCTD, its benefit period within the MCTD may consist of less than forty
41 consecutive calendar quarters and shall be deemed to commence in the
42 calendar quarter such business first located in a tax-free NY area. If
43 the tax-free NY area at which such business is located is within the
44 MCTD and the owner of such business is an individual who has net earn-
45 ings from self-employment at such location, such net earnings shall be
46 exempt from the metropolitan commuter transportation district mobility
47 tax imposed under article twenty-three of this chapter for ten consec-
48 utive taxable years commencing with the taxable year during which the
49 business locates in the tax-free NY area. Provided, however, if such
50 business located in a tax-free NY area outside the MCTD prior to locat-
51 ing in a tax-free NY area within the MCTD, the benefit period for the
52 owner of such business within the MCTD may consist of less than ten
53 taxable years and shall be deemed to commence in the taxable year in
54 which such business first located in a tax-free NY area.

55 (f) Sales and use tax. Such business shall be eligible for a credit or
56 refund for sales and use taxes imposed on the retail sale of tangible

1 personal property or services under subdivisions (a), (b), and (c) of
2 section eleven hundred five and section eleven hundred ten of this chap-
3 ter and similar taxes imposed pursuant to the authority of article twen-
4 ty-nine of this chapter. The credit or refund shall be allowed for one
5 hundred twenty consecutive months beginning with the earlier of the
6 month during which such business locates in [the] a tax-free NY area for
7 the first time or the month in which such business is approved to locate
8 in a tax-free NY area for the first time.

9 (g) Real estate transfer taxes. Any lease of property to such business
10 shall be exempt from any state or local real estate transfer tax or real
11 property transfer tax. Such exemption shall be available for a period of
12 ten consecutive years commencing on the date that such business is
13 approved for the first time to locate in a tax-free NY area.

14 (A) Notwithstanding any provision of this chapter to the contrary, the
15 commissioner, to the extent practicable, may disclose publicly the names
16 and addresses of the businesses receiving any of the tax benefits speci-
17 fied in this section. In addition, the commissioner may disclose public-
18 ly the amounts of such benefits allowed to each such business, and
19 whether or not a business created or maintained net new jobs during the
20 taxable year. With regard to the income tax exemption specified in
21 subdivision (e) of this section, the commissioner may publicly disclose
22 the aggregate amounts of such tax exemption allowed to employees. In
23 addition, the commissioner may publicly disclose the number of net new
24 jobs such business reports on its tax return or report or any other
25 information necessary for the commissioner of economic development or
26 the campus, college or university sponsoring the tax-free NY area
27 approved pursuant to article twenty-one of the economic development law
28 to monitor and enforce compliance with the law, rules and regulations
29 governing the [START-UP NY] excelsior business program.

30 (i) Such business shall not be allowed to claim any other tax credit
31 allowed under this chapter with respect to its activities or employees
32 in such tax-free NY area, except that such business may be eligible to
33 claim the excelsior jobs program credit components specified in subdivi-
34 sion (a) of section thirty-one of this article, provided that such busi-
35 ness satisfies the eligibility criteria enumerated in section three
36 hundred fifty-three of the economic development law and is issued a
37 certificate of tax credit by the department of economic development
38 pursuant to subdivision four of section three hundred fifty-four of the
39 economic development law.

40 (j) [If the application of a business for participation in the START-
41 UP NY program specifies that failure to meet the performance benchmarks
42 specified in such application shall result in proportional recovery of
43 tax benefits awarded under the START-UP NY program, the business shall
44 be required to reduce the total amount of tax benefits described in this
45 section that the business or its owners claimed or received during the
46 taxable year by the percentage reduction in net new jobs promised by the
47 performance benchmarks, and if the tax benefits are reduced to an amount
48 less than zero, those negative amounts shall be added back as tax. The
49 amount required to be added back shall be reported on such business's
50 corporate franchise tax report if such business is taxed as a corpo-
51 ration or on the corporate franchise tax reports or personal income tax
52 returns of the owners of such business if such business is taxed as a
53 sole proprietorship, partnership or New York S corporation.

54 (k) Cross-references. For application of the tax benefits provided
55 for in this section, see the following provisions of this chapter:

56 (1) Section 40.

1 (4) Article 9-A: section 210-B, subdivision 41 and subdivision 44.
2 (5) Article 22: section 606, subsection (i), paragraph (1), subpara-
3 graph (B), clause (xxxvi).
4 (6) Article 22: section 606, subsection (ww) and subsection (yy).
5 (7) Article 22: section 612, subsection (c), paragraph (40).
6 (8) Article 23: section 803.
7 (9) Article 28: section 1119, subdivision (d).
8 (10) Article 31: section 1405, subdivision (b), paragraph 11.
9 § 21. Section 39-a of the tax law, as added by section 3 of part A of
10 chapter 68 of the laws of 2013, is amended to read as follows:
11 § 39-a. Penalties for fraud in the [START-UP NY] excelsior business
12 program. If the commissioner of economic development on his or her own
13 initiative or on the recommendation of a sponsoring campus, university
14 or college finally determines that any such business participating in
15 the [START-UP NY] excelsior business program authorized under article
16 twenty-one of the economic development law has acted fraudulently in
17 connection with its participation in such program, such business:
18 (a) shall be immediately terminated from such program;
19 (b) shall be subject to applicable criminal penalties, including but
20 not limited to the felony crime of offering a false instrument for
21 filing in the first degree pursuant to section 175.35 of the penal law;
22 and
23 (c) shall be required in that year to add back to tax the total value
24 of the tax benefits described in section thirty-nine of this article
25 that such business has received and that the employees of such business
26 have received up to the date of such finding. The amount required to be
27 added back shall be reported on such business's corporate franchise
28 report if such business is taxed as a corporation or on the corporate
29 franchise tax reports or personal income tax returns of the owners of
30 such business if such business is taxed as a sole proprietorship, part-
31 nership or New York S corporation.
32 § 22. Subdivisions (a) and (c) of section 40 of the tax law, as added
33 by section 4 of part A of chapter 68 of the laws of 2013, paragraph 1 of
34 subdivision (c) as amended by section 34 of part T of chapter 59 of the
35 laws of 2015, are amended to read as follows:
36 (a) Allowance of credit. A taxpayer that is a business or owner of a
37 business in the case of a business taxed as a sole proprietorship, part-
38 nership or New York S corporation, that is approved to locate and is
39 located in [a] one or more tax-free NY area or areas approved pursuant
40 to article twenty-one of the economic development law and is subject to
41 tax under article nine-A, or twenty-two of this chapter, shall be
42 allowed a credit against such tax, pursuant to the provisions referenced
43 in subdivision (e) of this section, to be computed as hereinafter
44 provided.
45 (c) Tax-free area allocation factor. The tax-free area allocation
46 factor shall be the percentage representing the business's economic
47 presence in the tax-free NY area or areas in which the business was
48 approved to locate pursuant to article twenty-one of the economic devel-
49 opment law. This percentage shall be computed by:
50 (1) ascertaining the percentage that the average value of the busi-
51 ness's real and tangible personal property, whether owned or rented to
52 it, in the tax-free NY [area] areas in which the business was [located]
53 approved to locate during the period covered by the taxpayer's report or
54 return bears to the average value of the business's real and tangible
55 personal property, whether owned or rented to it, within the state
56 during such period; provided that the term "value of the business's real

1 and tangible personal property" shall have the same meaning as such term
2 has in paragraph (a) of subdivision two of section two hundred nine-B of
3 this chapter; and

4 (2) ascertaining the percentage that the total wages, salaries and
5 other personal service compensation, similarly computed, during such
6 period of employees, except general executive officers, employed at each
7 of the business's [location] locations in the tax-free NY [area] areas
8 in which it was approved to locate, bears to the total wages, salaries
9 and other personal service compensation, similarly computed, during such
10 period, of all the business's employees within the state, except general
11 executive officers; and

12 (3) adding together the percentages so determined and dividing the
13 result by two.

14 For purposes of article twenty-two of this chapter, references in this
15 subdivision to property, wages, salaries and other personal service
16 compensation shall be deemed to be references to such items connected
17 with the conduct of a business.

18 § 23. Subdivision (d) of section 40 of the tax law, as added by
19 section 4 of part A of chapter 68 of the laws of 2013, clause (ii) of
20 subparagraph (B) of paragraph 2 as amended by section 35, subparagraph
21 (C) of paragraph 2 as amended by section 36, and subparagraph (B) of
22 paragraph 3 as amended by section 37 of part T of chapter 59 of the laws
23 of 2015, is amended to read as follows:

24 (d) Tax factor. (1) General. The tax factor shall be, in the case of
25 article nine-A of this chapter, the largest of the amounts of tax deter-
26 mined for the taxable year under paragraphs (a) through (d) of subdivi-
27 sion one of section two hundred ten of such article after the deduction
28 of any other credits allowable under such article, other than the
29 excelsior jobs program credits allowed under subdivision thirty-one of
30 section two hundred ten-B. The tax factor shall be, in the case of
31 article twenty-two of this chapter, the tax determined for the taxable
32 year under subsections (a) through (d) of section six hundred one of
33 such article after the deduction of any other credits allowable under
34 such article, other than the excelsior jobs program credits allowed
35 under subsection (qq) of section six hundred six of this chapter.

36 (2) Sole proprietors, partners and S corporation shareholders. (A)
37 Where the taxpayer is a sole proprietor of a business located in [a] one
38 or more tax-free NY [area] areas, the taxpayer's tax factor shall be
39 that portion of the amount determined in paragraph one of this subdivi-
40 sion that is attributable to the income of the business at its location
41 in the tax-free NY [area] areas in which it was approved to locate. Such
42 attribution shall be made in accordance with the ratio of the taxpayer's
43 income from such business allocated within the state, entering into New
44 York adjusted gross income, to the taxpayer's New York adjusted gross
45 income, or in accordance with such other methods as the commissioner may
46 prescribe as providing an apportionment that reasonably reflects the
47 portion of the taxpayer's tax attributable to the income of such busi-
48 ness. In no event may the ratio so determined exceed 1.0. The income
49 from such business allocated within the state shall be determined as if
50 the sole proprietor was a non-resident.

51 (B) (i) Where the taxpayer is a member of a partnership that is a busi-
52 ness located in [a] one or more tax-free NY [area] areas, the taxpayer's
53 tax factor shall be that portion of the amount determined in paragraph
54 one of this subdivision that is attributable to the income of the part-
55 nership. Such attribution shall be made in accordance with the ratio of
56 the partner's income from the partnership allocated within the state to

1 the partner's entire income, or in accordance with such other methods as
2 the commissioner may prescribe as providing an apportionment that
3 reasonably reflects the portion of the partner's tax attributable to the
4 income of the partnership. In no event may the ratio so determined
5 exceed 1.0. The income from the partnership allocated within the state
6 shall be determined as if any of the partners was a non-resident.

7 (ii) For purposes of article nine-A of this chapter, the term "part-
8 ner's income from the partnership" means partnership items of income,
9 gain, loss and deduction, and New York modifications thereto, entering
10 into business income and the term "partner's entire income" means busi-
11 ness income, allocated within the state. For purposes of article twen-
12 ty-two of this chapter, the term "partner's income from the partnership"
13 means partnership items of income, gain, loss and deduction, and New
14 York modifications thereto, entering into New York adjusted gross
15 income, and the term "partner's entire income" means New York adjusted
16 gross income.

17 (C) (i) Where the taxpayer is a shareholder of a New York S corpo-
18 ration that is a business located in [a] one or more tax-free NY [area]
19 areas, the shareholder's tax factor shall be that portion of the amount
20 determined in paragraph one of this subdivision that is attributable to
21 the income of the S corporation. Such attribution shall be made in
22 accordance with the ratio of the shareholder's income from the S corpo-
23 ration allocated within the state, entering into New York adjusted gross
24 income, to the shareholder's New York adjusted gross income, or in
25 accordance with such other methods as the commissioner may prescribe as
26 providing an apportionment that reasonably reflects the portion of the
27 shareholder's tax attributable to the income of such business. The
28 income of the S corporation allocated within the state shall be deter-
29 mined by multiplying the income of the S corporation by a business allo-
30 cation factor that shall be determined in clause (ii) of this subpara-
31 graph. In no event may the ratio so determined exceed 1.0.

32 (ii) The business allocation factor for purposes of this subparagraph
33 shall be computed by adding together the property factor specified in
34 subclause (I) of this clause, the wage factor specified in subclause
35 (II) of this clause and the apportionment factor determined under
36 section two hundred ten-A of this chapter and dividing by three.

37 (I) The property factor shall be determined by ascertaining the
38 percentage that the average value of the business's real and tangible
39 personal property, whether owned or rented to it, within the state
40 during the period covered by the taxpayer's report or return bears to
41 the average value of the business's real and tangible personal property,
42 whether owned or rented to it, within and without the state during such
43 period; provided that the term "value of the business's real and tangi-
44 ble personal property" shall have the same meaning as such term has in
45 paragraph (a) of subdivision two of section two hundred nine-B of this
46 chapter.

47 (II) The wage factor shall be determined by ascertaining the percent-
48 age that the total wages, salaries and other personal service compen-
49 sation, similarly computed, during such period of employees, except
50 general executive officers, employed at the business's location or
51 locations within the state, bears to the total wages, salaries and other
52 personal service compensation, similarly computed, during such period,
53 of all the business's employees within and without the state, except
54 general executive officers.

55 (3) Combined returns or reports. (A) Where the taxpayer is a business
56 located in [a] one or more tax-free NY [area] areas and is required or

1 permitted to make a return or report on a combined basis under article
2 nine-A of this chapter, the taxpayer's tax factor shall be the amount
3 determined in paragraph one of this subdivision that is attributable to
4 the income of such business. Such attribution shall be made in accord-
5 ance with the ratio of the business's income allocated within the state
6 to the combined group's income, or in accordance with such other methods
7 as the commissioner may prescribe as providing an apportionment that
8 reasonably reflects the portion of the combined group's tax attributable
9 to the income of such business. In no event may the ratio so determined
10 exceed 1.0.

11 (B) The term "income of the business located in [a] one or more tax-
12 free NY [area] areas" means business income calculated as if the taxpay-
13 er was filing separately and the term "combined group's income" means
14 business income as shown on the combined report, allocated within the
15 state.

16 (4) If a business is generating or receiving income from a line of
17 business or intangible property that was previously conducted, created
18 or developed by the business or a related person, as that term is
19 defined in section four hundred thirty-one of the economic development
20 law, the tax factor specified in this subdivision shall be adjusted to
21 disregard such income. However, if the income being generated or
22 received is from the expansion of a line of business or intangible prop-
23 erty that the business previously conducted, created or developed in a
24 limited, prototypical fashion, the taxpayer may request that the commis-
25 sioner exercise his or her discretion to not disregard such income.
26 Such request must be made in the manner determined by the commissioner
27 and must be made by the due date of the taxpayer's return, determined
28 with regard to extensions.

29 § 24. Subdivision (b) of section 803 of the tax law, as added by
30 section 11 of part A of chapter 68 of the laws of 2013, is amended to
31 read as follows:

32 (b) If a tax-free NY area approved pursuant to the provisions of arti-
33 cle twenty-one of the economic development law is located within the
34 MCTD, the payroll expense in such tax-free NY area of any employer that
35 is located in such area and accepted into the [START-UP NY] excelsior
36 business program shall be exempt from the tax imposed under this arti-
37 cle. In addition, the net earnings from self-employment of an individual
38 from a business in such tax-free NY area that is accepted into the
39 [START-UP NY] excelsior business program shall be exempt from the tax
40 imposed under this article.

41 § 25. Paragraph 11 of subdivision (b) of section 1405 of the tax law,
42 as added by section 13 of part A of chapter 68 of the laws of 2013, is
43 amended to read as follows:

44 11. Conveyances of real property located in tax-free NY areas approved
45 pursuant to article twenty-one of the economic development law to busi-
46 nesses located in such areas that are participating in the [START-UP NY]
47 excelsior business program pursuant to such article twenty-one.

48 § 26. Subdivision 2 of section 420-a of the real property tax law, as
49 amended by section 17 of part A of chapter 68 of the laws of 2013, is
50 amended to read as follows:

51 2. If any portion of such real property is not so used exclusively to
52 carry out thereupon one or more of such purposes but is leased or other-
53 wise used for other purposes, such portion shall be subject to taxation
54 and the remaining portion only shall be exempt; provided, however, that
55 such real property shall be fully exempt from taxation although it or a
56 portion thereof is used (a) for purposes which are exempt pursuant to

1 this section or sections four hundred twenty-b, four hundred twenty-two,
2 four hundred twenty-four, four hundred twenty-six, four hundred twenty-
3 eight, four hundred thirty or four hundred fifty of this [chapter] title
4 by another corporation which owns real property exempt from taxation
5 pursuant to such sections or whose real property if it owned any would
6 be exempt from taxation pursuant to such sections, (b) for purposes
7 which are exempt pursuant to section four hundred six or section four
8 hundred eight of this [chapter] article by a corporation which owns real
9 property exempt from taxation pursuant to such section or if it owned
10 any would be exempt from taxation pursuant to such section, (c) for
11 purposes which are exempt pursuant to section four hundred sixteen of
12 this [chapter] article by an organization which owns real property
13 exempt from taxation pursuant to such section or whose real property if
14 it owned any would be exempt from taxation pursuant to such section, (d)
15 for purposes relating to civil defense pursuant to the New York state
16 defense emergency act, including but not limited to activities in prepa-
17 ration for anticipated attack, during attack, or following attack or
18 false warning thereof, or in connection with drill or test ordered or
19 directed by civil defense authorities, or (e) for purposes of a tax-free
20 NY area that has been approved pursuant to article twenty-one of the
21 economic development law, subject to the conditions that the real prop-
22 erty must have been owned by the corporation or association organized
23 exclusively for educational purposes and exempt pursuant to this section
24 on June first, two thousand thirteen, and that the exemption shall apply
25 only to the portion of such real property that is used for purposes of
26 the [START-UP NY] excelsior business program; and provided further that
27 such real property shall be exempt from taxation only so long as it or a
28 portion thereof, as the case may be, is devoted to such exempt purposes
29 and so long as any moneys paid for such use do not exceed the amount of
30 the carrying, maintenance and depreciation charges of the property or
31 portion thereof, as the case may be.

32 § 27. This act shall take effect immediately; provided, however, that:

33 a. the amendments to paragraph (c) of subdivision 6 of section 431 of
34 the economic development law made by section three of this act shall
35 take effect on the same date and in the same manner as section 3 of part
36 S of chapter 59 of the laws of 2014, takes effect; and

37 b. the amendments to paragraphs (c), (f) and (g) of subdivision 1 of
38 section 433 of the economic development law made by section six of this
39 act shall not apply to any business approved to participate in the
40 excelsior business program prior to the effective date of this act.

41

PART Y

42 Section 1. Section 522 of the labor law, as amended by chapter 720 of
43 the laws of 1953, is amended to read as follows:

44 § 522. Total unemployment. "Total unemployment" or "totally unem-
45 ployed" means the [total] lack of any employment [on] in any [day] week.
46 The term "employment" as used in this section means any employment
47 including that not defined in this title.

48 § 2. Section 523 of the labor law, as amended by chapter 675 of the
49 laws of 1977, is amended to read as follows:

50 § 523. [Effective day. "Effective day" means a full day of total unem-
51 ployment provided such day falls within a week in which a claimant had
52 four or more days of total unemployment and provided further that only
53 those days of total unemployment in excess of three days within such
54 week are deemed "effective days". No effective day is deemed to occur in

1 a week in which the claimant has days of employment for which he is paid
2 compensation exceeding the highest benefit rate which is applicable to
3 any claimant in such week. A claimant who is employed on a shift
4 continuing through midnight is deemed to have been employed on the day
5 beginning before midnight with respect to such shift, except where night
6 shift employees are regularly scheduled to start their work week at
7 seven post meridiem or thereafter on Sunday night, their regularly sche-
8 duled starting time on Sunday shall be considered as starting on
9 Monday.] Partial unemployment. "Partial unemployment" or "partially
10 unemployed" means any week where a claimant has received remuneration in
11 an amount not more than the maximum benefit amount set forth in para-
12 graph (a) of subdivision five of section five hundred ninety of this
13 article.

14 § 3. Section 524 of the labor law, as added by chapter 5 of the laws
15 of 2000, is amended to read as follows:

16 § 524. Week of employment. For purposes of this article, "week of
17 employment" shall mean a Monday through Sunday period during which a
18 claimant was paid remuneration for employment for an employer or employ-
19 ers liable for contributions or for payments in lieu of contributions
20 under this article. A claimant who is employed on a shift continuing
21 through midnight is deemed to have been employed on the day beginning
22 before midnight with respect to such shift, except where night shift
23 employees are regularly scheduled to start their work week at seven post
24 meridiem or thereafter on Sunday night, their regularly scheduled start-
25 ing time on Sunday shall be considered as starting on Monday.

26 § 4. Subdivision 4 of section 527 of the labor law, as amended by
27 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
28 laws of 1984, is amended to read as follows:

29 4. General condition. A valid original claim may be filed only in a
30 week in which the claimant [has at least one effective day of unemploy-
31 ment] is totally unemployed or partially unemployed as defined in this
32 article.

33 § 5. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph
34 (e) of subdivision 1 of section 581 of the labor law, as amended by
35 chapter 282 of the laws of 2002, are amended to read as follows:

36 (i) In those instances where the claimant may not utilize wages paid
37 to establish entitlement based upon subdivision ten of section five
38 hundred ninety of this article and an educational institution is the
39 claimant's last employer prior to the filing of the claim for benefits,
40 or the claimant performed services in such educational institution in
41 such capacity while employed by an educational service agency which is
42 the claimant's last employer prior to the filing of the claim for bene-
43 fits, such employer shall not be liable for benefit charges [for the
44 first twenty-eight effective days of benefits paid] in an amount equal
45 to the benefits paid for seven weeks of total unemployment as otherwise
46 provided by this section. Under such circumstances, benefits paid shall
47 be charged to the general account. In addition, wages paid during the
48 base period by such educational institutions, or for services in such
49 educational institutions for claimants employed by an educational
50 service agency shall not be considered base period wages during periods
51 that such wages may not be used to gain entitlement to benefits pursuant
52 to subdivision ten of section five hundred ninety of this article.

53 (ii) In those instances where the claimant may not utilize wages paid
54 to establish entitlement based upon subdivision eleven of section five
55 hundred ninety of this article and an educational institution is the
56 claimant's last employer prior to the filing of the claim for benefits,

1 or the claimant performed services in such educational institution in
2 such capacity while employed by an educational service agency which is
3 the claimant's last employer prior to the filing of the claim for bene-
4 fits, such employer shall not be liable for benefit charges [for the
5 first twenty-eight effective days of benefits paid] in an amount equal
6 to the benefits paid for seven weeks of total unemployment as otherwise
7 provided by this section. Under such circumstances, benefits paid will
8 be charged to the general account. In addition, wages paid during the
9 base period by such educational institutions, or for services in such
10 educational institutions for claimants employed by an educational
11 service agency shall not be considered base period wages during periods
12 that such wages may not be used to gain entitlement to benefits pursuant
13 to subdivision eleven of section five hundred ninety of this article.
14 However, in those instances where a claimant was not afforded an oppor-
15 tunity to perform services for the educational institution for the next
16 academic year or term after reasonable assurance was provided, such
17 employer shall be liable for benefit charges as provided for in this
18 paragraph for any retroactive payments made to the claimant.

19 (iii) In those instances where the federal government is the claim-
20 ant's last employer prior to the filing of the claim for benefits and
21 such employer is not a base-period employer, payments [equaling the
22 first twenty-eight effective days of benefits] in an amount equal to the
23 benefits paid for seven weeks of total unemployment as otherwise
24 prescribed by this section shall be charged to the general account. In
25 those instances where the federal government is the claimant's last
26 employer prior to the filing of the claim for benefits and a base-period
27 employer, such employer shall be liable for charges for all benefits
28 paid on such claim in the same proportion that the remuneration paid by
29 such employer during the base period bears to the remuneration paid by
30 all employers during the base period. In addition, benefit payment
31 charges [for the first twenty-eight effective days of benefits] in an
32 amount equal to the benefits paid for seven weeks of total unemployment
33 other than those chargeable to the federal government as prescribed
34 above shall be made to the general account.

35 (iv) In those instances where a combined wage claim is filed pursuant
36 to interstate reciprocal agreements and the claimant's last employer
37 prior to the filing of the claim is an out-of-state employer and such
38 employer is not a base-period employer, benefit payments [equaling the
39 first twenty-eight effective days of benefits] in an amount equal to the
40 benefits paid for seven weeks of total unemployment as otherwise
41 prescribed by this section shall be charged to the general account. In
42 those instances where the out-of-state employer is the last employer
43 prior to the filing of the claim for benefits and a base-period employer
44 such employer shall be liable for charges for all benefits paid on such
45 claim in the same proportion that the remuneration paid by such employer
46 during the base period bears to the remuneration paid by all employers
47 during the base period. In addition, benefit payment charges [for the
48 twenty-eight effective days of benefits] in an amount equal to the bene-
49 fits paid for seven weeks of total unemployment other than those charge-
50 able to the out-of-state employer as prescribed above shall be made to
51 the general account.

52 § 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
53 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
54 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
55 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
56 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdi-



1 vision 6 as added by chapter 720 of the laws of 1953 and as renumbered
2 by chapter 675 of the laws of 1977, and subdivision 7 as amended by
3 chapter 415 of the laws of 1983, are amended and three new paragraphs
4 (c), (d) and (e) are added to subdivision 5 to read as follows:

5 1. Entitlement to benefits. A claimant shall be entitled to [accumu-
6 late effective days for the purpose of benefit rights] the payment of
7 benefits only if he or she has complied with the provisions of this
8 article regarding the filing of his or her claim, including the filing
9 of a valid original claim, registered as totally unemployed or partially
10 unemployed, reported his or her subsequent employment and unemployment,
11 and reported for work or otherwise given notice of the continuance of
12 his or her unemployment.

13 3. Compensable periods. Benefits shall be paid for each [accumulation
14 of effective days within a] week of partial unemployment or total unem-
15 ployment.

16 4. Duration. Benefits shall not be paid for more than [one hundred and
17 four effective days] an amount exceeding twenty-six times the claimant's
18 weekly benefit rate in any benefit year, except as provided in section
19 six hundred one and subdivision two of section five hundred ninety-nine
20 of this chapter.

21 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
22 the remuneration paid during the highest calendar quarter of the base
23 period by employers, liable for contributions or payments in lieu of
24 contributions under this article, provided the claimant has remuneration
25 paid in all four calendar quarters during his or her base period or
26 alternate base period. However, for any claimant who has remuneration
27 paid in all four calendar quarters during his or her base period or
28 alternate base period and whose high calendar quarter remuneration
29 during the base period is three thousand five hundred seventy-five
30 dollars or less, the benefit amount shall be one twenty-fifth of the
31 remuneration paid during the highest calendar quarter of the base period
32 by employers liable for contributions or payments in lieu of contrib-
33 utions under this article. A claimant's weekly benefit shall be one
34 twenty-sixth of the average remuneration paid in the two highest quar-
35 ters paid during the base period or alternate base period by employers
36 liable for contributions or payments in lieu of contributions under this
37 article when the claimant has remuneration paid in two or three calendar
38 quarters provided however, that a claimant whose high calendar quarter
39 is four thousand dollars or less but greater than three thousand five
40 hundred seventy-five dollars shall have a weekly benefit amount of one
41 twenty-sixth of such high calendar quarter. However, for any claimant
42 who has remuneration paid in two or three calendar quarters during his
43 or her base period or alternate base period and whose high calendar
44 quarter remuneration during the base period is three thousand five
45 hundred seventy-five dollars or less, the benefit amount shall be one
46 twenty-fifth of the remuneration paid during the highest calendar quar-
47 ter of the base period by employers liable for contributions or payments
48 in lieu of contributions under this article. Any claimant whose high
49 calendar quarter remuneration during the base period is more than three
50 thousand five hundred seventy-five dollars shall not have a weekly bene-
51 fit amount less than one hundred forty-three dollars. The weekly benefit
52 amount, so computed, that is not a multiple of one dollar shall be
53 lowered to the next multiple of one dollar. On the first Monday of
54 September, nineteen hundred ninety-eight the weekly benefit amount shall
55 not exceed three hundred sixty-five dollars nor be less than forty
56 dollars, until the first Monday of September, two thousand, at which

1 time the maximum benefit payable pursuant to this subdivision shall
2 equal one-half of the state average weekly wage for covered employment
3 as calculated by the department no sooner than July first, two thousand
4 and no later than August first, two thousand, rounded down to the lowest
5 dollar. On and after the first Monday of October, two thousand fourteen,
6 the weekly benefit shall not be less than one hundred dollars, nor shall
7 it exceed four hundred twenty dollars until the first Monday of October,
8 two thousand fifteen when the maximum benefit amount shall be four
9 hundred twenty-five dollars, until the first Monday of October, two
10 thousand sixteen when the maximum benefit amount shall be four hundred
11 thirty dollars, until the first Monday of October, two thousand seven-
12 teen when the maximum benefit amount shall be four hundred thirty-five
13 dollars, until the first Monday of October, two thousand eighteen when
14 the maximum benefit amount shall be four hundred fifty dollars, until
15 the first Monday of October, two thousand nineteen when the maximum
16 benefit amount shall be thirty-six percent of the average weekly wage
17 until the first Monday of October, two thousand twenty when the maximum
18 benefit amount shall be thirty-eight percent of the average weekly wage,
19 until the first Monday of October two thousand twenty-one when the maxi-
20 mum benefit amount shall be forty percent of the average weekly wage,
21 until the first Monday of October, two thousand twenty-two when the
22 maximum benefit amount shall be forty-two percent of the average weekly
23 wage, until the first Monday of October, two thousand twenty-three when
24 the maximum benefit amount shall be forty-four percent of the average
25 weekly wage, until the first Monday of October, two thousand twenty-four
26 when the maximum benefit amount shall be forty-six percent of the aver-
27 age weekly wage, until the first Monday of October, two thousand twen-
28 ty-five when the maximum benefit amount shall be forty-eight percent of
29 the average weekly wage, until the first Monday of October, two thousand
30 twenty-six and each year thereafter on the first Monday of October when
31 the maximum benefit amount shall be fifty percent of the average weekly
32 wage provided, however, that in no event shall the maximum benefit
33 amount be reduced from the previous year. A claimant shall receive his
34 or her full benefit rate for each week of total unemployment.

35 (c) Any claimant who is partially unemployed and eligible for benefits
36 shall be paid a benefit amount equal to the difference between the week-
37 ly benefit amount to which he or she would have been entitled, if total-
38 ly unemployed, and the amount of his or her remuneration received for
39 partial employment performed during such week, disregarding earnings
40 equal to forty percent of his or her weekly benefit amount or one
41 hundred dollars, whichever is greater. Such weekly benefit amount, so
42 computed, that is not a multiple of one dollar shall be lowered to the
43 next multiple of one dollar. Provided, however, if a claimant earns in
44 any week remuneration for partial employment in an amount greater than
45 the maximum benefit amount set forth in paragraph (a) of this subdivi-
46 sion, he or she shall not be entitled to receive benefits for such week.

47 (d) Any claimant who is partially unemployed whose employment is
48 limited to two days during any week of unemployment and whose paid or
49 payable remuneration for such week is equal to or less than the weekly
50 maximum benefit amount shall be paid:

51 (1) for employment limited to one day, a benefit amount equal to three
52 quarters of his or her weekly benefit amount, if that amount is greater
53 than what the claimant would have received had his or her benefit amount
54 been computed pursuant to paragraph (c) of this subdivision.

55 (2) for employment limited to two days, a benefit amount equal to
56 fifty percent of his or her weekly benefit amount, if that amount is

1 greater than what the claimant would have received had his or her bene-
2 fit amount been computed pursuant to paragraph (c) of this subdivision.

3 (e) Notwithstanding any other provision in this article, any claimant
4 who performs services as a corporate officer or on a strict commission
5 basis, or who is self-employed shall have his or her weekly benefit
6 amount reduced by twenty-five percent for each day or any portion there-
7 of exceeding three hours during which he or she performs such services
8 or is self-employed.

9 6. Notification requirement. [No effective day shall be counted for
10 any purposes except effective days as to] Benefits shall be payable only
11 for any week for which notification has been given in a manner
12 prescribed by the commissioner.

13 7. Waiting period. A claimant shall not be entitled to [accumulate
14 effective days for the purpose of] receive benefit payments until he or
15 she has [accumulated] completed a waiting period of [four effective days
16 either wholly within the] one week of total unemployment or partial
17 unemployment in which he or she established [his] a valid original claim
18 [or partly within such week and partly] within his or her benefit year
19 initiated by such claim.

20 § 7. Subdivision 1, paragraph (a) of subdivision 3, and paragraph (a)
21 of subdivision 6 of section 591 of the labor law, subdivision 1 as
22 amended by chapter 413 of the laws of 2003, paragraph (a) of subdivision
23 3 as amended by chapter 794 of the laws of 1963 and paragraph (a) of
24 subdivision 6 as added by section 13 of part 0 of chapter 57 of laws of
25 2013, are amended to read as follows:

26 1. Unemployment. Benefits, except as provided in section five hundred
27 ninety-one-a of this title, shall be paid only to a claimant who is
28 totally unemployed or partially unemployed and who is unable to engage
29 in his or her usual employment or in any other for which he or she is
30 reasonably fitted by training and experience. A claimant who is receiv-
31 ing benefits under this article shall not be denied such benefits pursu-
32 ant to this subdivision or to subdivision two of this section because of
33 such claimant's service on a grand or petit jury of any state or of the
34 United States.

35 (a) [No benefits shall be] Benefits payable to a claimant for any day
36 during a paid vacation period, or for a paid holiday, [nor shall any
37 such day be considered a day of total unemployment under section five
38 hundred twenty-two] shall be calculated as provided in subdivision five
39 of section five hundred ninety of this article.

40 (a) No benefits shall be payable to a claimant for any week during a
41 dismissal period for which a claimant receives dismissal pay[, nor shall
42 any day within such week be considered a day of total unemployment under
43 section five hundred twenty-two of this article,] if such weekly
44 dismissal pay exceeds the maximum weekly benefit rate.

45 § 8. Subdivision 1 of section 591 of the labor law, as amended by
46 chapter 446 of the laws of 1981, is amended to read as follows:

47 1. Unemployment. Benefits shall be paid only to a claimant who is
48 totally unemployed or partially unemployed and who is unable to engage
49 in his or her usual employment or in any other for which he or she is
50 reasonably fitted by training and experience. A claimant who is receiv-
51 ing benefits under this article shall not be denied such benefits pursu-
52 ant to this subdivision or to subdivision two of this section because of
53 such claimant's service on a grand or petit jury of any state or of the
54 United States.

55 § 9. Subdivision 2 of section 592 of the labor law, as amended by
56 chapter 415 of the laws of 1983, is amended to read as follows:

1 2. Concurrent payments prohibited. No [days of total unemployment
2 shall be deemed to occur] benefits shall be payable in any week with
3 respect to which or a part of which a claimant has received or is seek-
4 ing unemployment benefits under an unemployment compensation law of any
5 other state or of the United States, provided that this provision shall
6 not apply if the appropriate agency of such other state or of the United
7 States finally determines that he or she is not entitled to such unem-
8 ployment benefits.

9 § 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
10 sion 2, subdivision 3 and subdivision 4 of section 593 of the labor
11 law, paragraph (a) of subdivision 1, the opening paragraph of subdivi-
12 sion 2 and subdivision 3 as amended by section 15 of part 0 of chapter
13 57 of the laws of 2013, and subdivision 4 as amended by chapter 589 of
14 the laws of 1998, are amended to read as follows:

15 (a) No [days of total unemployment shall be deemed to occur] benefits
16 shall be payable for any week of total unemployment or partial unemploy-
17 ment that occurs after a claimant's voluntary separation without good
18 cause from employment until he or she has subsequently worked in employ-
19 ment and earned remuneration at least equal to ten times his or her
20 weekly benefit rate. In addition to other circumstances that may be
21 found to constitute good cause, including a compelling family reason as
22 set forth in paragraph (b) of this subdivision, voluntary separation
23 from employment shall not in itself disqualify a claimant if circum-
24 stances have developed in the course of such employment that would have
25 justified the claimant in refusing such employment in the first instance
26 under the terms of subdivision two of this section or if the claimant,
27 pursuant to an option provided under a collective bargaining agreement
28 or written employer plan which permits waiver of his or her right to
29 retain the employment when there is a temporary layoff because of lack
30 of work, has elected to be separated for a temporary period and the
31 employer has consented thereto.

32 No [days of total unemployment shall be deemed to occur] benefits
33 shall be payable for any week of total unemployment or partial unemploy-
34 ment beginning with the day on which a claimant, without good cause,
35 refuses to accept an offer of employment for which he or she is reason-
36 ably fitted by training and experience, including employment not subject
37 to this article, until he or she has subsequently worked in employment
38 and earned remuneration at least equal to ten times his or her weekly
39 benefit rate. Except that claimants who are not subject to a recall date
40 or who do not obtain employment through a union hiring hall and who are
41 still unemployed after receiving ten weeks of benefits shall be required
42 to accept any employment proffered that such claimants are capable of
43 performing, provided that such employment would result in a wage not
44 less than eighty percent of such claimant's high calendar quarter wages
45 received in the base period and not substantially less than the prevail-
46 ing wage for similar work in the locality as provided for in paragraph
47 (d) of this subdivision. No refusal to accept employment shall be deemed
48 without good cause nor shall it disqualify any claimant otherwise eligi-
49 ble to receive benefits if:

50 3. Misconduct. No [days of total unemployment shall be deemed to
51 occur] benefits shall be payable for any week of total unemployment or
52 partial unemployment that occurs after a claimant lost employment
53 through misconduct in connection with his or her employment until he or
54 she has subsequently worked in employment and earned remuneration at
55 least equal to ten times his or her weekly benefit rate.

1 4. Criminal acts. No [days of total unemployment shall be deemed to
2 occur during] benefits shall be payable for any week of total unemploy-
3 ment or partial unemployment for a period of twelve months after a
4 claimant loses employment as a result of an act constituting a felony in
5 connection with such employment, provided the claimant is duly convicted
6 thereof or has signed a statement admitting that he or she has committed
7 such an act. Determinations regarding a benefit claim may be reviewed
8 at any time. Any benefits paid to a claimant prior to a determination
9 that the claimant has lost employment as a result of such act shall not
10 be considered to have been accepted by the claimant in good faith. In
11 addition, remuneration paid to the claimant by the affected employer
12 prior to the claimant's loss of employment due to such criminal act may
13 not be utilized for the purpose of establishing entitlement to a subse-
14 quent, valid original claim. The provisions of this subdivision shall
15 apply even if the employment lost as a result of such act is not the
16 claimant's last employment prior to the filing of his or her claim.

17 § 11. Subdivisions 1 and 2 of section 594 of the labor law, as amended
18 by section 16 of part 0 of chapter 57 of the laws of 2013, are amended
19 to read as follows:

20 (1) A claimant who has wilfully made a false statement or represen-
21 tation to obtain any benefit under the provisions of this article shall
22 forfeit benefits [for at least the first four but not more than the
23 first eighty effective days] in an amount equal to at least the first
24 week of total unemployment, but not more than an amount equal to the
25 first twenty weeks of total unemployment following discovery of such
26 offense for which he or she otherwise would have been entitled to
27 receive benefits. Such penalty shall apply only once with respect to
28 each such offense.

29 (2) For the purpose of subdivision four of section five hundred ninety
30 of this article, the claimant shall be deemed to have received benefits
31 for such forfeited [effective days] weeks.

32 § 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-
33 sion 1 as amended by chapter 204 of the laws of 1982, and subdivision 4
34 as added by chapter 705 of the laws of 1944 and as renumbered by section
35 148-a of part B of chapter 436 of the laws of 1997 and such section as
36 renumbered by chapter 663 of the laws of 1946, are amended to read as
37 follows:

38 1. Claim filing and certification to unemployment. A claimant shall
39 file a claim for benefits [at] with the [local state employment office
40 serving the area in which he was last employed or in which he resides]
41 department's unemployment insurance division within such time and in
42 such manner as the commissioner shall prescribe. He or she shall
43 disclose whether he or she owes child support obligations, as hereafter
44 defined. If a claimant making such disclosure is eligible for benefits,
45 the commissioner shall notify the state or local child support enforce-
46 ment agency, as hereafter defined, that the claimant is eligible.

47 A claimant shall correctly report any [days of] employment and any
48 compensation [he] received for such employment, including [employments]
49 employment not subject to this article, and the days on which he or she
50 was totally unemployed or partially unemployed and shall make such
51 reports in accordance with such regulations as the commissioner shall
52 prescribe.

53 4. Registration and reporting for work. A claimant shall register as
54 totally unemployed or partially unemployed at a local state employment
55 office serving the area in which he or she was last employed or in which
56 he or she resides in accordance with such regulations as the commission-

1 er shall prescribe. After so registering, such claimant shall report for
2 work at the same local state employment office or otherwise give notice
3 of the continuance of his or her unemployment as often and in such
4 manner as the commissioner shall prescribe.

5 § 13. Paragraph (a) of subdivision 2 of section 599 of the labor law,
6 as amended by chapter 593 of the laws of 1991, is amended to read as
7 follows:

8 (a) Notwithstanding any other provision of this chapter, a claimant
9 attending an approved training course or program under this section may
10 receive additional benefits of up to [one hundred four effective days]
11 twenty-six times his or her weekly benefit amount following exhaustion
12 of regular and, if in effect, any other extended benefits, provided that
13 entitlement to a new benefit claim cannot be established. Certification
14 of continued satisfactory participation and progress in such training
15 course or program must be submitted to the commissioner prior to the
16 payment of any such benefits. The [duration] amount of such additional
17 benefits shall in no case exceed twice the [number of effective days]
18 amount of regular benefits to which the claimant is entitled at the time
19 the claimant is accepted in, or demonstrates application for appropriate
20 training.

21 § 14. The opening paragraph and paragraph (e) of subdivision 2 of
22 section 601 of the labor law, as amended by chapter 35 of the laws of
23 2009, are amended to read as follows:

24 Extended benefits shall be payable to a claimant for [effective days
25 occurring in] any week of total unemployment or partial unemployment
26 within an eligibility period, provided the claimant

27 (e) is not claiming benefits pursuant to an interstate claim filed
28 under the interstate benefit payment plan in a state where an extended
29 benefit period is not in effect, except that this condition shall not
30 apply with respect to the first [eight effective days] two weeks of
31 total unemployment or partial unemployment for which extended benefits
32 shall otherwise be payable pursuant to an interstate claim filed under
33 the interstate benefit payment plan; and

34 § 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5
35 of section 601 of the labor law, as amended by chapter 35 of the laws of
36 2009, are amended to read as follows:

37 3. Extended benefit amounts; rate and duration. Extended benefits
38 shall be paid to a claimant

39 (a) at a rate equal to his or her rate for regular benefits during his
40 or her applicable benefit year but

41 (b) for not more than [fifty-two effective days with respect to his or
42 her applicable benefit year, with a total maximum amount equal to] fifty
43 percentum of the total maximum amount of regular benefits payable in
44 such benefit year, and

45 (c) if a claimant's benefit year ends within an extended benefit peri-
46 od, the remaining balance of extended benefits to which he or she would
47 be entitled, if any, shall be reduced by the [number of effective days]
48 amount of benefits for which he or she was entitled to receive trade
49 readjustment allowances under the federal trade act of nineteen hundred
50 seventy-four during such benefit year, and

51 (d) for periods of high unemployment for not more than [eighty effec-
52 tive days with respect to the applicable benefit year with a total maxi-
53 mum amount equal to] eighty percent of the total maximum amount of regu-
54 lar benefits payable in such benefit year.

55 4. Charging of extended benefits. The provisions of paragraph (e) of
56 subdivision one of section five hundred eighty-one of this article shall

1 apply to benefits paid pursuant to the provisions of this section, and
2 if they were paid for [effective days] weeks of total unemployment or
3 partial unemployment occurring in weeks following the end of a benefit
4 year, they shall be deemed paid with respect to that benefit year.
5 However, except for governmental entities as defined in section five
6 hundred sixty-five and Indian tribes as defined in section five hundred
7 sixty-six of this article, only one-half of the amount of such benefits
8 shall be debited to the employers' account; the remainder thereof shall
9 be debited to the general account, and such account shall be credited
10 with the amount of payments received in the fund pursuant to the
11 provisions of the federal-state extended unemployment compensation act.
12 Notwithstanding the foregoing, where the state has entered an extended
13 benefit period triggered pursuant to subparagraph one of paragraph (a)
14 of subdivision one of this section for which federal law provides for
15 one hundred percent federal sharing of the costs of benefits, all charg-
16 es shall be debited to the general account and such account shall be
17 credited with the amount of payments received in the fund pursuant to
18 the provisions of the federal-state extended unemployment compensation
19 act or other federal law providing for one hundred percent federal shar-
20 ing for the cost of such benefits.

21 (b) No [days of total unemployment shall be deemed to occur in] bene-
22 fits shall be payable for any week within an eligibility period during
23 which a claimant fails to accept any offer of suitable work or fails to
24 apply for suitable work to which he or she was referred by the commis-
25 sioner, who shall make such referral if such work is available, or
26 during which he or she fails to engage actively in seeking work by
27 making a systematic and sustained effort to obtain work and providing
28 tangible evidence of such effort, and until he or she has worked in
29 employment during at least four subsequent weeks and earned remuneration
30 of at least four times his or her benefit rate.

31 (e) No [days of total unemployment] benefits shall be [deemed to occur
32 in] payable for any week within an eligibility period under section five
33 hundred ninety-three of this article, until he or she has subsequently
34 worked in employment in accordance with the requirements set forth in
35 section five hundred ninety-three of this article.

36 § 16. Section 603 of the labor law, as amended by section 21 of part O
37 of chapter 57 of the laws of 2013, is amended to read as follows:

38 § 603. Definitions. For purposes of this title: "Total unemployment"
39 and "partial unemployment" shall [mean the total lack of any employment
40 on any day,] have the same meanings as defined in this article, other
41 than with an employer applying for a shared work program. "Work force"
42 shall mean the total work force, a clearly identifiable unit or units
43 thereof, or a particular shift or shifts. The work force subject to
44 reduction shall consist of no less than two employees.

45 § 17. Severability. If any amendment contained in a clause, sentence,
46 paragraph, section or part of this act shall be adjudged by the United
47 States Department of Labor to violate requirements for maintaining bene-
48 fit standards required of the state in order to be eligible for any
49 financial benefit offered through federal law or regulation, such amend-
50 ments shall be severed from this act and shall not affect, impair or
51 invalidate the remainder thereof.

52 § 18. This act shall take effect eighteen months after it shall have
53 become a law; provided, however, that effective immediately, any actions
54 necessary to be taken for the implementation of the provisions of this
55 act on its effective date, including rulemaking, are authorized and
56 directed to be completed on or before such effective date; provided,

1 further, however, that the amendments made to subdivision 1 of section
2 591 of the labor law by section seven of this act shall be subject to
3 the expiration and reversion of such subdivision pursuant to section 10
4 of chapter 413 of the laws of 2003, as amended, when upon such date the
5 provisions of section eight of this act shall take effect.

6

PART Z

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

- 11 1. Proprietary vocational school supervision account (20452).
- 12 2. Local government records management account (20501).
- 13 3. Child health plus program account (20810).
- 14 4. EPIC premium account (20818).
- 15 5. Education - New (20901).
- 16 6. VLT - Sound basic education fund (20904).
- 17 7. Sewage treatment program management and administration fund
18 (21000).
- 19 8. Hazardous bulk storage account (21061).
- 20 9. Federal grants indirect cost recovery account (21065).
- 21 10. Low level radioactive waste account (21066).
- 22 11. Recreation account (21067).
- 23 12. Public safety recovery account (21077).
- 24 13. Environmental regulatory account (21081).
- 25 14. Natural resource account (21082).
- 26 15. Mined land reclamation program account (21084).
- 27 16. Great lakes restoration initiative account (21087).
- 28 17. Environmental protection and oil spill compensation fund (21200).
- 29 18. Public transportation systems account (21401).
- 30 19. Metropolitan mass transportation (21402).
- 31 20. Operating permit program account (21451).
- 32 21. Mobile source account (21452).
- 33 22. Statewide planning and research cooperative system account
34 (21902).
- 35 23. New York state thruway authority account (21905).
- 36 24. Mental hygiene program fund account (21907).
- 37 25. Mental hygiene patient income account (21909).
- 38 26. Financial control board account (21911).
- 39 27. Regulation of racing account (21912).
- 40 28. New York Metropolitan Transportation Council account (21913).
- 41 29. State university dormitory income reimbursable account (21937).
- 42 30. Criminal justice improvement account (21945).
- 43 31. Environmental laboratory reference fee account (21959).
- 44 32. Clinical laboratory reference system assessment account (21962).
- 45 33. Indirect cost recovery account (21978).
- 46 34. High school equivalency program account (21979).
- 47 35. Multi-agency training account (21989).
- 48 36. Interstate reciprocity for post-secondary distance education
49 account (23800).
- 50 37. Bell jar collection account (22003).
- 51 38. Industry and utility service account (22004).
- 52 39. Real property disposition account (22006).
- 53 40. Parking account (22007).
- 54 41. Asbestos safety training program account (22009).



- 1 42. Batavia school for the blind account (22032).
- 2 43. Investment services account (22034).
- 3 44. Surplus property account (22036).
- 4 45. Financial oversight account (22039).
- 5 46. Regulation of Indian gaming account (22046).
- 6 47. Rome school for the deaf account (22053).
- 7 48. Seized assets account (22054).
- 8 49. Administrative adjudication account (22055).
- 9 50. Federal salary sharing account (22056).
- 10 51. New York City assessment account (22062).
- 11 52. Cultural education account (22063).
- 12 53. Local services account (22078).
- 13 54. DHCR mortgage servicing account (22085).
- 14 55. Department of motor vehicles compulsory insurance account (22087).
- 15 56. Housing indirect cost recovery account (22090).
- 16 57. DHCR-HCA application fee account (22100).
- 17 58. Low income housing monitoring account (22130).
- 18 59. Corporation administration account (22135).
- 19 60. Montrose veteran's home account (22144).
- 20 61. Deferred compensation administration account (22151).
- 21 62. Rent revenue other New York City account (22156).
- 22 63. Rent revenue account (22158).
- 23 64. Tax revenue arrearage account (22168).
- 24 65. State university general income offset account (22654).
- 25 66. Lake George park trust fund account (22751).
- 26 67. State police motor vehicle law enforcement account (22802).
- 27 68. Highway safety program account (23001).
- 28 69. DOH drinking water program account (23102).
- 29 70. NYCCC operating offset account (23151).
- 30 71. Commercial gaming revenue account (23701).
- 31 72. Commercial gaming regulation account (23702).
- 32 73. Highway use tax administration account (23801).
- 33 74. Highway and bridge capital account (30051).
- 34 75. Aviation purpose account (30053).
- 35 76. State university residence hall rehabilitation fund (30100).
- 36 77. State parks infrastructure account (30351).
- 37 78. Clean water/clean air implementation fund (30500).
- 38 79. Hazardous waste remedial cleanup account (31506).
- 39 80. Youth facilities improvement account (31701).
- 40 81. Housing assistance fund (31800).
- 41 82. Housing program fund (31850).
- 42 83. Highway facility purpose account (31951).
- 43 84. Information technology capital financing account (32215).
- 44 85. New York racing account (32213).
- 45 86. Capital miscellaneous gifts account (32214).
- 46 87. New York environmental protection and spill remediation account.
- 47 88. Mental hygiene facilities capital improvement fund (32300).
- 48 89. Correctional facilities capital improvement fund (32350).
- 49 90. New York State Storm Recovery Capital Fund (33000).
- 50 91. OGS convention center account (50318).
- 51 92. Empire Plaza Gift Shop (50327).
- 52 93. Centralized services fund (55000).
- 53 94. Archives records management account (55052).
- 54 95. Federal single audit account (55053).
- 55 96. Civil service EHS occupational health program account (55056).
- 56 97. Banking services account (55057).

- 1 98. Cultural resources survey account (55058).
 - 2 99. Neighborhood work project account (55059).
 - 3 100. Automation & printing chargeback account (55060).
 - 4 101. OFT NYT account (55061).
 - 5 102. Data center account (55062).
 - 6 103. Intrusion detection account (55066).
 - 7 104. Domestic violence grant account (55067).
 - 8 105. Centralized technology services account (55069).
 - 9 106. Labor contact center account (55071).
 - 10 107. Human services contact center account (55072).
 - 11 108. Tax contact center account (55073).
 - 12 109. Executive direction internal audit account (55251).
 - 13 110. CIO Information technology centralized services account (55252).
 - 14 111. Health insurance internal service account (55300).
 - 15 112. Civil service employee benefits division administrative account
16 (55301).
 - 17 113. Correctional industries revolving fund (55350).
 - 18 114. Employees health insurance account (60201).
 - 19 115. Medicaid management information system escrow fund (60900).
- 20 § 1-a. The state comptroller is hereby authorized and directed to loan
21 money in accordance with the provisions set forth in subdivision 5 of
22 section 4 of the state finance law to any account within the following
23 federal funds, provided the comptroller has made a determination that
24 sufficient federal grant award authority is available to reimburse such
25 loans:
- 26 1. Federal USDA-food and nutrition services fund (25000).
 - 27 2. Federal health and human services fund (25100).
 - 28 3. Federal education fund (25200).
 - 29 4. Federal block grant fund (25250).
 - 30 5. Federal miscellaneous operating grants fund (25300).
 - 31 6. Federal unemployment insurance administration fund (25900).
 - 32 7. Federal unemployment insurance occupational training fund (25950).
 - 33 8. Federal emergency employment act fund (26000).
 - 34 9. Federal capital projects fund (31350).
- 35 § 2. Notwithstanding any law to the contrary, and in accordance with
36 section 4 of the state finance law, the comptroller is hereby authorized
37 and directed to transfer, upon request of the director of the budget, on
38 or before March 31, 2018, up to the unencumbered balance or the follow-
39 ing amounts:
- 40 Economic Development and Public Authorities:
- 41 1. \$175,000 from the miscellaneous special revenue fund, underground
42 facilities safety training account (22172), to the general fund.
 - 43 2. An amount up to the unencumbered balance from the miscellaneous
44 special revenue fund, business and licensing services account (21977),
45 to the general fund.
 - 46 3. \$14,810,000 from the miscellaneous special revenue fund, code
47 enforcement account (21904), to the general fund.
 - 48 4. \$3,000,000 from the general fund to the miscellaneous special
49 revenue fund, tax revenue arrearage account (22168).
- 50 Education:
- 51 1. \$2,394,714,000 from the general fund to the state lottery fund,
52 education account (20901), as reimbursement for disbursements made from
53 such fund for supplemental aid to education pursuant to section 92-c of
54 the state finance law that are in excess of the amounts deposited in
55 such fund for such purposes pursuant to section 1612 of the tax law.

1 2. \$966,634,000 from the general fund to the state lottery fund, VLT
2 education account (20904), 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 3. Moneys from the state lottery fund (20900) up to an amount deposit-
7 ed in such fund pursuant to section 1612 of the tax law in excess of the
8 current year appropriation for supplemental aid to education pursuant to
9 section 92-c of the state finance law.

10 4. \$300,000 from the New York state local government records manage-
11 ment improvement fund, local government records management account
12 (20501), to the New York state archives partnership trust fund, archives
13 partnership trust maintenance account (20351).

14 5. \$900,000 from the general fund to the miscellaneous special revenue
15 fund, Batavia school for the blind account (22032).

16 6. \$900,000 from the general fund to the miscellaneous special revenue
17 fund, Rome school for the deaf account (22053).

18 7. \$343,400,000 from the state university dormitory income fund
19 (40350) to the miscellaneous special revenue fund, state university
20 dormitory income reimbursable account (21937).

21 8. \$20,000,000 from any of the state education department special
22 revenue and internal service funds to the miscellaneous special revenue
23 fund, indirect cost recovery account (21978).

24 9. \$8,318,000 from the general fund to the state university income
25 fund, state university income offset account (22654), for the state's
26 share of repayment of the STIP loan.

27 10. \$40,000,000 from the state university income fund, state universi-
28 ty hospitals income reimbursable account (22656) to the general fund for
29 hospital debt service for the period April 1, 2017 through March 31,
30 2018.

31 11. An amount up to \$13,540,000 from the general fund to the state
32 university income fund, state university general revenue account
33 (22653).

34 Environmental Affairs:

35 1. \$16,000,000 from any of the department of environmental conserva-
36 tion's special revenue federal funds to the environmental conservation
37 special revenue fund, federal indirect recovery account (21065).

38 2. \$5,000,000 from any of the department of environmental conserva-
39 tion's special revenue federal funds to the conservation fund (21150) as
40 necessary to avoid diversion of conservation funds.

41 3. \$3,000,000 from any of the office of parks, recreation and historic
42 preservation capital projects federal funds and special revenue federal
43 funds to the miscellaneous special revenue fund, federal grant indirect
44 cost recovery account (22188).

45 4. \$1,000,000 from any of the office of parks, recreation and historic
46 preservation special revenue federal funds to the miscellaneous special
47 revenue fund, I love NY water account (21930).

48 5. \$28,000,000 from the general fund to the environmental protection
49 fund, environmental protection fund transfer account (30451).

50 6. \$1,800,000 from the general fund to the hazardous waste remedial
51 fund, hazardous waste oversight and assistance account (31505).

52 Family Assistance:

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

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

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

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

12 4. \$140,000,000 from any of the office of temporary and disability
13 assistance or department of health special revenue funds to the general
14 fund.

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

19 6. \$7,400,000 from any of the office of children and family services,
20 office of temporary and disability assistance, department of labor, and
21 department of health special revenue federal funds to the office of
22 children and family services miscellaneous special revenue fund, multi-
23 agency training contract account (21989).

24 7. \$65,000,000 from the miscellaneous special revenue fund, youth
25 facility per diem account (22186), to the general fund.

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

28 9. \$3,100,000 from the miscellaneous special revenue fund, state
29 central registry (22028), to the general fund.

30 General Government:

31 1. \$1,566,000 from the miscellaneous special revenue fund, examination
32 and miscellaneous revenue account (22065) to the general fund.

33 2. \$8,083,000 from the general fund to the health insurance revolving
34 fund (55300).

35 3. \$192,400,000 from the health insurance reserve receipts fund
36 (60550) to the general fund.

37 4. \$150,000 from the general fund to the not-for-profit revolving loan
38 fund (20650).

39 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
40 general fund.

41 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
42 property account (22036), to the general fund.

43 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
44 arrearage account (22024), to the general fund.

45 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
46 arrearage account (22024), to the miscellaneous special revenue fund,
47 authority budget office account (22138).

48 9. \$1,000,000 from the miscellaneous special revenue fund, parking
49 services account (22007), to the general fund, for the purpose of reim-
50 bursing the costs of debt service related to state parking facilities.

51 10. \$21,783,000 from the general fund to the centralized services
52 fund, COPS account (55013).

53 11. \$8,960,000 from the general fund to the agencies internal service
54 fund, central technology services account (55069), for the purpose of
55 enterprise technology projects.

1 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
2 compensation account (21995), to the miscellaneous capital projects
3 fund, workers' compensation board IT business process design fund,
4 (32218).

5 Health:

6 1. A transfer from the general fund to the combined gifts, grants and
7 bequests fund, breast cancer research and education account (20155), up
8 to an amount equal to the monies collected and deposited into that
9 account in the previous fiscal year.

10 2. A transfer from the general fund to the combined gifts, grants and
11 bequests fund, prostate cancer research, detection, and education
12 account (20183), up to an amount equal to the moneys collected and
13 deposited into that account in the previous fiscal year.

14 3. A transfer from the general fund to the combined gifts, grants and
15 bequests fund, Alzheimer's disease research and assistance account
16 (20143), up to an amount equal to the moneys collected and deposited
17 into that account in the previous fiscal year.

18 4. \$30,555,000 from the HCRA resources fund (20800) to the miscella-
19 neous special revenue fund, empire state stem cell trust fund account
20 (22161).

21 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
22 of need account (21920), to the miscellaneous capital projects fund,
23 healthcare IT capital subfund (32216).

24 6. \$2,000,000 from the miscellaneous special revenue fund, vital
25 health records account (22103), to the miscellaneous capital projects
26 fund, healthcare IT capital subfund (32216)

27 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
28 sional medical conduct account (22088), to the miscellaneous capital
29 projects fund, healthcare IT capital subfund (32216).

30 8. \$76,021,000 from the HCRA resources fund (20800) to the capital
31 projects fund (30000).

32 9. \$4,540,000 from the general fund to the medical marihuana trust
33 fund, health operation and oversight account (23755).

34 10. \$1,086,000 from the miscellaneous special revenue fund, certif-
35 icate of need account (21920), to the general fund.

36 Labor:

37 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
38 penalty account (21923), to the child performer's protection fund, child
39 performer protection account (20401).

40 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
41 penalty account (21923), to the general fund.

42 3. \$3,300,000 from the unemployment insurance interest and penalty
43 fund, unemployment insurance special interest and penalty account
44 (23601), to the general fund.

45 Mental Hygiene:

46 1. \$10,000,000 from the miscellaneous special revenue fund, mental
47 hygiene patient income account (21909), to the miscellaneous special
48 revenue fund, federal salary sharing account (22056).

49 2. \$1,800,000,000 from the general fund to the miscellaneous special
50 revenue fund, mental hygiene patient income account (21909).

51 3. \$1,700,000,000 from the general fund to the miscellaneous special
52 revenue fund, mental hygiene program fund account (21907).

53 4. \$100,000,000 from the miscellaneous special revenue fund, mental
54 hygiene program fund account (21907), to the general fund.

55 5. \$100,000,000 from the miscellaneous special revenue fund, mental
56 hygiene patient income account (21909), to the general fund.

1 6. \$3,800,000 from the miscellaneous special revenue fund, mental
2 hygiene patient income account (21909), to the agencies internal service
3 fund, civil service EHS occupational health program account (55056).

4 7. \$11,500,000 from the chemical dependence service fund, substance
5 abuse services fund account (22700), to the capital projects fund
6 (30000).

7 8. \$3,500,000 from the chemical dependence service fund, substance
8 abuse services fund account (22700), to the mental hygiene capital
9 improvement fund (32305).

10 Public Protection:

11 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
12 management account (21944), to the general fund.

13 2. \$2,087,000 from the general fund to the miscellaneous special
14 revenue fund, recruitment incentive account (22171).

15 3. \$12,000,000 from the general fund to the correctional industries
16 revolving fund, correctional industries internal service account
17 (55350).

18 4. \$3,000,000 from the federal miscellaneous operating grants fund,
19 DMNA damage account (25324), to the general fund.

20 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
21 justice improvement account (21945), to the general fund.

22 6. \$112,420,000 from the state police motor vehicle law enforcement
23 and motor vehicle theft and insurance fraud prevention fund, state
24 police motor vehicle enforcement account (22802), to the general fund
25 for state operation expenses of the division of state police.

26 7. A transfer of the unencumbered balance from the miscellaneous
27 special revenue fund, seized assets account (22061), to the miscella-
28 neous special revenue fund, seized assets account (22054).

29 8. \$117,500,000 from the general fund to the correctional facilities
30 capital improvement fund (32350).

31 9. \$5,000,000 from the general fund to the dedicated highway and
32 bridge trust fund (30050) for the purpose of work zone safety activities
33 provided by the division of state police for the department of transpor-
34 tation.

35 10. \$5,238,000 from the miscellaneous special revenue fund, statewide
36 public safety communications account (22123), to the capital projects
37 fund (30000).

38 11. \$9,545,000 from the miscellaneous special revenue fund, legal
39 services assistance account (22096), to the general fund.

40 12. \$1,000,000 from the general fund to the agencies internal service
41 fund, neighborhood work project account (55059).

42 13. \$5,940,556 from the miscellaneous special revenue fund, finger-
43 print identification & technology account (21950), to the general fund.

44 14. \$4,300,000 from the state police motor vehicle law enforcement and
45 motor vehicle theft and insurance fraud prevention fund, motor vehicle
46 theft and insurance fraud account (22801), to the general fund.

47 15. \$50,000,000 from the miscellaneous special revenue fund, public
48 safety communications account (22123), to the general fund.

49 16. \$2,000,000 from the general fund to the miscellaneous special
50 revenue fund, crimes against revenue program account (22015).

51 Transportation:

52 1. \$17,672,000 from the federal miscellaneous operating grants fund to
53 the miscellaneous special revenue fund, New York Metropolitan Transpor-
54 tation Council account (21913).

- 1 2. \$20,147,000 from the federal capital projects fund to the miscella-
2 neous special revenue fund, New York Metropolitan Transportation Council
3 account (21913).
- 4 3. \$15,058,017 from the general fund to the mass transportation oper-
5 ating assistance fund, public transportation systems operating assist-
6 ance account (21401), of which \$12,000,000 constitutes the base need for
7 operations.
- 8 4. \$720,000,000 from the general fund to the dedicated highway and
9 bridge trust fund (30050).
- 10 5. \$3,662,000 from the miscellaneous special revenue fund, accident
11 prevention course program account (22094), to the dedicated highway and
12 bridge trust fund (30050).
- 13 6. \$3,065,000 from the miscellaneous special revenue fund, motorcycle
14 safety account (21976), to the dedicated highway and bridge trust fund
15 (30050).
- 16 7. \$244,250,000 from the general fund to the MTA financial assistance
17 fund, mobility tax trust account (23651).
- 18 8. \$5,000,000 from the miscellaneous special revenue fund, transporta-
19 tion regulation account (22067) to the dedicated highway and bridge
20 trust fund (30050), for disbursements made from such fund for motor
21 carrier safety that are in excess of the amounts deposited in the dedi-
22 cated highway and bridge trust fund (30050) for such purpose pursuant to
23 section 94 of the transportation law.
- 24 9. \$114,000 from the miscellaneous special revenue fund, seized assets
25 account (21906), to the dedicated highway and bridge trust fund (30050).
- 26 10. \$500,000 from the clean air fund, mobile source account (21452),
27 to the general fund.
- 28 11. \$3,000,000 from the miscellaneous special revenue fund, traffic
29 adjudication account (22055), to the general fund.
- 30 12. \$121,548,000 from the mass transportation operating assistance
31 fund, metropolitan mass transportation operating assistance account
32 (21402), to the capital projects fund (30000).
- 33 Miscellaneous:
 - 34 1. \$250,000,000 from the general fund to any funds or accounts for the
35 purpose of reimbursing certain outstanding accounts receivable balances.
 - 36 2. \$1,000,000,000 from the general fund to the debt reduction reserve
37 fund (40000).
 - 38 3. \$450,000,000 from the New York state storm recovery capital fund
39 (33000) to the revenue bond tax fund (40152).
 - 40 4. \$15,500,000 from the general fund, community projects account GG
41 (10256), to the general fund, state purposes account (10050).
- 42 § 3. Notwithstanding any law to the contrary, and in accordance with
43 section 4 of the state finance law, the comptroller is hereby authorized
44 and directed to transfer, on or before March 31, 2018:
 - 45 1. Upon request of the commissioner of environmental conservation, up
46 to \$12,234,600 from revenues credited to any of the department of envi-
47 ronmental conservation special revenue funds, including \$4,000,000 from
48 the environmental protection and oil spill compensation fund (21200),
49 and \$1,793,600 from the conservation fund (21150), to the environmental
50 conservation special revenue fund, indirect charges account (21060).
 - 51 2. Upon request of the commissioner of agriculture and markets, up to
52 \$3,000,000 from any special revenue fund or enterprise fund within the
53 department of agriculture and markets to the general fund, to pay appro-
54 priate administrative expenses.
 - 55 3. Upon request of the commissioner of agriculture and markets, up to
56 \$2,000,000 from the state exposition special fund, state fair receipts

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

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

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

12 6. Upon request of the commissioner of health up to \$8,500,000 from
13 revenues credited to any of the department of health's special revenue
14 funds, to the miscellaneous special revenue fund, administration account
15 (21982).

16 § 4. On or before March 31, 2018, the comptroller is hereby authorized
17 and directed to deposit earnings that would otherwise accrue to the
18 general fund that are attributable to the operation of section 98-a of
19 the state finance law, to the agencies internal service fund, banking
20 services account (55057), for the purpose of meeting direct payments
21 from such account.

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

29 § 6. Notwithstanding any law to the contrary, and in accordance with
30 section 4 of the state finance law, the comptroller is hereby authorized
31 and directed to transfer, upon request of the director of the budget and
32 upon consultation with the state university chancellor or his or her
33 designee, on or before March 31, 2018, up to \$16,000,000 from the state
34 university income fund general revenue account (22653) to the state
35 general fund for debt service costs related to campus supported capital
36 project costs for the NY-SUNY 2020 challenge grant program at the
37 University at Buffalo.

38 § 7. Notwithstanding any law to the contrary, and in accordance with
39 section 4 of the state finance law, the comptroller is hereby authorized
40 and directed to transfer, upon request of the director of the budget and
41 upon consultation with the state university chancellor or his or her
42 designee, on or before March 31, 2018, up to \$6,500,000 from the state
43 university income fund general revenue account (22653) to the state
44 general fund for debt service costs related to campus supported capital
45 project costs for the NY-SUNY 2020 challenge grant program at the
46 University at Albany.

47 § 8. Notwithstanding any law to the contrary, the state university
48 chancellor or his or her designee is authorized and directed to transfer
49 estimated tuition revenue balances from the state university collection
50 fund (61000) to the state university income fund, state university
51 general revenue offset account (22655) on or before March 31, 2018.

52 § 9. Notwithstanding any law to the contrary, and in accordance with
53 section 4 of the state finance law, the comptroller is hereby authorized
54 and directed to transfer, upon request of the director of the budget, up
55 to \$69,264,000 from the general fund to the state university income
56 fund, state university hospitals income reimbursable account (22656)

1 during the period July 1, 2017 through June 30, 2018 to reflect ongoing
2 state subsidy of SUNY hospitals and to pay costs attributable to the
3 SUNY hospitals' state agency status.

4 § 10. Notwithstanding any law to the contrary, and in accordance with
5 section 4 of the state finance law, the comptroller is hereby authorized
6 and directed to transfer, upon request of the director of the budget, up
7 to \$996,778,300 from the general fund to the state university income
8 fund, state university general revenue offset account (22655) during the
9 period of July 1, 2017 through June 30, 2018 to support operations at
10 the state university.

11 § 11. Notwithstanding any law to the contrary, and in accordance with
12 section 4 of the state financial law, the comptroller is hereby author-
13 ized and directed to transfer, upon request of the director of the budg-
14 et, up to \$100,000 from the general fund to the state university income
15 fund, state university general revenue offset account (22655) during the
16 period of April 1, 2017 through June 30, 2017 to support operations at
17 the state university.

18 § 12. Notwithstanding any law to the contrary, and in accordance with
19 section 4 of the state finance law, the comptroller is hereby authorized
20 and directed to transfer, upon request of the state university chancel-
21 lor or his or her designee, up to \$55,000,000 from the state university
22 income fund, state university hospitals income reimbursable account
23 (22656), for services and expenses of hospital operations and capital
24 expenditures at the state university hospitals; and the state university
25 income fund, Long Island veterans' home account (22652) to the state
26 university capital projects fund (32400) on or before June 30, 2018.

27 § 13. Notwithstanding any law to the contrary, and in accordance with
28 section 4 of the state finance law, the comptroller, after consultation
29 with the state university chancellor or his or her designee, is hereby
30 authorized and directed to transfer moneys, in the first instance, from
31 the state university collection fund, Stony Brook hospital collection
32 account (61006), Brooklyn hospital collection account (61007), and Syra-
33 cuse hospital collection account (61008) to the state university income
34 fund, state university hospitals income reimbursable account (22656) in
35 the event insufficient funds are available in the state university
36 income fund, state university hospitals income reimbursable account
37 (22656) to permit the full transfer of moneys authorized for transfer,
38 to the general fund for payment of debt service related to the SUNY
39 hospitals. Notwithstanding any law to the contrary, the comptroller is
40 also hereby authorized and directed, after consultation with the state
41 university chancellor or his or her designee, to transfer moneys from
42 the state university income fund to the state university income fund,
43 state university hospitals income reimbursable account (22656) in the
44 event insufficient funds are available in the state university income
45 fund, state university hospitals income reimbursable account (22656) to
46 pay hospital operating costs or to permit the full transfer of moneys
47 authorized for transfer, to the general fund for payment of debt service
48 related to the SUNY hospitals on or before March 31, 2018.

49 § 14. Notwithstanding any law to the contrary, upon the direction of
50 the director of the budget and the chancellor of the state university of
51 New York or his or her designee, and in accordance with section 4 of the
52 state finance law, the comptroller is hereby authorized and directed to
53 transfer monies from the state university dormitory income fund (40350)
54 to the state university residence hall rehabilitation fund (30100), and
55 from the state university residence hall rehabilitation fund (30100) to

1 the state university dormitory income fund (40350), in an amount not to
2 exceed \$80 million from each fund.

3 § 15. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer monies, upon request of the director of the
6 budget, on or before March 31, 2018, from and to any of the following
7 accounts: the miscellaneous special revenue fund, patient income account
8 (21909), the miscellaneous special revenue fund, mental hygiene program
9 fund account (21907), the miscellaneous special revenue fund, federal
10 salary sharing account (22056), or the general fund in any combination,
11 the aggregate of which shall not exceed \$350 million.

12 § 16. 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, at the request of the director of the budget,
15 up to \$750 million from the unencumbered balance of any special revenue
16 fund or account, agency fund or account, internal service fund or
17 account, enterprise fund or account, or any combination of such funds
18 and accounts, to the general fund. The amounts transferred pursuant to
19 this authorization shall be in addition to any other transfers expressly
20 authorized in the 2017-18 budget. Transfers from federal funds, debt
21 service funds, capital projects funds, the community projects fund, or
22 funds that would result in the loss of eligibility for federal benefits
23 or federal funds pursuant to federal law, rule, or regulation as assent-
24 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
25 1951 are not permitted pursuant to this authorization.

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

49 § 18. Notwithstanding any other law to the contrary, up to \$245
50 million of the assessment reserves remitted to the chair of the workers'
51 compensation board pursuant to subdivision 6 of section 151 of the work-
52 ers' compensation law shall, at the request of the director of the budg-
53 et, be transferred to the state insurance fund, for partial payment and
54 partial satisfaction of the state's obligations to the state insurance
55 fund under section 88-c of the workers' compensation law.

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

17 § 20. Notwithstanding any provision of law, rule or regulation to the
18 contrary, the New York state energy research and development authority
19 is authorized and directed to make the following contributions to the
20 state treasury to the credit of the general fund on or before March 31,
21 2018: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
22 authority from the auction or sale of carbon dioxide emission allowances
23 allocated by the department of environmental conservation.

24 § 21. Subdivision 5 of section 97-rrr of the state finance law, as
25 amended by section 21 of part UU of chapter 54 of the laws of 2016, is
26 amended to read as follows:

27 5. Notwithstanding the provisions of section one hundred seventy-one-a
28 of the tax law, as separately amended by chapters four hundred eighty-
29 one and four hundred eighty-four of the laws of nineteen hundred eight-
30 y-one, and notwithstanding the provisions of chapter ninety-four of the
31 laws of two thousand eleven, or any other provisions of law to the
32 contrary, during the fiscal year beginning April first, two thousand
33 [sixteen] seventeen, the state comptroller is hereby authorized and
34 directed to deposit to the fund created pursuant to this section from
35 amounts collected pursuant to article twenty-two of the tax law and
36 pursuant to a schedule submitted by the director of the budget, up to
37 [\$3,283,844,000] \$2,605,997,000, as may be certified in such schedule as
38 necessary to meet the purposes of such fund for the fiscal year begin-
39 ning April first, two thousand [sixteen] seventeen.

40 § 22. Notwithstanding any law to the contrary, the comptroller is
41 hereby authorized and directed to transfer, upon request of the director
42 of the budget, on or before March 31, 2018, the following amounts from
43 the following special revenue accounts to the capital projects fund
44 (30000), for the purposes of reimbursement to such fund for expenses
45 related to the maintenance and preservation of state assets:

- 46 1. \$43,000 from the miscellaneous special revenue fund, administrative
47 program account (21982).
- 48 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
49 hospital account (22140).
- 50 3. \$366,000 from the miscellaneous special revenue fund, New York city
51 veterans' home account (22141).
- 52 4. \$513,000 from the miscellaneous special revenue fund, New York
53 state home for veterans' and their dependents at oxford account (22142).
- 54 5. \$159,000 from the miscellaneous special revenue fund, western New
55 York veterans' home account (22143).

1 6. \$323,000 from the miscellaneous special revenue fund, New York
2 state for veterans in the lower-hudson valley account (22144).

3 7. \$2,550,000 from the miscellaneous special revenue fund, patron
4 services account (22163).

5 8. \$41,930,000 from the miscellaneous special revenue fund, state
6 university dormitory income reimbursable account (21937).

7 9. \$830,000 from the miscellaneous special revenue fund, long island
8 veterans' home account (22652).

9 10. \$5,379,000 from the miscellaneous special revenue fund, state
10 university general income reimbursable account (22653).

11 11. \$112,556,000 from the miscellaneous special revenue fund, state
12 university revenue offset account (22655).

13 12. \$557,000 from the miscellaneous special revenue fund, state
14 university of New York tuition reimbursement account (22659).

15 § 22-a. Subdivision 3 of section 93-b of the state finance law, as
16 added by section 1 of part H of chapter 60 of the laws of 2015, the
17 opening paragraph as amended by section 1 of part M of chapter 57 of the
18 laws of 2016, and paragraph (a) as amended by section 27 of part UU of
19 chapter 54 of the laws of 2016, is amended to read as follows:

20 3. Transfers. Notwithstanding any other provisions of law to the
21 contrary, commencing on April first, two thousand fifteen, and continu-
22 ing through March thirty-first, two thousand twenty-one, the comptroller
23 is hereby authorized to transfer monies from the dedicated infrastruc-
24 ture investment fund to the general fund, and from the general fund to
25 the dedicated infrastructure investment fund, in an amount determined by
26 the director of the budget to the extent moneys are available in the
27 fund; provided, however, that the comptroller is only authorized to
28 transfer monies from the dedicated infrastructure investment fund to the
29 general fund in the event of an economic downturn as described in para-
30 graph (a) of this subdivision; and/or to fulfill disallowances and/or
31 settlements related to over-payments of federal medicare and medicaid
32 revenues in excess of one hundred million dollars from anticipated
33 levels, as determined by the director of the budget and described in
34 paragraph (b) of this subdivision; and/or a catastrophic event as
35 described in paragraph (c) of this subdivision.

36 (a) Economic downturn. Notwithstanding any law to the contrary, for
37 the purpose of this section, the commissioner of labor shall calculate
38 and publish, on or before the fifteenth day of each month, a composite
39 index of business cycle indicators. Such index shall be calculated using
40 monthly data on New York state private sector employment, average weekly
41 hours of manufacturing workers, and the unemployment rate prepared by
42 the department of labor or its successor agency, and total sales tax
43 collections adjusted for inflation, prepared by the department of taxa-
44 tion and finance or its successor agency. Such index shall be adjusted
45 for seasonal variations in accordance with the procedures issued by the
46 United States Census Bureau or its successor agency. If the composite
47 index declines for five consecutive months, the commissioner of labor
48 shall notify the governor, the speaker of the assembly, the temporary
49 president of the senate, and the minority leaders of the assembly and
50 the senate. Upon such notification, the director of the budget may
51 authorize and direct the comptroller to transfer from the dedicated
52 infrastructure investment fund to the general fund such amounts as the
53 director of the budget deems necessary to meet the requirements of the
54 state financial plan. The authority to transfer funds under the
55 provisions of this paragraph shall lapse when the composite index shall
56 have increased for five consecutive months or twelve months from the

1 original notification of the commissioner of labor, whichever occurs
2 earlier. Provided, however, that for every additional and consecutive
3 monthly decline succeeding the five month decline so noted by the
4 commissioner of labor, the twelve month lapse date shall be extended by
5 one additional month.

6 (b) Federal medicare and medicaid revenues. Notwithstanding any law to
7 the contrary, the director of the budget may authorize and direct the
8 comptroller to transfer from the dedicated infrastructure investment
9 fund to the general fund an amount not to exceed the disallowances
10 and/or settlements related to the over-payments of federal medicare and
11 medicaid revenues. In the event this authorization is utilized, the
12 director of the budget may authorize and direct the comptroller to
13 transfer such amount and the concomitant reduction in state share medi-
14 care and medicaid revenues from the general fund to the miscellaneous
15 special revenue fund, mental hygiene program fund (21907), the miscella-
16 neous special revenue fund, patient income account (21909), and the
17 Medicaid Management Information System (MMIS) Statewide Escrow Fund
18 (60901).

19 (c) Catastrophic events. In the event of a need to repel invasion,
20 suppress insurrection, defend the state in war, or to respond to any
21 other emergency resulting from a disaster, including but not limited to,
22 a disaster caused by an act of terrorism, the director of the budget may
23 authorize and direct the comptroller to transfer from the dedicated
24 infrastructure investment fund to the general fund such amounts as the
25 director of the budget deems necessary to meet the requirements of the
26 state financial plan.

27 (d) Prior to authorizing any transfer from the dedicated infrastruc-
28 ture investment fund accounts pursuant to the provisions of this
29 section, the director of the budget shall notify the speaker of the
30 assembly, the temporary president of the senate, and the minority lead-
31 ers of the assembly and the senate. Such letter shall specify the
32 reasons for the transfer and the amount thereof.

33 § 22-b. Subdivision 2 of section 97-rrr of the state finance law, as
34 amended by section 45 of part H of chapter 56 of the laws of 2000, is
35 amended and a new subdivision 4 is added to read as follows:

36 2. Such fund shall consist of all monies credited or transferred ther-
37 eto from the general fund or from any other fund or sources pursuant to
38 law, and include an amount equal to fifty percent of any estimated cash-
39 basis surplus in the general fund, as certified by the director of the
40 budget on or before the twenty-fifth day of March of each fiscal year.
41 Upon request of the director of the budget, the state comptroller shall
42 transfer such surplus amount from the general fund to the debt reduction
43 reserve fund. The director of budget shall calculate the surplus as the
44 excess of estimated aggregate receipts above the estimated aggregate
45 disbursements at the end of the fiscal year. Notwithstanding paragraph
46 (a) of subdivision four of section seventy-two of this article, the
47 state comptroller shall retain any balance of moneys in the debt
48 reduction reserve fund at the end of any fiscal year in such fund.

49 4. Any amounts disbursed from such fund shall be excluded from the
50 calculation of annual spending growth in state operating funds.

51 § 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter
52 62 of the laws of 2003 amending the general business law and other laws
53 relating to implementing the state fiscal plan for the 2003-2004 state
54 fiscal year, is amended to read as follows:

55 1. The state representative, upon the execution of a sale agreement on
56 behalf of the state may sell to the corporation, and the corporation may

1 purchase, for cash or other consideration and in one or more install-
2 ments, all or a portion of the state's share. Any such agreement shall
3 provide, among other matters, that the purchase price payable by the
4 corporation to the state for such state's share or portion thereof shall
5 consist of the net proceeds of the bonds issued to finance such purchase
6 price and the residual interests, if any. The residual interests shall
7 be deposited into [the tobacco settlement fund pursuant to section 92-x
8 of the state finance law, unless otherwise directed by statute] the
9 Medicaid management information system (MMIS) statewide escrow fund
10 within thirty days upon the availability of such residual interests to
11 fund a portion of the cumulative non-federal share of expenses related
12 to the state takeover of the local share of Medicaid growth pursuant to
13 part F of chapter 56 of the laws of 2012. Such deposit shall be in an
14 amount equal to (a) the amount of residual interests scheduled for
15 deposit into the MMIS statewide escrow fund in the applicable year's
16 enacted budget financial plan as updated or (b) the total amount of
17 residual interests available if the total amount of such residual inter-
18 ests is less than the total amount of residual interests scheduled for
19 deposit into the MMIS statewide escrow fund in the applicable year's
20 enacted budget financial plan as updated. At the discretion of the state
21 representative, any residual interests which exceed the amount scheduled
22 for deposit into the MMIS statewide escrow fund in the applicable year's
23 enacted budget financial plan as updated may either be deposited into
24 the (i) MMIS escrow fund to fund a portion, as determined by the state
25 representative, of the cumulative non-Federal share of expenses related
26 to the State takeover of the local share of Medicaid growth, pursuant to
27 part F of chapter 56 of the laws of 2012, or (ii) the state general
28 fund; provided, however that any residual interest derived from other
29 assets shall be applied as directed by statute. Any such sale shall be
30 pursuant to one or more sale agreements which may contain such terms and
31 conditions deemed necessary by the state representative to carry out and
32 effectuate the purposes of this section, including covenants binding the
33 state in favor of the corporation and its assignees, including the
34 owners of its bonds such as covenants with respect to the enforcement at
35 the expense of the state of the payment provisions of the master settle-
36 ment agreement, the diligent enforcement at the expense of the state of
37 the qualifying statute, the application and use of the proceeds of the
38 sale of the state's share to preserve the tax-exemption on the bonds,
39 the interest on which is intended to be exempt from federal income tax,
40 issued to finance the purchase thereof and otherwise as provided in this
41 act. Notwithstanding the foregoing, neither the state representative nor
42 the corporation shall be authorized to make any covenant, pledge, prom-
43 ise or agreement purporting to bind the state with respect to pledged
44 tobacco revenues, except as otherwise specifically authorized by this
45 act.

46 § 22-d. The state finance law is amended by adding a new section 99-aa
47 to read as follows:

48 § 99-aa. Retiree health benefit trust fund. 1. There is hereby estab-
49 lished in the sole custody of the commissioner of the department of
50 civil service a special investment fund to be known as the retiree
51 health benefit trust fund.

52 2. For purposes of this section: (a) "commissioner" shall mean the
53 commissioner of the department of civil service, except wherein this
54 section the commissioner of the department of taxation and finance is
55 referenced;

56 (b) "state" shall mean the state of New York;

1 (c) "fund", or "trust", or "trust fund" shall mean the retiree health
2 benefit trust fund created by this section; and

3 (d) "retiree health benefits" shall mean benefits, except pensions or
4 other benefits funded through a public retirement system, provided or to
5 be provided by the state as compensation, whether pursuant to statute,
6 contract or other lawful authority, to its current or former officers or
7 employees, or their families or beneficiaries, after service to the
8 state has ended, including, but not limited to, health care benefits.

9 3. (a) Notwithstanding any provision of law to the contrary, the reti-
10 ree health benefit trust fund is established for the exclusive benefit
11 of retired state employees and their dependents.

12 (b) The sole purpose of the trust fund established pursuant to subdi-
13 vision one of this section shall be to fund the health and welfare bene-
14 fits of retired state employees and their dependents.

15 4. (a) Payments into and from the trust fund established pursuant to
16 subdivision one of this section shall be made in accordance with this
17 section.

18 (b) Contributions to the trust, and any interest or other income or
19 earnings on contributions, shall be irrevocable before all liabilities
20 of the state government for retiree health benefits have been satisfied
21 and shall be solely dedicated to, and used solely for, providing retiree
22 health benefits and paying appropriate and reasonable expenses of admin-
23 istering the trust. No assets, income, earnings or distributions of the
24 trust shall be subject to any claim of creditors of the state, or to
25 assignment or execution, attachment or any other claim enforcement proc-
26 ess initiated by or on behalf of such creditors. Except as otherwise
27 provided in subdivision eight of this section, the commissioner shall
28 not be responsible for the adequacy of the assets of the trust to meet
29 any other post-employment benefit. The commissioner shall not be respon-
30 sible for taking any action to enforce the payment of any appropriation
31 into the trust. The trust may be terminated only when all liabilities of
32 the state for retiree health benefits have been satisfied and there is
33 no present or future obligation, contingent or otherwise, of the state
34 to provide such retiree health benefits. Upon such termination, any
35 remaining trust assets, after any proper expenses of the trust have been
36 paid, shall revert to the state.

37 (c) At the close of each fiscal year, the director of the budget shall
38 certify the cash surplus remaining in the general fund; such cash
39 surplus shall be calculated by the director of the budget as the excess
40 of estimated aggregate receipts above the estimated aggregate disburse-
41 ments at the end of the fiscal year. Upon such calculation and certif-
42 ication, a portion of any certified cash surplus remaining in the gener-
43 al fund, which such portion shall be determined in the sole discretion
44 of the director of the budget, may be transferred or deposited directly
45 to the trust fund at the sole request of the director of the budget.

46 (d) All payments for retiree health and welfare benefits from such
47 trust fund shall not be subject to an appropriation and shall be trans-
48 ferred, to the extent funds are available in such trust fund, to the
49 health insurance fund for the sole and exclusive purpose of funding
50 retiree health benefits.

51 5. Investments. (a) The commissioner may establish a trust in his or
52 her custody for the purpose of accumulating assets to fund the cost of
53 providing retiree health benefits.

54 (b) The commissioner is hereby declared to be the trustee of the trust
55 established pursuant to subdivision one of this section, and the commis-
56 sioner shall delegate responsibility for managing the investments of the

1 trust fund established pursuant to subdivision one of this section to
2 the commissioner of the department of taxation and finance. The commis-
3 sioner of the department of taxation and finance shall manage the
4 investments of the trust fund established pursuant to subdivision one of
5 this section in a careful and prudent manner consistent with the guide-
6 lines and provisions of section ninety-eight this article.

7 (c) Any interest or other income or earnings resulting from the
8 investment of assets of the trust shall accrue to and become part of the
9 assets of the trust.

10 6. In accordance with paragraph (b) of subdivision five of this
11 section, the commissioner of taxation and finance shall develop, in
12 consultation with the state health insurance council, a written invest-
13 ment policy for selecting investment options in a manner consistent with
14 the investment options prescribed in section ninety-eight of this arti-
15 cle so that the commissioner may be able to invest fund monies in
16 accordance with such policy. Such policy shall include a statement of
17 investment objectives addressing, in the following order of priority,
18 the ability to timely meet disbursement requests without forced sale of
19 assets, safety of principal and attainment of market rates of return.

20 7. Neither the state nor the commissioner shall be liable for any loss
21 or expense suffered by the trust in the absence of bad faith, willful
22 misconduct or intentional wrongdoing. The commissioner shall be consid-
23 ered to be acting as an officer of the state for purposes of section
24 seventeen of the public officers law, provided, however, that the costs
25 of any defense or indemnification of the commissioner arising from the
26 exercise of the functions of trustee shall be payable from the assets of
27 the trust.

28 8. Nothing contained in this section shall be interpreted or construed
29 to: (a) create any obligation in, impose any obligation on, or alter any
30 obligation of the state to provide retiree health benefits;

31 (b) limit or restrict the authority of the state to modify or elimi-
32 nate retiree health benefits;

33 (c) assure or deny retiree health benefits; or

34 (d) require the state to fund its liability for retiree health bene-
35 fits.

36 § 23. Notwithstanding any other law, rule, or regulation to the
37 contrary, the state comptroller is hereby authorized and directed to use
38 any balance remaining in the mental health services fund debt service
39 appropriation, after payment by the state comptroller of all obligations
40 required pursuant to any lease, sublease, or other financing arrangement
41 between the dormitory authority of the state of New York as successor to
42 the New York state medical care facilities finance agency, and the
43 facilities development corporation pursuant to chapter 83 of the laws of
44 1995 and the department of mental hygiene for the purpose of making
45 payments to the dormitory authority of the state of New York for the
46 amount of the earnings for the investment of monies deposited in the
47 mental health services fund that such agency determines will or may have
48 to be rebated to the federal government pursuant to the provisions of
49 the internal revenue code of 1986, as amended, in order to enable such
50 agency to maintain the exemption from federal income taxation on the
51 interest paid to the holders of such agency's mental services facilities
52 improvement revenue bonds. Annually on or before each June 30th, such
53 agency shall certify to the state comptroller its determination of the
54 amounts received in the mental health services fund as a result of the
55 investment of monies deposited therein that will or may have to be

1 rebated to the federal government pursuant to the provisions of the
2 internal revenue code of 1986, as amended.

3 § 24. Subdivision 1 of section 47 of section 1 of chapter 174 of the
4 laws of 1968, constituting the New York state urban development corpo-
5 ration act, as amended by section 29 of part UU of chapter 54 of the
6 laws of 2016, is amended to read as follows:

7 1. Notwithstanding the provisions of any other law to the contrary,
8 the dormitory authority and the corporation are hereby authorized to
9 issue bonds or notes in one or more series for the purpose of funding
10 project costs for the office of information technology services, depart-
11 ment of law, and other state costs associated with such capital
12 projects. The aggregate principal amount of bonds authorized to be
13 issued pursuant to this section shall not exceed [three] four hundred
14 [sixty-four] fifty million [eight] five hundred forty thousand dollars,
15 excluding bonds issued to fund one or more debt service reserve funds,
16 to pay costs of issuance of such bonds, and bonds or notes issued to
17 refund or otherwise repay such bonds or notes previously issued. Such
18 bonds and notes of the dormitory authority and the corporation shall not
19 be a debt of the state, and the state shall not be liable thereon, nor
20 shall they be payable out of any funds other than those appropriated by
21 the state to the dormitory authority and the corporation for principal,
22 interest, and related expenses pursuant to a service contract and such
23 bonds and notes shall contain on the face thereof a statement to such
24 effect. Except for purposes of complying with the internal revenue code,
25 any interest income earned on bond proceeds shall only be used to pay
26 debt service on such bonds.

27 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws
28 of 1997, relating to the financing of the correctional facilities
29 improvement fund and the youth facility improvement fund, as amended by
30 section 30 of part UU of chapter 54 of the laws of 2016, is amended to
31 read as follows:

32 1. Subject to the provisions of chapter 59 of the laws of 2000, but
33 notwithstanding the provisions of section 18 of section 1 of chapter 174
34 of the laws of 1968, the New York state urban development corporation is
35 hereby authorized to issue bonds, notes and other obligations in an
36 aggregate principal amount not to exceed seven billion [four] seven
37 hundred [twenty-four] forty-one million [nine] one hundred ninety-nine
38 thousand dollars [\$7,424,999,000] \$7,741,199,000, and shall include all
39 bonds, notes and other obligations issued pursuant to chapter 56 of the
40 laws of 1983, as amended or supplemented. The proceeds of such bonds,
41 notes or other obligations shall be paid to the state, for deposit in
42 the correctional facilities capital improvement fund to pay for all or
43 any portion of the amount or amounts paid by the state from appropri-
44 ations or reappropriations made to the department of corrections and
45 community supervision from the correctional facilities capital improve-
46 ment fund for capital projects. The aggregate amount of bonds, notes or
47 other obligations authorized to be issued pursuant to this section shall
48 exclude bonds, notes or other obligations issued to refund or otherwise
49 repay bonds, notes or other obligations theretofore issued, the proceeds
50 of which were paid to the state for all or a portion of the amounts
51 expended by the state from appropriations or reappropriations made to
52 the department of corrections and community supervision; provided,
53 however, that upon any such refunding or repayment the total aggregate
54 principal amount of outstanding bonds, notes or other obligations may be
55 greater than seven billion [four] seven hundred [twenty-four] forty-one
56 million [nine] one hundred ninety-nine thousand dollars [\$7,424,999,000]

1 \$7,741,199,000, only if the present value of the aggregate debt service
2 of the refunding or repayment bonds, notes or other obligations to be
3 issued shall not exceed the present value of the aggregate debt service
4 of the bonds, notes or other obligations so to be refunded or repaid.
5 For the purposes hereof, the present value of the aggregate debt service
6 of the refunding or repayment bonds, notes or other obligations and of
7 the aggregate debt service of the bonds, notes or other obligations so
8 refunded or repaid, shall be calculated by utilizing the effective
9 interest rate of the refunding or repayment bonds, notes or other obli-
10 gations, which shall be that rate arrived at by doubling the semi-annual
11 interest rate (compounded semi-annually) necessary to discount the debt
12 service payments on the refunding or repayment bonds, notes or other
13 obligations from the payment dates thereof to the date of issue of the
14 refunding or repayment bonds, notes or other obligations and to the
15 price bid including estimated accrued interest or proceeds received by
16 the corporation including estimated accrued interest from the sale ther-
17 eof.

18 § 26. Paragraph (a) of subdivision 2 of section 47-e of the private
19 housing finance law, as amended by section 31 of part UU of chapter 54
20 of the laws of 2016, is amended to read as follows:

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

48 § 27. Subdivision (b) of section 11 of chapter 329 of the laws of
49 1991, amending the state finance law and other laws relating to the
50 establishment of the dedicated highway and bridge trust fund, as amended
51 by section 32 of part UU of chapter 54 of the laws of 2016, is amended
52 to read as follows:

53 (b) Any service contract or contracts for projects authorized pursuant
54 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
55 14-k of the transportation law, and entered into pursuant to subdivision
56 (a) of this section, shall provide for state commitments to provide

1 annually to the thruway authority a sum or sums, upon such terms and
2 conditions as shall be deemed appropriate by the director of the budget,
3 to fund, or fund the debt service requirements of any bonds or any obli-
4 gations of the thruway authority issued to fund or to reimburse the
5 state for funding such projects having a cost not in excess of
6 [\\$9,147,234,000] \$9,634,586,000 cumulatively by the end of fiscal year
7 [2016-17] 2017-18.

8 § 28. Subdivision 1 of section 1689-i of the public authorities law,
9 as amended by section 33 of part UU of chapter 54 of the laws of 2016,
10 is amended to read as follows:

11 1. The dormitory authority is authorized to issue bonds, at the
12 request of the commissioner of education, to finance eligible library
13 construction projects pursuant to section two hundred seventy-three-a of
14 the education law, in amounts certified by such commissioner not to
15 exceed a total principal amount of one hundred [fifty-nine] seventy-
16 three million dollars.

17 § 29. Subdivision (a) of section 27 of part Y of chapter 61 of the
18 laws of 2005, relating to providing for the administration of certain
19 funds and accounts related to the 2005-2006 budget, as amended by
20 section 34 of part UU of chapter 54 of the laws of 2016, is amended to
21 read as follows:

22 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
23 notwithstanding any provisions of law to the contrary, the urban devel-
24 opment corporation is hereby authorized to issue bonds or notes in one
25 or more series in an aggregate principal amount not to exceed
26 [\\$167,600,000] \$173,600,000, excluding bonds issued to finance one or
27 more debt service reserve funds, to pay costs of issuance of such bonds,
28 and bonds or notes issued to refund or otherwise repay such bonds or
29 notes previously issued, for the purpose of financing capital projects
30 including IT initiatives for the division of state police, debt service
31 and leases; and to reimburse the state general fund for disbursements
32 made therefor. Such bonds and notes of such authorized issuer shall not
33 be a debt of the state, and the state shall not be liable thereon, nor
34 shall they be payable out of any funds other than those appropriated by
35 the state to such authorized issuer for debt service and related
36 expenses pursuant to any service contract executed pursuant to subdivi-
37 sion (b) of this section and such bonds and notes shall contain on the
38 face thereof a statement to such effect. Except for purposes of comply-
39 ing with the internal revenue code, any interest income earned on bond
40 proceeds shall only be used to pay debt service on such bonds.

41 § 30. Section 44 of section 1 of chapter 174 of the laws of 1968,
42 constituting the New York state urban development corporation act, as
43 amended by section 35 of part UU of chapter 54 of the laws of 2016, is
44 amended to read as follows:

45 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
46 provisions of any other law to the contrary, the dormitory authority and
47 the corporation are hereby authorized to issue bonds or notes in one or
48 more series for the purpose of funding project costs for the regional
49 economic development council initiative, the economic transformation
50 program, state university of New York college for nanoscale and science
51 engineering, projects within the city of Buffalo or surrounding envi-
52 rons, the New York works economic development fund, projects for the
53 retention of professional football in western New York, the empire state
54 economic development fund, the clarkson-trudeau partnership, the New
55 York genome center, the cornell university college of veterinary medi-
56 cine, the olympic regional development authority, projects at nano

1 Utica, onondaga county revitalization projects, Binghamton university
2 school of pharmacy, New York power electronics manufacturing consortium,
3 regional infrastructure projects, high technology manufacturing projects
4 in Chautauqua and Erie county, an industrial scale research and develop-
5 ment facility in Clinton county, upstate revitalization initiative
6 projects, market New York projects, fairground buildings or facilities
7 used to house and promote agriculture, the state fair, the empire state
8 trail, the moynihan station development project, the Kingsbridge armory
9 project, strategic economic development projects, the cultural, arts and
10 public spaces fund, an LGBT memorial, water infrastructure in the city
11 of Auburn and town of Owasco, a life sciences laboratory public health
12 initiative, and other state costs associated with such projects. The
13 aggregate principal amount of bonds authorized to be issued pursuant to
14 this section shall not exceed [four] six billion [six] five hundred
15 [seventy-one] thirty-three million [seven] two hundred fifty-seven thou-
16 sand dollars, excluding bonds issued to fund one or more debt service
17 reserve funds, to pay costs of issuance of such bonds, and bonds or
18 notes issued to refund or otherwise repay such bonds or notes previously
19 issued. Such bonds and notes of the dormitory authority and the corpo-
20 ration shall not be a debt of the state, and the state shall not be
21 liable thereon, nor shall they be payable out of any funds other than
22 those appropriated by the state to the dormitory authority and the
23 corporation for principal, interest, and related expenses pursuant to a
24 service contract and such bonds and notes shall contain on the face
25 thereof a statement to such effect. Except for purposes of complying
26 with the internal revenue code, any interest income earned on bond
27 proceeds shall only be used to pay debt service on such bonds.

28 2. Notwithstanding any other provision of law to the contrary, in
29 order to assist the dormitory authority and the corporation in undertak-
30 ing the financing for project costs for the regional economic develop-
31 ment council initiative, the economic transformation program, state
32 university of New York college for nanoscale and science engineering,
33 projects within the city of Buffalo or surrounding environs, the New
34 York works economic development fund, projects for the retention of
35 professional football in western New York, the empire state economic
36 development fund, the clarkson-trudeau partnership, the New York genome
37 center, the cornell university college of veterinary medicine, the olym-
38 pic regional development authority, projects at nano Utica, onondaga
39 county revitalization projects, Binghamton university school of pharma-
40 cy, New York power electronics manufacturing consortium, regional
41 infrastructure projects, high technology manufacturing projects in Chau-
42 tauqua and Erie county, an industrial scale research and development
43 facility in Clinton county, upstate revitalization initiative projects,
44 market New York projects, fairground buildings or facilities used to
45 house and promote agriculture, the state fair, the empire state trail,
46 the moynihan station development project, the Kingsbridge armory
47 project, strategic economic development projects, the cultural, arts and
48 public spaces fund, an LGBT memorial, water infrastructure in the city
49 of Auburn and town of Owasco, a life sciences laboratory public health
50 initiative, and other state costs associated with such projects, the
51 director of the budget is hereby authorized to enter into one or more
52 service contracts with the dormitory authority and the corporation, none
53 of which shall exceed thirty years in duration, upon such terms and
54 conditions as the director of the budget and the dormitory authority and
55 the corporation agree, so as to annually provide to the dormitory
56 authority and the corporation, in the aggregate, a sum not to exceed the

1 principal, interest, and related expenses required for such bonds and
2 notes. Any service contract entered into pursuant to this section shall
3 provide that the obligation of the state to pay the amount therein
4 provided shall not constitute a debt of the state within the meaning of
5 any constitutional or statutory provision and shall be deemed executory
6 only to the extent of monies available and that no liability shall be
7 incurred by the state beyond the monies available for such purpose,
8 subject to annual appropriation by the legislature. Any such contract or
9 any payments made or to be made thereunder may be assigned and pledged
10 by the dormitory authority and the corporation as security for its bonds
11 and notes, as authorized by this section.

12 § 31. Subdivisions 1 and 3 of section 1285-p of the public authorities
13 law, subdivision 1 as amended by section 33 of part I of chapter 60 of
14 the laws of 2015 and subdivision 3 as amended by section 36 of part UU
15 of chapter 54 of the laws of 2016, is amended to read as follows:

16 1. Subject to chapter fifty-nine of the laws of two thousand, but
17 notwithstanding any other provisions of law to the contrary, in order to
18 assist the corporation in undertaking the administration and the financ-
19 ing of the design, acquisition, construction, improvement, installation,
20 and related work for all or any portion of any of the following environ-
21 mental infrastructure projects and for the provision of funds to the
22 state for any amounts disbursed therefor: (a) projects authorized under
23 the environmental protection fund, or for which appropriations are made
24 to the environmental protection fund including, but not limited to
25 municipal parks and historic preservation, stewardship, farmland
26 protection, non-point source, pollution control, Hudson River Park, land
27 acquisition, and waterfront revitalization; (b) department of environ-
28 mental conservation capital appropriations for Onondaga Lake for certain
29 water quality improvement projects in the same manner as set forth in
30 paragraph (d) of subdivision one of section 56-0303 of the environmental
31 conservation law; (c) for the purpose of the administration, management,
32 maintenance, and use of the real property at the western New York nucle-
33 ar service center; (d) department of environmental conservation capital
34 appropriations for the administration, design, acquisition,
35 construction, improvement, installation, and related work on department
36 of environmental conservation environmental infrastructure projects; (e)
37 office of parks, recreation and historic preservation appropriations or
38 reappropriations from the state parks infrastructure fund; (f) capital
39 grants for the cleaner, greener communities program [and]; (g) capital
40 costs of water quality infrastructure projects and (h) capital costs of
41 clean water infrastructure projects the director of the division of
42 budget and the corporation are each authorized to enter into one or more
43 service contracts, none of which shall exceed twenty years in duration,
44 upon such terms and conditions as the director and the corporation may
45 agree, so as to annually provide to the corporation in the aggregate, a
46 sum not to exceed the annual debt service payments and related expenses
47 required for any bonds and notes authorized pursuant to section twelve
48 hundred ninety of this title. Any service contract entered into pursuant
49 to this section shall provide that the obligation of the state to fund
50 or to pay the amounts therein provided for shall not constitute a debt
51 of the state within the meaning of any constitutional or statutory
52 provision and shall be deemed executory only to the extent of moneys
53 available for such purposes, subject to annual appropriation by the
54 legislature. Any such service contract or any payments made or to be
55 made thereunder may be assigned and pledged by the corporation as secu-

1 rity for its bonds and notes, as authorized pursuant to section twelve
2 hundred ninety of this title.

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

16 § 32. Subdivision 1 of section 45 of section 1 of chapter 174 of the
17 laws of 1968, constituting the New York state urban development corpo-
18 ration act, as amended by section 37 of part UU of chapter 54 of the
19 laws of 2016, is amended to read as follows:

20 1. Notwithstanding the provisions of any other law to the contrary,
21 the urban development corporation of the state of New York is hereby
22 authorized to issue bonds or notes in one or more series for the purpose
23 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
24 2020 challenge grant program subject to the approval of a NY-SUNY and
25 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
26 the state university of New York or the chancellor of the city universi-
27 ty of New York, as applicable. The aggregate principal amount of bonds
28 authorized to be issued pursuant to this section shall not exceed
29 ~~[\$550,000,000]~~ \$660,000,000, excluding bonds issued to fund one or more
30 debt service reserve funds, to pay costs of issuance of such bonds, and
31 bonds or notes issued to refund or otherwise repay such bonds or notes
32 previously issued. Such bonds and notes of the corporation shall not be
33 a debt of the state, and the state shall not be liable thereon, nor
34 shall they be payable out of any funds other than those appropriated by
35 the state to the corporation for principal, interest, and related
36 expenses pursuant to a service contract and such bonds and notes shall
37 contain on the face thereof a statement to such effect. Except for
38 purposes of complying with the internal revenue code, any interest
39 income earned on bond proceeds shall only be used to pay debt service on
40 such bonds.

41 § 33. Subdivision (a) of section 48 of part K of chapter 81 of the
42 laws of 2002, providing for the administration of certain funds and
43 accounts related to the 2002-2003 budget, as amended by section 38 of
44 part UU of chapter 54 of the laws of 2016, is amended to read as
45 follows:

46 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
47 notwithstanding the provisions of section 18 of the urban development
48 corporation act, the corporation is hereby authorized to issue bonds or
49 notes in one or more series in an aggregate principal amount not to
50 exceed ~~[\$197,000,000]~~ \$250,000,000 excluding bonds issued to fund one or
51 more debt service reserve funds, to pay costs of issuance of such bonds,
52 and bonds or notes issued to refund or otherwise repay such bonds or
53 notes previously issued, for the purpose of financing capital costs
54 related to homeland security and training facilities for the division of
55 state police, the division of military and naval affairs, and any other
56 state agency, including the reimbursement of any disbursements made from

1 the state capital projects fund, and is hereby authorized to issue bonds
2 or notes in one or more series in an aggregate principal amount not to
3 exceed [~~\$509,600,000~~] \$654,800,000, excluding bonds issued to fund one
4 or more debt service reserve funds, to pay costs of issuance of such
5 bonds, and bonds or notes issued to refund or otherwise repay such bonds
6 or notes previously issued, for the purpose of financing improvements to
7 State office buildings and other facilities located statewide, including
8 the reimbursement of any disbursements made from the state capital
9 projects fund. Such bonds and notes of the corporation shall not be a
10 debt of the state, and the state shall not be liable thereon, nor shall
11 they be payable out of any funds other than those appropriated by the
12 state to the corporation for debt service and related expenses pursuant
13 to any service contracts executed pursuant to subdivision (b) of this
14 section, and such bonds and notes shall contain on the face thereof a
15 statement to such effect.

16 § 34. Subdivision 1 of section 386-b of the public authorities law, as
17 amended by section 39 of part UU of chapter 54 of the laws of 2016, is
18 amended to read as follows:

19 1. Notwithstanding any other provision of law to the contrary, the
20 authority, the dormitory authority and the urban development corporation
21 are hereby authorized to issue bonds or notes in one or more series for
22 the purpose of financing peace bridge projects and capital costs of
23 state and local highways, parkways, bridges, the New York state thruway,
24 Indian reservation roads, and facilities, and transportation infrastruc-
25 ture projects including aviation projects, non-MTA mass transit
26 projects, and rail service preservation projects, including work appur-
27 tenant and ancillary thereto. The aggregate principal amount of bonds
28 authorized to be issued pursuant to this section shall not exceed three
29 billion [~~sixty-five million dollars \$3,065,000,000~~] nine hundred fifty-
30 four million dollars \$3,954,000,000, excluding bonds issued to fund one
31 or more debt service reserve funds, to pay costs of issuance of such
32 bonds, and to refund or otherwise repay such bonds or notes previously
33 issued. Such bonds and notes of the authority, the dormitory authority
34 and the urban development corporation shall not be a debt of the state,
35 and the state shall not be liable thereon, nor shall they be payable out
36 of any funds other than those appropriated by the state to the authori-
37 ty, the dormitory authority and the urban development corporation for
38 principal, interest, and related expenses pursuant to a service contract
39 and such bonds and notes shall contain on the face thereof a statement
40 to such effect. Except for purposes of complying with the internal
41 revenue code, any interest income earned on bond proceeds shall only be
42 used to pay debt service on such bonds.

43 § 35. Paragraph (c) of subdivision 19 of section 1680 of the public
44 authorities law, as amended by section 40 of part UU of chapter 54 of
45 the laws of 2016, is amended to read as follows:

46 (c) Subject to the provisions of chapter fifty-nine of the laws of two
47 thousand, the dormitory authority shall not issue any bonds for state
48 university educational facilities purposes if the principal amount of
49 bonds to be issued when added to the aggregate principal amount of bonds
50 issued by the dormitory authority on and after July first, nineteen
51 hundred eighty-eight for state university educational facilities will
52 exceed [~~eleven~~] twelve billion [~~six~~] three hundred [~~sixty-three~~] forty-
53 three million dollars; provided, however, that bonds issued or to be
54 issued shall be excluded from such limitation if: (1) such bonds are
55 issued to refund state university construction bonds and state universi-
56 ty construction notes previously issued by the housing finance agency;

1 or (2) such bonds are issued to refund bonds of the authority or other
2 obligations issued for state university educational facilities purposes
3 and the present value of the aggregate debt service on the refunding
4 bonds does not exceed the present value of the aggregate debt service on
5 the bonds refunded thereby; provided, further that upon certification by
6 the director of the budget that the issuance of refunding bonds or other
7 obligations issued between April first, nineteen hundred ninety-two and
8 March thirty-first, nineteen hundred ninety-three will generate long
9 term economic benefits to the state, as assessed on a present value
10 basis, such issuance will be deemed to have met the present value test
11 noted above. For purposes of this subdivision, the present value of the
12 aggregate debt service of the refunding bonds and the aggregate debt
13 service of the bonds refunded, shall be calculated by utilizing the true
14 interest cost of the refunding bonds, which shall be that rate arrived
15 at by doubling the semi-annual interest rate (compounded semi-annually)
16 necessary to discount the debt service payments on the refunding bonds
17 from the payment dates thereof to the date of issue of the refunding
18 bonds to the purchase price of the refunding bonds, including interest
19 accrued thereon prior to the issuance thereof. The maturity of such
20 bonds, other than bonds issued to refund outstanding bonds, shall not
21 exceed the weighted average economic life, as certified by the state
22 university construction fund, of the facilities in connection with which
23 the bonds are issued, and in any case not later than the earlier of
24 thirty years or the expiration of the term of any lease, sublease or
25 other agreement relating thereto; provided that no note, including
26 renewals thereof, shall mature later than five years after the date of
27 issuance of such note. The legislature reserves the right to amend or
28 repeal such limit, and the state of New York, the dormitory authority,
29 the state university of New York, and the state university construction
30 fund are prohibited from covenanting or making any other agreements with
31 or for the benefit of bondholders which might in any way affect such
32 right.

33 § 36. Paragraph (c) of subdivision 14 of section 1680 of the public
34 authorities law, as amended by section 41 of part UU of chapter 54 of
35 the laws of 2016, is amended to read as follows:

36 (c) Subject to the provisions of chapter fifty-nine of the laws of two
37 thousand, (i) the dormitory authority shall not deliver a series of
38 bonds for city university community college facilities, except to refund
39 or to be substituted for or in lieu of other bonds in relation to city
40 university community college facilities pursuant to a resolution of the
41 dormitory authority adopted before July first, nineteen hundred eighty-
42 five or any resolution supplemental thereto, if the principal amount of
43 bonds so to be issued when added to all principal amounts of bonds
44 previously issued by the dormitory authority for city university commu-
45 nity college facilities, except to refund or to be substituted in lieu
46 of other bonds in relation to city university community college facili-
47 ties will exceed the sum of four hundred twenty-five million dollars and
48 (ii) the dormitory authority shall not deliver a series of bonds issued
49 for city university facilities, including community college facilities,
50 pursuant to a resolution of the dormitory authority adopted on or after
51 July first, nineteen hundred eighty-five, except to refund or to be
52 substituted for or in lieu of other bonds in relation to city university
53 facilities and except for bonds issued pursuant to a resolution supple-
54 mental to a resolution of the dormitory authority adopted prior to July
55 first, nineteen hundred eighty-five, if the principal amount of bonds so
56 to be issued when added to the principal amount of bonds previously

1 issued pursuant to any such resolution, except bonds issued to refund or
2 to be substituted for or in lieu of other bonds in relation to city
3 university facilities, will exceed seven billion [five] nine hundred
4 [eighty-eight] eighty-one million [four] nine hundred [eleven] sixty-
5 eight thousand dollars. The legislature reserves the right to amend or
6 repeal such limit, and the state of New York, the dormitory authority,
7 the city university, and the fund are prohibited from covenanting or
8 making any other agreements with or for the benefit of bondholders which
9 might in any way affect such right.

10 § 37. Subdivision 10-a of section 1680 of the public authorities law,
11 as amended by section 42 of part UU of chapter 54 of the laws of 2016,
12 is amended to read as follows:

13 10-a. Subject to the provisions of chapter fifty-nine of the laws of
14 two thousand, but notwithstanding any other provision of the law to the
15 contrary, the maximum amount of bonds and notes to be issued after March
16 thirty-first, two thousand two, on behalf of the state, in relation to
17 any locally sponsored community college, shall be [eight] nine hundred
18 [sixty-one] fourteen million [four] five hundred [fifty-four] ninety
19 thousand dollars. Such amount shall be exclusive of bonds and notes
20 issued to fund any reserve fund or funds, costs of issuance and to
21 refund any outstanding bonds and notes, issued on behalf of the state,
22 relating to a locally sponsored community college.

23 § 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws
24 of 1997, relating to the financing of the correctional facilities
25 improvement fund and the youth facility improvement fund, as amended by
26 section 43 of part UU of chapter 54 of the laws of 2016, is amended to
27 read as follows:

28 1. Subject to the provisions of chapter 59 of the laws of 2000, but
29 notwithstanding the provisions of section 18 of section 1 of chapter 174
30 of the laws of 1968, the New York state urban development corporation is
31 hereby authorized to issue bonds, notes and other obligations in an
32 aggregate principal amount not to exceed six hundred [forty-seven]
33 eighty-two million [sixty-five] nine hundred fifteen thousand dollars
34 [(\$647,065,000)] (\$682,915,000), which authorization increases the
35 aggregate principal amount of bonds, notes and other obligations author-
36 ized by section 40 of chapter 309 of the laws of 1996, and shall include
37 all bonds, notes and other obligations issued pursuant to chapter 211 of
38 the laws of 1990, as amended or supplemented. The proceeds of such
39 bonds, notes or other obligations shall be paid to the state, for depos-
40 it in the youth facilities improvement fund, to pay for all or any
41 portion of the amount or amounts paid by the state from appropriations
42 or reappropriations made to the office of children and family services
43 from the youth facilities improvement fund for capital projects. The
44 aggregate amount of bonds, notes and other obligations authorized to be
45 issued pursuant to this section shall exclude bonds, notes or other
46 obligations issued to refund or otherwise repay bonds, notes or other
47 obligations theretofore issued, the proceeds of which were paid to the
48 state for all or a portion of the amounts expended by the state from
49 appropriations or reappropriations made to the office of children and
50 family services; provided, however, that upon any such refunding or
51 repayment the total aggregate principal amount of outstanding bonds,
52 notes or other obligations may be greater than six hundred [forty-seven]
53 eighty-two million [sixty-five] nine hundred fifteen thousand dollars
54 [(\$647,065,000)] (\$682,915,000), only if the present value of the aggre-
55 gate debt service of the refunding or repayment bonds, notes or other
56 obligations to be issued shall not exceed the present value of the

1 aggregate debt service of the bonds, notes or other obligations so to be
2 refunded or repaid. For the purposes hereof, the present value of the
3 aggregate debt service of the refunding or repayment bonds, notes or
4 other obligations and of the aggregate debt service of the bonds, notes
5 or other obligations so refunded or repaid, shall be calculated by
6 utilizing the effective interest rate of the refunding or repayment
7 bonds, notes or other obligations, which shall be that rate arrived at
8 by doubling the semi-annual interest rate (compounded semi-annually)
9 necessary to discount the debt service payments on the refunding or
10 repayment bonds, notes or other obligations from the payment dates ther-
11 eof to the date of issue of the refunding or repayment bonds, notes or
12 other obligations and to the price bid including estimated accrued
13 interest or proceeds received by the corporation including estimated
14 accrued interest from the sale thereof.

15 § 39. Paragraph b of subdivision 2 of section 9-a of section 1 of
16 chapter 392 of the laws of 1973, constituting the New York state medical
17 care facilities finance agency act, as amended by section 44 of part UU
18 of chapter 54 of the laws of 2016, is amended to read as follows:

19 b. The agency shall have power and is hereby authorized from time to
20 time to issue negotiable bonds and notes in conformity with applicable
21 provisions of the uniform commercial code in such principal amount as,
22 in the opinion of the agency, shall be necessary, after taking into
23 account other moneys which may be available for the purpose, to provide
24 sufficient funds to the facilities development corporation, or any
25 successor agency, for the financing or refinancing of or for the design,
26 construction, acquisition, reconstruction, rehabilitation or improvement
27 of mental health services facilities pursuant to paragraph a of this
28 subdivision, the payment of interest on mental health services improve-
29 ment bonds and mental health services improvement notes issued for such
30 purposes, the establishment of reserves to secure such bonds and notes,
31 the cost or premium of bond insurance or the costs of any financial
32 mechanisms which may be used to reduce the debt service that would be
33 payable by the agency on its mental health services facilities improve-
34 ment bonds and notes and all other expenditures of the agency incident
35 to and necessary or convenient to providing the facilities development
36 corporation, or any successor agency, with funds for the financing or
37 refinancing of or for any such design, construction, acquisition, recon-
38 struction, rehabilitation or improvement and for the refunding of mental
39 hygiene improvement bonds issued pursuant to section 47-b of the private
40 housing finance law; provided, however, that the agency shall not issue
41 mental health services facilities improvement bonds and mental health
42 services facilities improvement notes in an aggregate principal amount
43 exceeding eight billion [twenty-one] three hundred seventy-two million
44 eight hundred fifteen thousand dollars, excluding mental health services
45 facilities improvement bonds and mental health services facilities
46 improvement notes issued to refund outstanding mental health services
47 facilities improvement bonds and mental health services facilities
48 improvement notes; provided, however, that upon any such refunding or
49 repayment of mental health services facilities improvement bonds and/or
50 mental health services facilities improvement notes the total aggregate
51 principal amount of outstanding mental health services facilities
52 improvement bonds and mental health facilities improvement notes may be
53 greater than eight billion [twenty-one] three hundred seventy-two
54 million eight hundred fifteen thousand dollars only if, except as here-
55 inafter provided with respect to mental health services facilities bonds
56 and mental health services facilities notes issued to refund mental



1 hygiene improvement bonds authorized to be issued pursuant to the
2 provisions of section 47-b of the private housing finance law, the pres-
3 ent value of the aggregate debt service of the refunding or repayment
4 bonds to be issued shall not exceed the present value of the aggregate
5 debt service of the bonds to be refunded or repaid. For purposes hereof,
6 the present values of the aggregate debt service of the refunding or
7 repayment bonds, notes or other obligations and of the aggregate debt
8 service of the bonds, notes or other obligations so refunded or repaid,
9 shall be calculated by utilizing the effective interest rate of the
10 refunding or repayment bonds, notes or other obligations, which shall be
11 that rate arrived at by doubling the semi-annual interest rate
12 (compounded semi-annually) necessary to discount the debt service
13 payments on the refunding or repayment bonds, notes or other obligations
14 from the payment dates thereof to the date of issue of the refunding or
15 repayment bonds, notes or other obligations and to the price bid includ-
16 ing estimated accrued interest or proceeds received by the authority
17 including estimated accrued interest from the sale thereof. Such bonds,
18 other than bonds issued to refund outstanding bonds, shall be scheduled
19 to mature over a term not to exceed the average useful life, as certi-
20 fied by the facilities development corporation, of the projects for
21 which the bonds are issued, and in any case shall not exceed thirty
22 years and the maximum maturity of notes or any renewals thereof shall
23 not exceed five years from the date of the original issue of such notes.
24 Notwithstanding the provisions of this section, the agency shall have
25 the power and is hereby authorized to issue mental health services
26 facilities improvement bonds and/or mental health services facilities
27 improvement notes to refund outstanding mental hygiene improvement bonds
28 authorized to be issued pursuant to the provisions of section 47-b of
29 the private housing finance law and the amount of bonds issued or
30 outstanding for such purposes shall not be included for purposes of
31 determining the amount of bonds issued pursuant to this section. The
32 director of the budget shall allocate the aggregate principal authorized
33 to be issued by the agency among the office of mental health, office for
34 people with developmental disabilities, and the office of alcoholism and
35 substance abuse services, in consultation with their respective commis-
36 sioners to finance bondable appropriations previously approved by the
37 legislature.

38 § 40. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
39 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
40 ter 63 of the laws of 2005, relating to the composition and responsibil-
41 ities of the New York state higher education capital matching grant
42 board, as amended by section 45 of part UU of chapter 54 of the laws of
43 2016, are amended to read as follows:

44 (b) Within amounts appropriated therefor, the board is hereby author-
45 ized and directed to award matching capital grants totaling [240] 270
46 million dollars. Each college shall be eligible for a grant award amount
47 as determined by the calculations pursuant to subdivision five of this
48 section. In addition, such colleges shall be eligible to compete for
49 additional funds pursuant to paragraph (h) of subdivision four of this
50 section.

51 (B) The dormitory authority shall not issue any bonds or notes in an
52 amount in excess of [240] 270 million dollars for the purposes of this
53 section; excluding bonds or notes issued to fund one or more debt
54 service reserve funds, to pay costs of issuance of such bonds, and bonds
55 or notes issued to refund or otherwise repay such bonds or notes previ-
56 ously issued. Except for purposes of complying with the internal revenue

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

3 § 41. Section 1680-r of the public authorities law, as amended by
4 section 40 of part I of chapter 60 of the laws of 2015, subdivision 1 as
5 amended by section 48 of part UU of chapter 54 of the laws of 2016, is
6 amended to read as follows:

7 § 1680-r. Authorization for the issuance of bonds for the capital
8 restructuring financing program [and], the health care facility trans-
9 formation [program] programs, and the essential health care provider
10 program. 1. Notwithstanding the provisions of any other law to the
11 contrary, the dormitory authority and the urban development corporation
12 are hereby authorized to issue bonds or notes in one or more series for
13 the purpose of funding project costs for the capital restructuring
14 financing program for health care and related facilities licensed pursu-
15 ant to the public health law or the mental hygiene law and other state
16 costs associated with such capital projects [and], the health care
17 facility transformation [program] programs, and the essential health
18 care provider program. The aggregate principal amount of bonds author-
19 ized to be issued pursuant to this section shall not exceed two billion
20 [four] seven hundred million dollars, excluding bonds issued to fund one
21 or more debt service reserve funds, to pay costs of issuance of such
22 bonds, and bonds or notes issued to refund or otherwise repay such bonds
23 or notes previously issued. Such bonds and notes of the dormitory
24 authority and the urban development corporation shall not be a debt of
25 the state, and the state shall not be liable thereon, nor shall they be
26 payable out of any funds other than those appropriated by the state to
27 the dormitory authority and the urban development corporation for prin-
28 cipal, interest, and related expenses pursuant to a service contract and
29 such bonds and notes shall contain on the face thereof a statement to
30 such effect. Except for purposes of complying with the internal revenue
31 code, any interest income earned on bond proceeds shall only be used to
32 pay debt service on such bonds.

33 2. Notwithstanding any other provision of law to the contrary, in
34 order to assist the dormitory authority and the urban development corpo-
35 ration in undertaking the financing for project costs for the capital
36 restructuring financing program for health care and related facilities
37 licensed pursuant to the public health law or the mental hygiene law and
38 other state costs associated with such capital projects [and], the
39 health care facility transformation [program] programs, and the essen-
40 tial health care provider program, the director of the budget is hereby
41 authorized to enter into one or more service contracts with the dormito-
42 ry authority and the urban development corporation, none of which shall
43 exceed thirty years in duration, upon such terms and conditions as the
44 director of the budget and the dormitory authority and the urban devel-
45 opment corporation agree, so as to annually provide to the dormitory
46 authority and the urban development corporation, in the aggregate, a sum
47 not to exceed the principal, interest, and related expenses required for
48 such bonds and notes. Any service contract entered into pursuant to this
49 section shall provide that the obligation of the state to pay the amount
50 therein provided shall not constitute a debt of the state within the
51 meaning of any constitutional or statutory provision and shall be deemed
52 executory only to the extent of monies available and that no liability
53 shall be incurred by the state beyond the monies available for such
54 purpose, subject to annual appropriation by the legislature. Any such
55 contract or any payments made or to be made thereunder may be assigned
56 and pledged by the dormitory authority and the urban development corpo-

1 ration as security for its bonds and notes, as authorized by this
2 section.

3 § 42. Section 50 of section 1 of chapter 174 of the laws of 1968
4 constituting the New York state urban development corporation act, as
5 added by section 46-b of part I of chapter 55 of the laws of 2014, is
6 amended to read as follows:

7 § 50. 1. Notwithstanding the provisions of any other law to the
8 contrary, the dormitory authority and the urban development corporation
9 are hereby authorized to issue bonds or notes in one or more series for
10 the purpose of funding project costs undertaken by or on behalf of
11 special act school districts, state-supported schools for the blind and
12 deaf [and], approved private special education schools, non-public
13 schools and other state costs associated with such capital projects.
14 The aggregate principal amount of bonds authorized to be issued pursuant
15 to this section shall not exceed [five] thirty million dollars, exclud-
16 ing bonds issued to fund one or more debt service reserve funds, to pay
17 costs of issuance of such bonds, and bonds or notes issued to refund or
18 otherwise repay such bonds or notes previously issued. Such bonds and
19 notes of the dormitory authority and the urban development corporation
20 shall not be a debt of the state, and the state shall not be liable
21 thereon, nor shall they be payable out of any funds other than those
22 appropriated by the state to the dormitory authority and the urban
23 development corporation for principal, interest, and related expenses
24 pursuant to a service contract and such bonds and notes shall contain on
25 the face thereof a statement to such effect. Except for purposes of
26 complying with the internal revenue code, any interest income earned on
27 bond proceeds shall only be used to pay debt service on such bonds.

28 2. Notwithstanding any other provision of law to the contrary, in
29 order to assist the dormitory authority and the urban development corpo-
30 ration in undertaking the financing for project costs undertaken by or
31 on behalf of special act school districts, state-supported schools for
32 the blind and deaf and approved private special education schools, non-
33 public schools, and other state costs associated with such capital
34 projects, the director of the budget is hereby authorized to enter into
35 one or more service contracts with the dormitory authority and the urban
36 development corporation, none of which shall exceed thirty years in
37 duration, upon such terms and conditions as the director of the budget
38 and the dormitory authority and the urban development corporation agree,
39 so as to annually provide to the dormitory authority and the urban
40 development corporation, in the aggregate, a sum not to exceed the prin-
41 cipal, interest, and related expenses required for such bonds and notes.
42 Any service contract entered into pursuant to this section shall provide
43 that the obligation of the state to pay the amount therein provided
44 shall not constitute a debt of the state within the meaning of any
45 constitutional or statutory provision and shall be deemed executory only
46 to the extent of monies available and that no liability shall be
47 incurred by the state beyond the monies available for such purpose,
48 subject to annual appropriation by the legislature. Any such contract or
49 any payments made or to be made thereunder may be assigned and pledged
50 by the dormitory authority and the urban development corporation as
51 security for its bonds and notes, as authorized by this section.

52 [3. Subdivisions 1 and 2 of this section shall take effect only in the
53 event that a chapter of the laws of 2014, enacting the "smart schools
54 bond act of 2014", is submitted to the people at the general election to
55 be held in November 2014 and is approved by a majority of all votes cast
56 for and against it at such election. Upon such approval, subdivisions 1

1 and 2 of this section shall take effect immediately. If such approval is
2 not obtained, subdivisions 1 and 2 of this section shall expire and be
3 deemed repealed.]

4 § 43. Paragraph (b) of subdivision 4 of section 72 of the state
5 finance law, as amended by section 27 of part I of chapter 55 of the
6 laws of 2014, is amended to read as follows:

7 (b) On or before the beginning of each quarter, the director of the
8 budget may certify to the state comptroller the estimated amount of
9 monies that shall be reserved in the general debt service fund for the
10 payment of debt service and related expenses payable by such fund during
11 each month of the state fiscal year, excluding payments due from the
12 revenue bond tax fund. Such certificate may be periodically updated, as
13 necessary. Notwithstanding any provision of law to the contrary, the
14 state comptroller shall reserve in the general debt service fund the
15 amount of monies identified on such certificate as necessary for the
16 payment of debt service and related expenses during the current or next
17 succeeding quarter of the state fiscal year. Such monies reserved shall
18 not be available for any other purpose. Such certificate shall be
19 reported to the chairpersons of the Senate Finance Committee and the
20 Assembly Ways and Means Committee. [The provisions of this paragraph
21 shall expire June thirtieth, two thousand seventeen.]

22 § 44. Paragraph (a) of subdivision 1 of section 3234 of the public
23 authorities law, as amended by section 46-d of part I of chapter 55 of
24 the laws of 2014, is amended to read as follows:

25 (a) The corporation shall be administered by [seven] three directors,
26 one of whom shall be the comptroller, one of whom shall be the director
27 of the budget and [five] one of whom shall be appointed by the governor.
28 The comptroller and the director of the budget shall be entitled to
29 designate a representative or representatives to attend meetings of the
30 board in their place, and to vote or otherwise act on their behalf in
31 their absence. Notice of such designation shall be furnished in writing
32 to the board by the designating director. A representative shall serve
33 at the pleasure of the designating director during the director's term
34 of office. A representative shall not be authorized to delegate any of
35 his or her duties or functions to any other person. A director who is
36 not a state official shall serve for a term expiring at the end of the
37 term actually served by the officer making the appointment and may be
38 removed for cause by such officer after hearing on ten days notice.

39 § 45. Section 3234 of the public authorities law is amended by adding
40 a new subdivision 7 to read as follows:

41 7. Notwithstanding any other provision of law to the contrary, the
42 provisions of subdivisions four, six, seven and eight of section two
43 thousand eight hundred twenty-four of this chapter shall not apply to
44 the corporation.

45 § 46. Paragraph (d) of subdivision 1 of section 68-b of the state
46 finance law, as added by section 2 of part I of chapter 383 of the laws
47 of 2001, is amended to read as follows:

48 (d) All of the provisions of the enabling acts of the authorized
49 issuers relating to bonds and notes, which are not inconsistent with the
50 provisions of this section, may, at the discretion of the authorized
51 issuer, apply to revenue bonds authorized by this section. Notwith-
52 standing the foregoing, where the provisions of the enabling acts of the
53 authorized issuers relating to bonds and notes may be inconsistent with
54 the provisions of this section, including but not limited to the amount
55 of bonds authorized to be issued for authorized purposes, the authori-
56 zation for, manner, and requirements for the issuance of refunding

1 bonds, and any other similar powers, the provisions of this section
2 shall govern and be applied consistently for all such authorized
3 purposes.

4 § 47. Paragraph (d) of subdivision 1 of section 69-n of the state
5 finance law, as added by section 58 of part HH of chapter 57 of the laws
6 of 2013, is amended to read as follows:

7 (d) All of the provisions of the enabling acts of the authorized
8 issuers relating to bonds and notes, which are not inconsistent with the
9 provisions of this section, may, at the discretion of the authorized
10 issuer, apply to revenue bonds authorized by this section. Notwith-
11 standing the foregoing, where the provisions of the enabling acts of the
12 authorized issuers relating to bonds and notes may be inconsistent with
13 the provisions of this section, including but not limited to the amount
14 of bonds authorized to be issued for authorized purposes, the authori-
15 zation for, manner, and requirements for the issuance of refunding
16 bonds, and any other similar powers, the provisions of this section
17 shall govern and be applied consistently for all such authorized
18 purposes.

19 § 48. Paragraphs (a) and (g) of subdivision 2 of section 56 of the
20 state finance law, as amended by chapter 11 of the laws of 1994, are
21 amended to read as follows:

22 (a) Refunding bonds shall be issued only when the comptroller shall
23 have certified that, as a result of the refunding, there will be a debt
24 service savings to the state on a present value basis as a result of the
25 refunding transaction and that either (i) the refunding will benefit
26 state taxpayers over the life of the refunding bonds by achieving an
27 actual debt service savings each year or state fiscal year during the
28 term to maturity of the refunding bonds when debt service on the refund-
29 ing bonds is expected to be paid from legislative appropriations or (ii)
30 debt service on the refunding bonds shall be payable in annual install-
31 ments of principal and interest which result in substantially level or
32 declining debt service payments pursuant to paragraph (b) of subdivision
33 two of section fifty-seven of this [chapter] article. Such certif-
34 ication by the comptroller shall be conclusive as to matters contained
35 therein after the refunding bonds have been issued.

36 (g) Any refunding bonds issued pursuant to this section shall be paid
37 in annual installments which shall, so long as any refunding bonds are
38 outstanding, be made in each year or state fiscal year in which install-
39 ments were due on the bonds to be refunded and shall be in an amount
40 which shall result in annual debt service payments which shall be less
41 in each year or state fiscal year than the annual debt service payments
42 on the bonds to be refunded unless debt service on the refunding bonds
43 is payable in annual installments of principal and interest which will
44 result in substantially level or declining debt service payments pursu-
45 ant to paragraph (b) of subdivision two of section fifty-seven of this
46 [chapter] article.

47 § 49. Subdivisions 1, 2 and 6 of section 57 of the state finance law,
48 as amended by chapter 11 of the laws of 1994, are amended to read as
49 follows:

50 1. Whenever the legislature, after authorization of a bond issue by
51 the people at a general election, as provided by section eleven of arti-
52 cle seven of the state constitution, or as provided by section three of
53 article eighteen of the state constitution, shall have authorized, by
54 one or more laws, the creation of a state debt or debts, bonds of the
55 state, to the amount of the debt or debts so authorized, shall be issued
56 and sold by the state comptroller. Any appropriation from the proceeds

1 of the sale of bonds, pursuant to this section, shall be deemed to be an
2 authorization for the creation of a state debt or debts to the extent of
3 such appropriation. The state comptroller may issue and sell a single
4 series of bonds pursuant to one or more such authorizations and for one
5 or more duly authorized works or purposes. As part of the proceedings
6 for each such issuance and sale of bonds, the state comptroller shall
7 designate the works or purposes for which they are issued. It shall not
8 be necessary for him to designate the works or purposes for which the
9 bonds are issued on the face of the bonds. The proceeds from the sale of
10 bonds for more than one work or purpose shall be separately accounted
11 for according to the works or purposes designated for such sale by the
12 comptroller and the proceeds received for each work or purpose shall be
13 expended only for such work or purpose. The bonds shall bear interest at
14 such rate or rates as in the judgment of the state comptroller may be
15 sufficient or necessary to effect a sale of the bonds, and such interest
16 shall be payable at least semi-annually, in the case of bonds with a
17 fixed interest rate, and at least annually, in the case of bonds with an
18 interest rate that varies periodically, in the city of New York unless
19 annual payments of principal and interest result in substantially level
20 or declining debt service payments over the life of an issue of bonds
21 pursuant to paragraph (b) of subdivision two of this section or unless
22 accrued interest is contributed to a sinking fund in accordance with
23 subdivision three of section twelve of article seven of the state
24 constitution, in which case interest shall be paid at such times and at
25 such places as shall be determined by the state comptroller prior to
26 issuance of the bonds.

27 2. Such bonds, or the portion thereof at any time issued, shall be
28 made payable (a) in equal annual principal installments or (b) in annual
29 installments of principal and interest which result in substantially
30 level or declining debt service payments, over the life of the bonds,
31 the first of which annual installments shall be payable not more than
32 one year from the date of issue and the last of which shall be payable
33 at such time as the comptroller may determine but not more than forty
34 years or state fiscal years after the date of issue, not more than fifty
35 years after the date of issue in the case of housing bonds, and not more
36 than twenty-five years in the case of urban renewal bonds. Where bonds
37 are payable pursuant to paragraph (b) of this subdivision, except for
38 the year or state fiscal year of initial issuance if less than a full
39 year of debt service is to become due in that year or state fiscal year,
40 either (i) the greatest aggregate amount of debt service payable in any
41 year or state fiscal year shall not differ from the lowest aggregate
42 amount of debt service payable in any other year or state fiscal year by
43 more than five percent or (ii) the aggregate amount of debt service in
44 each year or state fiscal year shall be less than the aggregate amount
45 of debt service in the immediately preceding year or state fiscal year.
46 For purposes of this subdivision, debt service shall include all princi-
47 pal, redemption price, sinking fund installments or contributions, and
48 interest scheduled to become due. For purposes of determining whether
49 debt service is level or declining on bonds issued with a variable rate
50 of interest pursuant to paragraph b of subdivision four of this section,
51 the comptroller shall assume a market rate of interest as of the date of
52 issuance. Where the comptroller determines that interest on any bonds
53 shall be compounded and payable at maturity, such bonds shall be payable
54 only in accordance with paragraph (b) of this subdivision unless accrued
55 interest is contributed to a sinking fund in accordance with subdivision
56 three of section twelve of article seven of the state constitution. In

1 no case shall any bonds or portion thereof be issued for a period longer
2 than the probable life of the work or purpose, or part thereof, to which
3 the proceeds of the bonds are to be applied, or in the alternative, the
4 weighted average period of the probable life of the works or purposes to
5 which the proceeds of the bonds are to be applied taking into consider-
6 ation the respective amounts of bonds issued for each work or purpose,
7 as may be determined under section sixty-one of this [chapter] article
8 and in accordance with the certificate of the commissioner of general
9 services, and/or the commissioner of transportation, state architect,
10 state commissioner of housing and urban renewal, or other authority, as
11 the case may be, having charge by law of the acquisition, construction,
12 work or improvement for which the debt was authorized. Such certificate
13 shall be filed in the office of the state comptroller and shall state
14 the group, or, where the probable lives of two or more separable parts
15 of the work or purposes are different, the groups, specified in such
16 section, for which the amount or amounts, shall be provided by the issu-
17 ance and sale of bonds. Weighted average period of probable life shall
18 be determined by computing the sum of the products derived from multi-
19 plying the dollar value of the portion of the debt contracted for each
20 work or purpose (or class of works or purposes) by the probable life of
21 such work or purpose (or class of works or purposes) and dividing the
22 resulting sum by the dollar value of the entire debt after taking into
23 consideration any original issue discount. Any costs of issuance
24 financed with bond proceeds shall be prorated among the various works or
25 purposes. Such bonds, or the portion thereof at any time sold, shall be
26 of such denominations, subject to the foregoing provisions, as the state
27 comptroller may determine. Notwithstanding the foregoing provisions of
28 this subdivision, the comptroller may issue all or a portion of such
29 bonds as serial debt, term debt or a combination thereof, maturing as
30 required by this subdivision, provided that the comptroller shall have
31 provided for the retirement each year or state fiscal year, or otherwise
32 have provided for the payment of, through sinking fund installment
33 payments or otherwise, a portion of such term bonds in an amount meeting
34 the requirements of paragraph (a) or (b) of this subdivision or shall
35 have established a sinking fund and provided for contributions thereto
36 as provided in subdivision eight of this section and section twelve of
37 article seven of the state constitution.

38 6. Except with respect to bonds issued in the manner provided in para-
39 graph (c) of subdivision seven of this section, all bonds of the state
40 of New York which the comptroller of the state of New York is authorized
41 to issue and sell, shall be executed in the name of the state of New
42 York by the manual or facsimile signature of the state comptroller and
43 his seal (or a facsimile thereof) shall be thereunto affixed, imprinted,
44 engraved or otherwise reproduced. In case the state comptroller who
45 shall have signed and sealed any of the bonds shall cease to hold the
46 office of state comptroller before the bonds so signed and sealed shall
47 have been actually countersigned and delivered by the fiscal agent or
48 trustee, such bonds may, nevertheless, be countersigned and delivered as
49 herein provided, and may be issued as if the state comptroller who
50 signed and sealed such bonds had not ceased to hold such office. Any
51 bond of a series may be signed and sealed on behalf of the state of New
52 York by such person as at the actual time of the execution of such bond
53 shall hold the office of comptroller of the state of New York, although
54 at the date of the bonds of such series such person may not have held
55 such office. The coupons to be attached to the coupon bonds of each
56 series shall be signed by the facsimile signature of the state comp-

1 troller of the state of New York or by any person who shall have held
2 the office of state comptroller of the state of New York on or after the
3 date of the bonds of such series, notwithstanding that such person may
4 not have been such state comptroller at the date of any such bond or may
5 have ceased to be such state comptroller at the date when any such bond
6 shall be actually countersigned and delivered. The bonds of each series
7 shall be countersigned with the manual signature of an authorized
8 employee of the fiscal agent or trustee of the state of New York. No
9 bond and no coupon thereunto appertaining shall be valid or obligatory
10 for any purpose until such manual countersignature of an authorized
11 employee of the fiscal agent or trustee of the state of New York shall
12 have been duly affixed to such bond.

13 § 50. Sections 58, 59 and 60 of the state finance law are REPEALED.

14 § 51. Section 62 of the state finance law, as amended by chapter 219
15 of the laws of 1999, is amended to read as follows:

16 § 62. Replacement of lost certificates. The comptroller, who may act
17 through his duly authorized fiscal agent or trustee appointed pursuant
18 to section sixty-five of this article, may issue to the lawful owner of
19 any certificate or bond issued by him in behalf of this state, which he
20 or such duly authorized fiscal agent or trustee is satisfied, by due
21 proof filed in his office or with such duly authorized fiscal agent or
22 trustee, has been lost or casually destroyed, a new certificate or bond,
23 corresponding in date, number and amount with the certificate or bond so
24 lost or destroyed, and expressing on its face that it is a renewed
25 certificate or bond. No such renewed certificate or bond shall be issued
26 unless sufficient security is given to satisfy the lawful claim of any
27 person to the original certificate or bond, or to any interest therein.
28 The comptroller shall report annually to the legislature the number and
29 amount of all renewed certificates or bonds so issued. If the renewed
30 certificate is issued by the state's duly authorized fiscal agent or
31 trustee and such agent or trustee agrees to be responsible for any loss
32 suffered as a result of unauthorized payment, the security shall be
33 provided to and approved by the fiscal agent or trustee and no addi-
34 tional approval by the comptroller or the attorney general shall be
35 required.

36 § 52. Section 65 of the state finance law, as amended by chapter 459
37 of the laws of 1948, subdivision 1 as amended by chapter 219 of the laws
38 of 1999, is amended to read as follows:

39 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.
40 Notwithstanding any other provisions of this chapter, the comptroller,
41 on behalf of the state, may contract from time to time for a period or
42 periods not exceeding ten years each, except in the case of a bank or
43 trust company agreeing to act as issuing, paying and/or tender agent
44 with respect to a particular issue of variable interest rate bonds in
45 which case the comptroller, on behalf of the state, may contract for a
46 period not to exceed the term of such particular issue of bonds, with
47 one or more banks or trust companies located in the city of New York, to
48 act as fiscal agent, trustee, or agents of the state, and for the main-
49 tenance of an office for the registration, conversion, reconversion and
50 transfer of the bonds and notes of the state, including the preparation
51 and substitution of new bonds and notes, for the payment of the princi-
52 pal thereof and interest thereon, [and] for related services, and to
53 otherwise effectuate the powers and duties of a fiscal agent or trustee
54 on behalf of the state in all such respects as may be determined by the
55 comptroller for such bonds and notes, and for the payment by the state
56 of such compensation therefor as the comptroller may determine. Any such

1 fiscal agent or trustee may, where authorized pursuant to the terms of
2 its contract, accept delivery of obligations purchased by the state and
3 of securities deposited with the state pursuant to sections one hundred
4 five and one hundred six of this chapter and hold the same in safekeep-
5 ing, make delivery to purchasers of obligations sold by the state, and
6 accept deposit of such proceeds of sale without securing the same. Any
7 such contract may also provide that such fiscal agent or trustee may,
8 upon the written instruction of the comptroller, deposit any obligations
9 or securities which it receives pursuant to such contract, in an account
10 with a federal reserve bank, to be held in such account in the form of
11 entries on the books of the federal reserve bank, and to be transferred
12 in the event of any assignment, sale, redemption, maturity or other
13 disposition of such obligations or securities, by entries on the books
14 of the federal reserve bank. Any such bank or trust company shall be
15 responsible to the people of this state for the faithful and safe
16 conduct of the business of said office, for the fidelity and integrity
17 of its officers and agents employed in such office, and for all loss or
18 damage which may result from any failure to discharge their duties, and
19 for any improper and incorrect discharge of those duties, and shall save
20 the state free and harmless from any and all loss or damage occasioned
21 by or incurred in the performance of such services. Any such contract
22 may be terminated by the comptroller at any time. In the event of any
23 change in any office maintained pursuant to any such contract, the comp-
24 troller shall give public notice thereof in such form as he may deter-
25 mine appropriate.

26 2. The comptroller shall prescribe rules and regulations for the
27 registration, conversion, reconversion and transfer of the bonds and
28 notes of the state, including the preparation and substitution of new
29 bonds, for the payment of the principal thereof and interest thereon,
30 and for other authorized services to be performed by such fiscal agent
31 or trustee. Such rules and regulations, and all amendments thereof,
32 shall be prepared in duplicate, one copy of which shall be filed in the
33 office of the department of audit and control and the other in the
34 office of the department of state. A copy thereof may be filed as a
35 public record in such other offices as the comptroller may determine.
36 Such rules and regulations shall be obligatory on all persons having any
37 interests in bonds and notes of the state heretofore or hereafter
38 issued.

39 § 53. The state finance law is amended by adding a new article 5-G to
40 read as follows:

41 ARTICLE 5-G

42 PRIVATE SALE APPROVALS

43 Section 69-p. Private sale approvals.

44 § 69-p. Private sale approvals. Notwithstanding any other provision of
45 law to the contrary, wherever any issuer of bonds, notes, or other obli-
46 gations, as authorized in the state finance law, the public authorities
47 law, the local finance law, the general municipal law, the private hous-
48 ing finance law, the arts and cultural affairs law, the racing, pari-mu-
49 tual wagering and breeding law, or unconsolidated law, shall have a
50 requirement that such bonds, notes, or other obligations shall not be
51 sold at private sale unless such sale and the terms thereof have been
52 approved by the state comptroller, such issuer shall only be required to
53 seek or secure the approval from the state comptroller of the interest
54 rates, yields, and prices of such bonds, notes or other obligations, and
55 their costs of issuance. If the state comptroller shall not have
56 provided a decision on such approval by no later than noon eastern stan-



1 ard time on the next business day following the final pricing activity
2 of each such private sale, then the sale and the terms thereof shall be
3 deemed to be approved.

4 § 54. Subdivision 2 of section 365 of the public authorities law, as
5 separately amended by sections 349 and 381 of chapter 190 of the laws of
6 1990, is amended to read as follows:

7 2. The notes and bonds shall be authorized by resolution of the board,
8 shall bear such date or dates and mature at such time or times, in the
9 case of notes and any renewals thereof within five years after their
10 respective dates and in the case of bonds not exceeding forty years from
11 their respective dates, as such resolution or resolutions may provide.
12 The notes and bonds shall bear interest at such rate or rates, be in
13 such denominations, be in such form, either coupon or registered, carry
14 such registration privileges, be executed in such manner, be payable in
15 such medium of payment, at such place or places, and be subject to such
16 terms of redemption as such resolution or resolutions may provide. Bonds
17 and notes shall be sold by the authority, at public or private sale, at
18 such price or prices as the authority may determine. Bonds and notes of
19 the authority shall not be sold by the authority at private sale unless
20 such sale and the terms thereof have been approved in writing by the
21 comptroller, where such sale is not to the comptroller, or by the direc-
22 tor of the budget, where such sale is to the comptroller. [Bonds and
23 notes sold at public sale shall be sold by the comptroller, as agent of
24 the authority, in such manner as the authority, with the approval of the
25 comptroller, shall determine.]

26 § 55. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after April 1, 2017; provided,
28 however, that the provisions of sections one, two, three, four, five,
29 six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen,
30 eighteen, nineteen, twenty, twenty-one, and twenty-two of this act shall
31 expire March 31, 2018 when upon such date the provisions of such
32 sections shall be deemed repealed.

33

PART AA

34 Section 1. Subsection (s) of section 2313 of the insurance law, as
35 amended by chapter 237 of the laws of 2012, is amended to read as
36 follows:

37 (s) Notwithstanding any other provision of this article, no rate
38 service organization may file rates for workers' compensation insurance
39 after February first, two thousand eight, but a rate service organiza-
40 tion may file loss costs or other statistical information, including
41 rating plans, until June second, two thousand [eighteen] twenty-eight.
42 Notwithstanding subsection (j) of this section, any such rate service
43 organization shall nonetheless be required to be licensed pursuant to
44 this section.

45 § 2. Section 16 of chapter 11 of the laws of 2008, amending the work-
46 ers' compensation law, the insurance law, the volunteer ambulance work-
47 ers' benefit law and the volunteer firefighters' benefit law, relating
48 to rates for workers' compensation insurance and setting forth condi-
49 tions for a workers' compensation rate service organization, as amended
50 by chapter 237 of the laws of 2012, is amended to read as follows:

51 § 16. This act shall take effect February 1, 2008; provided that the
52 amendments to paragraph 2 of subsection (a) of section 2316 of the
53 insurance law made by section eleven of this act shall take effect on
54 the same date that section 68 of chapter 6 of the laws of 2007 takes

1 effect; provided further that the amendments to section 2316 of the
2 insurance law made by section eleven of this act shall not affect the
3 expiration of such section pursuant to section 2342 of the insurance law
4 and shall be deemed expired therewith; and provided further that section
5 ten of this act shall expire and be deemed repealed June 2, [2018] 2028.

6 § 3. Subsection (e) of section 2305 of the insurance law, as amended
7 by chapter 237 of the laws of 2012, is amended to read as follows:

8 (e) The superintendent: (1) by regulation may, in lieu of the waiting
9 period set forth in subsection (b) of this section, require workers'
10 compensation insurance rate filings to be specifically approved before
11 they become effective; and (2) shall hold a public hearing if a rate
12 service organization makes a loss cost filing for workers' compensation
13 that is an increase of seven percent or more over the approved loss
14 costs from the prior year. Until June second, two thousand [eighteen]
15 twenty-eight, a rate service organization for workers' compensation
16 shall make a loss cost filing every year on or before June first, or
17 such earlier date as is set by the superintendent.

18 § 4. This act shall take effect immediately.

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

28 § 3. This act shall take effect immediately provided, however, that
29 the applicable effective date of Parts A through AA of this act shall be
30 as specifically set forth in the last section of such Parts.