

# STATE OF NEW YORK

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3005--B

## IN ASSEMBLY

January 20, 2021

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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 -- again reported from said committee with amendments, 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 relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and

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

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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 55 of the laws of 2018, amending the criminal procedure law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the domestic relations law, in relation to the custody of children (Part F); Intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); inten-



tionally omitted (Part N); intentionally omitted (Part O); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); to amend the election law, in relation to expanding polling site hours of operation during early voting (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); to amend the tax law, the state finance law and the public authorities law, in relation to aid and incentives for municipalities base level grants; and to repeal certain provisions of the state finance law and the tax law relating thereto (Part LL); intentionally omitted (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); intentionally omitted (Part PP); to provide for the administration of certain funds and accounts related to the 2021-2022 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 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 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 certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, in relation to the issuance of bonds and notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to authorizing the dormitory authority of the state of New York and the urban development corporation to enter into line of credit facilities, and in relation to state-supported debt



issued during the 2022 fiscal year; to amend the public authorities law, in relation to childcare facilities development program; to amend the state finance law, in relation to payments of bonds; to amend the state finance law, in relation to the mental health services fund; to amend the public health law, in relation to secured hospital project bonds; to repeal paragraph c of subdivision 5 of section 89-b of the state finance law relating to the dedicated highway and bridge trust fund; to repeal subdivision (j) of section 92-dd of the state finance law relating to the HCRA resources fund; to repeal subdivision 3-a of the public health law relating to eligible secured hospital borrower; and providing for the repeal of certain provisions upon expiration thereof (Part QQ); to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof (Part RR); to amend chapter 1 of the laws of 2005, amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to the effectiveness thereof (Part SS); intentionally omitted (Part TT); intentionally omitted (Part UU); to amend the public service law, in relation to utility intervenor reimbursement; and to amend the state finance law, in relation to establishing the utility intervenor account (Part VV); to amend the public service law, in relation to creating the state office of the utility consumer advocate (Part WW); in relation to allowing local governments and political subdivisions to receive certain funds without the certification required by executive order 203 of 2020 (Part XX); and to provide a temporary retirement incentive for certain public employees (Subpart A); and to provide an age 55/25 years temporary retirement incentive for certain public employees (Subpart B) (Part YY)

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

1 Section 1. This act enacts into law major components of legislation  
 2 necessary to implement the state public protection and general govern-  
 3 ment budget for the 2021-2022 state fiscal year. Each component is whol-  
 4 ly contained within a Part identified as Parts A through YY. The effec-  
 5 tive date for each particular provision contained within such Part is  
 6 set forth in the last section of such Part. Any provision in any section  
 7 contained within a Part, including the effective date of the Part, which  
 8 makes a reference to a section "of this act", when used in connection  
 9 with that particular component, shall be deemed to mean and refer to the  
 10 corresponding section of the Part in which it is found. Section three  
 11 of this act sets forth the 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 A of chapter 55 of the laws of 2020, 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 [2021] 2023.

1 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-  
2 tive law and the criminal procedure law relating to expanding the  
3 geographic area of employment of certain police officers, as amended by  
4 section 2 of part A of chapter 55 of the laws of 2020, is amended to  
5 read as follows:

6 § 3. This act shall take effect on the first day of November next  
7 succeeding the date on which it shall have become a law, and shall  
8 remain in effect until the first day of September, [2021] 2023, when it  
9 shall expire and be deemed repealed.

10 § 3. Section 3 of chapter 886 of the laws of 1972, amending the  
11 correction law and the penal law relating to prisoner furloughs in  
12 certain cases and the crime of absconding therefrom, as amended by  
13 section 3 of part A of chapter 55 of the laws of 2020, is amended to  
14 read as follows:

15 § 3. This act shall take effect 60 days after it shall have become a  
16 law and shall remain in effect until September 1, [2021] 2023.

17 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters  
18 50, 53 and 54 of the laws of 1987, the correction law, the penal law and  
19 other chapters and laws relating to correctional facilities, as amended  
20 by section 4 of part A of chapter 55 of the laws of 2020, is amended to  
21 read as follows:

22 § 20. This act shall take effect immediately except that section thir-  
23 teen of this act shall expire and be of no further force or effect on  
24 and after September 1, [2021] 2023 and shall not apply to persons  
25 committed to the custody of the department after such date, and provided  
26 further that the commissioner of corrections and community supervision  
27 shall report each January first and July first during such time as the  
28 earned eligibility program is in effect, to the chairmen of the senate  
29 crime victims, crime and correction committee, the senate codes commit-  
30 tee, the assembly correction committee, and the assembly codes commit-  
31 tee, the standards in effect for earned eligibility during the prior  
32 six-month period, the number of inmates subject to the provisions of  
33 earned eligibility, the number who actually received certificates of  
34 earned eligibility during that period of time, the number of inmates  
35 with certificates who are granted parole upon their first consideration  
36 for parole, the number with certificates who are denied parole upon  
37 their first consideration, and the number of individuals granted and  
38 denied parole who did not have earned eligibility certificates.

39 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,  
40 amending the tax law and other laws relating to taxes, surcharges, fees  
41 and funding, as amended by section 5 of part A of chapter 55 of the laws  
42 of 2020, is amended to read as follows:

43 (q) the provisions of section two hundred eighty-four of this act  
44 shall remain in effect until September 1, [2021] 2023 and be applicable  
45 to all persons entering the program on or before August 31, [2021] 2023.

46 § 6. Section 10 of chapter 339 of the laws of 1972, amending the  
47 correction law and the penal law relating to inmate work release,  
48 furlough and leave, as amended by section 6 of part A of chapter 55 of  
49 the laws of 2020, is amended to read as follows:

50 § 10. This act shall take effect 30 days after it shall have become a  
51 law and shall remain in effect until September 1, [2021] 2023, and  
52 provided further that the commissioner of correctional services shall  
53 report each January first, and July first, to the chairman of the senate  
54 crime victims, crime and correction committee, the senate codes commit-  
55 tee, the assembly correction committee, and the assembly codes commit-  
56 tee, the number of eligible inmates in each facility under the custody

1 and control of the commissioner who have applied for participation in  
2 any program offered under the provisions of work release, furlough, or  
3 leave, and the number of such inmates who have been approved for partic-  
4 ipation.

5 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994,  
6 relating to certain provisions which impact upon expenditure of certain  
7 appropriations made by chapter 50 of the laws of 1994, enacting the  
8 state operations budget, as amended by section 7 of part A of chapter 55  
9 of the laws of 2020, is amended to read as follows:

10 (c) sections forty-one and forty-two of this act shall expire Septem-  
11 ber 1, [2021] 2023; provided, that the provisions of section forty-two  
12 of this act shall apply to inmates entering the work release program on  
13 or after such effective date; and

14 § 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,  
15 amending the correction law and other laws relating to the incarceration  
16 fee, as amended by section 8 of part A of chapter 55 of the laws of  
17 2020, is amended to read as follows:

18 h. Section fifty-two of this act shall be deemed to have been in full  
19 force and effect on and after April 1, 1995; provided, however, that the  
20 provisions of section 189 of the correction law, as amended by section  
21 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,  
22 as amended by section fifty-six of this act, and section fifty-seven of  
23 this act shall expire September 1, [2021] 2023, when upon such date the  
24 amendments to the correction law and penal law made by sections fifty-  
25 five and fifty-six of this act shall revert to and be read as if the  
26 provisions of this act had not been enacted; provided, however, that  
27 sections sixty-two, sixty-three and sixty-four of this act shall be  
28 deemed to have been in full force and effect on and after March 1, 1995  
29 and shall be deemed repealed April 1, 1996 and upon such date the  
30 provisions of subsection (e) of section 9110 of the insurance law and  
31 subdivision 2 of section 89-d of the state finance law shall revert to  
32 and be read as set out in law on the date immediately preceding the  
33 effective date of sections sixty-two and sixty-three of this act;

34 § 9. Subdivision (c) of section 49 of subpart A of part C of chapter  
35 62 of the laws of 2011, amending the correction law and the executive  
36 law relating to merging the department of correctional services and  
37 division of parole into the department of corrections and community  
38 supervision, as amended by section 9 of part A of chapter 55 of the laws  
39 of 2020, is amended to read as follows:

40 (c) that the amendments to subdivision 9 of section 201 of the  
41 correction law as added by section thirty-two of this act shall remain  
42 in effect until September 1, [2021] 2023, when it shall expire and be  
43 deemed repealed;

44 § 10. Subdivision (aa) of section 427 of chapter 55 of the laws of  
45 1992, amending the tax law and other laws relating to taxes, surcharges,  
46 fees and funding, as amended by section 10 of part A of chapter 55 of  
47 the laws of 2020, is amended to read as follows:

48 (aa) the provisions of sections three hundred eighty-two, three  
49 hundred eighty-three and three hundred eighty-four of this act shall  
50 expire on September 1, [2021] 2023;

51 § 11. Section 12 of chapter 907 of the laws of 1984, amending the  
52 correction law, the New York city criminal court act and the executive  
53 law relating to prison and jail housing and alternatives to detention  
54 and incarceration programs, as amended by section 11 of part A of chap-  
55 ter 55 of the laws of 2020, is amended to read as follows:

1 § 12. This act shall take effect immediately, except that the  
2 provisions of sections one through ten of this act shall remain in full  
3 force and effect until September 1, [2021] 2023 on which date those  
4 provisions shall be deemed to be repealed.

5 § 12. Subdivision (p) of section 406 of chapter 166 of the laws of  
6 1991, amending the tax law and other laws relating to taxes, as amended  
7 by section 12 of part A of chapter 55 of the laws of 2020, is amended to  
8 read as follows:

9 (p) The amendments to section 1809 of the vehicle and traffic law made  
10 by sections three hundred thirty-seven and three hundred thirty-eight of  
11 this act shall not apply to any offense committed prior to such effec-  
12 tive date; provided, further, that section three hundred forty-one of  
13 this act shall take effect immediately and shall expire November 1, 1993  
14 at which time it shall be deemed repealed; sections three hundred  
15 forty-five and three hundred forty-six of this act shall take effect  
16 July 1, 1991; sections three hundred fifty-five, three hundred fifty-  
17 six, three hundred fifty-seven and three hundred fifty-nine of this act  
18 shall take effect immediately and shall expire June 30, 1995 and shall  
19 revert to and be read as if this act had not been enacted; section three  
20 hundred fifty-eight of this act shall take effect immediately and shall  
21 expire June 30, 1998 and shall revert to and be read as if this act had  
22 not been enacted; section three hundred sixty-four through three hundred  
23 sixty-seven of this act shall apply to claims filed on or after such  
24 effective date; sections three hundred sixty-nine, three hundred seven-  
25 ty-two, three hundred seventy-three, three hundred seventy-four, three  
26 hundred seventy-five and three hundred seventy-six of this act shall  
27 remain in effect until September 1, [2021] 2023, at which time they  
28 shall be deemed repealed; provided, however, that the mandatory  
29 surcharge provided in section three hundred seventy-four of this act  
30 shall apply to parking violations occurring on or after said effective  
31 date; and provided further that the amendments made to section 235 of  
32 the vehicle and traffic law by section three hundred seventy-two of this  
33 act, the amendments made to section 1809 of the vehicle and traffic law  
34 by sections three hundred thirty-seven and three hundred thirty-eight of  
35 this act and the amendments made to section 215-a of the labor law by  
36 section three hundred seventy-five of this act shall expire on September  
37 1, [2021] 2023 and upon such date the provisions of such subdivisions  
38 and sections shall revert to and be read as if the provisions of this  
39 act had not been enacted; the amendments to subdivisions 2 and 3 of  
40 section 400.05 of the penal law made by sections three hundred seventy-  
41 seven and three hundred seventy-eight of this act shall expire on July  
42 1, 1992 and upon such date the provisions of such subdivisions shall  
43 revert and shall be read as if the provisions of this act had not been  
44 enacted; the state board of law examiners shall take such action as is  
45 necessary to assure that all applicants for examination for admission to  
46 practice as an attorney and counsellor at law shall pay the increased  
47 examination fee provided for by the amendment made to section 465 of the  
48 judiciary law by section three hundred eighty of this act for any exam-  
49 ination given on or after the effective date of this act notwithstanding  
50 that an applicant for such examination may have prepaid a lesser fee for  
51 such examination as required by the provisions of such section 465 as of  
52 the date prior to the effective date of this act; the provisions of  
53 section 306-a of the civil practice law and rules as added by section  
54 three hundred eighty-one of this act shall apply to all actions pending  
55 on or commenced on or after September 1, 1991, provided, however, that  
56 for the purposes of this section service of such summons made prior to

1 such date shall be deemed to have been completed on September 1, 1991;  
2 the provisions of section three hundred eighty-three of this act shall  
3 apply to all money deposited in connection with a cash bail or a  
4 partially secured bail bond on or after such effective date; and the  
5 provisions of sections three hundred eighty-four and three hundred  
6 eighty-five of this act shall apply only to jury service commenced  
7 during a judicial term beginning on or after the effective date of this  
8 act; provided, however, that nothing contained herein shall be deemed to  
9 affect the application, qualification, expiration or repeal of any  
10 provision of law amended by any section of this act and such provisions  
11 shall be applied or qualified or shall expire or be deemed repealed in  
12 the same manner, to the same extent and on the same date as the case may  
13 be as otherwise provided by law;

14 § 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as  
15 amended by section 13 of part A of chapter 55 of the laws of 2020, is  
16 amended to read as follows:

17 8. The provisions of this section shall only apply to offenses commit-  
18 ted on or before September first, two thousand [twenty-one]  
19 twenty-three.

20 § 14. Section 6 of chapter 713 of the laws of 1988, amending the vehi-  
21 cle and traffic law relating to the ignition interlock device program,  
22 as amended by section 14 of part A of chapter 55 of the laws of 2020, is  
23 amended to read as follows:

24 § 6. This act shall take effect on the first day of April next  
25 succeeding the date on which it shall have become a law; provided,  
26 however, that effective immediately, the addition, amendment or repeal  
27 of any rule or regulation necessary for the implementation of the fore-  
28 going sections of this act on their effective date is authorized and  
29 directed to be made and completed on or before such effective date and  
30 shall remain in full force and effect until the first day of September,  
31 [2021] 2023 when upon such date the provisions of this act shall be  
32 deemed repealed.

33 § 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the  
34 laws of 1997, amending the military law and other laws relating to vari-  
35 ous provisions, as amended by section 15 of part A of chapter 55 of the  
36 laws of 2020, is amended to read as follows:

37 a. sections forty-three through forty-five of this act shall expire  
38 and be deemed repealed on September 1, [2021] 2023;

39 § 16. Section 4 of part D of chapter 412 of the laws of 1999, amending  
40 the civil practice law and rules and the court of claims act relating to  
41 prisoner litigation reform, as amended by section 16 of part A of chap-  
42 ter 55 of the laws of 2020, is amended to read as follows:

43 § 4. This act shall take effect 120 days after it shall have become a  
44 law and shall remain in full force and effect until September 1, [2021]  
45 2023, when upon such date it shall expire.

46 § 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,  
47 constituting the family protection and domestic violence intervention  
48 act of 1994, as amended by section 17 of part A of chapter 55 of the  
49 laws of 2020, is amended to read as follows:

50 2. Subdivision 4 of section 140.10 of the criminal procedure law as  
51 added by section thirty-two of this act shall take effect January 1,  
52 1996 and shall expire and be deemed repealed on September 1, [2021]  
53 2023.

54 § 18. Section 5 of chapter 505 of the laws of 1985, amending the crim-  
55 inal procedure law relating to the use of closed-circuit television and  
56 other protective measures for certain child witnesses, as amended by



1 section 18 of part A of chapter 55 of the laws of 2020, is amended to  
2 read as follows:

3 § 5. This act shall take effect immediately and shall apply to all  
4 criminal actions and proceedings commenced prior to the effective date  
5 of this act but still pending on such date as well as all criminal  
6 actions and proceedings commenced on or after such effective date and  
7 its provisions shall expire on September 1, [2021] 2023, when upon such  
8 date the provisions of this act shall be deemed repealed.

9 § 19. Subdivision d of section 74 of chapter 3 of the laws of 1995,  
10 enacting the sentencing reform act of 1995, as amended by section 19 of  
11 part A of chapter 55 of the laws of 2020, is amended to read as follows:

12 d. Sections one-a through twenty, twenty-four through twenty-eight,  
13 thirty through thirty-nine, forty-two and forty-four of this act shall  
14 be deemed repealed on September 1, [2021] 2023;

15 § 20. Section 2 of chapter 689 of the laws of 1993, amending the crim-  
16 inal procedure law relating to electronic court appearance in certain  
17 counties, as amended by section 20 of part A of chapter 55 of the laws  
18 of 2020, is amended to read as follows:

19 § 2. This act shall take effect immediately, except that the  
20 provisions of this act shall be deemed to have been in full force and  
21 effect since July 1, 1992 and the provisions of this act shall expire  
22 September 1, [2021] 2023 when upon such date the provisions of this act  
23 shall be deemed repealed.

24 § 21. Section 3 of chapter 688 of the laws of 2003, amending the exec-  
25 utive law relating to enacting the interstate compact for adult offender  
26 supervision, as amended by section 21 of part A of chapter 55 of the  
27 laws of 2020, is amended to read as follows:

28 § 3. This act shall take effect immediately, except that section one  
29 of this act shall take effect on the first of January next succeeding  
30 the date on which it shall have become a law, and shall remain in effect  
31 until the first of September, [2021] 2023, upon which date this act  
32 shall be deemed repealed and have no further force and effect; provided  
33 that section one of this act shall only take effect with respect to any  
34 compacting state which has enacted an interstate compact entitled  
35 "Interstate compact for adult offender supervision" and having an iden-  
36 tical effect to that added by section one of this act and provided  
37 further that with respect to any such compacting state, upon the effec-  
38 tive date of section one of this act, section 259-m of the executive law  
39 is hereby deemed REPEALED and section 259-mm of the executive law, as  
40 added by section one of this act, shall take effect; and provided  
41 further that with respect to any state which has not enacted an inter-  
42 state compact entitled "Interstate compact for adult offender super-  
43 vision" and having an identical effect to that added by section one of  
44 this act, section 259-m of the executive law shall take effect and the  
45 provisions of section one of this act, with respect to any such state,  
46 shall have no force or effect until such time as such state shall adopt  
47 an interstate compact entitled "Interstate compact for adult offender  
48 supervision" and having an identical effect to that added by section one  
49 of this act in which case, with respect to such state, effective imme-  
50 diately, section 259-m of the executive law is deemed repealed and  
51 section 259-mm of the executive law, as added by section one of this  
52 act, shall take effect.

53 § 22. Section 8 of part H of chapter 56 of the laws of 2009, amending  
54 the correction law relating to limiting the closing of certain correc-  
55 tional facilities, providing for the custody by the department of  
56 correctional services of inmates serving definite sentences, providing

1 for custody of federal prisoners and requiring the closing of certain  
2 correctional facilities, as amended by section 22 of part A of chapter  
3 55 of the laws of 2020, is amended to read as follows:

4 § 8. This act shall take effect immediately; provided, however that  
5 sections five and six of this act shall expire and be deemed repealed  
6 September 1, [2021] 2023.

7 § 23. Section 3 of part C of chapter 152 of the laws of 2001, amending  
8 the military law relating to military funds of the organized militia, as  
9 amended by section 23 of part A of chapter 55 of the laws of 2020, is  
10 amended to read as follows:

11 § 3. This act shall take effect immediately; provided however that the  
12 amendments made to subdivision 1 of section 221 of the military law by  
13 section two of this act shall expire and be deemed repealed September 1,  
14 [2021] 2023.

15 § 24. Section 5 of chapter 554 of the laws of 1986, amending the  
16 correction law and the penal law relating to providing for community  
17 treatment facilities and establishing the crime of absconding from the  
18 community treatment facility, as amended by section 24 of part A of  
19 chapter 55 of the laws of 2020, is amended to read as follows:

20 § 5. This act shall take effect immediately and shall remain in full  
21 force and effect until September 1, [2021] 2023, and provided further  
22 that the commissioner of correctional services shall report each January  
23 first and July first during such time as this legislation is in effect,  
24 to the chairmen of the senate crime victims, crime and correction  
25 committee, the senate codes committee, the assembly correction commit-  
26 tee, and the assembly codes committee, the number of individuals who are  
27 released to community treatment facilities during the previous six-month  
28 period, including the total number for each date at each facility who  
29 are not residing within the facility, but who are required to report to  
30 the facility on a daily or less frequent basis.

31 § 25. Section 2 of part F of chapter 55 of the laws of 2018, amending  
32 the criminal procedure law relating to pre-criminal proceeding settle-  
33 ments in the city of New York, as amended by section 25 of part A of  
34 chapter 55 of the laws of 2020, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall remain in full  
36 force and effect until March 31, [2021] 2023, when it shall expire and  
37 be deemed repealed.

38 § 26. This act shall take effect immediately, provided however that  
39 section twenty-five of this act shall be deemed to have been in full  
40 force and effect on and after March 31, 2021.

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PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Intentionally Omitted

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PART F

Section 1. Subdivision 1 of section 240 of the domestic relations law is amended by adding a new paragraph (k) to read as follows:

(k) In determining the best interests of the child, the court shall not: (1) consider the sex, sexual orientation, gender identity or gender expression of the parties; or (2) prohibit a party from undergoing gender reassignment.

§ 2. This act shall take effect immediately.

PART G

Intentionally omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Section 1. Section 5 of chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, as amended by section 1 of part E of chapter 57 of the laws of 2016, is amended to read as follows:

§ 5. This act shall take effect January 1, 1997 and shall expire and be deemed repealed September 1, [2021] 2026; provided that any person

1 who has begun to receive the benefits of this act prior to its expira-  
2 tion and repeal shall be entitled to continue to receive the benefits of  
3 this act after its expiration and repeal until completion of a baccalau-  
4 reate degree or cessation of status as an active member, whichever  
5 occurs first.

6 § 2. This act shall take effect immediately.

7 PART Q

8 Intentionally Omitted

9 PART R

10 Intentionally Omitted

11 PART S

12 Section 1. Paragraphs (a), (b) and (c) of subdivision 4 of section  
13 8-600 of the election law, as added by chapter 6 of the laws of 2019,  
14 are amended and a new paragraph (f) is added to read as follows:

15 (a) Polls shall be open for early voting for at least eight consec-  
16 utive hours between seven o'clock in the morning and [eight] nine  
17 o'clock in the evening each week day during the early voting period.

18 (b) At least one polling place for early voting shall remain open  
19 until [eight] nine o'clock in the evening on at least [two] three week  
20 days in each calendar week during the early voting period. If polling  
21 places for early voting are limited to voters from certain areas pursu-  
22 ant to subdivision three of this section, polling places that remain  
23 open until [eight] nine o'clock shall be designated such that any person  
24 entitled to vote early may vote until [eight] nine o'clock in the even-  
25 ing on at least [two] three week days during the early voting period.

26 (c) Polls shall be open for early voting for at least [five] ten  
27 consecutive hours between nine o'clock in the morning and [six] nine  
28 o'clock in the evening on each Saturday, Sunday and legal holiday during  
29 the early voting period.

30 (f) For voting hours, each county shall endeavor to assure that there  
31 is sufficient and accessible indoor space, equipment, broadband access  
32 as needed, and other resources designed to make such voting process  
33 convenient, safe and comfortable for the voting public.

34 § 2. This act shall take effect immediately.

35 PART T

36 Intentionally Omitted

37 PART U

38 Intentionally Omitted

39 PART V

40 Intentionally Omitted

41 PART W

42 Intentionally Omitted

1 PART X  
2 Intentionally Omitted  
3 PART Y  
4 Intentionally Omitted  
5 PART Z  
6 Intentionally Omitted  
7 PART AA  
8 Intentionally Omitted  
9 PART BB  
10 Intentionally Omitted  
11 PART CC  
12 Intentionally Omitted  
13 PART DD  
14 Intentionally Omitted  
15 PART EE  
16 Intentionally Omitted  
17 PART FF  
18 Intentionally Omitted  
19 PART GG  
20 Intentionally Omitted  
21 PART HH  
22 Intentionally Omitted  
23 PART II  
24 Intentionally Omitted  
25 PART JJ  
26 Intentionally Omitted  
27 PART KK  
28 Intentionally Omitted

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## PART LL

2 Section 1. Paragraph 3 of subdivision (c) of section 1261 of the tax  
3 law, as amended by section 1 of part NN of chapter 55 of the laws of  
4 2020, is amended to read as follows:

5 (3) However, the taxes, penalties and interest which (i) the county of  
6 Nassau, (ii) the county of Erie, to the extent the county of Erie is  
7 contractually or statutorily obligated to allocate and apply or pay net  
8 collections to the city of Buffalo and to the extent that such county  
9 has set aside net collections for educational purposes attributable to  
10 the Buffalo school district, or the city of Buffalo or (iii) the county  
11 of Erie is authorized to impose pursuant to section twelve hundred ten  
12 of this article, other than such taxes in the amounts described, respec-  
13 tively, in subdivisions one and two of section one thousand two hundred  
14 sixty-two-e of this part, during the period that such section authorizes  
15 Nassau county to establish special or local assistance programs there-  
16 under, together with any penalties and interest related thereto, and  
17 after the comptroller has reserved such refund fund and such costs,  
18 shall, commencing on the next payment date after the effective date of  
19 this sentence and of each month thereafter, until such date as (i) the  
20 Nassau county interim finance authority shall have no obligations  
21 outstanding, or (ii) the Buffalo fiscal stability authority shall cease  
22 to exist, or (iii) the Erie county fiscal stability authority shall  
23 cease to exist, be paid by the comptroller, respectively, to (i) the  
24 Nassau county interim finance authority to be applied by the Nassau  
25 county interim finance authority, or (ii) to the Buffalo fiscal stabili-  
26 ty authority to be applied by the Buffalo fiscal stability authority, or  
27 (iii) to the Erie county fiscal stability authority to be applied by the  
28 Erie county fiscal stability authority, as the case may be, in the  
29 following order of priority: first pursuant to the Nassau county interim  
30 finance authority's contracts with bondholders or the Buffalo fiscal  
31 stability authority's contracts with bondholders or the Erie county  
32 fiscal stability authority's contracts with bondholders, respectively,  
33 then to pay the Nassau county interim finance authority's operating  
34 expenses not otherwise provided for or the Buffalo fiscal stability  
35 authority's operating expenses not otherwise provided for or the Erie  
36 county fiscal stability authority's operating expenses not otherwise  
37 provided for, respectively, then [(i) for the Nassau county interim  
38 finance authority to pay to the state as soon as practicable in the  
39 months of May and December each year, the amount necessary to fulfill  
40 the town and village distribution requirement on behalf of Nassau county  
41 pursuant to paragraph five-a of this subdivision, or (ii) for the  
42 Buffalo fiscal stability authority to pay to the state as soon as prac-  
43 ticable in the months of May and December each year, the percentage of  
44 the amount necessary to fulfill the town and village distribution  
45 requirement on behalf of Erie county pursuant to paragraph five-a of  
46 this subdivision that equates to the percentage of the county net  
47 collections that the city of Buffalo and the Buffalo city school  
48 district, together, are due in the months of May and December each year,  
49 or (iii) for the Erie county fiscal stability authority to pay to the  
50 state as soon as practicable in the months of May and December each  
51 year, the amount necessary to fulfill the town and village distribution  
52 requirement on behalf of Erie county pursuant to paragraph five-a of  
53 this subdivision, less the amount being paid to the state by the Buffalo  
54 fiscal stability authority in each respective month, and then] (i)  
55 pursuant to the Nassau county interim finance authority's agreements



1 with the county of Nassau, which agreements shall require the Nassau  
2 county interim finance authority to transfer such taxes, penalties and  
3 interest remaining after providing for contractual or other obligations  
4 of the Nassau county interim finance authority, and subject to any  
5 agreement between such authority and the county of Nassau, to the county  
6 of Nassau as frequently as practicable; or (ii) pursuant to the Buffalo  
7 fiscal stability authority's agreements with the city of Buffalo, which  
8 agreements shall require the Buffalo fiscal stability authority to  
9 transfer such taxes, penalties and interest remaining after providing  
10 for contractual or other obligations of the Buffalo fiscal stability  
11 authority, and subject to any agreement between such authority and the  
12 city of Buffalo, to the city of Buffalo or the city of Buffalo school  
13 district, as the case may be, as frequently as practicable; or (iii)  
14 pursuant to the Erie county fiscal stability authority's agreements with  
15 the county of Erie, which agreements shall require the Erie county  
16 fiscal stability authority to transfer such taxes, penalties and inter-  
17 est remaining after providing for contractual or other obligations of  
18 the Erie county fiscal stability authority, and subject to any agreement  
19 between such authority and the county of Erie, to the county of Erie as  
20 frequently as practicable. During the period that the comptroller is  
21 required to make payments to the Nassau county interim finance authority  
22 described in the previous sentence, the county of Nassau shall have no  
23 right, title or interest in or to such taxes, penalties and interest  
24 required to be paid to the Nassau county interim finance authority,  
25 except as provided in such authority's agreements with the county of  
26 Nassau. During the period that the comptroller is required to make  
27 payments to the Buffalo fiscal stability authority described in the  
28 second previous sentence, the city of Buffalo and such school district  
29 shall have no right, title or interest in or to such taxes, penalties  
30 and interest required to be paid to the Buffalo fiscal stability author-  
31 ity, except as provided in such authority's agreements with the city of  
32 Buffalo. During the period that the comptroller is required to make  
33 payments to the Erie county fiscal stability authority described in the  
34 third previous sentence, the county of Erie shall have no right, title  
35 or interest in or to such taxes, penalties and interest required to be  
36 paid to the Erie county fiscal stability authority, except as provided  
37 in such authority's agreements with the county of Erie.

38 § 2. Subparagraph (v) of paragraph b of subdivision 10 of section 54  
39 of the state finance law, as added by section 1 of part PPP of chapter  
40 59 of the laws of 2019, is amended to read as follows:

41 (v) Notwithstanding subparagraph (i) of this paragraph, within amounts  
42 appropriated in the state fiscal year commencing April first, two thou-  
43 sand [nineteen, and annually thereafter,] twenty-one there shall be  
44 apportioned and paid to each municipality which is a city a base level  
45 grant in an amount equal to the prior year aid received by such [city,  
46 and there shall be apportioned and paid to each municipality which is a  
47 town or village a base level grant in accordance with clause two of this  
48 subparagraph.

49 (1) When used in this subparagraph, unless otherwise expressly stated:

50 (A) "two thousand eighteen--two thousand nineteen AIM funding" shall  
51 mean the sum of the base level grant paid in the state fiscal year that  
52 began April first, two thousand eighteen pursuant to this paragraph.

53 (B) "two thousand seventeen total expenditures" shall mean all funds  
54 and total expenditures for a town or a village as reported to the state  
55 comptroller for local fiscal years ended in two thousand seventeen.

1 (C) "AIM Reliance" shall mean two thousand eighteen--two thousand  
2 nineteen AIM funding calculated as a percentage of two thousand seven-  
3 teen total expenditures, provided that, for a village which dissolved  
4 during the state fiscal year that began April first, two thousand eigh-  
5 teen, the village's two thousand eighteen--two thousand nineteen AIM  
6 funding shall be added to the existing two thousand eighteen--two thou-  
7 sand nineteen AIM funding of the town into which the village dissolved  
8 for purposes of this calculation.

9 (2) A base level grant equal to a town or village's prior year aid  
10 only if such town or village's AIM reliance equals two percent or great-  
11 er as reported to and published by the state comptroller as of January  
12 tenth, two thousand nineteen] municipality.

13 § 3. Subparagraph (ix) of paragraph i of subdivision 10 of section 54  
14 of the state finance law is REPEALED.

15 § 4. Subparagraph (viii) of paragraph a of subdivision 10 of section  
16 54 of the state finance law, as amended by section 1 of part PPP of  
17 chapter 59 of the laws of 2019, is amended to read as follows:

18 (viii) "Prior year aid" means for the state fiscal year commencing  
19 April first, two thousand [nineteen] twenty-one and in each state fiscal  
20 year thereafter, the base level grant received in the immediately  
21 preceding state fiscal year pursuant to paragraph b of this subdivision.

22 § 5. Paragraph 5-a of subdivision (c) of section 1261 of the tax law  
23 is REPEALED.

24 § 6. Subdivision 5 of section 3657 of the public authorities law, as  
25 amended by section 3 of part NN of chapter 55 of the laws of 2020, is  
26 amended to read as follows:

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

37 § 7. Subdivision 5 of section 3865 of the public authorities law, as  
38 amended by section 4 of part NN of chapter 55 of the laws of 2020, is  
39 amended to read as follows:

40 5. Revenues of the authority shall be applied in the following order  
41 of priority: first to pay debt service or for set asides to pay debt  
42 service on the authority's bonds, notes, or other obligations and to  
43 replenish any reserve funds securing such bonds, notes or other obli-  
44 gations of the authority, in accordance with the provision of any inden-  
45 ture or bond resolution of the authority; then to pay the authority's  
46 operating expenses not otherwise provided for; [then to pay to the state  
47 pursuant to paragraph three of subdivision (c) of section twelve hundred  
48 sixty-one of the tax law;] and then, subject to the authority's agree-  
49 ment with the city, for itself or on behalf of the city's dependent  
50 school district and any other covered organization, to transfer as  
51 frequently as practicable the balance of revenues not required to meet  
52 contractual or other obligations of the authority to the city or the  
53 city's dependent school district as provided in subdivision seven of  
54 this section.



1 § 8. Subdivision 5 of section 3965 of the public authorities law, as  
2 amended by section 5 of part NN of chapter 55 of the laws of 2020, is  
3 amended to read as follows:

4 5. Revenues of the authority shall be applied in the following order  
5 of priority: first to pay debt service or for set asides to pay debt  
6 service on the authority's bonds, notes, or other obligations and to  
7 replenish any reserve funds securing such bonds, notes or other obli-  
8 gations of the authority in accordance with the provision of indenture  
9 or bond resolution of the authority; then to pay the authority's operat-  
10 ing expenses not otherwise provided for; [then to pay to the state  
11 pursuant to paragraph three of subdivision (c) of section twelve hundred  
12 sixty-one of the tax law;] and then, subject to the authority's agree-  
13 ments with the county for itself or on behalf of any covered organiza-  
14 tion to transfer as frequently as practicable the balance of revenues  
15 not required to meet contractual or other obligations of the authority  
16 to the county as provided in subdivision seven of this section.

17 § 9. This act shall take effect immediately.

18 PART MM

19 Intentionally Omitted

20 PART NN

21 Intentionally Omitted

22 PART OO

23 Intentionally Omitted

24 PART PP

25 Intentionally Omitted

26 PART QQ

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

- 31 1. DOL-Child performer protection account (20401).
- 32 2. Local government records management account (20501).
- 33 3. Child health plus program account (20810).
- 34 4. EPIC premium account (20818).
- 35 5. Education - New (20901).
- 36 6. VLT - Sound basic education fund (20904).
- 37 7. Sewage treatment program management and administration fund  
38 (21000).
- 39 8. Hazardous bulk storage account (21061).
- 40 9. Utility environmental regulatory account (21064).
- 41 10. Federal grants indirect cost recovery account (21065).
- 42 11. Low level radioactive waste account (21066).
- 43 12. Recreation account (21067).
- 44 13. Public safety recovery account (21077).
- 45 14. Environmental regulatory account (21081).
- 46 15. Natural resource account (21082).

- 1 16. Mined land reclamation program account (21084).
- 2 17. Great lakes restoration initiative account (21087).
- 3 18. Environmental protection and oil spill compensation fund (21200).
- 4 19. Public transportation systems account (21401).
- 5 20. Metropolitan mass transportation (21402).
- 6 21. Operating permit program account (21451).
- 7 22. Mobile source account (21452).
- 8 23. Statewide planning and research cooperative system account
- 9 (21902).
- 10 24. New York state thruway authority account (21905).
- 11 25. Mental hygiene program fund account (21907).
- 12 26. Mental hygiene patient income account (21909).
- 13 27. Financial control board account (21911).
- 14 28. Regulation of racing account (21912).
- 15 29. State university dormitory income reimbursable account (21937).
- 16 30. Criminal justice improvement account (21945).
- 17 31. Environmental laboratory reference fee account (21959).
- 18 32. Training, management and evaluation account (21961).
- 19 33. Clinical laboratory reference system assessment account (21962).
- 20 34. Indirect cost recovery account (21978).
- 21 35. Multi-agency training account (21989).
- 22 36. Bell jar collection account (22003).
- 23 37. Industry and utility service account (22004).
- 24 38. Real property disposition account (22006).
- 25 39. Parking account (22007).
- 26 40. Courts special grants (22008).
- 27 41. Asbestos safety training program account (22009).
- 28 42. Camp Smith billeting account (22017).
- 29 43. Batavia school for the blind account (22032).
- 30 44. Investment services account (22034).
- 31 45. Surplus property account (22036).
- 32 46. Financial oversight account (22039).
- 33 47. Regulation of Indian gaming account (22046).
- 34 48. Rome school for the deaf account (22053).
- 35 49. Seized assets account (22054).
- 36 50. Administrative adjudication account (22055).
- 37 51. Federal salary sharing account (22056).
- 38 52. New York City assessment account (22062).
- 39 53. Cultural education account (22063).
- 40 54. Local services account (22078).
- 41 55. DHCR mortgage servicing account (22085).
- 42 56. Housing indirect cost recovery account (22090).
- 43 57. DHCR-HCA application fee account (22100).
- 44 58. Low income housing monitoring account (22130).
- 45 59. Corporation administration account (22135).
- 46 60. New York State Home for Veterans in the Lower-Hudson Valley
- 47 account (22144).
- 48 61. Deferred compensation administration account (22151).
- 49 62. Rent revenue other New York City account (22156).
- 50 63. Rent revenue account (22158).
- 51 64. Tax revenue arrearage account (22168).
- 52 65. New York state medical indemnity fund account (22240).
- 53 66. Behavioral health parity compliance fund (22246).
- 54 67. State university general income offset account (22654).
- 55 68. Lake George park trust fund account (22751).
- 56 69. State police motor vehicle law enforcement account (22802).

1 70. Highway safety program account (23001).  
2 71. DOH drinking water program account (23102).  
3 72. NYCCC operating offset account (23151).  
4 73. Commercial gaming regulation account (23702).  
5 74. Highway use tax administration account (23801).  
6 75. New York state secure choice administrative account (23806).  
7 76. Fantasy sports administration account (24951).  
8 77. Highway and bridge capital account (30051).  
9 78. Aviation purpose account (30053).  
10 79. State university residence hall rehabilitation fund (30100).  
11 80. State parks infrastructure account (30351).  
12 81. Clean water/clean air implementation fund (30500).  
13 82. Hazardous waste remedial cleanup account (31506).  
14 83. Youth facilities improvement account (31701).  
15 84. Housing assistance fund (31800).  
16 85. Housing program fund (31850).  
17 86. Highway facility purpose account (31951).  
18 87. Information technology capital financing account (32215).  
19 88. New York racing account (32213).  
20 89. Capital miscellaneous gifts account (32214).  
21 90. New York environmental protection and spill remediation account  
22 (32219).  
23 91. Mental hygiene facilities capital improvement fund (32300).  
24 92. Correctional facilities capital improvement fund (32350).  
25 93. New York State Storm Recovery Capital Fund (33000).  
26 94. OGS convention center account (50318).  
27 95. Empire Plaza Gift Shop (50327).  
28 96. Centralized services fund (55000).  
29 97. Archives records management account (55052).  
30 98. Federal single audit account (55053).  
31 Civil service administration account (55055).  
32 100. Civil service EHS occupational health program account (55056).  
33 101. Banking services account (55057).  
34 102. Cultural resources survey account (55058).  
35 103. Neighborhood work project account (55059).  
36 104. Automation & printing chargeback account (55060).  
37 105. OFT NYT account (55061).  
38 106. Data center account (55062).  
39 107. Intrusion detection account (55066).  
40 108. Domestic violence grant account (55067).  
41 109. Centralized technology services account (55069).  
42 110. Labor contact center account (55071).  
43 111. Human services contact center account (55072).  
44 112. Tax contact center account (55073).  
45 113. Department of law civil recoveries account (55074).  
46 114. Executive direction internal audit account (55251).  
47 115. CIO Information technology centralized services account (55252).  
48 116. Health insurance internal service account (55300).  
49 117. Civil service employee benefits division administrative account  
50 (55301).  
51 118. Correctional industries revolving fund (55350).  
52 119. Employees health insurance account (60201).  
53 120. Medicaid management information system escrow fund (60900).  
54 121. New York state cannabis revenue fund.  
55 § 1-a. The state comptroller is hereby authorized and directed to loan  
56 money in accordance with the provisions set forth in subdivision 5 of

1 section 4 of the state finance law to any account within the following  
2 federal funds, provided the comptroller has made a determination that  
3 sufficient federal grant award authority is available to reimburse such  
4 loans:

- 5 1. Federal USDA-food and nutrition services fund (25000).
- 6 2. Federal health and human services fund (25100).
- 7 3. Federal education fund (25200).
- 8 4. Federal block grant fund (25250).
- 9 5. Federal miscellaneous operating grants fund (25300).
- 10 6. Federal unemployment insurance administration fund (25900).
- 11 7. Federal unemployment insurance occupational training fund (25950).
- 12 8. Federal emergency employment act fund (26000).
- 13 9. Federal capital projects fund (31350).

14 § 2. Notwithstanding any law to the contrary, and in accordance with  
15 section 4 of the state finance law, the comptroller is hereby authorized  
16 and directed to transfer, upon request of the director of the budget, on  
17 or before March 31, 2022, up to the unencumbered balance or the follow-  
18 ing amounts:

19 Economic Development and Public Authorities:

- 20 1. \$1,175,000 from the miscellaneous special revenue fund, underground  
21 facilities safety training account (22172), to the general fund.
- 22 2. An amount up to the unencumbered balance from the miscellaneous  
23 special revenue fund, business and licensing services account (21977),  
24 to the general fund.
- 25 3. \$14,810,000 from the miscellaneous special revenue fund, code  
26 enforcement account (21904), to the general fund.
- 27 4. \$3,000,000 from the general fund to the miscellaneous special  
28 revenue fund, tax revenue arrearage account (22168).

29 Education:

- 30 1. \$2,520,000,000 from the general fund to the state lottery fund,  
31 education account (20901), as reimbursement for disbursements made from  
32 such fund for supplemental aid to education pursuant to section 92-c of  
33 the state finance law that are in excess of the amounts deposited in  
34 such fund for such purposes pursuant to section 1612 of the tax law.
- 35 2. \$746,000,000 from the general fund to the state lottery fund, VLT  
36 education account (20904), as reimbursement for disbursements made from  
37 such fund for supplemental aid to education pursuant to section 92-c of  
38 the state finance law that are in excess of the amounts deposited in  
39 such fund for such purposes pursuant to section 1612 of the tax law.
- 40 3. \$125,600,000 from the general fund to the New York state commercial  
41 gaming fund, commercial gaming revenue account (23701), as reimbursement  
42 for disbursements made from such fund for supplemental aid to education  
43 pursuant to section 97-nnnn of the state finance law that are in excess  
44 of the amounts deposited in such fund for purposes pursuant to section  
45 1352 of the racing, pari-mutuel wagering and breeding law.
- 46 4. \$6,000,000 from the interactive fantasy sports fund, fantasy sports  
47 education account (24950), to the state lottery fund, education account  
48 (20901), as reimbursement for disbursements made from such fund for  
49 supplemental aid to education pursuant to section 92-c of the state  
50 finance law.
- 51 5. An amount up to the unencumbered balance from the charitable gifts  
52 trust fund, elementary and secondary education account (24901), to the  
53 general fund, for payment of general support for public schools pursuant  
54 to section 3609-a of the education law.
- 55 6. Moneys from the state lottery fund (20900) up to an amount deposit-  
56 ed in such fund pursuant to section 1612 of the tax law in excess of the

1 current year appropriation for supplemental aid to education pursuant to  
2 section 92-c of the state finance law.

3 7. \$300,000 from the New York state local government records manage-  
4 ment improvement fund, local government records management account  
5 (20501), to the New York state archives partnership trust fund, archives  
6 partnership trust maintenance account (20351).

7 8. \$900,000 from the general fund to the miscellaneous special revenue  
8 fund, Batavia school for the blind account (22032).

9 9. \$900,000 from the general fund to the miscellaneous special revenue  
10 fund, Rome school for the deaf account (22053).

11 10. \$343,400,000 from the state university dormitory income fund  
12 (40350) to the miscellaneous special revenue fund, state university  
13 dormitory income reimbursable account (21937).

14 11. \$8,318,000 from the general fund to the state university income  
15 fund, state university income offset account (22654), for the state's  
16 share of repayment of the STIP loan.

17 12. \$68,000,000 from the state university income fund, state universi-  
18 ty hospitals income reimbursable account (22656) to the general fund for  
19 hospital debt service for the period April 1, 2021 through March 31,  
20 2022.

21 13. \$7,850,000 from the miscellaneous special revenue fund, office of  
22 the professions account (22051), to the miscellaneous capital projects  
23 fund, office of the professions electronic licensing account (32222).

24 14. \$24,000,000 from any of the state education department's special  
25 revenue and internal service funds to the miscellaneous special revenue  
26 fund, indirect cost recovery account (21978).

27 15. \$4,200,000 from any of the state education department's special  
28 revenue or internal service funds to the capital projects fund (30000).

29 16. \$1,500,000 from the miscellaneous special revenue fund, office of  
30 the professions account (22051), to the general fund from fees charged  
31 to each non-licensee owner of a firm that is incorporating as a profes-  
32 sional service corporation formed to lawfully engage in the practice of  
33 public accountancy.

34 17. \$12,500,000 from the School Capital Facilities Financing Reserve  
35 Fund to the Capital Projects Fund account (30000), for excess debt  
36 service reserve fund balances related to bonds that have been fully  
37 retired. Such excess funds shall be used to support the development of  
38 a modernized State aid data system for the education department.

39 Environmental Affairs:

40 1. \$16,000,000 from any of the department of environmental conserva-  
41 tion's special revenue federal funds, and/or federal capital funds, to  
42 the environmental conservation special revenue fund, federal indirect  
43 recovery account (21065).

44 2. \$5,000,000 from any of the department of environmental conserva-  
45 tion's special revenue federal funds, and/or federal capital funds, to  
46 the conservation fund (21150) or Marine Resources Account (21151) as  
47 necessary to avoid diversion of conservation funds.

48 3. \$3,000,000 from any of the office of parks, recreation and historic  
49 preservation capital projects federal funds and special revenue federal  
50 funds to the miscellaneous special revenue fund, federal grant indirect  
51 cost recovery account (22188).

52 4. \$1,000,000 from any of the office of parks, recreation and historic  
53 preservation special revenue federal funds to the miscellaneous capital  
54 projects fund, I love NY water account (32212).

55 5. \$28,000,000 from the general fund to the environmental protection  
56 fund, environmental protection fund transfer account (30451).

1 6. \$1,800,000 from the general fund to the hazardous waste remedial  
2 fund, hazardous waste oversight and assistance account (31505).

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

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

11 9. \$7,000,000 from the general fund to the enterprise fund, state fair  
12 account (50051).

13 10. \$4,000,000 from the waste management & cleanup account (21053) to  
14 the general fund.

15 11. \$3,000,000 from the waste management & cleanup account (21053) to  
16 the environmental protection fund transfer account (30451).

17 12. \$100,000,000 from the general fund to the environmental protection  
18 fund.

19 Family Assistance:

20 1. \$7,000,000 from any of the office of children and family services,  
21 office of temporary and disability assistance, or department of health  
22 special revenue federal funds and the general fund, in accordance with  
23 agreements with social services districts, to the miscellaneous special  
24 revenue fund, office of human resources development state match account  
25 (21967).

26 2. \$4,000,000 from any of the office of children and family services  
27 or office of temporary and disability assistance special revenue federal  
28 funds to the miscellaneous special revenue fund, family preservation and  
29 support services and family violence services account (22082).

30 3. \$18,670,000 from any of the office of children and family services,  
31 office of temporary and disability assistance, or department of health  
32 special revenue federal funds and any other miscellaneous revenues  
33 generated from the operation of office of children and family services  
34 programs to the general fund.

35 4. \$175,000,000 from any of the office of temporary and disability  
36 assistance or department of health special revenue funds to the general  
37 fund.

38 5. \$2,500,000 from any of the office of temporary and disability  
39 assistance special revenue funds to the miscellaneous special revenue  
40 fund, office of temporary and disability assistance program account  
41 (21980).

42 6. \$35,000,000 from any of the office of children and family services,  
43 office of temporary and disability assistance, department of labor, and  
44 department of health special revenue federal funds to the office of  
45 children and family services miscellaneous special revenue fund, multi-  
46 agency training contract account (21989).

47 7. \$205,000,000 from the miscellaneous special revenue fund, youth  
48 facility per diem account (22186), to the general fund.

49 8. \$621,850 from the general fund to the combined gifts, grants, and  
50 bequests fund, WB Hoyt Memorial account (20128).

51 9. \$5,000,000 from the miscellaneous special revenue fund, state  
52 central registry (22028), to the general fund.

53 General Government:

54 1. \$1,566,000 from the miscellaneous special revenue fund, examination  
55 and miscellaneous revenue account (22065) to the general fund.



- 1 2. \$12,000,000 from the general fund to the health insurance revolving  
2 fund (55300).
- 3 3. \$292,400,000 from the health insurance reserve receipts fund  
4 (60550) to the general fund.
- 5 4. \$150,000 from the general fund to the not-for-profit revolving loan  
6 fund (20650).
- 7 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the  
8 general fund.
- 9 6. \$3,000,000 from the miscellaneous special revenue fund, surplus  
10 property account (22036), to the general fund.
- 11 7. \$19,000,000 from the miscellaneous special revenue fund, revenue  
12 arrearage account (22024), to the general fund.
- 13 8. \$1,826,000 from the miscellaneous special revenue fund, revenue  
14 arrearage account (22024), to the miscellaneous special revenue fund,  
15 authority budget office account (22138).
- 16 9. \$1,000,000 from the agencies enterprise fund, parking services  
17 account (22007), to the general fund, for the purpose of reimbursing the  
18 costs of debt service related to state parking facilities.
- 19 10. \$3,435,000 from the general fund to the centralized services fund,  
20 COPS account (55013).
- 21 11. \$11,460,000 from the general fund to the agencies internal service  
22 fund, central technology services account (55069), for the purpose of  
23 enterprise technology projects.
- 24 12. \$10,000,000 from the general fund to the agencies internal service  
25 fund, state data center account (55062).
- 26 13. \$12,000,000 from the agencies enterprise fund, parking services  
27 account (22007), to the centralized services, building support services  
28 account (55018).
- 29 14. \$30,000,000 from the general fund to the internal service fund,  
30 business services center account (55022).
- 31 15. \$8,000,000 from the general fund to the internal service fund,  
32 building support services account (55018).
- 33 16. \$1,500,000 from the agencies enterprise fund, special events  
34 account (20120), to the general fund.
- 35 Health:
  - 36 1. A transfer from the general fund to the combined gifts, grants and  
37 bequests fund, breast cancer research and education account (20155), up  
38 to an amount equal to the monies collected and deposited into that  
39 account in the previous fiscal year.
  - 40 2. A transfer from the general fund to the combined gifts, grants and  
41 bequests fund, prostate cancer research, detection, and education  
42 account (20183), up to an amount equal to the moneys collected and  
43 deposited into that account in the previous fiscal year.
  - 44 3. A transfer from the general fund to the combined gifts, grants and  
45 bequests fund, Alzheimer's disease research and assistance account  
46 (20143), up to an amount equal to the moneys collected and deposited  
47 into that account in the previous fiscal year.
  - 48 4. \$20,294,000 from the HCRA resources fund (20800) to the miscella-  
49 neous special revenue fund, empire state stem cell trust fund account  
50 (22161).
  - 51 5. \$2,000,000 from the miscellaneous special revenue fund, certificate  
52 of need account (21920), to the miscellaneous capital projects fund,  
53 healthcare IT capital subfund (32216).
  - 54 6. \$2,000,000 from the miscellaneous special revenue fund, vital  
55 health records account (22103), to the miscellaneous capital projects  
56 fund, healthcare IT capital subfund (32216).

- 1 7. \$6,000,000 from the miscellaneous special revenue fund, profes-  
2 sional medical conduct account (22088), to the miscellaneous capital  
3 projects fund, healthcare IT capital subfund (32216).
  - 4 8. \$91,304,000 from the HCRA resources fund (20800) to the capital  
5 projects fund (30000).
  - 6 9. \$6,550,000 from the general fund to the medical marihuana trust  
7 fund, health operation and oversight account (23755).
  - 8 10. An amount up to the unencumbered balance from the charitable gifts  
9 trust fund, health charitable account (24900), to the general fund, for  
10 payment of general support for primary, preventive, and inpatient health  
11 care, dental and vision care, hunger prevention and nutritional assist-  
12 ance, and other services for New York state residents with the overall  
13 goal of ensuring that New York state residents have access to quality  
14 health care and other related services.
  - 15 11. \$500,000 from the miscellaneous special revenue fund, New York  
16 State cannabis revenue fund, to the miscellaneous special revenue fund,  
17 environmental laboratory fee account (21959).
  - 18 12. An amount up to the unencumbered balance from the public health  
19 emergency charitable gifts trust fund to the general fund, for payment  
20 of goods and services necessary to respond to a public health disaster  
21 emergency or to assist or aid in responding to such a disaster.
  - 22 13. \$2,585,000 from the miscellaneous special revenue fund, patient  
23 safety center account (22140), to the general fund.
  - 24 14. \$1,000,000 from the miscellaneous special revenue fund, nursing  
25 home receivership account (21925), to the general fund.
  - 26 15. \$133,000 from the miscellaneous special revenue fund, quality of  
27 care account (21915), to the general fund.
  - 28 16. \$2,200,000 from the miscellaneous special revenue fund, adult home  
29 quality enhancement account (22091), to the general fund.
- 30 Labor:
- 31 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and  
32 penalty account (21923), to the child performer's protection fund, child  
33 performer protection account (20401).
  - 34 2. \$11,700,000 from the unemployment insurance interest and penalty  
35 fund, unemployment insurance special interest and penalty account  
36 (23601), to the general fund.
  - 37 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-  
38 ment insurance special interest and penalty account (23601), and public  
39 work enforcement account (21998), to the general fund.
- 40 Mental Hygiene:
- 41 1. \$10,000,000 from the general fund, to the miscellaneous special  
42 revenue fund, federal salary sharing account (22056).
  - 43 2. \$3,800,000 from the general fund, to the agencies internal service  
44 fund, civil service EHS occupational health program account (55056).
  - 45 3. \$3,000,000 from the chemical dependence service fund, substance  
46 abuse services fund account (22700), to the mental hygiene capital  
47 improvement fund (32305).
- 48 Public Protection:
- 49 1. \$1,350,000 from the miscellaneous special revenue fund, emergency  
50 management account (21944), to the general fund.
  - 51 2. \$2,587,000 from the general fund to the miscellaneous special  
52 revenue fund, recruitment incentive account (22171).
  - 53 3. \$22,773,000 from the general fund to the correctional industries  
54 revolving fund, correctional industries internal service account  
55 (55350).



- 1 4. \$2,000,000,000 from any of the division of homeland security and  
2 emergency services special revenue federal funds to the general fund.
- 3 5. \$11,149,000 from the miscellaneous special revenue fund, criminal  
4 justice improvement account (21945), to the general fund.
- 5 6. \$115,420,000 from the state police motor vehicle law enforcement  
6 and motor vehicle theft and insurance fraud prevention fund, state  
7 police motor vehicle enforcement account (22802), to the general fund  
8 for state operation expenses of the division of state police.
- 9 7. \$131,500,000 from the general fund to the correctional facilities  
10 capital improvement fund (32350).
- 11 8. \$5,000,000 from the general fund to the dedicated highway and  
12 bridge trust fund (30050) for the purpose of work zone safety activities  
13 provided by the division of state police for the department of transpor-  
14 tation.
- 15 9. \$10,000,000 from the miscellaneous special revenue fund, statewide  
16 public safety communications account (22123), to the capital projects  
17 fund (30000).
- 18 10. Intentionally omitted.
- 19 11. \$1,000,000 from the general fund to the agencies internal service  
20 fund, neighborhood work project account (55059).
- 21 12. \$7,980,000 from the miscellaneous special revenue fund, finger-  
22 print identification & technology account (21950), to the general fund.
- 23 13. \$1,100,000 from the state police motor vehicle law enforcement and  
24 motor vehicle theft and insurance fraud prevention fund, motor vehicle  
25 theft and insurance fraud account (22801), to the general fund.
- 26 14. \$40,330,000 from the miscellaneous special revenue fund, statewide  
27 public safety communications account (22123), to the general fund.
- 28 Transportation:
  - 29 1. \$20,000,000 from the general fund to the mass transportation oper-  
30 ating assistance fund, public transportation systems operating assist-  
31 ance account (21401), of which \$12,000,000 constitutes the base need for  
32 operations.
  - 33 2. \$727,500,000 from the general fund to the dedicated highway and  
34 bridge trust fund (30050).
  - 35 3. \$244,250,000 from the general fund to the MTA financial assistance  
36 fund, mobility tax trust account (23651).
  - 37 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-  
38 tion regulation account (22067) to the dedicated highway and bridge  
39 trust fund (30050), for disbursements made from such fund for motor  
40 carrier safety that are in excess of the amounts deposited in the dedi-  
41 cated highway and bridge trust fund (30050) for such purpose pursuant to  
42 section 94 of the transportation law.
  - 43 5. \$3,000,000 from the miscellaneous special revenue fund, traffic  
44 adjudication account (22055), to the general fund.
  - 45 6. \$8,557,000 from the mass transportation operating assistance fund,  
46 metropolitan mass transportation operating assistance account (21402),  
47 to the capital projects fund (30000).
  - 48 7. \$5,000,000 from the miscellaneous special revenue fund, transporta-  
49 tion regulation account (22067) to the general fund, for disbursements  
50 made from such fund for motor carrier safety that are in excess of the  
51 amounts deposited in the general fund for such purpose pursuant to  
52 section 94 of the transportation law.
  - 53 8. Intentionally omitted.
  - 54 9. Intentionally omitted.
  - 55 10. Intentionally omitted.
  - 56 11. Intentionally omitted.



1 12. Intentionally omitted.

2 13. Intentionally omitted.

3 14. Intentionally omitted.

4 Miscellaneous:

5 1. \$250,000,000 from the general fund to any funds or accounts for the  
6 purpose of reimbursing certain outstanding accounts receivable balances.

7 2. \$500,000,000 from the general fund to the debt reduction reserve  
8 fund (40000).

9 3. \$450,000,000 from the New York state storm recovery capital fund  
10 (33000) to the revenue bond tax fund (40152).

11 4. \$15,500,000 from the general fund, community projects account GG  
12 (10256), to the general fund, state purposes account (10050).

13 5. \$100,000,000 from any special revenue federal fund to the general  
14 fund, state purposes account (10050).

15 § 3. Notwithstanding any law to the contrary, and in accordance with  
16 section 4 of the state finance law, the comptroller is hereby authorized  
17 and directed to transfer, on or before March 31, 2022:

18 1. Upon request of the commissioner of environmental conservation, up  
19 to \$12,745,400 from revenues credited to any of the department of envi-  
20 ronmental conservation special revenue funds, including \$4,000,000 from  
21 the environmental protection and oil spill compensation fund (21200),  
22 and \$1,834,600 from the conservation fund (21150), to the environmental  
23 conservation special revenue fund, indirect charges account (21060).

24 2. Upon request of the commissioner of agriculture and markets, up to  
25 \$3,000,000 from any special revenue fund or enterprise fund within the  
26 department of agriculture and markets to the general fund, to pay appro-  
27 priate administrative expenses.

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

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

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

41 6. Upon request of the commissioner of health up to \$13,225,000 from  
42 revenues credited to any of the department of health's special revenue  
43 funds, to the miscellaneous special revenue fund, administration account  
44 (21982).

45 § 4. On or before March 31, 2022, the comptroller is hereby authorized  
46 and directed to deposit earnings that would otherwise accrue to the  
47 general fund that are attributable to the operation of section 98-a of  
48 the state finance law, to the agencies internal service fund, banking  
49 services account (55057), for the purpose of meeting direct payments  
50 from such account.

51 § 5. Notwithstanding any law to the contrary, upon the direction of  
52 the director of the budget and upon requisition by the state university  
53 of New York, the dormitory authority of the state of New York is  
54 directed to transfer, up to \$22,000,000 in revenues generated from the  
55 sale of notes or bonds, the state university income fund general revenue

1 account (22653) for reimbursement of bondable equipment for further  
2 transfer to the state's general fund.

3 § 6. 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, upon request of the director of the budget and  
6 upon consultation with the state university chancellor or his or her  
7 designee, on or before March 31, 2022, up to \$16,000,000 from the state  
8 university income fund general revenue account (22653) to the state  
9 general fund for debt service costs related to campus supported capital  
10 project costs for the NY-SUNY 2020 challenge grant program at the  
11 University at Buffalo.

12 § 7. Notwithstanding any law to the contrary, and in accordance with  
13 section 4 of the state finance law, the comptroller is hereby authorized  
14 and directed to transfer, upon request of the director of the budget and  
15 upon consultation with the state university chancellor or his or her  
16 designee, on or before March 31, 2022, up to \$6,500,000 from the state  
17 university income fund general revenue account (22653) to the state  
18 general fund for debt service costs related to campus supported capital  
19 project costs for the NY-SUNY 2020 challenge grant program at the  
20 University at Albany.

21 § 8. Notwithstanding any law to the contrary, the state university  
22 chancellor or his or her designee is authorized and directed to transfer  
23 estimated tuition revenue balances from the state university collection  
24 fund (61000) to the state university income fund, state university  
25 general revenue offset account (22655) on or before March 31, 2022.

26 § 9. 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, upon request of the director of the budget, up  
29 to \$1,107,134,300 from the general fund to the state university income  
30 fund, state university general revenue offset account (22655) during the  
31 period of July 1, 2021 through June 30, 2022 to support operations at  
32 the state university.

33 § 10. Notwithstanding any law to the contrary, and in accordance with  
34 section 4 of the state finance law, the comptroller is hereby authorized  
35 and directed to transfer, upon request of the director of the budget, up  
36 to \$20,000,000 from the general fund to the state university income  
37 fund, state university general revenue offset account (22655) during the  
38 period of July 1, 2021 to June 30, 2022 to support operations at the  
39 state university in accordance with the maintenance of effort pursuant  
40 to subparagraph (4) of paragraph h of subdivision 2 of section 355 of  
41 the education law.

42 § 11. 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, upon request of the state university chancel-  
45 lor or his or her designee, up to \$55,000,000 from the state university  
46 income fund, state university hospitals income reimbursable account  
47 (22656), for services and expenses of hospital operations and capital  
48 expenditures at the state university hospitals; and the state university  
49 income fund, Long Island veterans' home account (22652) to the state  
50 university capital projects fund (32400) on or before June 30, 2022.

51 § 12. Notwithstanding any law to the contrary, and in accordance with  
52 section 4 of the state finance law, the comptroller, after consultation  
53 with the state university chancellor or his or her designee, is hereby  
54 authorized and directed to transfer moneys, in the first instance, from  
55 the state university collection fund, Stony Brook hospital collection  
56 account (61006), Brooklyn hospital collection account (61007), and Syra-

1 cuse hospital collection account (61008) to the state university income  
2 fund, state university hospitals income reimbursable account (22656) in  
3 the event insufficient funds are available in the state university  
4 income fund, state university hospitals income reimbursable account  
5 (22656) to permit the full transfer of moneys authorized for transfer,  
6 to the general fund for payment of debt service related to the SUNY  
7 hospitals. Notwithstanding any law to the contrary, the comptroller is  
8 also hereby authorized and directed, after consultation with the state  
9 university chancellor or his or her designee, to transfer moneys from  
10 the state university income fund to the state university income fund,  
11 state university hospitals income reimbursable account (22656) in the  
12 event insufficient funds are available in the state university income  
13 fund, state university hospitals income reimbursable account (22656) to  
14 pay hospital operating costs or to permit the full transfer of moneys  
15 authorized for transfer, to the general fund for payment of debt service  
16 related to the SUNY hospitals on or before March 31, 2022.

17 § 13. Notwithstanding any law to the contrary, upon the direction of  
18 the director of the budget and the chancellor of the state university of  
19 New York or his or her designee, and in accordance with section 4 of the  
20 state finance law, the comptroller is hereby authorized and directed to  
21 transfer monies from the state university dormitory income fund (40350)  
22 to the state university residence hall rehabilitation fund (30100), and  
23 from the state university residence hall rehabilitation fund (30100) to  
24 the state university dormitory income fund (40350), in an amount not to  
25 exceed \$80 million from each fund.

26 § 14. 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 \$250 million from the unencumbered balance of any special revenue  
30 fund or account, agency fund or account, internal service fund or  
31 account, enterprise fund or account, or any combination of such funds  
32 and accounts, to the general fund. The amounts transferred pursuant to  
33 this authorization shall be in addition to any other transfers expressly  
34 authorized in the 2021-22 budget. Transfers from federal funds, debt  
35 service funds, capital projects funds, the community projects fund, or  
36 funds that would result in the loss of eligibility for federal benefits  
37 or federal funds pursuant to federal law, rule, or regulation as assent-  
38 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
39 1951 are not permitted pursuant to this authorization.

40 § 15. Notwithstanding any law to the contrary, and in accordance with  
41 section 4 of the state finance law, the comptroller is hereby authorized  
42 and directed to transfer, at the request of the director of the budget,  
43 up to \$100 million from any non-general fund or account, or combination  
44 of funds and accounts, to the miscellaneous special revenue fund, tech-  
45 nology financing account (22207), the miscellaneous capital projects  
46 fund, the federal capital projects account (31350), information technol-  
47 ogy capital financing account (32215), or the centralized technology  
48 services account (55069), for the purpose of consolidating technology  
49 procurement and services. The amounts transferred to the miscellaneous  
50 special revenue fund, technology financing account (22207) pursuant to  
51 this authorization shall be equal to or less than the amount of such  
52 monies intended to support information technology costs which are  
53 attributable, according to a plan, to such account made in pursuance to  
54 an appropriation by law. Transfers to the technology financing account  
55 shall be completed from amounts collected by non-general funds or  
56 accounts pursuant to a fund deposit schedule or permanent statute, and

1 shall be transferred to the technology financing account pursuant to a  
2 schedule agreed upon by the affected agency commissioner. Transfers from  
3 funds that would result in the loss of eligibility for federal benefits  
4 or federal funds pursuant to federal law, rule, or regulation as assent-  
5 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
6 1951 are not permitted pursuant to this authorization.

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

23 § 17. Notwithstanding any provision of law to the contrary, as deemed  
24 feasible and advisable by its trustees, the power authority of the state  
25 of New York is authorized and directed to transfer to the state treasury  
26 to the credit of the general fund up to \$20,000,000 for the state fiscal  
27 year commencing April 1, 2021, the proceeds of which will be utilized to  
28 support energy-related state activities.

29 § 18. Notwithstanding any provision of law, rule or regulation to the  
30 contrary, the New York state energy research and development authority  
31 is authorized and directed to transfer \$913,000 to the state treasury to  
32 the credit of the general fund on or before March 31, 2022.

33 § 19. Notwithstanding any provision of law, rule or regulation to the  
34 contrary, the New York state energy research and development authority  
35 is authorized and directed to transfer five million dollars to the cred-  
36 it of the Environmental Protection Fund on or before March 31, 2022 from  
37 proceeds collected by the authority from the auction or sale of carbon  
38 dioxide emission allowances allocated by the department of environmental  
39 conservation.

40 § 20. Subdivision 5 of section 97-rrr of the state finance law, as  
41 amended by section 20 of part JJ of chapter 56 of the laws of 2020, is  
42 amended to read as follows:

43 5. Notwithstanding the provisions of section one hundred seventy-one-a  
44 of the tax law, as separately amended by chapters four hundred eighty-  
45 one and four hundred eighty-four of the laws of nineteen hundred eight-  
46 y-one, and notwithstanding the provisions of chapter ninety-four of the  
47 laws of two thousand eleven, or any other provisions of law to the  
48 contrary, during the fiscal year beginning April first, two thousand  
49 [twenty] twenty-one, the state comptroller is hereby authorized and  
50 directed to deposit to the fund created pursuant to this section from  
51 amounts collected pursuant to article twenty-two of the tax law and  
52 pursuant to a schedule submitted by the director of the budget, up to  
53 [\$2,073,116,000] \$621,503,000, as may be certified in such schedule as  
54 necessary to meet the purposes of such fund for the fiscal year begin-  
55 ning April first, two thousand [twenty] twenty-one.

1 § 21. Notwithstanding any law to the contrary, the comptroller is  
2 hereby authorized and directed to transfer, upon request of the director  
3 of the budget, on or before March 31, 2022, the following amounts from  
4 the following special revenue accounts to the capital projects fund  
5 (30000), for the purposes of reimbursement to such fund for expenses  
6 related to the maintenance and preservation of state assets:

7 1. \$43,000 from the miscellaneous special revenue fund, administrative  
8 program account (21982).

9 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes  
10 hospital account (22140).

11 3. \$366,000 from the miscellaneous special revenue fund, New York city  
12 veterans' home account (22141).

13 4. \$513,000 from the miscellaneous special revenue fund, New York  
14 state home for veterans' and their dependents at oxford account (22142).

15 5. \$159,000 from the miscellaneous special revenue fund, western New  
16 York veterans' home account (22143).

17 6. \$323,000 from the miscellaneous special revenue fund, New York  
18 state for veterans in the lower-hudson valley account (22144).

19 7. \$2,550,000 from the miscellaneous special revenue fund, patron  
20 services account (22163).

21 8. \$7,502,241 from the miscellaneous special revenue fund, state  
22 university general income reimbursable account (22653).

23 9. \$135,656,957 from the miscellaneous special revenue fund, state  
24 university revenue offset account (22655).

25 10. \$49,329,802 from the state university dormitory income fund, state  
26 university dormitory income fund (40350).

27 11. \$1,000,000 from the miscellaneous special revenue fund, litigation  
28 settlement and civil recovery account (22117).

29 § 22. Intentionally omitted.

30 § 23. The opening paragraph of subdivision 3 of section 93-b of the  
31 state finance law, as amended by section 1 of part M of chapter 57 of  
32 the laws of 2016, is amended to read as follows:

33 Notwithstanding any other provisions of law to the contrary, commencing  
34 on April first, two thousand fifteen, and continuing through March  
35 thirty-first, two thousand [twenty-one] ~~twenty-five~~, the comptroller is  
36 hereby authorized to transfer monies from the dedicated infrastructure  
37 investment fund to the general fund, and from the general fund to the  
38 dedicated infrastructure investment fund, in an amount determined by the  
39 director of the budget to the extent moneys are available in the fund;  
40 provided, however, that the comptroller is only authorized to transfer  
41 monies from the dedicated infrastructure investment fund to the general  
42 fund in the event of an economic downturn as described in paragraph (a)  
43 of this subdivision; and/or to fulfill disallowances and/or settlements  
44 related to over-payments of federal medicare and medicaid revenues in  
45 excess of one hundred million dollars from anticipated levels, as deter-  
46 mined by the director of the budget and described in paragraph (b) of  
47 this subdivision.

48 § 24. Notwithstanding any other law, rule, or regulation to the  
49 contrary, the state comptroller is hereby authorized and directed to use  
50 any balance remaining in the mental health services fund debt service  
51 appropriation, after payment by the state comptroller of all obligations  
52 required pursuant to any lease, sublease, or other financing arrangement  
53 between the dormitory authority of the state of New York as successor to  
54 the New York state medical care facilities finance agency, and the  
55 facilities development corporation pursuant to chapter 83 of the laws of  
56 1995 and the department of mental hygiene for the purpose of making

1 payments to the dormitory authority of the state of New York for the  
2 amount of the earnings for the investment of monies deposited in the  
3 mental health services fund that such agency determines will or may have  
4 to be rebated to the federal government pursuant to the provisions of  
5 the internal revenue code of 1986, as amended, in order to enable such  
6 agency to maintain the exemption from federal income taxation on the  
7 interest paid to the holders of such agency's mental services facilities  
8 improvement revenue bonds. Annually on or before each June 30th, such  
9 agency shall certify to the state comptroller its determination of the  
10 amounts received in the mental health services fund as a result of the  
11 investment of monies deposited therein that will or may have to be  
12 rebated to the federal government pursuant to the provisions of the  
13 internal revenue code of 1986, as amended.

14 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws  
15 of 1997, relating to the financing of the correctional facilities  
16 improvement fund and the youth facility improvement fund, as amended by  
17 section 28 of part JJ of chapter 56 of the laws of 2020, is amended to  
18 read as follows:

19 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
20 notwithstanding the provisions of section 18 of section 1 of chapter 174  
21 of the laws of 1968, the New York state urban development corporation is  
22 hereby authorized to issue bonds, notes and other obligations in an  
23 aggregate principal amount not to exceed [eight billion eight hundred  
24 seventeen million two hundred ninety-nine thousand dollars  
25 \$8,817,299,000] nine billion one hundred thirty-nine million six hundred  
26 nineteen thousand dollars \$9,139,619,000, and shall include all bonds,  
27 notes and other obligations issued pursuant to chapter 56 of the laws of  
28 1983, as amended or supplemented. The proceeds of such bonds, notes or  
29 other obligations shall be paid to the state, for deposit in the correc-  
30 tional facilities capital improvement fund to pay for all or any portion  
31 of the amount or amounts paid by the state from appropriations or reap-  
32 propriations made to the department of corrections and community super-  
33 vision from the correctional facilities capital improvement fund for  
34 capital projects. The aggregate amount of bonds, notes or other obli-  
35 gations authorized to be issued pursuant to this section shall exclude  
36 bonds, notes or other obligations issued to refund or otherwise repay  
37 bonds, notes or other obligations theretofore issued, the proceeds of  
38 which were paid to the state for all or a portion of the amounts  
39 expended by the state from appropriations or reappropriations made to  
40 the department of corrections and community supervision; provided,  
41 however, that upon any such refunding or repayment the total aggregate  
42 principal amount of outstanding bonds, notes or other obligations may be  
43 greater than [eight billion eight hundred seventeen million two hundred  
44 ninety-nine thousand dollars \$8,817,299,000] nine billion one hundred  
45 thirty-nine million six hundred nineteen thousand dollars  
46 \$9,139,619,000, only if the present value of the aggregate debt service  
47 of the refunding or repayment bonds, notes or other obligations to be  
48 issued shall not exceed the present value of the aggregate debt service  
49 of the bonds, notes or other obligations so to be refunded or repaid.  
50 For the purposes hereof, the present value of the aggregate debt service  
51 of the refunding or repayment bonds, notes or other obligations and of  
52 the aggregate debt service of the bonds, notes or other obligations so  
53 refunded or repaid, shall be calculated by utilizing the effective  
54 interest rate of the refunding or repayment bonds, notes or other obli-  
55 gations, which shall be that rate arrived at by doubling the semi-annual  
56 interest rate (compounded semi-annually) necessary to discount the debt

1 service payments on the refunding or repayment bonds, notes or other  
2 obligations from the payment dates thereof to the date of issue of the  
3 refunding or repayment bonds, notes or other obligations and to the  
4 price bid including estimated accrued interest or proceeds received by  
5 the corporation including estimated accrued interest from the sale ther-  
6 eof.

7 § 26. Subdivision (a) of section 27 of part Y of chapter 61 of the  
8 laws of 2005, relating to providing for the administration of certain  
9 funds and accounts related to the 2005-2006 budget, as amended by  
10 section 29 of part JJ of chapter 56 of the laws of 2020, is amended to  
11 read as follows:

12 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
13 notwithstanding any provisions of law to the contrary, the urban devel-  
14 opment corporation is hereby authorized to issue bonds or notes in one  
15 or more series in an aggregate principal amount not to exceed [three  
16 hundred twenty-three million one hundred thousand dollars \$323,100,000]  
17 three hundred seventy-four million six hundred thousand dollars  
18 \$374,600,000, excluding bonds issued to finance one or more debt service  
19 reserve funds, to pay costs of issuance of such bonds, and bonds or  
20 notes issued to refund or otherwise repay such bonds or notes previously  
21 issued, for the purpose of financing capital projects including IT  
22 initiatives for the division of state police, debt service and leases;  
23 and to reimburse the state general fund for disbursements made therefor.  
24 Such bonds and notes of such authorized issuer 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 such authorized issuer for debt service and related expenses pursuant to  
28 any service contract executed pursuant to subdivision (b) of this  
29 section and such bonds and notes shall contain on the face thereof a  
30 statement to such effect. Except for purposes of complying with the  
31 internal revenue code, any interest income earned on bond proceeds shall  
32 only be used to pay debt service on such bonds.

33 § 27. Subdivision 3 of section 1285-p of the public authorities law,  
34 as amended by section 30 of part JJ of chapter 56 of the laws of 2020,  
35 is amended to read as follows:

36 3. The maximum amount of bonds that may be issued for the purpose of  
37 financing environmental infrastructure projects authorized by this  
38 section shall be [six billion three hundred seventy-four million ten  
39 thousand dollars \$6,374,010,000] seven billion one hundred thirty  
40 million ten thousand dollars \$7,130,010,000, exclusive of bonds issued  
41 to fund any debt service reserve funds, pay costs of issuance of such  
42 bonds, and bonds or notes issued to refund or otherwise repay bonds or  
43 notes previously issued. Such bonds and notes of the corporation shall  
44 not be a debt of the state, and the state shall not be liable thereon,  
45 nor shall they be payable out of any funds other than those appropriated  
46 by the state to the corporation for debt service and related expenses  
47 pursuant to any service contracts executed pursuant to subdivision one  
48 of this section, and such bonds and notes shall contain on the face  
49 thereof a statement to such effect.

50 § 28. Subdivision (a) of section 48 of part K of chapter 81 of the  
51 laws of 2002, relating to providing for the administration of certain  
52 funds and accounts related to the 2002-2003 budget, as amended by  
53 section 31 of part JJ of chapter 56 of the laws of 2020, is amended to  
54 read as follows:

55 (a) Subject to the provisions of chapter 59 of the laws of 2000 but  
56 notwithstanding the provisions of section 18 of the urban development



1 corporation act, the corporation is hereby authorized to issue bonds or  
2 notes in one or more series in an aggregate principal amount not to  
3 exceed [three hundred fourteen million dollars \$314,000,000] three  
4 hundred forty-seven million five hundred thousand dollars \$347,500,000,  
5 excluding bonds issued to fund one or more debt service reserve funds,  
6 to pay costs of issuance of such bonds, and bonds or notes issued to  
7 refund or otherwise repay such bonds or notes previously issued, for the  
8 purpose of financing capital costs related to homeland security and  
9 training facilities for the division of state police, the division of  
10 military and naval affairs, and any other state agency, including the  
11 reimbursement of any disbursements made from the state capital projects  
12 fund, and is hereby authorized to issue bonds or notes in one or more  
13 series in an aggregate principal amount not to exceed [\$1,115,800,000  
14 one billion one hundred fifteen million eight hundred thousand dollars]  
15 one billion two hundred seventy-eight million eight hundred thousand  
16 dollars \$1,278,800,000, excluding bonds issued to fund one or more debt  
17 service reserve funds, to pay costs of issuance of such bonds, and bonds  
18 or notes issued to refund or otherwise repay such bonds or notes previ-  
19 ously issued, for the purpose of financing improvements to State office  
20 buildings and other facilities located statewide, including the  
21 reimbursement of any disbursements made from the state capital projects  
22 fund. Such bonds and notes of the corporation shall not be a debt of the  
23 state, and the state shall not be liable thereon, nor shall they be  
24 payable out of any funds other than those appropriated by the state to  
25 the corporation for debt service and related expenses pursuant to any  
26 service contracts executed pursuant to subdivision (b) of this section,  
27 and such bonds and notes shall contain on the face thereof a statement  
28 to such effect.

29 § 29. Paragraph (c) of subdivision 19 of section 1680 of the public  
30 authorities law, as amended by section 32 of part JJ of chapter 56 of  
31 the laws of 2020, is amended to read as follows:

32 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
33 thousand, the dormitory authority shall not issue any bonds for state  
34 university educational facilities purposes if the principal amount of  
35 bonds to be issued when added to the aggregate principal amount of bonds  
36 issued by the dormitory authority on and after July first, nineteen  
37 hundred eighty-eight for state university educational facilities will  
38 exceed [fourteen billion seven hundred forty-one million eight hundred  
39 sixty-four thousand dollars \$14,741,864,000] fifteen billion five  
40 hundred eighty-five million eight hundred sixty-four thousand dollars  
41 \$15,585,864,000; provided, however, that bonds issued or to be issued  
42 shall be excluded from such limitation if: (1) such bonds are issued to  
43 refund state university construction bonds and state university  
44 construction notes previously issued by the housing finance agency; or  
45 (2) such bonds are issued to refund bonds of the authority or other  
46 obligations issued for state university educational facilities purposes  
47 and the present value of the aggregate debt service on the refunding  
48 bonds does not exceed the present value of the aggregate debt service on  
49 the bonds refunded thereby; provided, further that upon certification by  
50 the director of the budget that the issuance of refunding bonds or other  
51 obligations issued between April first, nineteen hundred ninety-two and  
52 March thirty-first, nineteen hundred ninety-three will generate long  
53 term economic benefits to the state, as assessed on a present value  
54 basis, such issuance will be deemed to have met the present value test  
55 noted above. For purposes of this subdivision, the present value of the  
56 aggregate debt service of the refunding bonds and the aggregate debt

1 service of the bonds refunded, shall be calculated by utilizing the true  
2 interest cost of the refunding bonds, which shall be that rate arrived  
3 at by doubling the semi-annual interest rate (compounded semi-annually)  
4 necessary to discount the debt service payments on the refunding bonds  
5 from the payment dates thereof to the date of issue of the refunding  
6 bonds to the purchase price of the refunding bonds, including interest  
7 accrued thereon prior to the issuance thereof. The maturity of such  
8 bonds, other than bonds issued to refund outstanding bonds, shall not  
9 exceed the weighted average economic life, as certified by the state  
10 university construction fund, of the facilities in connection with which  
11 the bonds are issued, and in any case not later than the earlier of  
12 thirty years or the expiration of the term of any lease, sublease or  
13 other agreement relating thereto; provided that no note, including  
14 renewals thereof, shall mature later than five years after the date of  
15 issuance of such note. The legislature reserves the right to amend or  
16 repeal such limit, and the state of New York, the dormitory authority,  
17 the state university of New York, and the state university construction  
18 fund are prohibited from covenanting or making any other agreements with  
19 or for the benefit of bondholders which might in any way affect such  
20 right.

21 § 29-a. Paragraph (b) of subdivision 3 of section 1 and clause (B) of  
22 subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of  
23 part D of chapter 63 of the laws of 2005 relating to the composition and  
24 responsibilities of the New York state higher education capital matching  
25 grant board, as amended by section 7 of part K of chapter 39 of the laws  
26 of 2019, are amended to read as follows:

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

34 (B) The dormitory authority shall not issue any bonds or notes in an  
35 amount in excess of three hundred thirty million dollars, [~~\$300,000,000~~]  
36 \$330,000,000 for the purposes of this section; excluding bonds or notes  
37 issued to fund one or more debt service reserve funds, to pay costs of  
38 issuance of such bonds, and bonds or notes issued to refund or otherwise  
39 repay such bonds or notes previously issued. Except for purposes of  
40 complying with the internal revenue code, any interest on bond proceeds  
41 shall only be used to pay debt service on such bonds.

42 § 30. Paragraph (c) of subdivision 14 of section 1680 of the public  
43 authorities law, as amended by section 33 of part JJ of chapter 56 of  
44 the laws of 2020, is amended to read as follows:

45 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
46 thousand, (i) the dormitory authority shall not deliver a series of  
47 bonds for city university community college facilities, except to refund  
48 or to be substituted for or in lieu of other bonds in relation to city  
49 university community college facilities pursuant to a resolution of the  
50 dormitory authority adopted before July first, nineteen hundred eighty-  
51 five or any resolution supplemental thereto, if the principal amount of  
52 bonds so to be issued when added to all principal amounts of bonds  
53 previously issued by the dormitory authority for city university commu-  
54 nity college facilities, except to refund or to be substituted in lieu  
55 of other bonds in relation to city university community college facili-  
56 ties will exceed the sum of four hundred twenty-five million dollars and

1 (ii) the dormitory authority shall not deliver a series of bonds issued  
2 for city university facilities, including community college facilities,  
3 pursuant to a resolution of the dormitory authority adopted on or after  
4 July first, nineteen hundred eighty-five, except to refund or to be  
5 substituted for or in lieu of other bonds in relation to city university  
6 facilities and except for bonds issued pursuant to a resolution supple-  
7 mental to a resolution of the dormitory authority adopted prior to July  
8 first, nineteen hundred eighty-five, if the principal amount of bonds so  
9 to be issued when added to the principal amount of bonds previously  
10 issued pursuant to any such resolution, except bonds issued to refund or  
11 to be substituted for or in lieu of other bonds in relation to city  
12 university facilities, will exceed [nine billion two hundred twenty-two  
13 million seven hundred thirty-two thousand dollars \$9,222,732,000] nine  
14 billion six hundred twenty-nine million eight hundred thirty thousand  
15 dollars \$9,629,830,000. The legislature reserves the right to amend or  
16 repeal such limit, and the state of New York, the dormitory authority,  
17 the city university, and the fund are prohibited from covenanting or  
18 making any other agreements with or for the benefit of bondholders which  
19 might in any way affect such right.

20 § 31. Subdivision 10-a of section 1680 of the public authorities law,  
21 as amended by section 34 of part JJ of chapter 56 of the laws of 2020,  
22 is amended to read as follows:

23 10-a. Subject to the provisions of chapter fifty-nine of the laws of  
24 two thousand, but notwithstanding any other provision of the law to the  
25 contrary, the maximum amount of bonds and notes to be issued after March  
26 thirty-first, two thousand two, on behalf of the state, in relation to  
27 any locally sponsored community college, shall be [one billion fifty-one  
28 million six hundred forty thousand dollars \$1,051,640,000] one billion  
29 sixty-six million two hundred fifty-seven thousand dollars  
30 \$1,066,257,000. Such amount shall be exclusive of bonds and notes issued  
31 to fund any reserve fund or funds, costs of issuance and to refund any  
32 outstanding bonds and notes, issued on behalf of the state, relating to  
33 a locally sponsored community college.

34 § 32. Subdivision 1 of section 17 of part D of chapter 389 of the laws  
35 of 1997, relating to the financing of the correctional facilities  
36 improvement fund and the youth facility improvement fund, as amended by  
37 section 35 of part JJ of chapter 56 of the laws of 2020, is amended to  
38 read as follows:

39 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
40 notwithstanding the provisions of section 18 of section 1 of chapter 174  
41 of the laws of 1968, the New York state urban development corporation is  
42 hereby authorized to issue bonds, notes and other obligations in an  
43 aggregate principal amount not to exceed [eight hundred forty million  
44 three hundred fifteen thousand dollars \$840,315,000] eight hundred  
45 seventy-six million fifteen thousand dollars \$876,015,000, which author-  
46 ization increases the aggregate principal amount of bonds, notes and  
47 other obligations authorized by section 40 of chapter 309 of the laws of  
48 1996, and shall include all bonds, notes and other obligations issued  
49 pursuant to chapter 211 of the laws of 1990, as amended or supplemented.  
50 The proceeds of such bonds, notes or other obligations shall be paid to  
51 the state, for deposit in the youth facilities improvement fund, to pay  
52 for all or any portion of the amount or amounts paid by the state from  
53 appropriations or reappropriations made to the office of children and  
54 family services from the youth facilities improvement fund for capital  
55 projects. The aggregate amount of bonds, notes and other obligations  
56 authorized to be issued pursuant to this section shall exclude bonds,

1 notes or other obligations issued to refund or otherwise repay bonds,  
2 notes or other obligations theretofore issued, the proceeds of which  
3 were paid to the state for all or a portion of the amounts expended by  
4 the state from appropriations or reappropriations made to the office of  
5 children and family services; provided, however, that upon any such  
6 refunding or repayment the total aggregate principal amount of outstand-  
7 ing bonds, notes or other obligations may be greater than [eight hundred  
8 forty million three hundred fifteen thousand dollars \$840,315,000] eight  
9 hundred seventy-six million fifteen thousand dollars \$876,015,000, only  
10 if the present value of the aggregate debt service of the refunding or  
11 repayment bonds, notes or other obligations to be issued shall not  
12 exceed the present value of the aggregate debt service of the bonds,  
13 notes or other obligations so to be refunded or repaid. For the purposes  
14 hereof, the present value of the aggregate debt service of the refunding  
15 or repayment bonds, notes or other obligations and of the aggregate debt  
16 service of the bonds, notes or other obligations so refunded or repaid,  
17 shall be calculated by utilizing the effective interest rate of the  
18 refunding or repayment bonds, notes or other obligations, which shall be  
19 that rate arrived at by doubling the semi-annual interest rate  
20 (compounded semi-annually) necessary to discount the debt service  
21 payments on the refunding or repayment bonds, notes or other obligations  
22 from the payment dates thereof to the date of issue of the refunding or  
23 repayment bonds, notes or other obligations and to the price bid includ-  
24 ing estimated accrued interest or proceeds received by the corporation  
25 including estimated accrued interest from the sale thereof.

26 § 33. Paragraph b of subdivision 2 of section 9-a of section 1 of  
27 chapter 392 of the laws of 1973, constituting the New York state medical  
28 care facilities finance agency act, as amended by section 36 of part JJ  
29 of chapter 56 of the laws of 2020, is amended to read as follows:

30 b. The agency shall have power and is hereby authorized from time to  
31 time to issue negotiable bonds and notes in conformity with applicable  
32 provisions of the uniform commercial code in such principal amount as,  
33 in the opinion of the agency, shall be necessary, after taking into  
34 account other moneys which may be available for the purpose, to provide  
35 sufficient funds to the facilities development corporation, or any  
36 successor agency, for the financing or refinancing of or for the design,  
37 construction, acquisition, reconstruction, rehabilitation or improvement  
38 of mental health services facilities pursuant to paragraph a of this  
39 subdivision, the payment of interest on mental health services improve-  
40 ment bonds and mental health services improvement notes issued for such  
41 purposes, the establishment of reserves to secure such bonds and notes,  
42 the cost or premium of bond insurance or the costs of any financial  
43 mechanisms which may be used to reduce the debt service that would be  
44 payable by the agency on its mental health services facilities improve-  
45 ment bonds and notes and all other expenditures of the agency incident  
46 to and necessary or convenient to providing the facilities development  
47 corporation, or any successor agency, with funds for the financing or  
48 refinancing of or for any such design, construction, acquisition, recon-  
49 struction, rehabilitation or improvement and for the refunding of mental  
50 hygiene improvement bonds issued pursuant to section 47-b of the private  
51 housing finance law; provided, however, that the agency shall not issue  
52 mental health services facilities improvement bonds and mental health  
53 services facilities improvement notes in an aggregate principal amount  
54 exceeding [nine billion nine hundred twenty-seven million two hundred  
55 seventy-six thousand dollars \$9,927,276,000] ten billion four hundred  
56 seventy-six million seven hundred seventy-three thousand dollars



1 \$10,476,773,000, excluding mental health services facilities improvement  
2 bonds and mental health services facilities improvement notes issued to  
3 refund outstanding mental health services facilities improvement bonds  
4 and mental health services facilities improvement notes; provided,  
5 however, that upon any such refunding or repayment of mental health  
6 services facilities improvement bonds and/or mental health services  
7 facilities improvement notes the total aggregate principal amount of  
8 outstanding mental health services facilities improvement bonds and  
9 mental health facilities improvement notes may be greater than [nine  
10 billion nine hundred twenty-seven million two hundred seventy-six thou-  
11 sand dollars \$9,927,276,000] ten billion four hundred seventy-six  
12 million seven hundred seventy-three thousand dollars \$10,476,773,000,  
13 only if, except as hereinafter provided with respect to mental health  
14 services facilities bonds and mental health services facilities notes  
15 issued to refund mental hygiene improvement bonds authorized to be  
16 issued pursuant to the provisions of section 47-b of the private housing  
17 finance law, the present value of the aggregate debt service of the  
18 refunding or repayment bonds to be issued shall not exceed the present  
19 value of the aggregate debt service of the bonds to be refunded or  
20 repaid. For purposes hereof, the present values of the aggregate debt  
21 service of the refunding or repayment bonds, notes or other obligations  
22 and of the aggregate debt service of the bonds, notes or other obli-  
23 gations so refunded or repaid, shall be calculated by utilizing the  
24 effective interest rate of the refunding or repayment bonds, notes or  
25 other obligations, which shall be that rate arrived at by doubling the  
26 semi-annual interest rate (compounded semi-annually) necessary to  
27 discount the debt service payments on the refunding or repayment bonds,  
28 notes or other obligations from the payment dates thereof to the date of  
29 issue of the refunding or repayment bonds, notes or other obligations  
30 and to the price bid including estimated accrued interest or proceeds  
31 received by the authority including estimated accrued interest from the  
32 sale thereof. Such bonds, other than bonds issued to refund outstanding  
33 bonds, shall be scheduled to mature over a term not to exceed the aver-  
34 age useful life, as certified by the facilities development corporation,  
35 of the projects for which the bonds are issued, and in any case shall  
36 not exceed thirty years and the maximum maturity of notes or any  
37 renewals thereof shall not exceed five years from the date of the  
38 original issue of such notes. Notwithstanding the provisions of this  
39 section, the agency shall have the power and is hereby authorized to  
40 issue mental health services facilities improvement bonds and/or mental  
41 health services facilities improvement notes to refund outstanding  
42 mental hygiene improvement bonds authorized to be issued pursuant to the  
43 provisions of section 47-b of the private housing finance law and the  
44 amount of bonds issued or outstanding for such purposes shall not be  
45 included for purposes of determining the amount of bonds issued pursuant  
46 to this section. The director of the budget shall allocate the aggregate  
47 principal authorized to be issued by the agency among the office of  
48 mental health, office for people with developmental disabilities, and  
49 the office of addiction services and supports, in consultation with  
50 their respective commissioners to finance bondable appropriations previ-  
51 ously approved by the legislature.

52 § 33-a. Paragraph a of subdivision 2 of section 1680 of the public  
53 authorities law, as amended by subsection 25 of part II of chapter 59 of  
54 the laws of 2004, is amended to read as follows:

55 a. The dormitory authority is hereby authorized and empowered upon  
56 application of the educational institution concerned to acquire, design,

1 construct, reconstruct, rehabilitate and improve, or otherwise provide  
2 and furnish and equip dormitories and attendant facilities for any  
3 educational institution, provided that any contract undertaken or  
4 financed by the dormitory authority for any construction, recon-  
5 struction, rehabilitation or improvement of any building or structure  
6 commenced after September first, nineteen hundred seventy-four for the  
7 Gananda school district or the Gananda educational facilities corpo-  
8 ration, or any agency, board or commission therein, or any official  
9 thereof, shall comply with the provisions of section one hundred one of  
10 the general municipal law and the specifications for such contract may  
11 provide for assignment of responsibility for coordination of any of the  
12 contracts for such work to a single responsible and qualified person,  
13 firm or corporation; provided, however, that all contracts for  
14 construction of buildings on behalf of Queens Hospital Center shall be  
15 in conformity with the provisions of section one hundred one of the  
16 general municipal law; provided that any contracts for the construction,  
17 reconstruction, rehabilitation or improvement of any public work project  
18 undertaken by the dormitory authority of any facility for the aged for  
19 any political subdivision of the state or any district therein or agen-  
20 cy, department, board or commission thereof, or any official thereof,  
21 shall comply with the provisions of section one hundred thirty-five of  
22 the state finance law; and provided further that any contract undertaken  
23 or financed by the dormitory authority for any construction, recon-  
24 struction, rehabilitation or improvement of any building commenced after  
25 January first, nineteen hundred eighty-nine for the department of health  
26 shall comply with the provisions of section one hundred thirty-five of  
27 the state finance law.

28 Each educational institution defined in subdivision one of this  
29 section, except the department of health of the state of New York,  
30 shall, when authorized by an appropriate resolution adopted by its  
31 governing board or, when permitted, adopted by an appropriate committee  
32 of such governing board, have power: (i) to convey or cause to be  
33 conveyed to the authority real property or rights in real property  
34 required in connection with the construction and financing of a dormito-  
35 ry by the authority for such educational institution; or (ii) to enter  
36 into agreements or leases or both with the dormitory authority pursuant  
37 to subdivision sixteen of section sixteen hundred seventy-eight of this  
38 title and to paragraph e of this subdivision, or both, or, in the case  
39 of the department of health of the state of New York, providing that  
40 legislation or appropriations which specifies the facilities to be  
41 acquired, constructed, reconstructed, rehabilitated or improved for the  
42 department of health of the state of New York and the total estimated  
43 costs for each such facility, not to exceed [four] five hundred [nine-  
44 ty-five] ninety-eight million two hundred twenty-six thousand dollars  
45 (\$598,226,000) in the aggregate, shall have been approved by the legis-  
46 lature, the commissioner of health shall have power: (i) to convey or  
47 cause to be conveyed to the authority real property or rights in real  
48 property required in connection with the construction and financing of a  
49 dormitory by the authority for such educational institution; or (ii) to  
50 enter into agreements or leases or both with the dormitory authority  
51 pursuant to subdivision sixteen of section sixteen hundred seventy-eight  
52 of this title and to paragraph e of this subdivision or both. The educa-  
53 tional institution for which such dormitory and attendant facility is  
54 intended to be provided shall approve the plans and specifications and  
55 location of such dormitory and attendant facility. The dormitory author-  
56 ity shall have the same power and authority in respect to such dormito-

1 ries and attendant facilities provided pursuant to this subdivision that  
2 it has relative to other dormitories.

3 § 34. Subdivision (a) of section 28 of part Y of chapter 61 of the  
4 laws of 2005, relating to providing for the administration of certain  
5 funds and accounts related to the 2005-2006 budget, as amended by  
6 section 37 of part JJ of chapter 56 of the laws of 2020, is amended to  
7 read as follows:

8 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
9 notwithstanding any provisions of law to the contrary, one or more  
10 authorized issuers as defined by section 68-a of the state finance law  
11 are hereby authorized to issue bonds or notes in one or more series in  
12 an aggregate principal amount not to exceed [one hundred fifty-seven  
13 million dollars \$157,000,000] one hundred seventy-two million dollars  
14 \$172,000,000, excluding bonds issued to finance one or more debt service  
15 reserve funds, to pay costs of issuance of such bonds, and bonds or  
16 notes issued to refund or otherwise repay such bonds or notes previously  
17 issued, for the purpose of financing capital projects for public  
18 protection facilities in the Division of Military and Naval Affairs,  
19 debt service and leases; and to reimburse the state general fund for  
20 disbursements made therefor. Such bonds and notes of such authorized  
21 issuer shall not be a debt of the state, and the state shall not be  
22 liable thereon, nor shall they be payable out of any funds other than  
23 those appropriated by the state to such authorized issuer for debt  
24 service and related expenses pursuant to any service contract executed  
25 pursuant to subdivision (b) of this section and such bonds and notes  
26 shall contain on the face thereof a statement to such effect. Except for  
27 purposes of complying with the internal revenue code, any interest  
28 income earned on bond proceeds shall only be used to pay debt service on  
29 such bonds.

30 § 35. Section 53 of section 1 of chapter 174 of the laws of 1968,  
31 constituting the New York state urban development corporation act, as  
32 amended by section 38 of part JJ of chapter 56 of the laws of 2020, is  
33 amended to read as follows:

34 § 53. 1. Notwithstanding the provisions of any other law to the  
35 contrary, the dormitory authority and the urban development corporation  
36 are hereby authorized to issue bonds or notes in one or more series for  
37 the purpose of funding project costs for the acquisition of equipment,  
38 including but not limited to the creation or modernization of informa-  
39 tion technology systems and related research and development equipment,  
40 health and safety equipment, heavy equipment and machinery, the creation  
41 or improvement of security systems, and laboratory equipment and other  
42 state costs associated with such capital projects. The aggregate princi-  
43 pal amount of bonds authorized to be issued pursuant to this section  
44 shall not exceed [one hundred] two hundred ninety-three million dollars  
45 [\$193,000,000] \$293,000,000, excluding bonds issued to fund one or more  
46 debt service reserve funds, to pay costs of issuance of such bonds, and  
47 bonds or notes issued to refund or otherwise repay such bonds or notes  
48 previously issued. Such bonds and notes of the dormitory authority and  
49 the urban development corporation shall not be a debt of the state, and  
50 the state shall not be liable thereon, nor shall they be payable out of  
51 any funds other than those appropriated by the state to the dormitory  
52 authority and the urban development corporation for principal, interest,  
53 and related expenses pursuant to a service contract and such bonds and  
54 notes shall contain on the face thereof a statement to such effect.  
55 Except for purposes of complying with the internal revenue code, any

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

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

29 § 36. Subdivision (b) of section 11 of chapter 329 of the laws of  
30 1991, amending the state finance law and other laws relating to the  
31 establishment of the dedicated highway and bridge trust fund, as amended  
32 by section 39 of part JJ of chapter 56 of the laws of 2020, is amended  
33 to read as follows:

34 (b) Any service contract or contracts for projects authorized pursuant  
35 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
36 14-k of the transportation law, and entered into pursuant to subdivision  
37 (a) of this section, shall provide for state commitments to provide  
38 annually to the thruway authority a sum or sums, upon such terms and  
39 conditions as shall be deemed appropriate by the director of the budget,  
40 to fund, or fund the debt service requirements of any bonds or any obli-  
41 gations of the thruway authority issued to fund or to reimburse the  
42 state for funding such projects having a cost not in excess of [eleven  
43 billion three hundred forty-nine million eight hundred seventy-five  
44 thousand dollars \$11,349,875,000] eleven billion nine hundred two  
45 million two hundred twenty-seven thousand dollars \$11,902,227,000  
46 cumulatively by the end of fiscal year [2020-21] 2021-22.

47 § 37. Subdivision 1 of section 1689-i of the public authorities law,  
48 as amended by section 40 of part JJ of chapter 56 of the laws of 2020,  
49 is amended to read as follows:

50 1. The dormitory authority is authorized to issue bonds, at the  
51 request of the commissioner of education, to finance eligible library  
52 construction projects pursuant to section two hundred seventy-three-a of  
53 the education law, in amounts certified by such commissioner not to  
54 exceed a total principal amount of [two hundred sixty-five million  
55 dollars \$265,000,000] two hundred ninety-nine million dollars  
56 \$299,000,000.



1 § 38. Section 44 of section 1 of chapter 174 of the laws of 1968,  
2 constituting the New York state urban development corporation act, as  
3 amended by section 41 of part JJ of chapter 56 of the laws of 2020, is  
4 amended to read as follows:

5 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the  
6 provisions of any other law to the contrary, the dormitory authority and  
7 the corporation are hereby authorized to issue bonds or notes in one or  
8 more series for the purpose of funding project costs for the regional  
9 economic development council initiative, the economic transformation  
10 program, state university of New York college for nanoscale and science  
11 engineering, projects within the city of Buffalo or surrounding envi-  
12 rons, the New York works economic development fund, projects for the  
13 retention of professional football in western New York, the empire state  
14 economic development fund, the clarkson-trudeau partnership, the New  
15 York genome center, the cornell university college of veterinary medi-  
16 cine, the olympic regional development authority, projects at nano  
17 Utica, onondaga county revitalization projects, Binghamton university  
18 school of pharmacy, New York power electronics manufacturing consortium,  
19 regional infrastructure projects, high tech innovation and economic  
20 development infrastructure program, high technology manufacturing  
21 projects in Chautauqua and Erie county, an industrial scale research and  
22 development facility in Clinton county, upstate revitalization initi-  
23 ative projects, downstate revitalization initiative, market New York  
24 projects, fairground buildings, equipment or facilities used to house  
25 and promote agriculture, the state fair, the empire state trail, the  
26 moynihan station development project, the Kingsbridge armory project,  
27 strategic economic development projects, the cultural, arts and public  
28 spaces fund, water infrastructure in the city of Auburn and town of  
29 Owasco, a life sciences laboratory public health initiative, not-for-  
30 profit pounds, shelters and humane societies, arts and cultural facili-  
31 ties improvement program, restore New York's communities initiative,  
32 heavy equipment, economic development and infrastructure projects,  
33 Roosevelt Island operating corporation capital projects, Lake Ontario  
34 regional projects, Pennsylvania station and other transit projects and  
35 other state costs associated with such projects. The aggregate principal  
36 amount of bonds authorized to be issued pursuant to this section shall  
37 not exceed [ten billion three hundred thirty-four million eight hundred  
38 fifty-one thousand dollars \$10,334,851,000] ten billion nine hundred  
39 thirty-one million two hundred two thousand dollars \$10,931,202,000,  
40 excluding bonds issued to fund one or more debt service reserve funds,  
41 to pay costs of issuance of such bonds, and bonds or notes issued to  
42 refund or otherwise repay such bonds or notes previously issued. Such  
43 bonds and notes of the dormitory authority and the corporation shall not  
44 be a debt of the state, and the state shall not be liable thereon, nor  
45 shall they be payable out of any funds other than those appropriated by  
46 the state to the dormitory authority and the corporation for principal,  
47 interest, and related expenses pursuant to a service contract and such  
48 bonds and notes shall contain on the face thereof a statement to such  
49 effect. Except for purposes of complying with the internal revenue code,  
50 any interest income earned on bond proceeds shall only be used to pay  
51 debt service on such bonds.

52 2. Notwithstanding any other provision of law to the contrary, in  
53 order to assist the dormitory authority and the corporation in undertak-  
54 ing the financing for project costs for the regional economic develop-  
55 ment council initiative, the economic transformation program, state  
56 university of New York college for nanoscale and science engineering,

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

44 § 38-a. Paragraph (b) of subdivision 5 of section 1680-g of the  
45 public authorities law, as amended by section 44 of part H of chapter 56  
46 of the laws of 2000, is amended to read as follows:

47 (b) The dormitory authority shall not issue any bonds or notes in an  
48 amount in excess of [thirty] thirty-one million two hundred thousand  
49 dollars \$31,200,000 for the purposes of this section; excluding bonds or  
50 notes issued to fund one or more debt service reserve funds, to pay  
51 costs of issuance of such bonds, and bonds or notes issued to refund or  
52 otherwise repay such bonds or notes previously issued. Except for  
53 purposes of complying with the internal revenue code, any interest on  
54 bond proceeds shall only be used to pay debt service on such bonds.

1 § 39. Subdivision 1 of section 386-b of the public authorities law, as  
2 amended by section 42 of part JJ of chapter 56 of the laws of 2020, is  
3 amended to read as follows:

4 1. Notwithstanding any other provision of law to the contrary, the  
5 authority, the dormitory authority and the urban development corporation  
6 are hereby authorized to issue bonds or notes in one or more series for  
7 the purpose of financing peace bridge projects and capital costs of  
8 state and local highways, parkways, bridges, the New York state thruway,  
9 Indian reservation roads, and facilities, and transportation infrastruc-  
10 ture projects including aviation projects, non-MTA mass transit  
11 projects, and rail service preservation projects, including work appur-  
12 tenant and ancillary thereto. The aggregate principal amount of bonds  
13 authorized to be issued pursuant to this section shall not exceed [six  
14 billion nine hundred forty-two million four hundred sixty-three thousand  
15 dollars \$6,942,463,000] nine billion two hundred seventy-four million  
16 nine hundred sixty-three thousand dollars \$9,274,963,000, excluding  
17 bonds issued to fund one or more debt service reserve funds, to pay  
18 costs of issuance of such bonds, and to refund or otherwise repay such  
19 bonds or notes previously issued. Such bonds and notes of the authori-  
20 ty, the dormitory authority and the urban development corporation shall  
21 not be a debt of the state, and the state shall not be liable thereon,  
22 nor shall they be payable out of any funds other than those appropriated  
23 by the state to the authority, the dormitory authority and the urban  
24 development corporation for principal, interest, and related expenses  
25 pursuant to a service contract and such bonds and notes shall contain on  
26 the face thereof a statement to such effect. Except for purposes of  
27 complying with the internal revenue code, any interest income earned on  
28 bond proceeds shall only be used to pay debt service on such bonds.

29 § 40. Paragraph (a) of subdivision 2 of section 47-e of the private  
30 housing finance law, as amended by section 43 of part JJ of chapter 56  
31 of the laws of 2020, is amended to read as follows:

32 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
33 thousand, in order to enhance and encourage the promotion of housing  
34 programs and thereby achieve the stated purposes and objectives of such  
35 housing programs, the agency shall have the power and is hereby author-  
36 ized from time to time to issue negotiable housing program bonds and  
37 notes in such principal amount as shall be necessary to provide suffi-  
38 cient funds for the repayment of amounts disbursed (and not previously  
39 reimbursed) pursuant to law or any prior year making capital appropri-  
40 ations or reappropriations for the purposes of the housing program;  
41 provided, however, that the agency may issue such bonds and notes in an  
42 aggregate principal amount not exceeding [six billion five hundred thir-  
43 ty-one million five hundred twenty-three thousand dollars  
44 \$6,531,523,000] seven billion eight hundred eleven million six hundred  
45 seven thousand dollars \$7,811,607,000, plus a principal amount of bonds  
46 issued to fund the debt service reserve fund in accordance with the debt  
47 service reserve fund requirement established by the agency and to fund  
48 any other reserves that the agency reasonably deems necessary for the  
49 security or marketability of such bonds and to provide for the payment  
50 of fees and other charges and expenses, including underwriters'  
51 discount, trustee and rating agency fees, bond insurance, credit  
52 enhancement and liquidity enhancement related to the issuance of such  
53 bonds and notes. No reserve fund securing the housing program bonds  
54 shall be entitled or eligible to receive state funds apportioned or  
55 appropriated to maintain or restore such reserve fund at or to a partic-  
56 ular level, except to the extent of any deficiency resulting directly or

1 indirectly from a failure of the state to appropriate or pay the agreed  
2 amount under any of the contracts provided for in subdivision four of  
3 this section.

4 § 41. Subdivision 1 of section 50 of section 1 of chapter 174 of the  
5 laws of 1968, constituting the New York state urban development corpo-  
6 ration act, as amended by section 44 of part JJ of chapter 56 of the  
7 laws of 2020, is amended to read as follows:

8 1. Notwithstanding the provisions of any other law to the contrary,  
9 the dormitory authority and the urban development corporation are hereby  
10 authorized to issue bonds or notes in one or more series for the purpose  
11 of funding project costs undertaken by or on behalf of the state educa-  
12 tion department, special act school districts, state-supported schools,  
13 for the blind and deaf, approved private special education schools,  
14 non-public schools, community centers, day care facilities, residential  
15 camps, day camps, and other state costs associated with such capital  
16 projects. The aggregate principal amount of bonds authorized to be  
17 issued pursuant to this section shall not exceed [one hundred fifty-five  
18 million dollars \$155,000,000] two hundred twenty-six million dollars  
19 \$226,000,000, excluding bonds issued to fund one or more debt service  
20 reserve funds, to pay costs of issuance of such bonds, and bonds or  
21 notes issued to refund or otherwise repay such bonds or notes previously  
22 issued. Such bonds and notes of the dormitory authority and the urban  
23 development corporation shall not be a debt of the state, and the state  
24 shall not be liable thereon, nor shall they be payable out of any funds  
25 other than those appropriated by the state to the dormitory authority  
26 and the urban development corporation for principal, interest, and  
27 related expenses pursuant to a service contract and such bonds and notes  
28 shall contain on the face thereof a statement to such effect. Except for  
29 purposes of complying with the internal revenue code, any interest  
30 income earned on bond proceeds shall only be used to pay debt service on  
31 such bonds.

32 § 42. Subdivision 1 of section 47 of section 1 of chapter 174 of the  
33 laws of 1968, constituting the New York state urban development corpo-  
34 ration act, as amended by section 45 of part JJ of chapter 56 of the  
35 laws of 2020, is amended to read as follows:

36 1. Notwithstanding the provisions of any other law to the contrary,  
37 the dormitory authority and the corporation are hereby authorized to  
38 issue bonds or notes in one or more series for the purpose of funding  
39 project costs for the office of information technology services, depart-  
40 ment of law, and other state costs associated with such capital  
41 projects. The aggregate principal amount of bonds authorized to be  
42 issued pursuant to this section shall not exceed [eight hundred thirty  
43 million fifty-four thousand dollars, \$830,054,000] nine hundred forty-  
44 nine million two hundred fifty-four thousand dollars \$949,254,000  
45 excluding bonds issued to fund one or more debt service reserve funds,  
46 to pay costs of issuance of such bonds, and bonds or notes issued to  
47 refund or otherwise repay such bonds or notes previously issued. Such  
48 bonds and notes of the dormitory authority and the corporation shall not  
49 be a debt of the state, and the state shall not be liable thereon, nor  
50 shall they be payable out of any funds other than those appropriated by  
51 the state to the dormitory authority and the corporation for principal,  
52 interest, and related expenses pursuant to a service contract and such  
53 bonds and notes shall contain on the face thereof a statement to such  
54 effect. Except for purposes of complying with the internal revenue code,  
55 any interest income earned on bond proceeds shall only be used to pay  
56 debt service on such bonds.

1 § 43. Paragraph (b) of subdivision 1 of section 385 of the public  
2 authorities law, as amended by section 1 of part G of chapter 60 of the  
3 laws of 2005, is amended to read as follows:

4 (b) The authority is hereby authorized, as additional corporate  
5 purposes thereof solely upon the request of the director of the budget:

6 (i) to issue special emergency highway and bridge trust fund bonds and  
7 notes for a term not to exceed thirty years and to incur obligations  
8 secured by the moneys appropriated from the dedicated highway and bridge  
9 trust fund established in section eighty-nine-b of the state finance  
10 law; (ii) to make available the proceeds in accordance with instructions  
11 provided by the director of the budget from the sale of such special  
12 emergency highway and bridge trust fund bonds, notes or other obli-  
13 gations, net of all costs to the authority in connection therewith, for  
14 the purposes of financing all or a portion of the costs of activities  
15 for which moneys in the dedicated highway and bridge trust fund estab-  
16 lished in section eighty-nine-b of the state finance law are authorized  
17 to be utilized or for the financing of disbursements made by the state  
18 for the activities authorized pursuant to section eighty-nine-b of the  
19 state finance law; and (iii) to enter into agreements with the commis-  
20 sioner of transportation pursuant to section ten-e of the highway law  
21 with respect to financing for any activities authorized pursuant to  
22 section eighty-nine-b of the state finance law, or agreements with the  
23 commissioner of transportation pursuant to sections ten-f and ten-g of  
24 the highway law in connection with activities on state highways pursuant  
25 to these sections, and (iv) to enter into service contracts, contracts,  
26 agreements, deeds and leases with the director of the budget or the  
27 commissioner of transportation and project sponsors and others to  
28 provide for the financing by the authority of activities authorized  
29 pursuant to section eighty-nine-b of the state finance law, and each of  
30 the director of the budget and the commissioner of transportation are  
31 hereby authorized to enter into service contracts, contracts, agree-  
32 ments, deeds and leases with the authority, project sponsors or others  
33 to provide for such financing. The authority shall not issue any bonds  
34 or notes in an amount in excess of [~~\$16.5 billion~~] eighteen billion one  
35 hundred fifty million dollars \$18,150,000,000, plus a principal amount  
36 of bonds or notes: (A) to fund capital reserve funds; (B) to provide  
37 capitalized interest; and, (C) to fund other costs of issuance. In  
38 computing for the purposes of this subdivision, the aggregate amount of  
39 indebtedness evidenced by bonds and notes of the authority issued pursu-  
40 ant to this section, as amended by a chapter of the laws of nineteen  
41 hundred ninety-six, there shall be excluded the amount of bonds or notes  
42 issued that would constitute interest under the United States Internal  
43 Revenue Code of 1986, as amended, and the amount of indebtedness issued  
44 to refund or otherwise repay bonds or notes.

45 § 44. Subdivision 1 of section 386-a of the public authorities law, as  
46 amended by section 44 of part TTT of chapter 59 of the laws of 2019, is  
47 amended to read as follows:

48 1. Notwithstanding any other provision of law to the contrary, the  
49 authority, the dormitory authority and the urban development corporation  
50 are hereby authorized to issue bonds or notes in one or more series for  
51 the purpose of assisting the metropolitan transportation authority in  
52 the financing of transportation facilities as defined in subdivision  
53 seventeen of section twelve hundred sixty-one of this chapter or other  
54 capital projects. The aggregate principal amount of bonds authorized to  
55 be issued pursuant to this section shall not exceed [two billion one  
56 hundred seventy-nine million eight hundred fifty-six thousand dollars

1 \$2,179,856,000] twelve billion five hundred fifteen million eight  
2 hundred fifty-six thousand dollars \$12,515,856,000, excluding bonds  
3 issued to fund one or more debt service reserve funds, to pay costs of  
4 issuance of such bonds, and to refund or otherwise repay such bonds or  
5 notes previously issued. Such bonds and notes of the authority, the  
6 dormitory authority and the urban development corporation shall not be a  
7 debt of the state, and the state shall not be liable thereon, nor shall  
8 they be payable out of any funds other than those appropriated by the  
9 state to the authority, the dormitory authority and the urban develop-  
10 ment corporation for principal, interest, and related expenses pursuant  
11 to a service contract and such bonds and notes shall contain on the face  
12 thereof a statement to such effect. Except for purposes of complying  
13 with the internal revenue code, any interest income earned on bond  
14 proceeds shall only be used to pay debt service on such bonds.

15 § 45. Section 1 of chapter 174 of the laws of 1968, constituting the  
16 New York state urban development corporation act, is amended by adding a  
17 new section 57 to read as follows:

18 § 57. 1. Notwithstanding the provisions of any other law to the  
19 contrary, the dormitory authority and the urban development corporation  
20 are hereby authorized to issue bonds or notes in one or more series for  
21 the purpose of funding project costs for the Empire Station Complex  
22 project, and such project shall be deemed a capital work or purpose for  
23 purposes of subdivision 3 of section 67-b of the state finance law. The  
24 aggregate principal amount of bonds authorized to be issued pursuant to  
25 this section shall not exceed one billion three hundred million dollars  
26 \$1,300,000,000, excluding bonds issued to fund one or more debt service  
27 reserve funds, to pay costs of issuance of such bonds, and bonds or  
28 notes issued to refund or otherwise repay such bonds or notes previously  
29 issued. Such bonds and notes of the dormitory authority and the urban  
30 development corporation shall not be a debt of the state, and the state  
31 shall not be liable thereon, nor shall they be payable out of any funds  
32 other than those appropriated by the state to the dormitory authority  
33 and the urban development corporation for principal, interest, and  
34 related expenses pursuant to a service contract and such bonds and notes  
35 shall contain on the face thereof a statement to such effect. Except for  
36 purposes of complying with the internal revenue code, any interest  
37 income earned on bond proceeds shall only be used to pay debt service on  
38 such bonds.

39 2. Notwithstanding any other provision of law to the contrary, in  
40 order to assist the dormitory authority and the urban development corpo-  
41 ration in undertaking the financing for project costs for the Empire  
42 Station Complex project, the director of the budget is hereby authorized  
43 to enter into one or more service contracts with the dormitory authority  
44 and the urban development corporation, none of which shall exceed thirty  
45 years in duration, upon such terms and conditions as the director of the  
46 budget and the dormitory authority and the urban development corporation  
47 agree, so as to annually provide to the dormitory authority and the  
48 urban development corporation, in the aggregate, a sum not to exceed the  
49 principal, interest, and related expenses required for such bonds and  
50 notes. Any service contract entered into pursuant to this section shall  
51 provide that the obligation of the state to pay the amount therein  
52 provided shall not constitute a debt of the state within the meaning of  
53 any constitutional or statutory provision and shall be deemed executory  
54 only to the extent of monies available and that no liability shall be  
55 incurred by the state beyond the monies available for such purpose,  
56 subject to annual appropriation by the legislature. Any such contract or



1 any payments made or to be made thereunder may be assigned and pledged  
2 by the dormitory authority and the urban development corporation as  
3 security for its bonds and notes, as authorized by this section.

4 § 46. Intentionally omitted.

5 § 47. Intentionally omitted.

6 § 48. The section heading and subdivision 1 of section 56 of section 1  
7 of chapter 174 of the laws of 1968, constituting the New York state  
8 urban development corporation act, as added by section 49-c of part JJ  
9 of chapter 56 of the laws of 2020, are amended to read as follows:

10 State-supported debt; [2021] 2022. 1. [In light of the significant  
11 impact that the global spread of the COVID-19 coronavirus disease is  
12 having and is expected to continue to have on the health and welfare of  
13 individuals in the state as well as on the financial condition of the  
14 state, and notwithstanding any other provision of law to the contrary,  
15 the dormitory authority of the state of New York and the urban develop-  
16 ment corporation are each authorized to issue state-supported debt  
17 pursuant to article 5-C of the state finance law to assist the state to  
18 manage its financing needs during its 2021 fiscal year, without regard  
19 to any restrictions, limitations and requirements contained in article  
20 5-B of the state finance law, other than subdivision 4 of section 67-b  
21 of such article, and such state-supported debt shall be deemed to be  
22 issued for an authorized purpose within the meaning of subdivision 2 of  
23 section 68-a of the state finance law for all purposes of article 5-C of  
24 the state finance law. Furthermore, any] Any bonds issued directly by  
25 the state for the purpose of refunding or refinancing outstanding bonds  
26 of the sales tax asset receivable corporation as well as outstanding  
27 secured hospital project bonds during the state's [2021] 2022 fiscal  
28 year shall be issued without regard to any restrictions, limitations and  
29 requirements contained in [article 5-B of the state finance law, other  
30 than] subdivision [4] 2 of section 67-b of [such article] the state  
31 finance law. [For so long as any state-supported debt issued during the  
32 state's 2021 fiscal year shall remain outstanding, including any state-  
33 supported debt issued to refund state-supported debt issued during such  
34 fiscal year, the restrictions, limitations and requirements contained in  
35 article 5-B of the state finance law, other than subdivision 4 of  
36 section 67-b of such article, shall not apply.] Any bonds issued direct-  
37 ly by the state as part of the state's contribution to the MTA 2015-19  
38 capital plan during the state's 2022 fiscal year shall be issued without  
39 regard to any restrictions, limitations and requirements contained in  
40 subdivisions 2 and 4 of section 67-b of the state finance law. For so  
41 long as any state supported debt issued during the state's 2022 fiscal  
42 year to refund or refinance outstanding bonds of the sales tax asset  
43 receivable corporation or outstanding secured hospital project bonds  
44 remain outstanding, the restrictions, limitations and requirements  
45 contained in subdivision 2 of section 67-b of the state finance law  
46 shall not apply. Furthermore, so long as state supported debt issued  
47 during the state's 2022 fiscal year for the state's contribution to the  
48 MTA 2015-19 capital plan remain outstanding, the restrictions, limita-  
49 tions and requirements contained in subdivisions 2 and 4 of section 67-b  
50 of the state finance law shall not apply.

51 § 49. Section 3238-a of the public authorities law, as amended by  
52 section 1 of part V of chapter 63 of the laws of 2003, is amended to  
53 read as follows:

54 § 3238-a. Payment to city of New York. 1. Notwithstanding any incon-  
55 sistent provision of law, the corporation shall transfer to the city of  
56 New York one hundred seventy million dollars from the resources of the

1 corporation pursuant to section thirty-two hundred thirty-nine of this  
2 title[. Such payment]; provided, however, that on and after July first,  
3 two thousand twenty, the obligation of the corporation to make such  
4 transfer shall be conditioned on any bonds issued by the sales tax asset  
5 receivables corporation that are secured by the corporation's payments  
6 described in this subdivision being outstanding in accordance with the  
7 trust indenture under which they were issued, while any such bonds are  
8 outstanding such payments shall be made during each city fiscal year.  
9 Such payments from the corporation shall be made from the fund estab-  
10 lished by section ninety-two-r of the state finance law and in accord-  
11 ance with the provisions thereof.

12 2. The city of New York, acting by the mayor alone, may assign all or  
13 any portion of such amount to any not-for-profit corporation incorpo-  
14 rated pursuant to section fourteen hundred eleven of the not-for-profit  
15 corporation law and, upon such assignment, the amount so assigned shall  
16 be the property of such not-for-profit corporation for all purposes.  
17 Following notice from the city of New York to the corporation and the  
18 comptroller of such assignment, such payment shall be made directly to  
19 the city's assignee. If such not-for-profit corporation issues bonds  
20 and/or notes, the state does hereby pledge and agree with the holders of  
21 any issue of bonds and/or notes secured by such a pledge that the state  
22 will not limit or alter the rights vested in such not-for-profit corpo-  
23 ration to fulfill the terms of any agreements made with such holders or  
24 in any way impair the rights and remedies of such holders or the securi-  
25 ty for such bonds and/or notes until such bonds and/or notes, together  
26 with the interest thereon and all costs and expenses in connection with  
27 any action or proceeding by or on behalf of such holders, are fully paid  
28 and discharged. The foregoing pledge and agreement may be included in  
29 any agreement with the holders of such bonds or notes. Nothing contained  
30 in this section shall be deemed to restrict the right of the state to  
31 amend, modify, repeal or otherwise alter statutes imposing or relating  
32 to the taxes subject to such assignment, but such taxes shall in all  
33 events continue to be so payable, as assigned, so long as any such taxes  
34 are imposed.

35 3. The state may, at any time, provide proceeds of state supported  
36 debt, as defined in subdivision one of section sixty-seven-a of the  
37 state finance law, or other available monies, to the trustee for the  
38 bonds of the sales tax asset receivable corporation secured by the  
39 corporation's payments described in subdivision one of this section in  
40 an amount sufficient to fully pay and discharge such bonds by means of a  
41 legal defeasance of all such outstanding bonds in accordance with the  
42 trust indenture under which they were issued. Upon any such legal defea-  
43 sance of such bonds, the corporation's obligation contained in subdivi-  
44 sion one of this section to transfer funds to the city of New York shall  
45 be deemed satisfied and fully discharged.

46 4. Notwithstanding any inconsistent provision of law, the dormitory  
47 authority of the state of New York and the New York state urban develop-  
48 ment corporation are hereby authorized to issue bonds in one or more  
49 series pursuant to article five-C or article five-F of the state finance  
50 law in an aggregate principal amount sufficient to (i) finance the legal  
51 defeasance of all of the outstanding bonds of the sales tax asset  
52 receivable corporation secured by the corporation's payments described  
53 in subdivision one of this section, (ii) one or more related debt  
54 service reserve funds, and (iii) costs of issuance attributable to such  
55 bonds, and the issuance of such bonds is hereby determined to be for an  
56 "authorized purpose", as defined in subdivision two of section sixty-



1 eight-a and subdivision two of section sixty-nine-m of the state finance  
2 law, as the case may be.

3 § 50. Paragraph a of subdivision 5 of section 89-b of the state  
4 finance law, as amended by section 11 of part C of chapter 57 of the  
5 laws of 2014, is amended to read as follows:

6 a. Moneys in the dedicated highway and bridge trust fund shall,  
7 following appropriation by the legislature, be utilized for: recon-  
8 struction, replacement, reconditioning, restoration, rehabilitation and  
9 preservation of state, county, town, city and village roads, highways,  
10 parkways, and bridges thereon, to restore such facilities to their  
11 intended functions; construction, reconstruction, enhancement and  
12 improvement of state, county, town, city, and village roads, highways,  
13 parkways, and bridges thereon, to address current and projected capacity  
14 problems including costs for traffic mitigation activities; aviation  
15 projects authorized pursuant to section fourteen-j of the transportation  
16 law and for payments to the general debt service fund of amounts equal  
17 to amounts required for service contract payments related to aviation  
18 projects as provided and authorized by section three hundred eighty-six  
19 of the public authorities law; programs to assist small and minority and  
20 women-owned firms engaged in transportation construction and recon-  
21 struction projects, including a revolving fund for working capital  
22 loans, and a bonding guarantee assistance program in accordance with  
23 provisions of this chapter; matching federal grants or apportionments to  
24 the state for highway, parkway and bridge capital projects; the acquisi-  
25 tion of real property and interests therein required or expected to be  
26 required in connection with such projects; preventive maintenance activ-  
27 ities necessary to ensure that highways, parkways and bridges meet or  
28 exceed their optimum useful life; expenses of control of snow and ice on  
29 state highways by the department of transportation including but not  
30 limited to personal services, nonpersonal services and fringe benefits,  
31 payment of emergency aid for control of snow and ice in municipalities  
32 pursuant to section fifty-five of the highway law, expenses of control  
33 of snow and ice on state highways by municipalities pursuant to section  
34 twelve of the highway law, and for expenses of arterial maintenance  
35 agreements with cities pursuant to section three hundred forty-nine of  
36 the highway law; personal services, nonpersonal services, and fringe  
37 benefit costs of the department of transportation for bus safety  
38 inspection activities, rail safety inspection activities, and truck  
39 safety inspection activities; costs of the department of motor vehicles,  
40 including but not limited to personal and nonpersonal services; costs of  
41 engineering and administrative services of the department of transporta-  
42 tion, including but not limited to fringe benefits; the contract  
43 services provided by private firms in accordance with section fourteen  
44 of the transportation law; personal services and nonpersonal services,  
45 for activities including but not limited to the preparation of designs,  
46 plans, specifications and estimates; construction management and super-  
47 vision activities; costs of appraisals, surveys, testing and environ-  
48 mental impact statements for transportation projects; expenses in  
49 connection with buildings, equipment, materials and facilities used or  
50 useful in connection with the maintenance, operation, and repair of  
51 highways, parkways and bridges thereon; and project costs for:  
52 construction, reconstruction, improvement, reconditioning and preserva-  
53 tion of rail freight facilities and intercity rail passenger facilities  
54 and equipment; construction, reconstruction, improvement, reconditioning  
55 and preservation of state, municipal and privately owned ports;  
56 construction, reconstruction, improvement, reconditioning and preserva-



1 tion of municipal airports; privately owned airports and aviation capi-  
2 tal facilities, excluding airports operated by the state or operated by  
3 a bi-state municipal corporate instrumentality for which federal funding  
4 is not available provided the project is consistent with an approved  
5 airport layout plan; and construction, reconstruction, enhancement,  
6 improvement, replacement, reconditioning, restoration, rehabilitation  
7 and preservation of state, county, town, city and village roads, high-  
8 ways, parkways and bridges; and construction, reconstruction, improve-  
9 ment, reconditioning and preservation of fixed ferry facilities of  
10 municipal and privately owned ferry lines for transportation purposes,  
11 and the payment of debt service required on any bonds, notes or other  
12 obligations and related expenses for highway, parkway, bridge and  
13 project costs for: construction, reconstruction, improvement, recondi-  
14 tioning and preservation of rail freight facilities and intercity rail  
15 passenger facilities and equipment; construction, reconstruction,  
16 improvement, reconditioning and preservation of state, municipal and  
17 privately owned ports; construction, reconstruction, improvement, recon-  
18 ditioning and preservation of municipal airports; privately owned  
19 airports and aviation capital facilities, excluding airports operated by  
20 the state or operated by a bi-state municipal corporate instrumentality  
21 for which federal funding is not available provided the project is  
22 consistent with an approved airport layout plan; construction, recon-  
23 struction, enhancement, improvement, replacement, reconditioning, resto-  
24 ration, rehabilitation and preservation of state, county, town, city and  
25 village roads, highways, parkways and bridges; and construction, recon-  
26 struction, improvement, reconditioning and preservation of fixed ferry  
27 facilities of municipal and privately owned ferry lines for transporta-  
28 tion purposes, purposes authorized on or after the effective date of  
29 this section. Beginning with disbursements made on and after the first  
30 day of April, nineteen hundred ninety-three, moneys in such fund shall  
31 be available to pay such costs or expenses made pursuant to appropri-  
32 ations or reappropriations made during the state fiscal year which began  
33 on the first of April, nineteen hundred ninety-two. Beginning the first  
34 day of April, nineteen hundred ninety-three, moneys in such fund shall  
35 also be used for transfers to the general debt service fund and the  
36 [revenue bond tax] general fund of amounts equal to that respectively  
37 required for service contract and financing agreement payments as  
38 provided and authorized by section three hundred eighty of the public  
39 authorities law, section eleven of chapter three hundred twenty-nine of  
40 the laws of nineteen hundred ninety-one, as amended, and sections  
41 sixty-eight-c and sixty-nine-o of this chapter.

42 § 51. Paragraph c of subdivision 5 of section 89-b of the state  
43 finance law is REPEALED.

44 § 52. Subdivision 5 of section 97-f of the state finance law, as  
45 amended by section 49 of part TTT of chapter 59 of the laws of 2019, is  
46 amended to read as follows:

47 5. The comptroller shall from time to time, but in no event later than  
48 the fifteenth day of each month, pay over for deposit in the mental  
49 hygiene general fund state operations account, including moneys pursuant  
50 to subdivision eight of this section, all moneys in the mental health  
51 services fund in excess of the amount of money required to be maintained  
52 on deposit in the mental health services fund. Subject to subdivision  
53 nine of this section, the amount required to be maintained in such fund  
54 shall be (i) twenty percent of the amount of the next payment coming due  
55 relating to the mental health services facilities improvement program  
56 under any agreement between the facilities development corporation and

1 the New York state medical care facilities finance agency multiplied by  
2 the number of months from the date of the last such payment with respect  
3 to payments under any such agreement required to be made semi-annually,  
4 plus (ii) those amounts specified in any such agreement with respect to  
5 payments required to be made other than semi-annually, including for  
6 variable rate bonds, interest rate exchange or similar agreements or  
7 other financing arrangements permitted by law. Concurrently with the  
8 making of any such payment, the facilities development corporation shall  
9 deliver to the comptroller, the director of the budget and the New York  
10 state medical care facilities finance agency a certificate stating the  
11 aggregate amount to be maintained on deposit in the mental health  
12 services fund to comply in full with the provisions of this subdivision.

13 § 53. Subdivision 8 of section 97-f of the state finance law, as  
14 amended by section 49 of part TTT of chapter 59 of the laws of 2019, is  
15 amended to read as follows:

16 8. [In addition to the amounts required to be maintained on deposit in  
17 the mental health services fund pursuant to subdivision five of this  
18 section and subject to subdivision nine of this section, the fund shall  
19 maintain on deposit an amount equal to the debt service and other cash  
20 requirements on mental health services facilities bonds issued by  
21 authorized issuers pursuant to sections sixty-eight-b and sixty-nine-n  
22 of this chapter. The amount required to be maintained in such fund shall  
23 be (i) twenty percent of the amount of the next payment coming due  
24 relating to mental health services facilities bonds issued by an author-  
25 ized issuer multiplied by the number of months from the date of the last  
26 such payment with respect to payments required to be made semi-annually,  
27 plus (ii) those amounts specified in any financing agreement between the  
28 issuer and the state, acting through the director of the budget, with  
29 respect to payments required to be made other than semi-annually,  
30 including for variable rate bonds, interest rate exchange or similar  
31 agreements or other financing arrangements permitted by law. Concur-  
32 rently with the making of any such payment, the facilities development  
33 corporation shall deliver to the comptroller, the director of the budget  
34 and the New York state medical care facilities finance agency a certifi-  
35 cate stating the aggregate amount to be maintained on deposit in the  
36 mental health services fund to comply in full with the provisions of  
37 this subdivision.

38 No later than five days prior to the payment to be made by the state  
39 comptroller on such mental health services facilities bonds pursuant to  
40 sections ninety-two-z and ninety-two-h of this article, the] The amount  
41 of [such] payment on such mental health services facilities bonds pursu-  
42 ant to sections ninety-two-z and ninety-two-h of this article, shall be  
43 transferred by the state comptroller from the mental health services  
44 fund to the [revenue bond tax fund established by section ninety-two-z  
45 of this article and the sales tax revenue bond fund established by  
46 section ninety-two-h of this article] mental hygiene general fund state  
47 operation account. The accumulation of moneys pursuant to this subdivi-  
48 sion and subsequent transfer to the [revenue bond tax fund and the sales  
49 tax revenue bond fund] mental hygiene general fund state operation  
50 account shall be subordinate in all respects to payments to be made to  
51 the New York state medical care facilities finance agency and to any  
52 pledge or assignment pursuant to subdivision six of this section.

53 § 54. Subdivision 9 of section 97-f of the state finance law, as added  
54 by section 49 of part TTT of chapter 59 of the laws of 2019, is amended  
55 to read as follows:

1 9. In determining the amounts required to be maintained in the mental  
2 health services fund under [subdivisions] subdivision five [and eight]  
3 of this section in each month, the amount of receipts associated with  
4 loans, leases and other agreements with voluntary agencies accumulated  
5 and set aside in the mental hygiene facilities improvement fund income  
6 account under paragraph g of subdivision three of section nine of the  
7 facilities development corporation act shall be taken into account as a  
8 credit but only if such crediting does not result in the amounts  
9 required to be maintained in the mental health services fund exclusive  
10 of any credit to be less than the amount required under subdivision five  
11 of this section in each month.

12 § 55. Subdivision (j) of section 92-dd of the state finance law is  
13 REPEALED.

14 § 56. Subdivision 3-a of section 2872 of the public health law is  
15 REPEALED and a new subdivision 3-a is added to read as follows:

16 3-a. "Secured hospital project bonds" shall mean outstanding bonds  
17 issued on behalf of a not-for-profit hospital corporation organized  
18 under the laws of this state, which hospital has previously been desig-  
19 nated by the commissioner and the public health council to be eligible  
20 to receive distributions from the reimbursement pools established pursu-  
21 ant to paragraph (c) of subdivision nine of section twenty-eight hundred  
22 seven-a of this chapter, or any successor pool or pools established to  
23 serve a substantially similar purpose to such pools.

24 § 57. Section 2874 of the public health law is amended by adding a new  
25 subdivision 5 to read as follows:

26 5. The dormitory authority of the state of New York and the New York  
27 state urban development corporation are each hereby authorized to issue  
28 bonds in one or more series pursuant to article 5-C or article 5-F of  
29 the state finance law for the purpose of refunding outstanding secured  
30 hospital project bonds, as defined in subdivision three-a of section  
31 twenty-eight hundred seventy-two of this article, and to finance one or  
32 more related debt service reserve funds and to pay costs of issuance  
33 attributable to such refunding bonds.

34 § 58. This act shall take effect immediately and shall be deemed to  
35 have been in full force and effect on and after April 1, 2021; provided,  
36 however, that the provisions of sections one, one-a, two, three, four,  
37 five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen,  
38 seventeen, eighteen, nineteen, twenty-one, and twenty-two of this act  
39 shall expire March 31, 2022 when upon such date the provisions of such  
40 sections shall be deemed repealed; and provided further that the amend-  
41 ments to section 3238-a of the public authorities law made by section  
42 forty-nine of this act shall be subject to the repeal of such section  
43 and shall expire and be deemed repealed therewith.

44

## PART RR

45 Section 1. Subdivision 5 of section 362 of chapter 83 of the laws of  
46 1995 amending the state finance law and other laws relating to bonds,  
47 notes and revenues, as amended by section 1 of part F of chapter 57 of  
48 the laws of 2016, is amended to read as follows:

49 5. Sections thirty-one through forty-two of this act shall take effect  
50 on the thirtieth day after it shall have become a law and shall be  
51 deemed to have been in full force and effect on and after April 1, 1995;  
52 provided that section 163 of the state finance law, as added by section  
53 thirty-three of this act shall remain in full force and effect until  
54 June 30, [2021] 2026 at which time it shall expire and be deemed



1 repealed. Contracts executed prior to the expiration of such section 163  
2 shall remain in full force and effect until the expiration of any such  
3 contract notwithstanding the expiration of certain provisions of this  
4 act.

5 § 2. This act shall take effect immediately.

6 PART SS

7 Section 1. Section 16 of chapter 1 of the laws of 2005, amending the  
8 state finance law relating to restricting contacts in the procurement  
9 process and the recording of contacts relating thereto, as amended by  
10 section 2 of part F of chapter 57 of the laws of 2016, is amended to  
11 read as follows:

12 § 16. This act shall take effect immediately; provided, however, that  
13 sections one, six, eight, nine, ten, eleven and fifteen of this act  
14 shall take effect January 1, 2006; and provided, however, the amendments  
15 to paragraph f of subdivision 9 of section 163 of the state finance law  
16 made by section fifteen of this act shall not affect the repeal of such  
17 section and shall be deemed repealed therewith; provided, further, that  
18 the amendments to article 1-A of the legislative law, made by this act,  
19 shall not affect the repeal of such article pursuant to chapter 2 of the  
20 laws of 1999, as amended, and shall be deemed repealed therewith;  
21 provided, further, that sections thirteen and fourteen of this act shall  
22 take effect January 1, 2006 and shall be deemed repealed July 31, [2021]  
23 2026; provided, further, that effective immediately, the advisory coun-  
24 cil on procurement lobbying created pursuant to section twelve of this  
25 act shall be constituted no later than sixty days following the effec-  
26 tive date of this act, provided that effective sixty days following the  
27 effective date of this act, the advisory council on procurement lobbying  
28 shall be authorized to establish model guidelines and to add, amend  
29 and/or repeal any rules or regulations necessary for the implementation  
30 of its duties under sections twelve and thirteen of this act, and the  
31 advisory council authorized to make and complete such model guidelines  
32 on or before the effective date of section thirteen of this act;  
33 provided, further, that procurement contracts for which bid solicita-  
34 tions have been issued prior to the effective date of this act shall be  
35 awarded pursuant to the provisions of law in effect at the time of issu-  
36 ance.

37 § 2. Intentionally omitted.

38 § 3. Intentionally omitted.

39 § 4. This act shall take effect immediately.

40 PART TT

41 Intentionally Omitted

42 PART UU

43 Intentionally Omitted

44 PART VV

45 Section 1. The public service law is amended by adding a new section  
46 24-c to read as follows:

47 § 24-c. Utility intervenor reimbursement. 1. As used in this  
48 section, the following terms shall have the following meanings:

1 (a) "Compensation" means payment from the utility intervenor account  
2 fund established by section ninety-seven-bbbbb of the state finance law,  
3 for all or part, as determined by the department, of reasonable advo-  
4 cate's fees, reasonable expert witness fees, and other reasonable costs  
5 for preparation and participation in a proceeding.

6 (b) "Participant" means a group of persons that apply jointly for an  
7 award of compensation under this section and who represent the interests  
8 of a significant number of residential or small business customers, or a  
9 not-for-profit organization in this state authorized pursuant to its  
10 articles of incorporation or bylaws to represent the interests of resi-  
11 dential or small business utility customers. For purposes of this  
12 section, a participant does not include a non-profit organization or  
13 other organization whose principal interests are the welfare of a public  
14 utility or its investors or employees, or the welfare of one or more  
15 businesses or industries which receive utility service ordinarily and  
16 primarily for use in connection with the profit-seeking manufacture,  
17 sale, or distribution of goods or services.

18 (c) "Other reasonable costs" means reasonable out-of-pocket expenses  
19 directly incurred by a participant that are directly related to the  
20 contentions or recommendations made by the participant that resulted in  
21 a substantial contribution.

22 (d) "Party" means any interested party, respondent public utility, or  
23 commission staff in a hearing or proceeding.

24 (e) "Proceeding" means a complaint, or investigation, rulemaking, or  
25 other formal proceeding before the commission, or alternative dispute  
26 resolution procedures in lieu of formal proceedings as may be sponsored  
27 or endorsed by the commission, provided however such proceedings shall  
28 be limited to those relating to public utilities that distribute and  
29 deliver gas, electricity, or steam within this state and having annual  
30 revenues in excess of two hundred million dollars arising under and  
31 proceeding pursuant to the following articles of this chapter: (1) the  
32 regulation of the price of gas and electricity, pursuant to article four  
33 of this chapter; (2) the regulation of the price of steam, pursuant to  
34 article four-A of this chapter; (3) the submetering, remetering or  
35 resale of electricity to residential premises, pursuant to sections  
36 sixty-five and sixty-six of this chapter, and pursuant to regulations  
37 regarding the submetering, remetering, or resale of electricity adopted  
38 by the commission; and (4) such sections of this chapter as are applica-  
39 ble to a proceeding in which the commission makes a finding on the  
40 record that the public interest requires the reimbursement of utility  
41 intervenor fees pursuant to this section.

42 (f) "Significant financial hardship" means that the participant will  
43 be unable to afford, without undue hardship, to pay the costs of effec-  
44 tive participation, including advocate's fees, expert witness fees, and  
45 other reasonable costs of participation.

46 (g) "Small business" means a business with a gross annual revenue of  
47 two hundred fifty thousand dollars or less.

48 (h) "Substantial contribution" means that, in the judgment of the  
49 department, the participant's application may substantially assist the  
50 commission in making its decision because the decision may adopt in  
51 whole or in part one or more factual contentions, legal contentions, or  
52 specific policy or procedural recommendations that will be presented by  
53 the participant.

54 2. A participant may apply for an award of compensation under this  
55 section in a proceeding in which such participant has sought active  
56 party status as defined by the department. The department shall deter-

1 mine appropriate procedures for accepting and responding to such appli-  
2 cations. At the time of application, such participant shall serve on  
3 every party to the proceeding notice of intent to apply for an award of  
4 compensation.

5 An application shall include:

6 (a) A statement of the nature and extent and the factual and legal  
7 basis of the participant's planned participation in the proceeding as  
8 far as it is possible to describe such participation with reasonable  
9 specificity at the time the application is filed.

10 (b) At minimum, a reasonably detailed description of anticipated advo-  
11 cates and expert witness fees and other costs of preparation and partic-  
12 ipation that the participant expects to request as compensation.

13 (c) If participation or intervention will impose a significant finan-  
14 cial hardship and the participant seeks payment in advance to an award  
15 of compensation in order to initiate, continue or complete participation  
16 in the hearing or proceeding, such participant must include evidence of  
17 such significant financial hardship in its application.

18 (d) Any other requirements as required by the department.

19 3. (a) Within thirty days after the filing of an application the  
20 department shall issue a decision that determines whether or not the  
21 participant may make a substantial contribution to the final decision in  
22 the hearing or proceeding. If the department finds that the participant  
23 requesting compensation may make a substantial contribution, the depart-  
24 ment shall describe this substantial contribution and determine the  
25 amount of compensation to be paid pursuant to subdivision four of this  
26 section.

27 (b) Notwithstanding subdivision four of this section, if the depart-  
28 ment finds that the participant has a significant financial hardship,  
29 the department may direct the public utility or utilities subject to the  
30 proceeding to pay all or part of the compensation to the department to  
31 be provided to the participant prior to the end of the proceeding. In  
32 the event that the participant discontinues its participation in the  
33 proceeding without the consent of the department, the department shall  
34 be entitled to, in whole or in part, recover any payments made to such  
35 participant to be refunded to the public utility or utilities that  
36 provided such payment.

37 (c) The computation of compensation pursuant to paragraph (a) of this  
38 subdivision shall take into consideration the market rates paid to  
39 persons of comparable training and experience who offer similar  
40 services. The compensation awarded may not, in any case, exceed the  
41 comparable market rate for services paid by the department or the public  
42 utility, whichever is greater, to persons of comparable training and  
43 experience who are offering similar services.

44 (d) Any compensation awarded to a participant and not used by such  
45 participant shall be returned to the department for refund to the public  
46 utility or utilities that provided such payment.

47 (e) The department shall require that participants seeking payment  
48 maintain an itemized record of all expenditures incurred as a result of  
49 such proceeding.

50 (i) The department may use the itemized record of expenses to verify  
51 the claim of financial hardship by a participant seeking payment pursu-  
52 ant to paragraph (c) of subdivision two of this section.

53 (ii) The department may use the record of expenditures in determining,  
54 after the completion of a proceeding, if any unused funds remain.

1 (iii) The department shall preserve the confidentiality of the partic-  
 2 ipant's records in making any audit or determining the availability of  
 3 funds after the completion of a proceeding.

4 (f) In the event that the department finds that two or more partic-  
 5 ipants' applications have substantially similar interests, the depart-  
 6 ment may require such participants to apply jointly in order to receive  
 7 compensation.

8 4. Any compensation pursuant to this section shall be paid at the  
 9 conclusion of the proceeding by the public utility or utilities subject  
 10 to the proceeding within thirty days. Such compensation shall be remit-  
 11 ted to the department which shall then remit such compensation to the  
 12 participant.

13 5. The department shall deny any award to any participant who attempts  
 14 to delay or obstruct the orderly and timely fulfillment of the depart-  
 15 ment's responsibilities.

16 § 2. The state finance law is amended by adding a new section 97-bbbbb  
 17 to read as follows:

18 § 97-bbbbb. Utility intervenor account. 1. There is hereby established  
 19 in the joint custody of the state comptroller and the commissioner of  
 20 taxation and finance a fund to be known as the utility intervenor  
 21 account.

22 2. Such account shall consist of all utility intervenor reimbursement  
 23 monies received from utilities pursuant to section twenty-four-c of the  
 24 public service law.

25 § 3. This act shall take effect on the thirtieth day after it shall  
 26 have become a law.

27 PART WW

28 Section 1. The public service law is amended by adding a new article  
 29 1-A to read as follows:

30 ARTICLE 1-A

31 THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE

32 Section 28-a. Definitions.

33 28-b. Establishment of the state office of the utility consumer  
 34 advocate.

35 28-c. Powers of the state office of the utility consumer advo-  
 36 cate.

37 28-d. Reports.

38 § 28-a. Definitions. When used in this article: (a) "Department"  
 39 means the department of public service.

40 (b) "Commission" means the public service commission.

41 (c) "Residential utility customer" means any person who is sold or  
 42 offered for sale residential utility service by a utility company.

43 (d) "Utility company" means any person or entity operating an agency  
 44 for public service, including, but not limited to, those persons or  
 45 entities subject to the jurisdiction, supervision and regulations  
 46 prescribed by or pursuant to the provisions of this chapter.

47 § 28-b. Establishment of the state office of the utility consumer  
 48 advocate. There is established the state office of the utility consumer  
 49 advocate to represent the interests of residential utility customers.  
 50 The utility consumer advocate shall be appointed by the governor to a  
 51 term of six years, upon the advice and consent of the senate. The utili-  
 52 ty consumer advocate shall possess knowledge and experience in matters  
 53 affecting residential utility customers and shall be responsible for the  
 54 direction, control, and operation of the state office of the utility



1 consumer advocate, including its hiring of staff and retention of  
2 experts for analysis and testimony in proceedings. The utility consumer  
3 advocate shall not be removed for cause, but may be removed only after  
4 notice and opportunity to be heard, and only for permanent disability,  
5 malfeasance, a felony, or conduct involving moral turpitude. Exercise of  
6 independent judgment in advocating positions on behalf of residential  
7 utility customers shall not constitute cause for removal of the utility  
8 consumer advocate.

9 § 28-c. Powers of the state office of the utility consumer advocate.  
10 The state office of the utility consumer advocate shall have the power  
11 and duty to: (a) initiate, intervene in, or participate on behalf of  
12 residential utility customers in any proceedings before the commission,  
13 the federal energy regulatory commission, the federal communications  
14 commission, federal, state and local administrative and regulatory agen-  
15 cies, and state and federal courts in any matter or proceeding that may  
16 substantially affect the interests of residential utility customers,  
17 including, but not limited to, a proposed change of rates, charges,  
18 terms and conditions of service, the adoption of rules, regulations,  
19 guidelines, orders, standards or final policy decisions where the utili-  
20 ty consumer advocate deems such initiation, intervention or partic-  
21 ipation to be necessary or appropriate;

22 (b) represent the interests of residential utility customers of the  
23 state before federal, state and local administrative and regulatory  
24 agencies engaged in the regulation of energy, telecommunications, water,  
25 and other utility services, and before state and federal courts in  
26 actions and proceedings to review the actions of utilities or orders of  
27 utility regulatory agencies. Any action or proceeding brought by the  
28 utility consumer advocate before a court or an agency shall be brought  
29 in the name of the state office of the utility consumer advocate. The  
30 utility consumer advocate may join with a residential utility customer  
31 or group of residential utility customers in bringing an action;

32 (c) (i) in addition to any other authority conferred upon the utility  
33 consumer advocate, he or she is authorized, and it shall be his or her  
34 duty to represent the interests of residential utility customers as a  
35 party, or otherwise participate for the purpose of representing the  
36 interests of such customers before any agencies or courts. He or she may  
37 initiate proceedings if in his or her judgment doing so may be necessary  
38 in connection with any matter involving the actions or regulation of  
39 public utility companies whether on appeal or otherwise initiated. The  
40 utility consumer advocate may monitor all cases before regulatory agen-  
41 cies in the United States, including the federal communications commis-  
42 sion and the federal energy regulatory commission that affect the inter-  
43 ests of residential utility customers of the state and may formally  
44 participate in those proceedings which in his or her judgment warrants  
45 such participation.

46 (ii) the utility consumer advocate shall exercise his or her independ-  
47 ent discretion in determining the interests of residential utility  
48 customers that will be advocated in any proceeding, and determining  
49 whether to participate in or initiate any proceeding and, in so deter-  
50 mining, shall consider the public interest, the resources available, and  
51 the substantiality of the effect of the proceeding on the interest of  
52 residential utility customers;

53 (d) request and receive from any state or local authority, agency,  
54 department or division of the state or political subdivision such  
55 assistance, personnel, information, books, records, other documentation  
56 and cooperation necessary to perform its duties; and

1 (e) enter into cooperative agreements with other government offices to  
2 efficiently carry out its work.

3 § 28-d. Reports. On July first, two thousand twenty-two and annually  
4 thereafter, the state office of the utility consumer advocate shall  
5 issue a report to the governor and the legislature, and make such report  
6 available to the public free of charge on a publicly available website,  
7 containing, but not limited to, the following information:

8 (a) all proceedings that the state office of the utility consumer  
9 advocate participated in and the outcome of such proceedings, to the  
10 extent of such outcome and if not confidential;

11 (b) estimated savings to residential utility consumers that resulted  
12 from intervention by the state office of the utility consumer advocate;  
13 and

14 (c) policy recommendations and suggested statutory amendments that the  
15 state office of the utility consumer advocate deems necessary.

16 § 2. This act shall take effect on the first of April next succeeding  
17 the date on which it shall have become a law.

18

## PART XX

19 Section 1. Notwithstanding the provisions of executive order 203 of  
20 2020 that authorized the director of the division of the budget to  
21 condition receipt of future appropriated state or federal funds by a  
22 local government or political subdivision upon the filing of a certif-  
23 ication with the director of the division of the budget as required by  
24 executive order 203 of 2020, such certification shall not be required to  
25 receive appropriated state or federal funds by any local government or  
26 political subdivision.

27 § 2. This act shall take effect immediately.

28

## PART YY

29 Section 1. This act enacts into law components of legislation that  
30 would enable public employers to offer a temporary retirement incentive  
31 to their employees, as well as to provide an age 55/25 years temporary  
32 incentive for certain public employees. Each component is wholly  
33 contained within a Subpart identified as Subparts A and B. The effective  
34 date for each particular provision contained within such Subpart is set  
35 forth in the last section of such Subpart. Any provision in any section  
36 contained within a Subpart, including the effective date of the Subpart,  
37 which makes reference to a section "of this act", when used in  
38 connection with that particular component, shall be deemed to mean and  
39 refer to the corresponding section of the Subpart in which it is found,  
40 unless noted otherwise. The benefits of this act shall not be applicable  
41 to anyone who first became a member of a public retirement system of the  
42 state on or after January first, two thousand ten.

43 § 2. Legislative findings. The legislature finds and declares that the  
44 retirement benefits provided for in this act are designed to achieve  
45 cost-savings for public employers and to avoid layoffs of public employ-  
46 ees in this time of fiscal need. Therefore, the retirement incentive  
47 benefit provided for in Subpart A of this act and the age 55/25 years  
48 retirement benefit provided for in Subpart B of this act are intended  
49 only to be temporary in nature for employees who are eligible to receive  
50 and qualify for the applicable benefit during the applicable time peri-  
51 ods specified within each Subpart. Further, nothing in this act shall be  
52 construed to create an expectation of a future or continuing retirement

1 benefit for any public employee who is not eligible to receive and qual-  
2 ify for the retirement benefits in this act during the applicable time  
3 periods.

4

## SUBPART A

5 Section 1. Definitions. As used in this act, unless the context clear-  
6 ly requires otherwise:

7 a. "Retirement system" means the New York state and local employees'  
8 retirement system, the New York state teachers' retirement system, the  
9 New York city teachers' retirement system, the New York city board of  
10 education retirement system or the New York city employees' retirement  
11 system, exclusive of the retirement plans established pursuant to  
12 sections 13-156 and 13-157 of the administrative code of the city of New  
13 York.

14 b. "Teachers' retirement system" means the New York state teachers'  
15 retirement system or the New York city teachers' retirement system.

16 c. "Optional retirement program" means the programs established pursu-  
17 ant to the provisions of section 181, 391 or 6251 of the education law;  
18 or continued pursuant to section 3 of chapter 980 of the laws of 1962.

19 d. "State employer" means (a) the executive branch of the state, (b)  
20 the state-operated institutions of the state university of New York, (c)  
21 the statutory and contract colleges operated pursuant to section 357 of  
22 the education law, (d) the state university construction fund (herein-  
23 after referred to in this act as the "fund"), (e) a cooperative exten-  
24 sion association (hereinafter referred to in this act as the "associ-  
25 ation"), (f) the city university of New York as defined in subdivision 2  
26 of section 6202 of the education law, (g) the unified court system, (h)  
27 the senate, (i) the assembly, and (j) joint legislative employers.

28 e. (a) "Participating employer" means an employer, other than a state  
29 employer, which participates in a retirement system; such term shall  
30 include a community college operating under the program of the state  
31 university of New York.

32 (b) "Educational employer" means a participating employer which is a  
33 school district, a board of cooperative educational services, a voca-  
34 tional education and extension board, an institution for the instruction  
35 of the deaf and of the blind as enumerated in section 4201 of the educa-  
36 tion law, or a school district as enumerated in section 1 of chapter 566  
37 of the laws of 1967, as amended.

38 f. "Eligible employee" means a person who is a member of a retirement  
39 system or a participant in an optional retirement program who is an  
40 employee in the executive branch of a state employer or an employee of a  
41 state employer or a participating employer which makes an election under  
42 this section or section four of this act, but such term shall not  
43 include the following persons:

44 (a) elected officials, judges or justices appointed to or serving in a  
45 court of record and acting village justices;

46 (b) chief administrative officers of participating employers which  
47 participate in a teachers' retirement system;

48 (c) officers described in sections 4, 41-a, 46, 61, 70, 70-a, 169  
49 (including those officers whose salary is established pursuant to salary  
50 plans under subdivision 3 of section 169), 180 and subdivision 1 of  
51 section 41 of the executive law and any agency or department head  
52 appointed by the governor, comptroller or attorney general;

53 (d) appointed members of boards or commissions any of whose members  
54 are appointed by the governor or by another state officer or body;

1 (e) nonjudicial officers and employees of the unified court system  
2 unless the chief administrator of the courts elects as provided herein,  
3 which election shall cover only nonjudicial officers and employees hold-  
4 ing positions in any title in the classified service of the unified  
5 court system;

6 (f) officers or employees of the senate unless the senate adopts a  
7 resolution authorizing the temporary president to file the election as  
8 provided in this subdivision;

9 (g) officers or employees of the assembly unless the assembly adopts a  
10 resolution authorizing the speaker of the assembly to file the election  
11 as provided in this subdivision; and

12 (h) officers or employees of joint legislative employers unless:

13 (i) with respect to officers or employees of the legislative library,  
14 legislative messenger service, legislative health service, legislative  
15 ethics commission, the legislative bill drafting commission, and the  
16 joint line of the legislative task force on demographic research and  
17 reapportionment, the senate and assembly adopt a concurrent resolution  
18 authorizing the temporary president of the senate and the speaker of the  
19 assembly to jointly file an election as provided in this subdivision;

20 (ii) with respect to officers or employees of components of the senate  
21 as identified pursuant to section 90 of the legislative law, the senate  
22 adopts a resolution authorizing the temporary president to file an  
23 election for officers or employees of those components designated in  
24 such resolution; and

25 (iii) with respect to officers or employees of components of the  
26 assembly as identified pursuant to section 90 of the legislative law,  
27 the assembly adopts a resolution authorizing the speaker of the assembly  
28 to file an election for officers or employees of those components desig-  
29 nated in such resolution.

30 Any election under paragraphs (e) through (h) of this subdivision to  
31 make available the retirement incentive program provided by this act  
32 shall be in writing and filed with the state comptroller not later than  
33 ninety days after the effective date of this act. Notwithstanding any  
34 other provision of this act, each such filing shall specify the  
35 commencement date and the length of the open period. Only one open peri-  
36 od shall be made available for employees covered by elections under  
37 paragraphs (e) through (h) of this subdivision.

38 For the purposes of such paragraphs (f), (g) or (h) of this subdivi-  
39 sion, an employee of the legislature shall be as such term is defined in  
40 section 7-a, 7-b or 7-d of the legislative law or by any other provision  
41 of law which classifies employees of an entity to be legislative employ-  
42 ees for all purposes, but shall not include senators or members of the  
43 assembly. The term "joint legislative employer" shall mean legislative  
44 commissions, committees, task forces, councils or similar bodies whose  
45 membership is comprised of both senators and assembly members, or which  
46 consist of commissioners, or the majority of whose membership is  
47 appointed by one or more of the following: the temporary president of  
48 the senate, the speaker of the assembly, the minority leader of the  
49 senate, and/or the minority leader of the assembly. The temporary presi-  
50 dent of the senate and the speaker of the assembly shall be the joint  
51 legislative employer of the employees of the legislature referred to in  
52 sections 7-a and 7-b of the legislative law.

53 g. "Eligible title" means any title where a certain number of posi-  
54 tions in that title, as identified by agency, department, work location  
55 or appointing authority, college or campus, as the case may be, would  
56 otherwise be identified for layoff but for this act because of economy,

1 consolidation or abolition of functions, curtailment of activities or  
2 otherwise. However, an eligible title can also include a title as iden-  
3 tified by agency, department, work location or appointing authority in  
4 which positions would not be eliminated but into which employees in  
5 titles affected by layoff can be transferred or reassigned pursuant to  
6 the civil service law, rule or regulation. The determination of eligible  
7 titles shall be made by: (a) the appointing authority, subject to the  
8 approval of the director of state operations for titles within the exec-  
9 utive branch, (b) the board of trustees for the state university  
10 (including the association) subject to the approval of the director of  
11 state operations, the fund, the city university of New York and of each  
12 community college operating under the program of the state university,  
13 (c) the person or persons who elect under paragraphs (e) through (h) of  
14 subdivision f of this section to offer the retirement incentive provided  
15 by this act, and (d) the chief executive officer or other comparable  
16 official for participating employers other than the community colleges.

17 h. "College faculty" means an employee, not in the classified service,  
18 of a state employer described in paragraphs (b), (c), (d), (e) and (f)  
19 of subdivision d of this section or of a community college who is a  
20 member of a teachers' retirement system, the New York state and local  
21 employees' retirement system or a participant in an optional retirement  
22 program.

23 i. "Active service" means service while being paid on the payroll,  
24 provided that (a) a leave of absence with pay shall be deemed active  
25 service; (b) other approved leave without pay not to exceed twelve weeks  
26 from February 1, 2021 and the commencement of the designated open peri-  
27 od; and (c) the period of time subsequent to the June 2021 school term  
28 and on or before August 31, 2021 for a teacher (or other employee  
29 employed on a school-year basis) who is otherwise in active service on  
30 February 1, 2021 shall be deemed active service.

31 j. "Open period" means the period beginning with the commencement date  
32 as defined in subdivision k of this section and shall not be more than  
33 ninety days nor less than thirty days in length, as specified by the  
34 director of state operations or by a participating employer pursuant to  
35 section four of this act, by the appropriate board of trustees for the  
36 state university (including the association), the fund, the city univer-  
37 sity of New York or a community college operating under a program of the  
38 state university or by a state employer described in paragraphs (g),  
39 (h), (i) and (j) of subdivision d of this section; provided however that  
40 any such period shall not extend beyond September 30, 2021 for the exec-  
41 utive branch of a state employer described in paragraphs (a) and (b) of  
42 subdivision d of this section (except for college faculty), not beyond  
43 December 31, 2021 for participating employers, college faculty for a  
44 state employer described in paragraph (b) of subdivision d of this  
45 section, state employers described in paragraphs (c), (d) and (e) of  
46 subdivision d of this section, not beyond January 31, 2022 for college  
47 faculty of an employer described in paragraph (f) of subdivision d of  
48 this section, and not beyond August 31, 2021 for educational employers.  
49 For the purposes of retirement pursuant to this act, a service retire-  
50 ment application must be filed with the appropriate retirement system  
51 not less than fourteen days prior to the effective date of retirement to  
52 become effective, unless a shorter period of time is permitted under  
53 law.

54 k. "Commencement date" means the first day the retirement incentive  
55 authorized by this act shall be made available, which shall mean a date  
56 on or after the effective date of this act to be determined by the

1 director of state operations for the executive branch of the state, and  
2 which date shall occur no later than thirty days before September 30,  
3 2021 or for any participating employer a date on or after the effective  
4 date of this act. For any other state employer, such term shall mean a  
5 date on or after the effective date of this act and shall occur no later  
6 than thirty days before September 30, 2021. The director of state oper-  
7 ations shall notify the head of the appropriate retirement system of the  
8 date of each open period applicable to employees of the executive branch  
9 or of a state employer prior to the commencement date.

10 § 2. The determination of whether a title shall be considered eligible  
11 shall consider whether the reduction of a specific number of positions  
12 within a title would unacceptably:

13 a. Directly result in a reduction of the level of service required or  
14 mandated to protect and care for clients of the state or a participating  
15 employer or to assure public health and safety;

16 b. Endanger the health or safety of employees of the state or a  
17 participating employer; or

18 c. Clearly result in a loss of significant revenue to the state or a  
19 participating employer or result in substantially increased overtime or  
20 contractual costs. However, upon the determination of the director of  
21 state operations, with respect to employees of the executive branch of a  
22 state employer, any titles may be determined eligible if the vacancies  
23 created can be controlled by the use of transfer or reassignment  
24 provisions of the civil service law, rules or regulations or other  
25 deployment of state employees.

26 § 3. a. Eligibility for inclusion in the retirement incentive provided  
27 by section six of this act shall be determined: (a) by seniority: for  
28 participating employers and for state employers described in paragraphs  
29 (a), (b), (c), (d), (e) and (f) of subdivision d of section one of this  
30 act, other than for college faculty; seniority shall mean the date of  
31 original permanent appointment in the civil service of the state  
32 adjusted to include veteran's credits for those entitled to receive such  
33 credits pursuant to sections 80, 80-a and 85, if applicable, of the  
34 civil service law, as established in the official records of the depart-  
35 ment of civil service, regardless of the jurisdictional classification  
36 of the position or the status of the incumbent; (b) by seniority, as  
37 applicable for the unified court system; (c) for state employers  
38 described in paragraphs (h), (i) and (j) of subdivision d of section one  
39 of this act as determined by the person or persons who make the election  
40 to offer the retirement incentive; and (d) for college faculty, by the  
41 board of trustees of the state university, city university and of each  
42 community college operating under the program of the state university.

43 b. All eligible employees serving in eligible titles desiring to avail  
44 themselves of the retirement incentive provided by section six of this  
45 act shall provide written notice to his or her employer on or before the  
46 twenty-first day preceding the end of the open period, or before the end  
47 of the applicable open period as such open period is determined by the  
48 director of state operations. Failure to provide such written notice  
49 shall render the employee ineligible for the retirement incentive  
50 provided by this act.

51 § 4. a. On or before August 31, 2021, a participating employer or a  
52 state employer described in paragraphs (b), (c), (d), (e) and (f) of  
53 subdivision d of section one of this act may elect to provide its  
54 employees the retirement incentive authorized by this act by (a) the  
55 enactment of a local law or (b) in the case of a participating employer  
56 which is not so empowered to act by local law or a state employer

1 described in paragraphs (b), (c), (d), (e) and (f) of subdivision d of  
2 section one of this act, by the adoption of a resolution of its govern-  
3 ing body; provided however, no local law or resolution enacted pursuant  
4 to this section shall in any manner supersede any local charter,  
5 provided further, that for an educational employer such election must be  
6 made by July 30, 2021. The local law or resolution shall specify the  
7 commencement date of the program and the length of the open period. For  
8 a community college operating under the program of state university of  
9 New York, such election shall be made by the board of trustees of such  
10 community college subject to the approval of its sponsor. A copy of such  
11 law or resolution shall be filed with the appropriate retirement system  
12 or systems, and, if applicable, on forms provided by such system. The  
13 local law or resolution shall be accompanied by the affidavit of the  
14 chief executive officer or other comparable official certifying to the  
15 information contained in subdivision b of this section.

16 b. Notwithstanding any other provision of law, the benefits provided  
17 by this act shall not be made available to any person who (a) has  
18 received any retirement incentive authorized by any provision of state  
19 law, or (b) who receives, has received or is eligible to receive a  
20 payment in a lump sum or in another form from a retirement incentive  
21 pursuant to the provisions of a collective bargaining agreement or by  
22 other arrangement with his or her employer, unless such person files a  
23 written statement with his or her employer, a copy of which shall be  
24 forwarded to the appropriate retirement system, that he or she agrees to  
25 waive any right to such payment. A participating employer who makes an  
26 election pursuant to this section and who offers or has offered a  
27 retirement incentive pursuant to the provisions of a collective bargain-  
28 ing agreement or by other arrangement shall prepare, and file with each  
29 retirement system, a list containing the names and social security  
30 numbers of all persons described in this subdivision. A participating  
31 employer is authorized to exempt persons in its employ from the  
32 provisions of paragraph (b) of this subdivision. Such exemption shall be  
33 made part of the election made pursuant to this section.

34 c. Notwithstanding any other provision of this act to the contrary,  
35 the mayor of the city of New York may declare employees of the community  
36 colleges of the city university of New York ineligible for the retire-  
37 ment incentive provided by this act by filing such notification with the  
38 chancellor of the city university of New York, with copies to the chair  
39 of the senate finance committee, the chair of the assembly ways and  
40 means committee and the director of the budget, in writing, no later  
41 than the thirtieth day next succeeding the effective date of this act.

42 § 5. Notwithstanding any other provision of law, any eligible employee  
43 serving in an eligible title who:

44 a. has been continuously in the active service of a state employer or  
45 of a participating employer from February 1, 2021 to the date immediate-  
46 ly prior to the commencement date of the applicable open period;

47 b. files an application for service retirement (or files the appropri-  
48 ate application and authorization form with the optional retirement  
49 program and a duly acknowledged retirement incentive form for such  
50 program with the appropriate personnel office) that is effective during  
51 the open period; and

52 c. is otherwise eligible for a service retirement as of the effective  
53 date of the application for retirement shall be entitled to the retire-  
54 ment incentive provided in section six of this act. If not otherwise  
55 eligible for a service retirement, the following person shall be deemed  
56 to satisfy the eligibility condition of this section: a person who is at



1 least age fifty with ten or more years service as of the effective date  
2 of retirement (other than a member of a retirement plan which provides  
3 for half-pay pension upon completion of twenty-five years or less  
4 service without regard to age); a member of a retirement plan which  
5 provides for half-pay pension upon completion of twenty-five years of  
6 service without regard to age who has not accrued, excluding additional  
7 credit granted pursuant to this act, the minimum number of years of  
8 service required to retire with an allowance equal to fifty percent of  
9 final average salary under such plan, but has, with the inclusion of the  
10 additional credit provided under this act, accrued such number of years  
11 of credit; or a participant in an optional retirement plan at least  
12 fifty years of age with ten years of service on an annual salary basis  
13 with his or her employer as of the date of retirement.

14 § 6. Notwithstanding any other provision of law, an eligible employee  
15 serving in an eligible title who is:

16 a. A member of a retirement system and who is entitled to a retirement  
17 incentive pursuant to section five of this act shall receive a retire-  
18 ment incentive of one-twelfth of a year of additional retirement credit  
19 for each year of pension service credited as of the date of retirement,  
20 up to a maximum of three years of retirement service credit at the time  
21 of retirement, provided, however, that service credit provided under the  
22 provisions of sections 902 and 911 of the retirement and social security  
23 law shall not be included when calculating the additional retirement  
24 credit awarded pursuant to this act. For the New York city teachers'  
25 retirement system, the New York city employees' retirement system and  
26 the New York city board of education retirement system such incentive  
27 shall be available for all purposes, including fulfilling the qualifying  
28 service requirements of plan A and C, if applicable.

29 An eligible employee who is covered by the provisions of article 15 of  
30 the retirement and social security law shall retire under the provisions  
31 of article 15 of the retirement and social security law. The amount of  
32 such benefit for an eligible employee who is covered by article 15 of  
33 the retirement and social security law and retires under the provisions  
34 of this section (other than a member with thirty or more years of  
35 service in the New York state and local employees' retirement system or  
36 a teachers' retirement system) shall be reduced by six percent for each  
37 of the first two years by which retirement precedes age sixty-two, plus  
38 a further reduction of three percent for each year by which retirement  
39 precedes age sixty, provided, however, the foregoing reductions shall  
40 not apply: (i) in any case where an eligible employee can retire after  
41 twenty-five years of service with immediate payability prior to the age  
42 of sixty-two pursuant to section 604-b of the retirement and social  
43 security law or (ii) to any time period subsequent to the point at which  
44 an eligible employee can retire for service without reduction of his or  
45 her service retirement allowance pursuant to article 16 of the retire-  
46 ment and social security law. Such reduction shall be prorated for  
47 partial years. The amount of such benefit for an eligible employee with  
48 thirty or more years of service who is a member of the New York state  
49 and local employees' retirement system or a teachers' retirement system  
50 or an eligible employee who is a participant in the optional twenty-five  
51 year early retirement program for certain New York city members governed  
52 by section 604-c of the retirement and social security law, as added by  
53 chapter 96 of the laws of 1995 or a twenty-five year participant in the  
54 age fifty-five retirement program governed by section 604-i of the  
55 retirement and social security law, with twenty-five or more years of  
56 service and who is covered by article 15 of the retirement and social





1 security law shall be reduced by five percent for each year by which  
2 retirement pursuant to this section precedes age fifty-five. The amount  
3 of such benefit for an eligible New York city employee with five or more  
4 years of service and who is a participant in the age fifty-seven retire-  
5 ment program governed by section 604-d of the retirement and social  
6 security law shall be reduced by one-thirtieth for the first two years  
7 by which retirement precedes age fifty-seven plus a further reduction of  
8 one-twentieth for each year by which retirement precedes age fifty-five.  
9 Such reduction shall be prorated for partial years. There shall be no  
10 reduction for an eligible New York city employee in a physically taxing  
11 position with twenty-five or more years of service and who is a partic-  
12 ipant (i) in the optional twenty-five year early retirement program for  
13 certain members governed by section 604-c of the retirement and social  
14 security law, as added by chapter 96 of the laws of 1995, or (ii) in the  
15 age fifty-seven retirement program governed by section 604-d of the  
16 retirement and social security law.

17 An eligible employee serving in an eligible title who is covered by  
18 article 11 of the retirement and social security law shall retire under  
19 the provisions of such article. The amount of such benefit for an eligi-  
20 ble employee covered by article 11 of the retirement and social security  
21 law other than a member of a teachers' retirement system or a member of  
22 the New York state and local employees' retirement system with thirty or  
23 more years of service, a participant in the optional age fifty-five  
24 improved benefit retirement program for certain New York city employees  
25 governed by section 445-d of the retirement and social security law, as  
26 added by chapter 96 of the laws of 1995, with twenty-five or more years  
27 of service, or a participant in the optional age fifty-five retirement  
28 program for New York city teachers and certain other members governed by  
29 section 445-i of the retirement and social security law, with twenty-  
30 five or more years of service, shall be reduced by six percent for each  
31 of the first two years by which retirement pursuant to this section  
32 precedes age sixty-two, plus a further reduction of three percent for  
33 each year by which retirement pursuant to this section precedes age  
34 sixty, provided, however, the foregoing reductions shall not apply: (i)  
35 in any case where an eligible employee can retire pursuant to a plan  
36 which permits retirement for service with immediate payability, exclu-  
37 sive of this act, prior to the age of fifty-five or (ii) to any time  
38 period subsequent to the point at which an eligible employee can retire  
39 for service without reduction of his or her service retirement allowance  
40 pursuant to article 16 of the retirement and social security law. Such  
41 reduction shall be prorated for partial years. The amount of such bene-  
42 fit for an eligible employee who is a member of a teachers' retirement  
43 system or a member of the New York state and local employees' retirement  
44 system with thirty or more years of service, a participant in the  
45 optional age fifty-five improved benefit retirement program for certain  
46 New York city employees governed by section 445-d of the retirement and  
47 social security law, as added by chapter 96 of the laws of 1995, with  
48 twenty-five or more years of service, or a participant in the optional  
49 age fifty-five retirement program for New York city teachers and certain  
50 other members governed by section 445-i of the retirement and social  
51 security law, with twenty-five or more years of service and who is  
52 covered by article 11 of the retirement and social security law shall be  
53 reduced by five percent for each year by which retirement pursuant to  
54 this section precedes age fifty-five. Such reduction shall be prorated  
55 for partial years. There shall be no reduction for an eligible New York  
56 city employee in a physically taxing position and who is a participant



1 in the optional age fifty-five improved benefit retirement program for  
2 certain New York city employees governed by section 445-d of the retire-  
3 ment and social security law, as added by chapter 96 of the laws of  
4 1995, with twenty-five or more years of service.

5 An eligible employee serving in an eligible title who is not covered  
6 by article 11 or 15 of the retirement and social security law shall  
7 retire under the provisions of the plan by which he or she is covered.  
8 The amount of such benefit shall be reduced by five percent for each  
9 year by which retirement pursuant to this section precedes age fifty-  
10 five, provided, however, the foregoing reductions shall not apply: (i)  
11 in any case where an eligible employee can retire pursuant to a plan  
12 which permits retirement for service with immediate payability, exclu-  
13 sive of this act, prior to the age of fifty-five or (ii) to any time  
14 period subsequent to the point at which an eligible employee can retire  
15 for service without reduction of his or her service retirement allowance  
16 pursuant to article 16 of the retirement and social security law. Such  
17 reduction shall be prorated for partial years.

18 An eligible employee serving in an eligible title who participates in  
19 a retirement plan which provides for a retirement allowance equal to  
20 fifty percent of final average salary upon the completion of twenty-five  
21 years of service without regard to age and who is otherwise eligible to  
22 retire shall retire under the provisions of such plan. Such employee  
23 shall, at the time of retirement, be credited with one-twelfth of a year  
24 of additional retirement service credit for each year of service credit-  
25 ed under such plan as of the date of retirement, up to a maximum of  
26 three years of retirement service credit, subject to the provisions of  
27 subdivision b of this section. If such employee has not accrued, exclud-  
28 ing additional credit granted pursuant to this act, the minimum number  
29 of years of service required to retire with an allowance equal to fifty  
30 percent of final average salary under such plan, but has, with the  
31 inclusion of the additional credit provided under this act, accrued such  
32 number of years of credit, the benefit payable shall be the percentage  
33 of final average salary that would ordinarily be applicable to such  
34 individual upon retirement with such amount of credit (including incen-  
35 tive credit), reduced by five per centum per year for each year by which  
36 the number of years of service otherwise required to retire with an  
37 allowance equal to fifty percent of final average salary under such plan  
38 exceeds the amount of service credited to such employee under such plan  
39 at retirement (excluding the additional retirement incentive service  
40 credit provided pursuant to this act). Such reduction shall be prorated  
41 for partial years.

42 b. A participant in an optional retirement program who is entitled to  
43 a retirement incentive pursuant to section five of this act shall  
44 receive an additional employer contribution equal to an amount, which  
45 shall be calculated as follows: (one-twelfth for each year of service)  
46 multiplied by (fifteen percent) multiplied by (the employee's earnable  
47 annual salary rate in effect on March 1, 2021 or the effective date of  
48 this act if the employee retires prior to March 1, 2021), such amount  
49 not to exceed forty-five percent of such salary rate. Such contribution  
50 shall be made to the employee's retirement annuity under the optional  
51 retirement program up to the maximum contribution allowable under  
52 section 415 of the internal revenue code. Any contribution in excess of  
53 that limit shall be contributed by the employer to an internal revenue  
54 code section 403(b) contract on behalf of the employee to the extent it  
55 can be contributed on a before-tax basis under the maximum limits  
56 allowed under the internal revenue code. Contributions in excess of that

1 amount shall be paid in cash to the participant in three equal install-  
2 ments during a twenty-four month period commencing on such eligible  
3 employee's effective date of retirement. Provided, however, if the  
4 employee is employed by the city university of New York and in the  
5 active service of such employer on October 1, 2021 or the effective date  
6 of this act if the employee retires prior to October 1, 2021, the  
7 employee's earnable annual salary rate shall be the annual salary rate  
8 in effect on such applicable date.

9 § 7. a. An employee of a state employer, other than the city universi-  
10 ty of New York, who retires pursuant to this act may defer calculation  
11 of the value of accumulated sick leave credits, if any, and partic-  
12 ipation in the state health insurance plan.

13 b. Notwithstanding any other provision of law, any termination pay or  
14 leave arising from accrued sick leave or accrued annual leave for an  
15 eligible employee who has elected the retirement incentive provided by  
16 this act and who is a member of the New York city teachers' retirement  
17 system employed by the board of education of the city of New York shall  
18 be paid in three equal installments during a twenty-four month period  
19 commencing on such eligible employee's effective date of retirement.

20 c. An employee of the city of New York or the city university of New  
21 York, as defined in subdivision 2 of section 6202 of the education law,  
22 who retires under the retirement incentive provided by this act, who is  
23 eligible for terminal leave pursuant to an applicable collective  
24 bargaining agreement or a personnel policy or rule or retirement leave  
25 pursuant to section 3107 of the education law or who has an accrued  
26 annual leave balance on the effective date of retirement shall be paid  
27 in three equal installments two months, fourteen months and twenty-four  
28 months following such eligible employee's effective date of retirement.

29 § 8. a. With respect to employees of the executive branch of a state  
30 employer, any position, other than a position supported by special  
31 revenue funds, vacated as a result of an eligible employee in an eligi-  
32 ble title receiving the retirement incentive provided by section six of  
33 this act shall be eliminated unless such position is identified by the  
34 director of state operations as one into which another state employee  
35 can be appointed, transferred or reassigned pursuant to the civil  
36 service law, rules or regulations, in which case the former position of  
37 the state employee so appointed, transferred or reassigned shall be  
38 eliminated.

39 b. The director of state operations shall direct the department of  
40 civil service to prepare a report designating the title, grade level,  
41 salary, and classification, according to appointing authority, (i) of  
42 each position which is eliminated pursuant to subdivision a of this  
43 section, (ii) of each position into which another state employee was  
44 appointed, transferred, or reassigned and the former position of such  
45 state employee, and (iii) of each position which is eliminated as a  
46 result of an appointment, transfer or reassignment referred to in para-  
47 graph (ii) of this subdivision. Such report shall be available no later  
48 than ninety days after the last date of the open period related to such  
49 positions.

50 § 9. Notwithstanding any inconsistent provision of section eight of  
51 this act or any other provision of law:

52 a. A participating employer or a state employer described in para-  
53 graphs (b) through (e) of subdivision d of section one of this act shall  
54 not be required to eliminate the positions of eligible employees in  
55 eligible titles receiving the retirement incentive provided by section  
56 six of this act if such employer can demonstrate that it will achieve a

1 compensation savings such that the total amount of base salary paid for  
2 the two-year period subsequent to the effective date of retirement for  
3 such eligible employees in eligible titles to those new hires, if any,  
4 who otherwise would not have been hired by such employer after the  
5 effective date of this act but for the retirement incentive provided  
6 herein shall be no more than one-half of the total amount of base salary  
7 that would have been paid to such eligible employees from their date of  
8 retirement for such two-year period. Each such employer shall make  
9 available its plans for achieving these savings.

10 b. The city of New York or the city university of New York, as defined  
11 in subdivision 2 of section 6202 of the education law, shall not be  
12 required to eliminate the positions of eligible employees in eligible  
13 titles receiving the retirement incentive provided by section six of  
14 this act if such participating employer can demonstrate that it will  
15 achieve a compensation or equivalent headcount savings such that the  
16 total amount of compensation including benefits paid for the two-year  
17 period subsequent to the effective date of retirement for such eligible  
18 employees in eligible titles to those new hires, if any, who otherwise  
19 would not have been hired by such employer after the effective date of  
20 this act but for the retirement incentive provided herein shall be no  
21 more than one-half of the total amount of base salary that would have  
22 been paid to such eligible employees from their date of retirement for  
23 such two-year period. For purposes of this subdivision, the "city of New  
24 York" shall mean the city of New York or a participating employer a  
25 majority of the members of whose governing body are: (a) appointed by  
26 the mayor of the city of New York or other citywide elected official, a  
27 borough president of the city of New York, or any combination thereof;  
28 (b) designated by virtue of their city of New York office or position or  
29 their office or position with a participating employer whose governing  
30 board is described in paragraph (a) of this subdivision; or (c)  
31 appointed or designated by any combination of the foregoing. Each such  
32 employer shall make available its plans for achieving these savings.

33 c. To the extent any transfer of personnel between the state employer  
34 described in paragraph (a) of subdivision d of section one of this act  
35 and the state employer described in paragraph (b) of subdivision d of  
36 section one of this act occurs pursuant to a voluntary transfer of state  
37 personnel, or otherwise, the provisions of subdivision a of this section  
38 with respect to achieving savings shall be applicable. Nothing herein  
39 shall be construed to impair the authority of the director of state  
40 operations pursuant to subdivision g of section one or section two of  
41 this act.

42 § 10. Nothing in this act shall be used to provide benefits that shall  
43 exceed the limits contained in section 415 of the internal revenue code.  
44 Provided, however, any service retirement benefit which has been reduced  
45 because of section 415 of the internal revenue code shall be increased  
46 when (and consistent with) the dollar limits in section 415 of the  
47 internal revenue code are adjusted by the internal revenue service for  
48 cost of living increases. Such increases shall not increase the benefit  
49 in excess of the service retirement benefit otherwise payable.

50 § 11. Any eligible employee who retires pursuant to the provisions of  
51 this act and enters or reenters public service as defined in subdivision  
52 e of section 210 of the retirement and social security law and joins or  
53 rejoins any public retirement system of the state as defined in subdivi-  
54 sion 6 of section 152 of the retirement and social security law or  
55 elects to participate in an optional retirement program shall if the  
56 additional benefit was provided pursuant to: (a) subdivision a of

1 section six of this act, forfeit the additional benefit authorized by  
2 this act at the time of his or her subsequent retirement; or (b) subdi-  
3 vision b of section six of this act, repay to the state or participating  
4 employer such additional contribution together with the appropriate  
5 interest as determined by the state comptroller.

6 § 12. Notwithstanding any other provision of law, if the service  
7 retirement benefit of a member of a retirement system is subject to a  
8 maximum retirement benefit, the additional benefit authorized by this  
9 act will be computed by multiplying the final average salary times the  
10 number of years of service credit granted by section six of this act  
11 times the benefit fraction of the plan under which such member retires.

12 § 13. The provisions of section 430 of the retirement and social secu-  
13 rity law shall not apply to any benefit or benefit improvement provided  
14 by this act.

15 § 14. The pension benefit costs of subdivision a of section six of  
16 this act shall be paid by employers as provided by applicable law for  
17 each retirement system covered by this act over a period not to exceed  
18 five years commencing in the state fiscal year ending March 31, 2023.

19 § 15. Where an employee is eligible to receive the benefit authorized  
20 under section six and the retirement benefit provided for under section  
21 five of subpart B of part YY of the chapter of the laws of 2021 which  
22 added this subpart, such employee may elect a section under which he or  
23 she will participate.

24 § 16. This act shall take effect immediately.

25

## SUBPART B

26 Section 1. Definitions. As used in this act, unless the context clear-  
27 ly requires otherwise:

28 a. "Retirement system" means the New York state and local employees'  
29 retirement system, the New York state teachers' retirement system, the  
30 New York city teachers' retirement system, the New York city board of  
31 education retirement system or the New York city employees' retirement  
32 system, exclusive of the retirement plans established pursuant to  
33 sections 13-156 and 13-157 of the administrative code of the city of New  
34 York.

35 b. "Teachers' retirement system" means the New York state teachers'  
36 retirement system or the New York city teachers' retirement system.

37 c. "State employer" means (a) the executive branch of the state, (b)  
38 the state-operated institutions of the state university of New York, (c)  
39 the statutory and contract colleges operated pursuant to section 357 of  
40 the education law, (d) the state university construction fund (herein-  
41 after referred to in this act as the "fund"), (e) a cooperative exten-  
42 sion association (hereinafter referred to in this act as the "associ-  
43 ation"), and (f) the city university of New York as defined in  
44 subdivision 2 of section 6202 of the education law, (g) the unified  
45 court system, (h) the senate, (i) the assembly, and (j) joint legisla-  
46 tive employers.

47 d. (a) "Participating employer" means an employer, other than a state  
48 employer, which participates in a retirement system; such term shall  
49 include a community college operating under the program of state univer-  
50 sity of New York.

51 (b) "Educational employer" means a participating employer which is a  
52 school district, a board of cooperative educational services, a voca-  
53 tional education and extension board, an institution for the instruction  
54 of the deaf and of the blind as enumerated in section 4201 of the educa-



1 tion law, or a school district as enumerated in section 1 of chapter 566  
2 of the laws of 1967, as amended.

3 e. "Eligible employee" means a person who is a member of a retirement  
4 system who is an employee in the executive branch of a state employer or  
5 an employee of a state employer or a participating employer who has  
6 attained age fifty-five and has at least twenty-five years of creditable  
7 service in a retirement system, but such term shall not include the  
8 following persons:

9 (a) elected officials, judges or justices appointed to or serving in  
10 court of record and acting village justices;

11 (b) chief administrative officers of participating employers which  
12 participate in a teachers' retirement system;

13 (c) officers described in sections 4, 41-a, 46, 61, 70, 70-a, 169  
14 (including those officers whose salary is established pursuant to salary  
15 plans under subdivision 3 of section 169), 180 and subdivision 1 of  
16 section 41 of the executive law and any agency or department head  
17 appointed by the governor, comptroller or attorney general;

18 (d) appointed members of boards or commissions any of whose members  
19 are appointed by the governor or by another state officer or body;

20 (e) nonjudicial officers and employees of the unified court system  
21 unless the chief administrator of the courts elects as provided herein,  
22 which election shall cover only nonjudicial officers and employees hold-  
23 ing positions in any title in the classified service of the unified  
24 court system;

25 (f) officers or employees of the senate unless the senate adopts a  
26 resolution authorizing the temporary president to file the election as  
27 provided in this subdivision;

28 (g) officers or employees of the assembly unless the assembly adopts a  
29 resolution authorizing the speaker of the assembly to file the election  
30 as provided in this subdivision; and

31 (h) officers or employees of joint legislative employers unless:

32 (i) with respect to officers or employees of the legislative library,  
33 legislative messenger service, legislative health service, legislative  
34 ethics committee, the legislative bill drafting commission, and the  
35 joint line of the legislative task force on demographic research and  
36 reapportionment, the senate and assembly adopt a concurrent resolution  
37 authorizing the temporary president of the senate and the speaker of the  
38 assembly to jointly file an election as provided in this subdivision;

39 (ii) with respect to officers or employees of components of the senate  
40 as identified pursuant to section 90 of the legislative law, the senate  
41 adopts a resolution authorizing the temporary president to file an  
42 election for officers or employees of those components designated in  
43 such resolution; and

44 (iii) with respect to officers or employees of components of the  
45 assembly as identified pursuant to section 90 of the legislative law,  
46 the assembly adopts a resolution authorizing the speaker of the assembly  
47 to file an election for officers or employees of those components desig-  
48 nated in such resolution.

49 Any election under paragraphs (e) through (h) of this subdivision to  
50 make available the retirement incentive provided by this act shall be in  
51 writing and filed with the state comptroller not later than ninety days  
52 after the effective date of this act. Notwithstanding any other  
53 provision of this act, each such filing shall specify the commencement  
54 date of the open period.

55 For the purposes of such paragraph (f), (g) or (h) of this subdivi-  
56 sion, an employee of the legislature shall be as such term is defined in

1 section 7-a, 7-b or 7-d of the legislative law or by any other provision  
2 of law which classifies employees of an entity to be legislative employ-  
3 ees for all purposes, but shall not include senators or members of the  
4 assembly. The term "joint legislative employer" shall mean legislative  
5 commissions, committees, task forces, councils or similar bodies whose  
6 membership is comprised of both senators and assembly members, or which  
7 consist of commissioners, or the majority of whose membership is  
8 appointed by one or more of the following: the temporary president of  
9 the senate, the speaker of the assembly, the minority leader of the  
10 senate, and/or the minority leader of the assembly. The temporary presi-  
11 dent of the senate and the speaker of the assembly shall be the joint  
12 legislative employer of the employees of the legislature referred to in  
13 sections 7-a and 7-b of the legislative law.

14 f. "College faculty" means an employee, not in the classified service,  
15 of a state employer described in paragraphs (b), (c), (d), (e) and (f)  
16 of subdivision c of this section or of a community college who is a  
17 member of a teachers' retirement system, or the New York state and local  
18 employees' retirement system.

19 g. "Active service" means service while being paid on the payroll,  
20 provided that (a) a leave of absence with pay shall be deemed active  
21 service; (b) other approved leave without pay not to exceed twelve weeks  
22 from February 1, 2021 and the commencement of the designated open peri-  
23 od; and (c) the period of time subsequent to the June 2021 school term  
24 and on or before August 31, 2021 for a teacher (or other employee  
25 employed on a school-year basis) who is otherwise in active service on  
26 the effective date of this act shall be deemed active service.

27 h. "Open period" means the period beginning with the commencement date  
28 as defined in subdivision i of this section and shall be ninety days in  
29 length; provided however that there shall be only one such open period  
30 and any such period shall not extend beyond September 30, 2021 for a  
31 state employer and December 31, 2021 for a participating employer. For  
32 educational employers who make election after June 1, 2021, the open  
33 period shall begin immediately after such election, and shall not extend  
34 beyond August 31, 2021. For the purposes of retirement pursuant to this  
35 act, a service retirement application must be filed with the appropriate  
36 retirement system not less than fourteen days prior to the effective  
37 date of retirement to become effective, unless a shorter period of time  
38 is permitted under law.

39 i. "Commencement date" means the first day the retirement benefit  
40 mandated by this act shall be made available, which shall mean a date or  
41 dates on or after the effective date of this act to be determined by the  
42 director of state operations for the executive branch of the state, or  
43 for any other state employer or any participating employer which elects  
44 to participate pursuant to section three of this act a date on or after  
45 the effective date of this act; provided, however, that for an educa-  
46 tional employer which elects to participate pursuant to section three of  
47 this act, the commencement date shall be June 1, 2021; or immediately  
48 after election of the retirement incentive for educational employers who  
49 elect after June 1, 2021 and provided, further that for participating  
50 employers which elect to participate pursuant to section three of this  
51 act, except the city of New York and participating employers which are  
52 not empowered to act by local law, the commencement date shall be Octo-  
53 ber 1, 2021. The director of state operations shall notify the head of  
54 the appropriate retirement system of the date of the open period appli-  
55 cable to employees of the executive branch or of a state employer prior  
56 to the commencement date.

1 § 2. a. A state employer which elects to participate pursuant to  
2 section three of this act, participating employer which is not empowered  
3 to act by local law which elects to participate pursuant to section  
4 three of this act, or the city of New York, if it elects to participate  
5 pursuant to section three of this act shall establish a commencement  
6 date for the retirement benefit established under section five of this  
7 act in the following manner: (a) for the executive branch, the director  
8 of state operations shall establish the commencement date in writing to  
9 the appropriate retirement system; (b) for state employers described in  
10 paragraphs (b), (c), (d), (e) and (f) of subdivision c of section one of  
11 this act and participating employers that are not empowered to act by  
12 local law, its governing body shall adopt a resolution establishing a  
13 commencement date; (c) for state employers described in paragraphs (g),  
14 (h), (i) and (j) of subdivision c of section one of this act, the person  
15 or persons who make the election to offer the retirement incentive  
16 pursuant to subpart A of part YY of the chapter of the laws of 2021  
17 which added this subpart shall establish a commencement date in writing  
18 to the appropriate retirement system; and (d) for the city of New York,  
19 the chief executive officer shall issue an executive order establishing  
20 the commencement date, provided, however, no executive order, in the  
21 case of the city of New York issued pursuant to this section, shall in  
22 any manner supersede any local charter. A copy of any such resolution or  
23 executive order in the case of the city of New York establishing a  
24 commencement date shall be filed with the appropriate retirement system  
25 or systems, and, if applicable, on forms provided by such system. The  
26 resolution or executive order in the case of the city of New York shall  
27 be accompanied by the affidavit of the chief executive officer or other  
28 comparable official certifying the commencement date.

29 b. A state employer, participating employer which is not empowered to  
30 act by local law which elects to participate pursuant to section three  
31 of this act, or the city of New York if it elects to participate pursu-  
32 ant to section three of this act shall be required to establish a  
33 commencement date under paragraph a of this subdivision for the retire-  
34 ment benefit established under section five of this act. In the event  
35 that a state employer, participating employer which is not empowered to  
36 act by local law which elects to participate pursuant to section three  
37 of this act, or the city of New York if it elects to participate pursu-  
38 ant to section three of this act fails to establish a commencement date  
39 for the retirement benefit established under section five of this act,  
40 the commencement date for the eligible employees of a state employer  
41 shall be July 1, 2021. The commencement date for the eligible employees  
42 of all other employers referenced in this subdivision shall be September  
43 1, 2021.

44 § 3. On or before September 1, 2021, a participating employer or a  
45 state employer described in paragraphs (b), (c), (d), (e) and (f) of  
46 subdivision c of section one of this act may elect to provide its  
47 employees the retirement incentive authorized by this act by (a) the  
48 enactment of a local law or (b) in the case of a participating employer  
49 which is not so empowered to act by local law or a state employer  
50 described in paragraphs (b), (c), (d), (e) and (f) of subdivision c of  
51 section one of this act, by the adoption of a resolution of its govern-  
52 ing body; provided however, no local law or resolution enacted pursuant  
53 to this section shall in any manner supersede any local charter,  
54 provided further, that for an educational employer such election must be  
55 made by July 1, 2021. For a community college operating under the  
56 program of state university of New York, such election shall be made by



1 the board of trustees of such community college subject to the approval  
2 of its sponsor. A copy of such law or resolution shall be filed with the  
3 appropriate retirement system or systems, and, if applicable, on forms  
4 provided by such system. The local law or resolution shall be accompa-  
5 nied by the affidavit of the chief executive officer or other comparable  
6 official certifying the validity of such local law or resolution. The  
7 executive branch of the state shall be deemed to have made an election  
8 under this section upon its enactment.

9 § 4. Notwithstanding any other provision of law, any eligible employee  
10 who (a) has been continuously in the active service of a state employer  
11 or of a participating employer from February 1, 2021 to the date imme-  
12 diately prior to the commencement date of the applicable open period,  
13 (b) files an application for service retirement that is effective during  
14 the open period, and (c) is otherwise eligible for a service retirement  
15 as of the effective date of the application for retirement shall be  
16 entitled to the retirement benefit provided in section five of this act.

17 § 5. a. Notwithstanding any other provision of law, an eligible  
18 employee who is: (a) a member of a retirement system and (b) who is  
19 entitled to a retirement benefit pursuant to section four of this act  
20 may retire during the open period without the reduction of his or her  
21 retirement benefit that would otherwise be imposed by article 11 or 15  
22 of the retirement and social security law if he or she has attained the  
23 age of fifty-five and has completed at least twenty-five or more years  
24 of creditable service. An eligible employee who is covered by the  
25 provisions of articles 11 and 15 of the retirement and social security  
26 law shall retire under the provisions of articles 11 and 15 of the  
27 retirement and social security law.

28 b. The director of state operations, the chief executive officer of  
29 the city of New York, or chief executive officer or governing board, as  
30 appropriate, of the participating employer may deny participation in the  
31 retirement benefit provided by subdivision a of this section if the  
32 director of state operations, the chief executive officer of New York  
33 city or the chief executive officer or governing board of the partic-  
34 ipating employer makes a determination that the employee holds a posi-  
35 tion that is deemed critical to the maintenance of public health and  
36 safety.

37 c. Where an employee is eligible for the retirement benefit under this  
38 section and the retirement incentive authorized pursuant to section six  
39 of subpart A of part YY of the chapter of the laws of 2021 which added  
40 this subpart, such employee shall elect a section under which he or she  
41 will participate. The benefits provided by subdivision a of this section  
42 shall not be conditioned upon a state or participating employer making  
43 the benefits of section six of subpart A of this part available to  
44 employees in their employ. Further, the benefits provided by subdivision  
45 a of this section shall not be available in conjunction with the bene-  
46 fits of section six of subpart A of part YY of the chapter of the laws  
47 of 2021 which added this subpart.

48 d. The action of the director of state operations, the chief executive  
49 officer of the city of New York, or chief executive officer or governing  
50 board, as appropriate, of the participating employer in denying the  
51 retirement benefit provided for in subdivision a of this section to any  
52 individual shall be subject to review in the manner provided for in  
53 article 78 of the civil practice law and rules. Such action for review  
54 pursuant to article seventy-eight of the civil practice law and rules  
55 shall only be commenced by the individual that was denied the retirement  
56 benefit provided by subdivision a of this section.

1 e. After making any such determination under subdivision b of this  
2 section, the director of state operations, the chief executive officer  
3 of the city of New York and the chief executive officer or governing  
4 board, as appropriate, of the participating employer shall notify the  
5 appropriate retirement system or teachers' retirement system of its  
6 determination.

7 § 6. The pension benefit costs of section five of this act shall be  
8 paid by employers as provided by applicable law for each retirement  
9 system covered by this act over a period not to exceed five years  
10 commencing in the state fiscal year ending March 31, 2023.

11 § 7. This act shall take effect immediately.

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

21 § 4. This act shall take effect immediately; provided, however, that  
22 the applicable effective date of Subparts A and B of this act shall be  
23 as specifically set forth in the last section of such Subparts.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide a temporary retirement incentive for fiscal  
year 2021-2022 for eligible members of the New York State Teachers'  
Retirement System (NYSTRS).

Subpart A of the retirement incentive would provide certain eligible  
employees of employers who elect to participate a retirement incentive  
of one-twelfth of a year of additional service credit per year of  
accrued service credit up to a maximum of three additional years. To be  
eligible, a member must be eligible to retire, or have attained age 50  
or greater, with at least ten years of service. Members subject to an  
early retirement reduction and less than age 55 at retirement will have  
their benefit further reduced by 3% per year prior to age 55. Members  
not subject to an early retirement reduction and less than age 55 at  
retirement will have their benefit reduced by 5% per year prior to age  
55.

Subpart B of the retirement incentive would permit eligible Tier 2, 3  
and 4 members of employers who elect to participate to retire without  
early retirement reductions upon attainment of at least age 55 with 25  
years of service. Currently 30 years of service are required.

In order to receive either the Subpart A or Subpart B benefit, an  
eligible member of an employer who has elected to participate must  
retire during the employer's designated open period. For Subpart A, such  
open period shall be at least 30 but not more than 90 days in length and  
for educational employers, shall not extend beyond August 31, 2021. For  
Subpart B, the open period shall begin immediately after the election to  
participate and shall not extend beyond August 31, 2021. Members may not  
receive a benefit under both Subpart A and Subpart B. Employers partic-  
ipating in Subpart A or Subpart B (or both) would pay the cost of the  
retirement incentive over a period not to exceed five years, beginning  
in the state fiscal year ending March 31, 2023.

It is not possible to accurately forecast the total cost to the New  
York State Teachers' Retirement System employers electing to participate  
in this retirement incentive because the number of eligible members

electing to retire under the incentive, their ages and the amount of service credited cannot be readily estimated. The Subpart A cost, measured as the increase in the present value of benefit per participating member, however, will range from 5% to approximately 250% of final average salary, depending on the member's age, years of service, and tier at retirement. The Subpart B cost per participating member will range from 3% to approximately 200% of final average salary, depending on the member's age, years of service, and tier at retirement. The potential number of members eligible to benefit under Subpart A is much greater than under Subpart B.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-9 dated February 3, 2021 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide additional service credit (one-twelfth of a year for each year of non-sick leave, non-Article 19 service credited as of the date of retirement, up to a maximum of three years) for certain members of the New York State and Local Employees' Retirement System, New York State Teachers Retirement System, New York City Teachers Retirement System, New York City Board of Education and the New York City Employees' Retirement System. Further, for certain members who are not otherwise eligible for a service retirement benefit, this bill would provide the ability to retire with reductions. This benefit would be available to only targeted positions.

In addition, this bill would eliminate the early retirement reductions at 25 years of service instead of at 30 years of service for retirement during a specified 90 day period for Tier 2, 3 and 4 members of the New York State and Local Employees' Retirement System, New York State Teachers Retirement System, New York City Teachers Retirement System, New York City Board of Education and the New York City Employees' Retirement System. Employers electing this provision can declare health and safety positions to be ineligible.

Retiring members may not receive both the additional service credit and the elimination of the early retirement reductions at 25 years of service instead of at 30 years of service.

If this bill is enacted, insofar as it affects the New York State and Local Employees' Retirement System (ERS), the additional cost for each member who receives these benefits will vary depending on the member's age, years of service, retirement plan and final average salary.

We anticipate that the per-member cost (at retirement) of the additional service credit benefit will average approximately 65% of a member's final average salary. This cost will be borne by each employer electing the incentive over a period not to exceed five years commencing with a payment in the State fiscal year ending March 31, 2023.

We anticipate that the per-member cost (at retirement) of the elimination of the early retirement reductions at 25 years of service instead of at 30 years of service will average approximately 115% of a member's final average salary. This cost will be borne by each employer electing the incentive over a period not to exceed five years commencing with a payment in the State fiscal year ending March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2020 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated December 30, 2020, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-7, prepared by the Actuary for the New York State and Local Retirement System.

1 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
2 sion, section or part of this act shall be adjudged by any court of  
3 competent jurisdiction to be invalid, such judgement shall not affect,  
4 impair, or invalidate the remainder thereof, but shall be confined in  
5 its operation to the clause, sentence, paragraph, subdivision, section  
6 or part thereof directly involved in the controversy in which such  
7 judgement shall have been rendered. It is hereby declared to be the  
8 intent of the legislature that this act would have been enacted even if  
9 such invalid provisions had not been included herein.

10 § 3. This act shall take effect immediately provided, however, that  
11 the applicable effective date of Parts A through YY of this act shall be  
12 as specifically set forth in the last section of such Parts.