

FY 2022 NEW YORK STATE EXECUTIVE BUDGET

PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

MEMORANDUM IN SUPPORT

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MEMORANDUM IN SUPPORT

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

AN ACT to amend 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 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); to amend the executive law, the criminal procedure law, the domestic relations law, the family court act, the general business law, the insurance law, the labor law, the public health law, the social services law, and the state finance law, in relation to establishing the New York state office to end domestic and gender-based violence (Part B); to amend the penal law, in relation to establishing the crime of domestic violence (Part C); to amend the family court act, the criminal procedure law, and the domestic relations law, in relation to authorizing the court to require a person subject to an order of protection to pay reasonable costs for repairing damages caused by that person to the premises of a person protected by such order (Part D); to amend the judiciary law and the executive law, in relation to reports of domestic violence data (Part E); to amend the domestic relations law, in relation to the custody of children (Part F); to repeal section 240.37 of the penal law, relating to loitering for the purpose of engaging in a prostitution offense; and to amend the penal law, the criminal procedure law, the social services law and the administrative code of the city of New York, in relation to making technical corrections relating thereto (Part G); to amend the family court act and the education law, in relation to removing the term incorrigible (Part H); to amend the election law, in relation to authorizing judges and their immediate

family members to apply for confidentiality of voter registration records (Part I); to amend the criminal procedure law, in relation to the electronic appearance of a defendant (Part J); to amend the executive law, the criminal procedure law, the general municipal law, the public authorities law and the civil service law, in relation to police officers; and to repeal certain provisions of the executive law and the civil service law, relating thereto (Part K); to amend the executive law, in relation to monitoring compliance with executive order two hundred three (Part L); in relation to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part M); to amend the penal law, in relation to the purchase and disposal of firearms, rifles and shotguns (Part N); to amend the executive law, in relation to the reporting of firearms seized or recovered by law enforcement (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); to amend election law, in relation to expanding the application period for an absentee ballot request (Part Q); to amend the election law, in relation to establishing a deadline for county boards to process and mail requested absentee ballots (Part R); to amend the election law, in relation to expanding polling site hours of operation during early voting (Part S); to amend the election law, in relation to expediting the absentee ballot counting process (Part T); to amend the election law, in relation to establishing a uniform process to ensure the timely administration of recounts (Part U); to amend the workers' compensation law, in relation to allowing the New York state insurance fund to enter into agreements with private insurance providers to cover out-of-state work (Part V); to amend the workers' compensation law and the insurance law, in relation to diversifying the New York state insurance fund's investment authority (Part W); to amend the workers' compensation law and the insurance law, in relation to specifying methods of calculating deposits and reserves for the aggregate trust fund and

reserves of the state insurance fund (Part X); to amend the alcoholic beverage control law, in relation to temporary permits; to amend chapter 396 of the laws of 2010, relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof; and to repeal certain provisions of such law relating thereto (Part Y); to amend the alcoholic beverage control law, in relation to allowing food that is typically found in a motion picture theatre to be deemed in compliance with food requirements to serve alcoholic beverages (Part Z); to amend the civil practice law and rules and the state finance law, in relation to the rate of interest to be paid on judgment and accrued claims (Part AA); to amend the state finance law and the public authorities law, in relation to enacting the "New York medical supplies act" (Part BB); to amend the civil service law, in relation to ceasing reimbursement of the Medicare income related monthly adjustment amounts (IRMAA) to high income state retirees (Part CC); to amend the civil service law, in relation to the state's contribution to the cost of health insurance premiums for future retirees of the state and their dependents (Part DD); to amend the civil service law, in relation to capping the standard medicare premium charge (Part EE); to amend the state technology law and the state finance law, in relation to authorizing comprehensive technology service contracts (Part FF); to amend the state finance law, in relation to posting the names of individuals who are authorized to sign state contracts and eliminating unfavorable terms in state contracts (Part GG); to amend the public officers law, in relation to allowing the exchange of any record or personal information between and among agencies of the state (Part HH); to amend the general business law, in relation to enacting the "New York data accountability and transparency act" (Part II); to amend the general business law, in relation to disclosures for the use of voice recognition features in internet-capable devices (Part JJ); to amend the state finance law, in relation to video lottery terminal aid (Part KK); to amend the state finance law and the tax law, in relation to reducing aid and incentives for municipalities base level grants (Part LL); to amend the general municipal law, in relation to authorized investments for local governments (Part MM); to amend the general

municipal law, in relation to enhancing flexibility within the county-wide shared services initiative; and to repeal certain provisions of the general municipal law relating thereto (Part NN); to amend chapter 308 of the laws of 2012, amending the general municipal law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions, in relation to the effectiveness thereof (Part OO); to amend the county law, the correction law, the executive law, the judiciary law, the criminal procedure law and the education law, in relation to authorizing shared county jails (Part PP); and 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 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 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 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)

PURPOSE:

This bill contains provisions needed to implement the Public Protection and General Government portion of the FY 2021 Executive Budget.

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

Part A – Extend various criminal justice and public safety programs that would otherwise sunset

Purpose:

This bill would extend for two years various criminal justice and public safety programs and continues the existing formula for distribution of certain monies recovered by county district attorneys that would otherwise expire in 2021.

Summary of Provisions and Statement in Support:

This bill would extend the authorization of various sections of law to ensure the continuation of a host of criminal justice programs -- all of which have been extended multiple times. Key programs and statutory provisions continued by this bill include: psychological testing of correctional officer candidates; expanding the geographic area of employment of certain police officers; determinate sentencing; inmate work release programs and furloughs; the earned eligibility program; substance abuse treatment for inmates; incarceration, parole and probation fees; mandatory surcharge and crime victim assistance fees; alternatives to incarceration; armory rent; the ignition interlock program for individuals convicted of alcohol-related violations; electronic court appearances; the adult interstate compact; mandatory arrest in cases of domestic violence; and protective measures for child witnesses.

This bill would also extend Section 25 of Part F of Chapter 55 of the Laws of 2018, for two years. Pursuant to that law, a county district attorney in New York City may retain a portion of recoveries it makes before the filing of an accusatory instrument, and the remaining amount is distributed equally between the State and the City of New York.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget as it will ensure that the State continues to receive a share of such revenues.

Effective Date:

This bill would take effect immediately upon enactment.

Part B – Transform the Office for the Prevention of Domestic Violence to the Office to End Domestic and Gender-Based Violence

Purpose:

This bill amends Executive Law to transform the Office for the Prevention of Domestic Violence to the Office to End Domestic and Gender-Based Violence.

Summary of Provisions and Statement in Support:

The COVID-19 pandemic exacerbated the problem of domestic violence evidenced by a 33.5 percent increase in calls this year. These proposals will take the lessons learned from the pandemic to expand the State’s approach to stopping gender-based violence. This bill creates the first agency addressing gender-based violence in the nation. The new office will encourage collaboration among agencies and service providers, eliminate redundant processes, and simplify survivor interactions with the State. This bill authorizes the new office to administer grant funds for the campus-based Enough is Enough statewide program.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part C – Establish a Domestic Violence Misdemeanor Label

Purpose:

This bill establishes a domestic violence misdemeanor to ensure domestic violence abusers lose access to firearms immediately upon conviction.

Summary of Provisions and Statement in Support:

This bill creates a domestic violence misdemeanor label in Penal Law. This closes the domestic violence gun-purchasing loophole for instances when a misdemeanor is committed against a family or household member. This ensures domestic abusers do not have access to guns in New York State.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect November 1, 2021.

Part D – Require Domestic Violence Abusers to Pay Housing Costs

Purpose:

This bill would amend family court, criminal and domestic relations laws to allow courts to require abusers to pay reasonable costs for housing, including damages, moving expenses and rent and mortgage payments for the residence of the person protected by the related order of protection.

Summary of Provisions and Statement in Support:

This bill would further the State's efforts to end domestic violence. This bill would allow persons who are under a protective order to seek payment, through the court, of reasonable housing and related damages caused by the abuser. These damages could include the reasonable cost of damages to the residence, moving expenses, utility and security deposits, first and last month's rent or mortgage payments.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part E – Domestic Violence Tracking

Purpose:

This bill would amend the State Judiciary Law in relation to reports on domestic violence data.

Summary of Provisions and Statement in Support:

The bill requires the Office of Court Administration (OCA), with the assistance of the Division of Criminal Justice Services (DCJS), to add the issuance of orders of protection for family offenses to the report that they produce and issue every six months concerning pretrial release and detention. OCA is also required by this bill to produce a

new monthly report with data listing the number of new family offense misdemeanor and felony cases by county when protective orders were issued by a court.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect 90 days after it becomes law.

Part F – LGBTQ Fairness in Child Custody

Purpose:

This bill would explicitly prohibit judges from considering the sex, sexual orientation, gender identity, or gender expression of the parents when making a determination of a child’s best interests in a child custody proceeding. It would also prohibit judges hearing child custody cases from prohibiting a parent from seeking gender affirming medical care.

Summary of Provisions and Statement in Support:

This bill amends the Domestic Relations Law to prohibit the court from considering the sex, sexual orientation, gender identity, or gender expression of the parents when making a determination of a child’s best interests in a child custody proceeding. It also provides that the court cannot prohibit a party from undergoing gender affirming medical care.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part G – Eliminate Discriminatory Policing of Transgender New Yorkers

Purpose:

This bill repeals the section of Penal Law that criminalizes loitering for the purposes of prostitution.

Summary of Provisions and Statement in Support:

New York State's Penal Law contains a provision criminalizing loitering for the purposes of prostitution. This statute has been used to unfairly target transgender individuals. This proposal will repeal this law, representing an important step toward reducing inequality and discrimination.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part H – Remove the Label of Incurrigible in Law

Purpose:

This bill would amend State Family Court and Education Laws to remove the word incurrigible.

Summary of Provisions and Statement in Support:

This bill would further the State's efforts to eliminate discrimination in the juvenile justice, family welfare, mental health and education systems by removing the use of the word "incurrigible" in State Laws. Removal of this term will ensure young individuals are not labeled as someone who cannot be corrected by court proceedings that are aimed at reform and rehabilitation.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part I – Protect Judges and their Families from Threats

Purpose:

This bill would allow current and former state and federal judges and their immediate families to remove private information from public display.

Summary of Provisions and Statement in Support:

This bill amends the Election Law to include judges and their immediate family under existing protections that keep records including their personal information private. It also allows these individuals to omit their home address from public display where it is otherwise required by the Election Law.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect 90 days after it shall have become law.

Part J – Establish Virtual Arraignments Statewide

Purpose:

This bill would permit virtual arraignments statewide within the Office of Court Administration (OCA) and law enforcement agencies.

Summary of Provisions and Statement in Support:

This bill amends Criminal Procedure Law to provide that electronic court appearances for criminal cases can be conducted in any county across the State.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part K – Strengthen New York's Policing Profession

Purpose:

This bill promotes professional police services and strengthens the hiring standards for all police officers.

Summary of Provisions and Statement in Support:

This bill strengthens the hiring standards for all police officers by requiring law enforcement agencies to comply with background check standards that include a criminal history check, a mental health exam, prior employment, and review of previous police officer misconduct. All law enforcement agencies will be required to comply with such background check standards.

The bill requires law enforcement agencies to become accredited for the purpose of standardizing background checks to ensure that only those most qualified can serve as a law enforcement officer.

The bill also creates a backstop and accountability mechanism to ensure that no bad actors may serve as police officers by clearly defining conduct that results in permanent decertification, mandating reporting of misconduct, and requiring information sharing of serious misconduct by officers.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget as it strengthens the New York's policing profession. \$1.1 million has been added to DCJS for costs related to accreditation.

Effective Date:

This bill would take effect 180 days after it becomes law. However, police agencies would be required to be accredited within three years of the effective date of this law.

Part L – EO 203 Police Department Monitoring

Purpose:

This bill would amend the Executive Law in relation to monitoring compliance with Executive Order 203 titled "New York State Police Reform and Reinvention Collaborative."

Summary of Provisions and Statement in Support:

Executive Order 203, "New York State Police Reform and Collaborative," requires local governments to submit plans by April 1, 2021 after they perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate

policing of communities of color. Local governments that fail to conduct the mandatory review required by EO 203 will be required to install a monitor until such time as the review is conducted and community voices are heard. The monitor shall be appointed by the Attorney General at the expense of the police agency or responsible local government. This requirement shall be in addition to any withholding of state funds by the Division of Budget.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part M – 90-Day Notice for Correctional Facility Closures

Purpose:

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

Summary of Provisions and Statement in Support:

The Department of Corrections and Community Supervision's (DOCCS) inmate population continues to decline and is currently at 34,996 inmates, down from a high over 72,000 in 1999. Since last year, the State inmate population has decreased by 9,338, or 21%.

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

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget as savings would be realized from correctional facility closures.

Effective Date:

This bill would take effect on April 1, 2021 and expire and be deemed repealed March 21, 2023.

Part N – Arrest Warrant Prohibitor

Purpose:

This bill would amend the penal law to include prohibiting individuals that are the subject of an outstanding arrest warrant from purchasing, possessing, or disposing of firearms.

Summary of Provisions and Statement in Support:

This bill would amend Section 265.17 of the penal law to prohibit the purchase or acquisition of a rifle, shotgun, or firearm by any person who is subject to an active arrest warrant for a felony or serious misdemeanor offense.

In 2017, the U.S. Department of Justice reinterpreted the meaning of the federal National Instant Background Check System (NICS) “fugitive from justice” gun purchase prohibitor to include only those individuals who have fled from one state to another for the purpose of evading prosecution for a crime while subject to an active or imminent arrest warrant versus those subject to any arrest warrant. This legislation will allow these types of arrest warrants to be entered into the (NICS) database as a state-specific prohibitor, whether the individual has fled New York State or not, ensuring that those individuals wanted in New York for a serious crime cannot acquire new guns.

Budget Implications:

This legislation would close the Federal loophole permitting Individuals with active warrants to purchase firearms. Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect July 1, 2021.

Part O – Sharing of Crime Gun Data

Purpose:

This bill amends Executive Law to mandate law enforcement agencies to report seized and recovered firearms to the criminal gun clearinghouse.

Summary of Provisions and Statement in Support:

This bill requires all law enforcement agencies in New York State to share information on firearms and ballistic evidence with federal databases. Seized and recovered guns that were abandoned, discarded, unlawfully possessed, recovered from a crime scene, or associated with the commission of a crime to be reported to the criminal gun clearinghouse within 24 hours. Every report made will result in the submission of a request to the National Tracing Center of the Bureau of Alcohol, Tobacco, Firearms and

Explosives (ATF), which will be directed to provide Gun Trace Data to the Division of State Police and the Law Enforcement agency that submitted the clearinghouse report. These actions will provide the State's law enforcement agencies with more robust data to supplement their investigations into firearm-involved crimes, and they will help law enforcement in other states apprehend gun traffickers before they bring illegal firearms to New York.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect July 1, 2021.

Part P – Extend the tuition benefit program for members of the New York Army and Air National Guard and the Naval Militia that would otherwise sunset

Purpose:

This bill would extend the Recruitment Incentive and Retention Program (RIRP) that would otherwise sunset in 2021.

Summary of Provisions and Statement in Support:

This bill extends Chapter 268 of the laws of 1996, as amended by Part E of Chapter 57 of the Laws of 2016, for five years. The RIRP program provides a direct payment of college tuition for an eligible service member matriculated and enrolled at least half-time (minimum of two courses per semester) at a two or four-year college or university in New York State, up to the amount of tuition charged by a college or university in the State University of New York system.

For the past several fiscal years, an average of \$2.8 million in tuition benefits have been provided annually to eligible applicants. Continuation of the program will aid in recruitment and retention efforts to achieve planned strength levels for the New York National Guard and Naval Militia. The State's readiness to respond to emergencies will be enhanced by achieving and maintaining appropriate National Guard and Militia strength levels.

Budget Implications:

Enactment of this bill is necessary to implement the 2021-22 Executive Budget as authorization to continue the tuition benefit program is needed to meet certain Financial Plan projections.

Effective Date:

This bill would take effect immediately upon enactment.

Part Q – Expansion of Absentee Ballot Request Period

Purpose:

This bill would expand the application period for an absentee ballot adding 15 additional days to the current application period.

Summary of Provisions and Statement in Support:

This bill amends the Election Law by changing the earliest date an applicant can apply for an absentee ballot from 30 days to 45 days prior to an election. This will give elections officials more time to process applications and mail out ballots while also ensuring absentee voters are given enough time to receive and return ballots.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part R – Establish a Deadline for Processing Absentee Ballot Requests

Purpose:

This bill would establish a uniform standard for processing absentee ballot applications.

Summary of Provisions and Statement in Support:

Current Election Law requires county boards of elections (CBOEs) to send absentee ballots to voters as soon as practicable. This bill requires CBOEs to mail absentee ballots to qualified voters within four days of receiving an absentee ballot application. Between ten days before the election and no later than seven days an absentee ballot must be mailed to a qualified voter within twenty-four hours. This will ensure voters receive a ballot with enough time to return it before election day.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part S – Early Voting Hours Expansion

Purpose:

This bill would expand poll site hours during early voting. Nearly one-fifth of all registered voters voted early during the 2020 general election. In an effort to further strengthen New York's electoral process, this bill provides additional opportunities for all eligible New Yorkers to cast a ballot.

Summary of Provisions and Statement in Support:

This bill would ensure that at least one early voting site per county remains open until nine o'clock in the evening at least three nights per week. In addition, this bill extends the minimum number of polling hours for all early voting sites on weekends. Specifically, it increases polling hours from five to ten per day every Saturday and Sunday during the early voting period.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget. This bill furthers the Governor's commitment to removing barriers in the elections process and ensures all voters have an opportunity to cast their ballot.

Effective Date:

This bill would take effect immediately.

Part T – Expedite Absentee Ballot Counting

Purpose:

This bill would implement a statewide standard requiring County Boards of Elections (CBOEs) to begin processing absentee ballots as they are received and start counting them on election day. Current law requires that boards of elections meet to process and count ballots within two weeks of a general election and within eight days of a primary election.

Summary of Provisions and Statement in Support:

This bill requires CBOEs to start processing absentee ballots as early as 40 days before an election and start counting absentee ballots four hours before the close of polls on election day.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect 90 days after enactment.

Part U – Timely Election Recounts

Purpose:

This bill establishes a statewide standard for the timely administration of recounts in close elections. Under current election law, counties do not have deadlines for the initiation and completion of recounts. This leads to elections results taking weeks and possibly months to decide, leaving candidates and voters questioning the validity of elections results.

Summary of Provisions and Statement in Support:

This bill requires a county board to use the results of the canvass three days following the deadline for the return of absentee ballots as the trigger point for determining whether there must be an automatic manual recount in a close election. For any manual recount the county will then have to complete the recount in five days.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part V – NYSIF Out-of-State Coverage

Purpose:

This bill would allow the New York State Insurance Fund (SIF) to cover policyholders' out-of-state operations provided policyholders' main operations are in State. This bill

provides greater coverage options for current SIF customers and expands service offerings for prospective customers.

Summary of Provisions and Statement in Support:

This proposal would modify WC Law to allow SIF to enter into coverage agreements with insurance providers licensed in other States. Under current law, SIF is not allowed to insure policyholders for business operations occurring across State lines, which can be a deterrent for NY businesses who wish to use SIF as their WC provider. This coverage is commonplace in the insurance industry and in other States.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget. In combination with SIF's Investment Authority Proposal, this proposal will reduce workers' compensation costs for approximately 100,000 SIF customers and NY small businesses will see a five percent reduction in policy premiums.

Effective Date:

This bill would take effect immediately.

Part W – NYSIF Enhanced Investment Authority

Purpose:

This bill would remove outdated restrictions on reserve and surplus investment authority for the New York State Insurance Fund (SIF).

Summary of Provisions and Statement in Support:

Investment returns are a critical component of pricing for workers' compensation insurers. The proposed changes in this bill would permit SIF to diversify its portfolio, increasing returns through safer investments which would lead to lower premiums for business owners.

SIF is one of New York State's largest providers of Workers' Compensation, Disability, and Paid Family Leave insurance, and is a guaranteed source of insurance for New York businesses. SIF competes with commercial carriers to keep insurance prices reasonable across the insurance marketplace. Higher investment returns will allow SIF to drive down WC premiums across the entire insurance industry.

This proposal would allow SIF to invest up to 30 percent of its reserves in BBB rated bonds.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget. In combination with SIF's Out-of-State Coverage Proposal, this proposal will reduce workers' compensation costs for approximately 100,000 SIF customers and NY small businesses will see a five percent reduction in policy premiums.

Effective Date:

This bill would take effect immediately upon enactment.

Part X – Reserve & Deposit Discounts

Purpose:

This bill permits the State Insurance Fund (SIF) to use modern mortality and remarriage tables to calculate deposits and reserves for the Aggregate Trust Fund (ATF). It also amends the reserve discount rate used to calculate reserve levels for SIF's Workers' Compensation Fund (WCF).

Summary of Provisions and Statement in Support:

Under current law, SIF uses a century-old mortality and remarriage table to calculate appropriate deposits into the ATF. This model has resulted in inadequate deposit levels. This bill allows SIF to use modern tables for both mortality and remarriage, pursuant to claims on or after January 1, 2022. The updated tables used would be from the Department of Health and Human Services and updated remarriage tables published by the United States Railroad Retirement Board. Every ten years, SIF will update each table consistent with publishing from these two entities.

Currently, SIF's WCF reserves are set at a discounted rate of five percent. This rate was set in 1989, when interest rates were much higher than current rates. This bill would remove the requirement that SIF reserves be discounted by five percent and would use the same reserve standard applied by private workers' compensation insurers under Insurance Law.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget. Adjusting deposit and reserve rates has the added benefit of allowing SIF to realize higher returns on its investments which will drive down premium and deposit costs for policyholders.

Effective Date:

This bill would take effect January 1, 2022.

Part Y – Temporary Permits for Bars and Restaurants

Purpose:

This bill authorizes the State Liquor Authority (SLA) to permit manufacturing businesses statewide, and new bars and restaurants in New York City meeting threshold operating criteria to begin operation while their license application is pending.

Summary of Provisions and Statement in Support:

This bill extends Alcoholic Beverage Control Law to allow continued issuing of temporary permits for applicants waiting on license approval and allow the issuing of temporary permits in NYC under certain restrictions. The Authority would retain its enforcement power, including the power to summarily suspend or cancel the permits for good cause.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget as it will aid in the economic recovery of New York State and help small businesses.

Effective Date:

This bill would take effect immediately.

Part Z – License Movie Theaters to Serve Alcohol

Purpose:

This bill establishes an alcohol license for motion picture theaters.

Summary of Provisions and Statement in Support:

This bill allows food, typically found in motion picture theatres, to be deemed in compliance with Alcoholic Beverage Control Law (ABC) law, including popcorn, candy, and light snacks. The bill also establishes restrictions on the serving of alcohol in movie theaters, including limiting the time served, number of beverages, and amount of ticket sales.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because it helps small businesses recover from the current economic downturn.

Effective Date:

This bill would take effect immediately

Part AA – Provide a variable market-based interest rate on court judgments and accrued claims paid by public and private entities

Purpose:

This bill would provide a variable market-based interest rate on court judgments and accrued claims paid by public and private entities, which will lower State taxpayer costs and provide mandate relief to local governments.

Summary of Provisions and Statement in Support:

The variable market-based interest rate would be the weekly average one-year constant maturity treasury yield, which is the same rate utilized by the Federal court system.

Currently, the interest rate is generally established at 9 percent per annum on judgments and accrued claims. This fixed rate was established at a time when interest rates were at 12 percent as a way to protect taxpayers from excessive judgment costs. However, with current interest rates much lower, shifting to a prevailing market rate will help ensure that neither side in a lawsuit will be disadvantaged by an interest rate that is above or below what otherwise could be earned while cases are being adjudicated.

Section 1 would amend section 5004 of the Civil Practice Laws and Rules to provide for the use of the weekly average one-year constant maturity treasury yield in calculating interest on all court judgments and accrued claims, except for any applicable provision of the State Tax Law.

Section 2 would amend section 16 of the State Finance Law to provide for the use of the weekly average one-year constant maturity treasury yield in calculating interest on all court judgments and accrued claims, except for any applicable provision of the State Tax Law.

Section 3 would provide an effective date of April 1, 2021.

Budget Implications:

This bill would reduce the amount of interest paid by the State on court judgments and accrued claims by roughly \$6 million annually. Additionally, passage of this bill would provide fiscal relief to local government groups (e.g., New York Conference of Mayors,

New York State Association of Counties, Association of Towns) and business alliances, who support this legislation.

Effective Date:

This bill would take effect April 1, 2021.

Part BB – New York Medical Supplies Act

Purpose:

This bill would amend the state finance law and other laws in relation to enacting the “New York Medical Supplies Act”.

Summary of Provisions and Statement in Support:

This bill would require that for the purchase of personal protective equipment (PPE) and medical supplies in all State contracts over \$50,000 the PPE and medical supplies be produced or made in the United States. However, this requirement can be waived by the head of the agency making the purchase under circumstances relating to cost, public interest, availability and timeliness. The Department of Economic Development, in consultation with the Office of General Services and the Division of the Budget, shall establish rules and regulations to carry out this provision.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because it addresses supply chain concerns highlighted by the COVID-19 pandemic.

Effective Date:

This bill would take effect April 1, 2021 and exclude contracts for which an invitation for bid, request for proposal, or similar solicitation had been issued prior to that date.

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

Purpose:

This bill would eliminate automatic State reimbursement of the Income Related Monthly Adjustment Amounts (IRMAA) to high income State retirees and their dependents in NYSHIP. Current State law provides automatic reimbursement of a 2007 Federal law

that was implemented to reduce Medicare expenses by requiring higher-income enrollees to pay more into Part B (Medical).

Summary of Provisions and Statement in Support:

It is unaffordable for the State to reimburse high-income retirees for the costs of a program designed to make Medicare coverage more affordable and sustainable, particularly since these higher-earners do not pay more for supplemental NYSHIP coverage than lower-income retirees.

This subsidy is worth \$713 annually for retirees with an Adjusted Gross Income (AGI) between \$88,000 and \$111,000, growing to a taxpayer subsidy of \$4,277 annually for retirees with AGI above \$500,000. Automatic reimbursement of this additional premium costs the GSC Budget \$16.1 million for roughly 8,300 individuals.

Providing reimbursement for IRMAA is a costly fringe benefit that is rarely offered. We are aware of only two states that provide reimbursement for IRMAA (Connecticut and Hawaii; although Hawaii does not reimburse the full amount). The Federal government does not provide IRMAA reimbursement to its retirees, and we know of no private sector employers that provide this benefit. In addition, approximately 20% of IRMAA reimbursement recipients are no longer residents of New York State.

Over the past three fiscal years, NYSHIP costs have increased approximately 8.4 percent, from \$3.66 billion in FY 2018 to \$3.97 billion in FY 2020 (retirees and dependent survivors comprise about half of this cost). This is well beyond the benchmark growth rate of two percent per year, and thus challenges the State's ability to remain economically competitive. Reasonable actions such as this seek to mitigate this spending growth.

Budget Implications:

This bill would save State taxpayers \$4.0 million in FY 2022 and \$17.1 million in FY 2023. Out-year savings are valued at roughly \$20.9 million in FY 2024 and \$25.2 million in FY 2025.

Effective Date:

This bill would take effect on January 1, 2021 for premiums incurred on or after January 1, 2021. Reimbursements will not be affected until January 1, 2022.

Part DD – Implement a sliding scale reimbursement of health care costs for future New York State civilian hires at retirement within the New York State Health Insurance Program (NYSHIP)

Purpose:

Lifetime taxpayer support for health insurance coverage of a State retiree with 10 years of service is currently the same as that for a retiree with 30 years of service. Under this proposal, taxpayer support for health insurance coverage would be gradually increased based on years of service of the retiree, comparable to the calculation for pension benefits. This proposal would be effective for new civilian, non-disability retirees who begin employment on or after October 1, 2021.

Summary of Provisions and Statement in Support:

Currently, the taxpayer subsidy for retiree health insurance coverage is the same regardless of whether the retiree has 10 years of State service or 30 or more years of service. This is inconsistent with most employee benefit programs (e.g., pensions) that provide greater benefits and taxpayer funding to compensate for a longer career. This lifetime retiree health care support is currently projected at \$500,000 per retiree. Under this bill, taxpayer support for new civilian, non-disability State employees who begin their employment on or after October 1, 2021 and subsequently retire with less than 30 years of service would receive benefits calculated on a graduated scale based on years of service.

This bill would add a new subdivision 10 to section 167 of the Civil Service Law with seven (7) new paragraphs, as follows:

- Paragraph (a) provides that for the State's share of Individual Coverage for State retirees from a position at or equated to grade 10 or higher:
 - The State shall pay 50 percent of the cost of Individual Coverage for such new retirees with at least 10 years of service. For such employees who have retired with at least 10 years of service but less than 20 years of service, the State's share shall increase by two percent of the cost of Individual Coverage for each year of service in excess of 10 years, up to 68 percent for someone with 19 years of service.
 - The State shall pay 74 percent of the cost of Individual Coverage for new retirees with 20 years of service. The State's share shall increase by one percent of the cost of Individual Coverage for each year of service in excess of 20 years, to a maximum of 84 percent for someone with 30 or more years of service.
- Paragraph (b) provides that for the State's share of Individual Coverage for State employees who retire from a position at or equated to grade 9 or lower:
 - The State shall pay 54 percent of the cost of Individual Coverage for new retirees with at least 10 years of service. For new retirees with at least 10 years of service but less than 20 years of service, the State's share shall

increase by two percent of the cost of Individual Coverage for each year of service in excess of 10 years to 72 percent for a new retiree with 19 years of service.

- The State shall pay 78 percent of the cost of Individual Coverage for new retirees with at least 20 years of service. The State's share shall increase by one percent of the cost of Individual Coverage for each year of service in excess of 20 years, to a maximum of 88 percent for someone with 30 or more years of service.
- Paragraph (c) provides that for the State's share of Dependent Coverage for new retirees from a position at or equated to grade 10 or higher:
 - The State shall pay 35 percent of the cost of Dependent Coverage for new retirees with at least 10 years of service. For new retirees with at least 10 years of service but less than 20 years of service, the State's share shall increase by two percent of the cost of Dependent Coverage for each year of service in excess of 10 years, to 53 percent for someone with 19 years of service.
 - The State shall pay 59 percent of the cost of Dependent Coverage for new retirees with at least 20 years of service. The State's share shall increase by one percent of the cost of Dependent Coverage for each year of service in excess of 20 years, to a maximum of 69 percent for someone with 30 or more years of service.
- Paragraph (d) provides that for the State's share of Dependent Coverage for new retirees from a position at or equated to grade 9 or lower:
 - The State shall pay 39 percent of the cost of Dependent Coverage for such new retirees with at least 10 years of service. For such new retirees with at least 10 years of service but less than 20 years of service, the State's share shall increase by two percent of the cost of Dependent Coverage for each year of service in excess of 10 years, to 57 percent for someone with 19 years of service.
 - The State shall pay 63 percent of the cost of Dependent Coverage for new retirees with at least 20 years of service. The State's share shall increase by one percent of the cost of Dependent Coverage for each year of service in excess of 20 years, to a maximum of 73 percent for someone with 30 or more years of service.

- Paragraph (e) provides that each increment of one or two percent of the cost of premium or subscription charges for each year of service shall be applicable for whole years of service to the State and shall not be applied on a pro-rata basis for partial years of service.
- Paragraph (f) provides that this bill shall not be applicable to:
 - Members of the New York State and Local Police and Fire Retirement System;
 - Uniformed personnel members in institutions under the jurisdiction of the Department of Corrections and Community Supervision or who are security hospital treatment assistants, as defined in section 89 of the Retirement and Social Security Law; and
 - Any new State retiree with an ordinary, accidental, or performance of duty disability retirement benefit.
- Paragraph (g) provides that for the purpose of determining the premium or subscription charges, the State shall consider all years of service that a retired State employee has accrued in a public retirement system or an optional retirement program.

Budget Implications:

This change will be fully implemented in approximately 30 years once the current retiree group is largely replaced with post October 1, 2021 hires and will result in an overall reduction of about 4% in OPEB liability in the future.

Effective Date:

This bill would take effect for new retirees hired on or after October 1, 2021.

Part EE – Cap State reimbursement of the Standard Medicare Part B (Medical) premium paid to eligible retirees and their dependents in the New York State Health Insurance Program (NYSHIP) at the 2021 level of \$148.50 per month

Purpose:

This bill would cap State reimbursement of the Medicare Part B standard premium for eligible State NYSHIP retirees and their dependents at the 2021 level of \$148.50 per month. Subsequent increases in reimbursement would be considered as part of the annual budget process.

Summary of Provisions and Statement in Support:

This bill would amend section 167-a of the Civil Service Law to provide that, effective April 1, 2021, State reimbursement to eligible retirees and their dependents for the Medicare Part B standard premium shall not exceed the federally established 2021 level of \$148.50 per month. Capping reimbursement at the 2021 level would ensure that automatic escalators (that drive increasing taxpayer costs) be considered as part of the annual budget process.

Providing reimbursement for the entire standard Medicare Part B premium is a costly fringe benefit that is rarely offered elsewhere. We are aware of only five other states that reimburse the standard premium (California, Connecticut, Hawaii, Nevada and New Jersey). The Federal government does not provide reimbursement to its retirees, and we do not know of any private sector employers that provide this benefit to its retirees.

Over the past three fiscal years, NYSHIP costs have increased approximately 8.4 percent, from \$3.66 billion in FY 2018 to \$3.97 billion in FY 2020 (retirees and dependent survivors comprise about half of this cost). This is well beyond the benchmark growth rate of two percent per year, and thus challenges the State's ability to remain economically competitive. Reasonable actions such as this seek to mitigate this spending growth.

Budget Implications:

This bill would provide State taxpayer savings of \$1.8 million in FY 2022 and \$9.3 million in FY 2023. If the reimbursement level is not increased in the out-years, savings is projected at \$17.5 million in FY 2024 and \$30.5 million in FY 2025.

Effective Date:

This bill would take effect immediately and shall apply to the standard Medicare premium amount on and after April 1, 2021.

Part FF – Comprehensive Technology Service Contracts

Purpose:

This bill would authorize the director of the Office of Information Technology Services (ITS) to issue design build technology service contracts.

Summary of Provisions and Statement in Support:

This bill would authorize ITS to issue and award comprehensive technology service contracts, allowing the same firm to both design and implement the designed IT systems.

The current statute prevents ITS from employing comprehensive technology service contracts, which has historically led to project delays and multiple iterations of procurements being developed to implement a single system. The prohibition against utilizing comprehensive technology service contracts deters many firms from bidding on the design portion of a project and could result in the State not obtaining the most qualified vendor.

Budget Implications:

This bill would enact changes to ITS' procurement practice, which would result in savings to the State because of the ability to complete only one procurement as opposed to multiple.

Effective Date:

This bill would take effect immediately.

Part GG – Standard Clauses and Authorized Signatories Act

Purpose:

This act would limit unfavorable terms in State contracts, disallow unauthorized obligations, and ensure transparency concerning who may bind State agencies to contracts.

Summary of Provisions and Statement in Support:

This bill requires that each State department post the listings of their authorized signatories on file with the Office of State Comptroller to the specific State department website. This will alert vendors and other third parties as to whom the department has authorized to sign contracts on its behalf, and prevent unauthorized employees from entering into binding agreements.

The bill also limits unfavorable terms in State contracts, including indemnification and limitation of liability provisions and binding arbitration clauses. Additionally, vendors would be prohibited from unilaterally changing terms and conditions without the State's consent, thereby increasing transparency into terms and conditions changes.

Budget Implications:

This bill requires signatory information to be posted online and addresses unfavorable terms in State contracts but does not result in a cost to the State.

Effective Date:

This bill would take effect immediately.

Part HH – Data sharing amendment to the Personal Privacy Protection Law (PPPL)

Purpose:

This bill would realign the presumption contained in the New York Personal Privacy Protection Law (PPPL) to permit agencies to share voluntarily provided citizen data, as long as such sharing is consistent with State and Federal law and pre-existing privacy practices.

Summary of Provisions and Statement in Support:

New York State agencies possess various data sets that could be shared to provide single account access to multiple applications. Amending the PPPL to facilitate data sharing between state entities will prevent duplication of effort, streamline processes and provide citizens with seamless navigation between online programs, resulting in a better customer experience.

Budget Implications:

This bill would facilitate data sharing across state agencies but would not result in an increased cost to the State.

Effective Date:

This bill would take effect immediately.

Part II – New York Data Accountability and Transparency Act

Purpose:

This bill will provide New Yorkers with transparency and control over their personal data and provide new privacy protections.

Summary of Provisions and Statement in Support:

This bill would mandate that companies that collect information on large numbers of New Yorkers disclose the purposes of any data collection and collect only data needed for those purposes. Additionally, this bill protects sensitive categories of information including health, biometric and location data, and creates strong enforcement mechanisms to hold covered entities accountable for the illegal use of consumer data.

This bill also creates a Consumer Data Privacy Bill of Rights, and provides outreach and education about these rights. A Consumer Data Privacy Advisory Board will also be established to provide guidance and recommendations on matters related to consumer data privacy.

The Secretary of State would be given the power to enforce provisions, investigate potential violations, and assess civil penalties for violations.

Budget Implications:

Enactment of this bill would facilitate implementation of the FY 2022 Executive Budget.

Effective Date:

This bill would take effect two years after it becomes law.

Part JJ – Disclosures for Voice Recognition Features in Connected Devices

Purpose:

This bill would provide protections for New Yorkers that use connected devices with voice recognition features and ensure that consumers are able to make informed choices about purchasing and using such devices.

Summary of Provisions and Statement in Support:

This bill would require devices capable of recording to include a clear and conspicuous disclosure of their capabilities and settings pertaining to the retention and transmission of recordings.

The Secretary of State would be given the power to enforce provisions, investigate potential violations, and assess civil penalties for violations.

Budget Implications:

Enactment of this bill would facilitate implementation of the FY 2022 Executive Budget.

Effective Date:

This bill would take effect one year after it has become law.

Part KK – Eliminate VLT Aid to Municipalities Outside of Yonkers and Reduce VLT Aid to Yonkers by Five Percent

Purpose:

This bill would eliminate Video Lottery Terminal Aid (VLT Aid) for all municipalities outside of the City of Yonkers and would reduce Yonkers' aid by five percent.

Summary of Provisions and Statement in Support:

This bill would amend the State Finance Law to eliminate VLT Aid to all municipalities outside of the City of Yonkers and reduce Yonkers' aid by five percent.

In FY 2021, the State designated approximately \$28.9 million of aid to municipalities that host VLT facilities across the State, prior to any withholdings. Of this amount, \$19.6 million is distributed to the City of Yonkers. The other \$9.3 million is split among 15 different municipalities.

Rather than eliminate, this bill would preserve ninety-five percent of the City of Yonkers' VLT aid because, unlike other recipients of this aid, the City is required to use the funding to support its school district.

This category of State aid was created to support assumed local service needs associated with hosting VLT facilities, but the revenue benefits of hosting a facility outweigh any associated costs. Further, not all municipalities that currently host VLT facilities receive aid through this program and the State does not provide additional "impact-type" aid for other types of facilities which may have similar local public service impacts as VLT facilities.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because it achieves \$10.3 million in recurring savings.

Effective Date:

This bill would take effect immediately.

Part LL – Reduce AIM to Cities, Replace AIM for Remaining Towns and Villages with AIM-Related Payments, and Reduce all AIM-Related Payments by 20 Percent

Purpose:

This bill reduces Aid and Incentives for Municipalities (AIM) to all 61 cities outside New York City according to budget reliance, ranging from 2.5 percent to 20 percent, with more-reliant cities receiving a lower percentage reduction, and less-reliant cities receiving a higher percentage reduction, broken out by quartiles of reliance.

For the 86 towns and 51 villages that currently receive \$8.5 million in AIM, this bill replaces AIM payments with AIM-related sales tax payments. Finally, this bill would reduce AIM-related sales tax payments to all towns and villages by 20 percent beginning in December 2021.

Summary of Provisions and Statement in Support:

The reduction to AIM for cities averages close to 5 percent for the entire class, but each city's own reduction is tailored to reflect their General Fund budget's reliance on AIM funding. The quartiles and percentage reductions are as follows:

- Quartile 1 – 20.0% Reduction (Least Reliant)
- Quartile 2 – 15.0% Reduction
- Quartile 3 – 10.0% Reduction
- Quartile 4 – 2.5% Reduction (Most Reliant)

Cities that that have failed to file the necessary information with the Office of the State Comptroller (OSC) would receive a 20 percent AIM reduction.

Replacing the \$8.5 million in AIM to the remaining towns and villages with AIM-Related Payments and reducing all AIM-Related Payments by 20 percent would ensure more equal treatment among towns and villages. Moreover, reducing AIM-Related Payments by 20 percent would alleviate designated spending of \$13.5 million in local sales taxes – more than offsetting the shift of \$8.5 million.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because it provides a total of \$43.1 million in savings, including \$34.6 in savings by reducing AIM to cities and \$8.5 million in savings by replacing AIM to the remaining towns and villages with AIM-Related Payments.

Effective Date:

This bill would take effect immediately, however reductions of AIM-related revenue would not take effect until the December 2021 disbursement.

Part MM – Expand Investment Options for Counties

Purpose:

This bill would expand the types of investment options available for counties to provide similar options as those available to New York City under current law.

Summary of Provisions and Statement in Support:

Under current law, all local governments are authorized to hold certain investments, subject to various restrictions and approvals, including:

- Special time deposit accounts
- Certificate of deposits
- Obligations of the USA or obligations guaranteed by agencies of the USA
- Obligations of New York State

Currently, however, New York City is temporarily authorized to invest in additional types of products, including:

- General obligation bonds and notes of any state other than New York, provided that such bonds receive the highest rating of at least one independent rating agency
- Obligations of any corporation organized under the laws of any state, provided that such obligations received the highest rating of two independent rating services and that no more than \$250 million is invested in any one corporation
- Bankers' acceptances maturing within 270 days which are eligible for purchase in the open market by federal reserve banks
- Obligations of, or instruments issued by, any agency or instrument of the USA, including federal home loans banks, the Tennessee Valley Authority, the Federal National Mortgage Association, Federal Home Loan Mortgage Association, and the United States Postal Service, provided that no more than \$250 million is invested in any one agency
- No load money market mutual funds, provided that such funds are limited to investments in obligations of agencies or instrumentalities of the USA, where payment is guaranteed by the USA

This bill would extend the authorization currently provided to New York City to counties as well, with the same expiration date as the authorization for New York City, July 1, 2023.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because it will enable counties to utilize additional investment options to manage their resources.

Effective Date:

This bill would take effect immediately and would be deemed repealed July 1, 2023.

Part NN – Make the County-Wide Shared Services Initiative Permanent and Enhance Flexibility Within

Purpose:

This bill would enhance flexibility within the County-Wide Shared Services Initiative (CWSSI) program by expanding opportunities for local government shared services plans, actions, and State matching funds, and would permanently extend the ability for the county-led panels to meet and formulate savings action plans after 2021.

Summary of Provisions and Statement in Support:

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

Currently, a project included in a previous Plan may not be included in a future Plan and is not eligible for State matching funds. This bill would encourage realization of shared services initiatives by allowing projects included in previous Plans that have not yet been implemented to be eligible for State matching funds.

Additionally, under current law, net savings for each project are only eligible for State matching funds for net savings achieved between January 1st and December 31st of the ensuing year. This bill would allow local governments to decide whether to implement projects, beginning either January 1st or July 1st of the ensuing year in order to be eligible for State matching funds. This bill would, however, maintain the requirement that all projects in a Plan be implemented during the same 12-month period.

This bill would also make the CWSSI permanent, by removing the current expiration date of December 31, 2021.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because the Budget re-appropriates over \$200 million for the County-Wide Shared Services Initiative, and these changes will encourage greater participation and more taxpayer savings.

Effective Date:

This bill would take effect immediately.

Part OO – Extend Authorization for Local Government Piggyback Contracts

Purpose:

This bill would extend local governments’ authority to “piggyback” on competitively bid contracts from the federal government and/or any state or local government for apparatus, materials, equipment, or supplies, and any services related to their installation, maintenance, and repair for an additional two years, to July 31, 2023.

The authorization is a critical tool used by local governments to bid efficiently and save taxpayer dollars.

Summary of Provisions and Statement in Support:

This bill would extend local governments’ authority to “piggyback” on competitively bid contracts from the federal government and/or any state or local government for apparatus, materials, equipment, or supplies, and any services related to their installation, maintenance, and repair for an additional two years, to July 31, 2023.

The authorization is provided in subdivision 16 of section 103 of the General Municipal Law and was extended to July 31, 2021 via Chapter 211 of the Laws of 2018.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because continuing to allow local governments to utilize other government agencies’ contracts creates efficiencies and reduces the costs of purchasing goods and services.

Effective Date:

This bill would take effect immediately and the authorization would expire July 31, 2023.

Part PP – Authorize Shared Jails for Contiguous Counties

Purpose:

This bill would relieve contiguous counties of the requirement to maintain and operate their own jail, if they have an approved sharing agreement for the housing of the inmate population.

Summary of Provisions and Statement in Support:

Section 217 of the County Law requires each county to maintain a jail. This bill would allow contiguous counties to pursue shared services and realize significant savings and avoided costs made possible by declining jail populations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2022 Executive Budget because it provides contiguous counties with the ability and flexibility to share jails and realize additional savings.

Effective Date:

This bill would take effect immediately.

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

Purpose:

This bill would provide the statutory authorization necessary for the administration of funds and accounts included in the fiscal year 2021-22 Executive Budget and propose certain modifications to improve the State's General Fund position in the upcoming fiscal year. Specifically, it would: (1) authorize temporary loans and the deposits of certain revenues to specific funds and accounts, (2) authorize the transfers and deposits of funds to and across various accounts, (3) extend various provisions of Chapter 59 of the Laws of 2019 in relation to capital projects and certain certifications, and (3) modify various debt and bond provisions necessary to implement the budget.

Summary of Provisions and Statement in Support:

This bill is necessary to execute a balanced Financial Plan in accordance with the 2022 Executive Budget. Similar legislation is enacted annually to authorize the transfer of funds budgeted in the financial plan (that do not have permanent statutory authorization) and to provide for other transactions necessary to effectuate the provisions of the budget. The bill includes the following provisions:

- Section 1 of this bill would authorize the Comptroller to make temporary loans to specific State funds and accounts during fiscal year 2022.
- Section 1-a of this bill would authorize the Comptroller to make temporary loans to accounts within specific Federal funds during fiscal year 2022.

- Sections 2 and 3 of this bill would authorize the Comptroller to make transfers between designated funds and accounts.
- Section 4 of this bill would authorize the Comptroller to deposit funds into the Banking Services Account.
- Section 5 of this bill would authorize the Dormitory Authority of the State of New York (DASNY), at the direction of the Director of the Division of Budget (DoB) and upon request by the State University of New York (SUNY), to transfer up to \$22 million to SUNY for bondable equipment costs, which in turn would be re-paid to the General Fund.
- Section 6 of this bill would authorize the Comptroller, at the request of the Director of DoB and upon consultation with the SUNY Chancellor, to transfer up to \$16 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Buffalo.
- Section 7 of this bill would authorize the Comptroller, at the request of the Director of DoB and upon consultation with the SUNY Chancellor, to transfer up to \$6.5 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Albany.
- Section 8 of this bill would authorize the SUNY Chancellor to transfer the estimated tuition revenue balances from the State University Collection Fund to the State University Fund, State University General Revenue Offset Account.
- Section 9 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$978.9 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account.
- Section 10 of this bill would authorize the Comptroller to transfer up to \$20 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account during the period of July 1, 2021 through June 30, 2022.
- Section 11 of this bill would authorize the Comptroller to transfer up to \$55 million from the State University Income Fund, State University Hospitals Income Reimbursable and Long Island Veterans' Home accounts, to the State University Capital Projects Fund.
- Section 12 of this bill would authorize the Comptroller, after consultation with the SUNY Chancellor, to transfer monies in the first instance from the State University Collection fund to the State University Income Fund, State University Hospitals Income Reimbursable Account, in the event that insufficient funds are available to permit the full transfer of moneys authorized for transfer from the State University

Income Fund, Income Reimbursable Account to the General Fund for SUNY Hospitals' debt service.

- Section 13 of this bill would authorize the Comptroller, at the direction of the Director of DoB and the SUNY Chancellor, to transfer up to \$80 million between the State University Dormitory Income Fund and the State University Residence Hall Rehabilitation Fund.
- Section 14 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$1 billion from the unencumbered balance of any Special Revenue Fund or Account, Agency Fund or Account, Internal Services Fund or Account, or Enterprise Fund or Account, or any combination thereof (excluding Federal funds, or any fund in which the eligibility for Federal benefits would be impacted), to the General Fund.
- Section 15 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$100 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the Technology Financing Account, the Miscellaneous Capital Projects Fund, the Federal Capital Projects Account, the Information Technology Capital Financing Account, or the centralized technology services account for the consolidation of costs related to technology services.
- Section 16 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$400 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the General Fund as reimbursement for costs related to technology services.
- Section 17 of this bill would authorize the transfer of up to \$20 million from the New York State Power Authority to the State Treasury to credit of the General Fund, after April 1, 2021.
- Section 18 of this bill would authorize the transfer of up to \$23.9 million from the New York State Energy Research and Development Authority to the credit of the General Fund, on or before March 31, 2022.
- Section 19 of this bill would authorize the transfer of up to \$5 million from the New York State Energy Research and Development Authority to the credit of the Environmental Protection Fund, on or before March 31, 2022.
- Section 20 of this bill would amend State Finance Law (SFL) §97-rrr to allow the State Comptroller to deposit up to \$586.5 million into the School Tax Relief Fund.
- Section 21 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer designated special revenue fund balances to the

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

- Section 22 would amend SFL § 4(5) to require that all temporary loans be repaid in full by no later than the end of the fiscal year in which the loan was made.
- Section 23 amends subdivision 3 of SFL §93-b to make permanent the authorization to transfer monies between the dedicated infrastructure investment fund and the general fund.
- Section 24 would continue the authorization to use any balance remaining in the debt service appropriation for Mental Hygiene facilities to make rebates necessary to protect the tax-exempt status of the bonds.
- Section 25 of this bill would increase the bond cap for financing correctional facilities from \$8.817 billion to \$9.140 billion.
- Section 26 of this bill would increase the bond cap for financing state police capital projects from \$323.1 million to \$374.6 million.
- Section 27 of this bill would increase the bond cap for financing environmental infrastructure projects from \$6.374 billion to \$7.130 billion.
- Section 28 of this bill would increase the bond cap for financing homeland security and training facilities from \$314 million to \$348 million, and increase the bond cap for financing improvements to State office buildings and other facilities from \$1.116 billion to \$1.279 billion.
- Section 29 of this bill would increase the bond cap for financing SUNY educational facilities from \$14.742 billion to \$15.456 billion.
- Section 30 of this bill would increase the bond cap for City University of New York senior and community colleges from \$9.223 billion to \$9.549 billion.
- Section 31 of this bill would increase the bond cap for financing SUNY community colleges from \$1.052 billion to \$1.066 billion.
- Section 32 of this bill would increase the bond cap for financing youth facilities from \$840.3 million to \$876.0 million.
- Section 33 of this bill would increase the bond cap for financing mental health services facilities improvement from \$9.927 billion to \$10.477 billion.
- Section 34 of this bill would increase the bond cap for financing public protection facilities in the Division of Military and Naval Affairs from \$157 million to \$172 million.

- Section 35 of this bill would increase the bond cap for financing the acquisition of equipment from \$193 million to \$293 million.
- Section 36 of this bill would increase the bond cap for financing local highway projects from \$11.350 billion to \$11.837 billion.
- Section 37 of this bill would increase the bond cap for financing library facilities from \$265 million to \$279 million.
- Section 38 of this bill would increase the bond cap for financing economic development projects from \$10.335 billion to \$11.254 billion.
- Section 39 of this bill would increase the bond cap for financing transportation initiatives from \$6.942 billion to \$8.840 billion.
- Section 40 of this bill would increase the bond cap for financing housing programs from \$6.532 billion to \$7.087 billion.
- Section 41 of this bill would increase the bond cap for financing private special education from \$155 million to \$196 million.
- Section 42 of this bill would increase the bond cap for financing the Office of Information Technology Services from \$830 million to \$949 million.
- Sections 43 of this bill would increase the bond cap for financing dedicated highway bridge and trust projects from \$16.5 billion to \$18.15 billion.
- Section 44 of this bill would increase the bond cap for financing MTA projects from \$2.180 billion to \$12.516 billion.
- Section 45 of this bill creates a new bond cap for financing the Empire Station Complex at \$1.3 billion.
- Section 46 would amend § 54 of Chapter 174 of the laws of 1968 to extend the period to issue notes to temporarily finance the budgetary needs of the state in response to the COVID-19 pandemic.
- Section 47 would amend §55 of Chapter 174 of the laws of 1968 to extend the authority of the dormitory authority of the state of New York and the urban development corporation to establish one or more lines of credit facilities through March 31, 2024.
- Section 48 would amend §56 of Chapter 174 of the laws of 1968 to continue to authorize the state of New York and the urban development corporation to issue state-supported debt to assist in the financing needs of the state.

- Section 49 would amend Section 3238-a of the public authorities law to authorize the issuance bonds or notes for the purpose of refunding bonds or notes issued by any non-for-profit corporation secured by resources of the local government assistance corporation.
- Section 50 would amend SFL § 89-b(5a) to allow moneys in the dedicated highway and bridge trust fund to be transferred to the general fund for personal income tax and sales tax bond payments on bonds that were issued for dedicated highway and local highway projects.
- Section 51 removes SFL § 89-b(5c) to eliminate the transfer from the dedicated highway and bridge trust fund to the revenue bond tax fund.
- Section 52 would amend SFL 97-F(5) to allow moneys in the mental health services fund to be transferred to the mental hygiene general fund state operation account for personal income tax and sales tax bond payments that were issued for mental health services facilities project.
- Section 53 would amend SFL 97-F(8) to allow moneys in the mental health services fund to be transferred to the mental hygiene general fund state operation account for personal income tax and sales tax bond payments that were issued for mental health services facilities project.
- Section 54 would amend SFL 97-F(10) to remove the reference to section 8 to eliminate the set-aside for personal income tax and sales tax bond payments.
- Section 55 removes SFL 92-DD(j) to eliminate the transfer from the HCRA to the revenue bond tax fund.
- Sections 56 and 57 amend section 2872 and 2874 to allow for the refunding of outstanding secured hospital debt into the PIT or Sales Tax program.

All of the sections of this bill would become permanent upon enactment except for sections one through eight, sections twelve through nineteen, twenty-one and twenty-two, which are subject to expiration on March 31, 2022, and section 47, which should be deemed in full force on April 1, 2020.

Budget Implications:

Enactment of this bill is necessary to implement the 2021-22 Executive Budget, including the transfer of funds budgeted in the financial plan and the provision of temporary loans from the State Treasury for cash flow purposes. This bill is also necessary to reimburse projected Capital Projects Fund spending with the proceeds of bonds sold by public authorities, to ensure the continued borrowing necessary for certain State-supported debt

issuances to implement the budget, and to permit the State to carry out basic administrative functions.

Effective Date:

This bill takes effect April 1, 2021.

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