

FY 2023 NEW YORK STATE EXECUTIVE BUDGET

PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

MEMORANDUM IN SUPPORT

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CONTENTS

PART	DESCRIPTION	STARTING PAGE NUMBER
A	Make Permanent Criminal Justice Discovery Compensation	6
B	Gender-Affirming Treatment of Incarcerated Individuals	6
C	Expand Educational Release and Furlough Eligibility	7
D	Eliminate DOCCS Parole Supervision Fees	8
E	Facilitate Access to ID Cards and Other Vital Records to Enhance Opportunities for Released Individuals	9
F	Establishes Employment for Parole Board Members is full-time	9
G	Suspend Subsidy to Revolving Loan Fund from Cell Surcharge Revenue	10
H	Establish the Gender-Based Violence Training Institute	10
I	Expand Benefits for Victims of Hate Crimes and Other Acts of Violence by Increasing the Cap for the Replacement of Essential Personal Property	11
J	Emergency Contracts Extender	12
K	Adds Email as a Permissible Notification from SLA to Municipalities	12
L	Streamline Application Requirements	13
M	Temporary Retail Permits Extender	13
N	10 Day Voter Registration Deadline	14
O	Require Polling Sites on College Campuses	15
P	Allow for the Sale of To-Go Drinks	15

PART	DESCRIPTION	STARTING PAGE NUMBER
Q	Ethics Requirements for Local Officials	16
R	Permit the Use of Continuous Recruitment Testing	16
S	Open-Competitive/Promotional Exams	17
T	Allow the transfer of non-competitive employees appointed through the state's 55-B and 55-C programs into the competitive class	18
U	Expansion of the Statutory Shift Pay Differential	18
V	Market-Based Interest Rate on Court Judgments	19
W	Streamline County-Wide Shared Services Initiative	20
X	Resume General Fund AIM for Towns and Villages	21
Y	Authorization for transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps	22
Z	Independent Ethics Reform Act of 2022	28
AA	Clean Slate Act	30
BB	Private Sector Employment for Incarcerated Persons	30

MEMORANDUM IN SUPPORT

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

AN ACT to amend part E of chapter 55 of the laws of 2020, amending the state finance law relating to establishing the criminal justice discovery compensation fund; amending the criminal procedure law relating to monies recovered by county district attorneys before the filing of an accusatory instrument; and providing for the repeal of certain provisions upon expiration thereof, in relation to making certain provisions of the state finance law permanent (Part A); to amend the correction law, in relation to the placement of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex within state and local correctional facilities (Part B); to amend the correction law in relation to limited credit time and eligibility for furloughs and educational leave (Part C); to repeal subdivision 9 of section 201 of the correction law relating to the parole supervision fee (Part D); to amend the correction law and public health law, in relation to authorizing the department of corrections and community supervision access to certain records (Part E); to amend the executive law, in relation to requiring members of the state parole board to devote their entire time to the duties of their office (Part F); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part G); to amend the civil practice law and rules and the

executive law, in relation to establishing a mandatory training certification for all domestic and gender-based victim advocates and creating the New York state gender-based violence training institute within the office for the prevention of domestic violence (Part H); to amend the executive law, in relation to awarding reimbursement for certain items of essential personal property (Part I); to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof (Part J); to amend the alcoholic beverage control law, in relation to allowing a municipality to elect to receive notice by email (Part K); to amend the alcoholic beverage control law, in relation to requiring certain information to be requested in applications for licenses; and to repeal certain provisions of such law relating thereto (Part L); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part M); to amend the election law, in relation to voter registration (Part N); to amend the election law, in relation to the boundaries of election districts and the designation of polling places (Part O); to amend the alcoholic beverage control law, in relation to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption (Part P); to amend the general municipal law, in relation to prohibiting nepotism and certain gifts and conflicts of interest (Part Q); to amend the civil service law, in relation to establishing continuing eligible lists (Part R); to amend the civil service law, in relation to promotional

examination eligibility (Part S); to amend the civil service law, in relation to the transfer of civil service sections 55-b and 55-c employees (Part T); to amend the civil service law, in relation to eligibility for shift pay differentials (Part U); 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 V); to amend the general municipal law, in relation to streamlining the county-wide shared services initiative (Part W); to amend the state finance law, the tax law, and the public authorities law, in relation to providing aid and incentives for municipalities to towns and villages; and providing for the repeal of certain provisions of the tax law relating thereto (Part X); to provide for the administration of certain funds and accounts related to the 2022-2023 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 chapter 81 of the laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds & 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 private housing finance law, in relation to housing program bonds and notes; to amend part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the New York state urban development corporation act, in relation to the nonprofit infrastructure capital investment program; to amend the New York state urban development corporation act, in relation to personal income tax notes for 2022, 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 for 2022, 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 state finance law, in relation to the issuance of revenue bonds; to repeal subdivisions 4 and 5 of section 16 of part T of chapter 57 of the laws of 2007, relating to providing for the administration of certain funds and accounts related to the 2007-2008 budget; and providing for the repeal of certain provisions upon expiration thereof (Part Y); to establish the

"independent ethics commission reform act of 2022"; to amend the executive law, in relation to creating the independent commission on ethics and lobbying in government, and to repeal certain provisions of such law relating thereto; and to amend the legislative law, the public officers law, and the executive law, in relation to making technical corrections thereto (Part Z); to amend the criminal procedure law and the correction law, in relation to automatic sealing of certain convictions (Part AA); and to amend the correction law, in relation to employment by a private sector entity or as part of a prison industries certification program authorized by the United States (Part BB)

PURPOSE:

This bill contains provisions needed to implement the Public Protection and General Government portion of the FY 2023 Executive Budget.

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

Part A – Make Permanent Criminal Justice Discovery Compensation

Purpose:

The bill would permanently allow the Criminal Justice Discovery Compensation Fund to continue supporting expenses related to digital evidence transmission technology. It would also make permanent additional reporting requirements related to pre-criminal proceeding settlement receipts and disbursements.

Summary of Provisions and Statement in Support:

The FY 2020 Budget included criminal justice reform legislation, including discovery reform, which requires prosecutors and defendants to share information in their possession well in advance of trial. One of the most cost-effective solutions to share information between law enforcement, district attorney's offices, and defense attorneys is through the use of digital evidence transmission technology.

This bill would permanently require the Office of the Manhattan District Attorney to annually transfer forty million dollars of revenue from deferred prosecution agreements to the Criminal Justice Discovery Compensation Fund to support local assistance services and expenses related to digital evidence transmission technology.

This bill would also permanently require District Attorneys in a county located in a city of one million or more to provide additional reporting information related to pre-criminal proceeding settlement funds.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part B – Gender-Affirming Treatment of Incarcerated Individuals

Purpose:

This bill would allow incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex to be placed in appropriate state and local correctional facilities in a manner aligned with their gender identities.

Summary of Provisions and Statement in Support:

The bill would amend current law to provide incarcerated individuals who have a gender identity that differs from their assigned sex at birth, who have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary or who are intersex to seek placements in appropriate facilities, or within specific housing areas aligned with their gender identities.

The bill would also require the Commissioner of the Department of Corrections and Community Supervision and the State Commission on Correction to establish rules and regulations that ensure the appropriate treatment of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, who have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex in the care or custody of the department.

Finally, the bill would require that a copy of an individual's gender identity and gender-related housing request is included when the individual is delivered to a state facility.

Budget Implications:

There are no fiscal implications related to this bill.

Effective Date:

This bill would take effect immediately.

Part C – Expand Educational Release and Furlough Eligibility

Purpose:

This bill would expand the eligibility for educational release and furloughs for incarcerated persons.

Summary of Provisions and Statement in Support:

Section 1 expands the criteria of the limited time credit allowance to include incarcerated persons who participate in one year of college programming while in general confinement followed by six months of college programming.

Section 2 expands the eligibility of the furlough program by including incarcerated individuals serving sentences for crimes eligible under the limited time credit allowance if they have participated in at least one year of college programming while in general confinement and are presently successfully participating in college programming through educational leave. Also, this section expands the eligibility for educational leave by including incarcerated individuals serving sentences for crimes eligible under the limited time credit allowance if they have participated in at least one year of college programming while in general confinement.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would become effective on April 1, 2022.

Part D – Eliminate DOCCS Parole Supervision Fees

Purpose:

This bill would repeal the requirement for parolees to pay the \$30.00 per month supervision fee.

Summary of Provisions and Statement in Support:

Under New York State’s current supervision fee statute, DOCCS is required to collect a supervision fee of \$30.00 per month for each person over the age of 18 on parole and post-release supervision. However, as most of the parolee population has limited income and employment opportunities, individuals on parole often struggle to pay these fees, resulting in a low collection rate. To facilitate re-entry for more than 30,000 individuals on parole, this bill would eliminate these outdated supervision fees, reducing the financial burden on individuals on parole.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget and contains a minimal fiscal revenue reduction.

Effective Date:

This bill would take effect immediately.

Part E – Facilitate Access to ID Cards and Other Vital Records to Enhance Opportunities for Released Individuals

Purpose:

This bill would authorize the Department of Corrections and Community Supervision (DOCCS) to obtain a certified birth certificate or transcript of birth on behalf of an incarcerated individual for the purpose of providing State identification upon release.

Summary of Provisions and Statement in Support:

Incarcerated individuals often struggle to provide the documents needed to obtain a Department of Motor Vehicle (DMV) Non-Driver ID card. To facilitate access to documentation needed post-incarceration that would assist in the issuance of a DMV Non-Driver ID card, this bill would permit a sentence and commitment or a certificate of conviction to be deemed authorization for DOCCS to obtain a certified birth certificate or transcript of birth on behalf of an incarcerated individual for the purpose of providing State identification upon release.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect on September 1, 2022.

Part F – Establishes Employment for Parole Board Members is full-time

Purpose:

This bill would establish that Parole Board members are now full-time positions, which would prohibit outside employment to further increase the board's capacity.

Summary of Provisions and Statement in Support:

To further increase the board's capacity and ensure that board members' sole professional focus is on hearing cases, this bill would establish that Parole Board Members employment is now a full-time job.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect 30 days after it becomes law.

Part G – Suspend Subsidy to Revolving Loan Fund from Cell Surcharge Revenue

Purpose:

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

Summary of Provisions and Statement in Support:

This bill would amend Section 186-f of the Tax Law to extend the existing suspension of the annual transfer of \$1.5 million from the Public Safety Communications Account to the Emergency Services Revolving Loan Fund for two fiscal years. This transfer was previously suspended for FY 2021 and FY 2022 by Section 1 of Part I of Chapter 55 of the laws of 2020.

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

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget because It would ensure that the Public Safety Communications Account has sufficient funds to support other statutorily authorized purposes, including interoperable communication grants to counties.

Effective Date:

This bill would take effect immediately upon enactment.

Part H – Establish the Gender-Based Violence Training Institute

Purpose:

This bill would create a Gender-Based Violence Training Institute (GBVTI) within the Office for the Prevention of Domestic Violence (OPDV). OPDV will develop the GBVTI in consultation with relevant, culturally-responsive community-based organizations and statewide advocacy organizations. OPDV will create a mandatory 40-hour training certification for domestic violence advocates, offer train-the-trainer certification, and offer ongoing continuing education opportunities to ensure that New York’s domestic violence services system is trauma-informed, survivor-centered, and culturally responsive.

Summary of Provisions and Statement in Support:

This bill would expand the violence programs that certified advocates can work for and direct OPDV, in coordination with other agencies and advocacy organizations, to promulgate rules and regulations setting certification and training standards for domestic violence advocates .

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget as it allows OPDV to establish the Gender-Based Violence Training Institute.

Effective Date:

This bill will take effect immediately, provided that Section 1 of this bill relating to the definitions of “domestic violence program” and “domestic violence advocate” will take effect one year after it becomes law.

Part I – Expand Benefits for Victims of Hate Crimes and Other Acts of Violence by Increasing the Cap for the Replacement of Essential Personal Property

Purpose:

This bill would increase the monetary cap for, and redefine the definition of, items of essential personal property (EPP) available pursuant to Article 22 of the Executive law.

Summary of Provisions and Statement in Support:

This bill would remove the word “welfare” in the definition of “essential personal property” and increase the cap on losses of EPP from five hundred to twenty-five hundred dollars.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget. The additional reimbursement would be provided by the Office of Victim Services (OVS)

through the Criminal Justice Improvement Account (CJIA). All eligible victims of crime would benefit from an increased reimbursement for EPP.

Effective Date:

This bill would take effect 180 days after it becomes law.

Part J – Emergency Contracts Extender

Purpose:

This bill would extend the authority for the Office of General Services (OGS) to perform emergency construction without competitive bidding. This authorization expires on June 30, 2022, and this bill would extend the authorization for five years.

Summary of Provisions and Statement in Support:

This bill would amend Public Buildings Law to continue OGS's authority to enter into certain emergency construction contracts without formal competitive bidding. The new expiration date would be June 30, 2027. Extending OGS's emergency contracting authority will permit OGS to continue to promptly respond to emergencies across the State, reduce threats to health and safety, and preserve significant public assets.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part K – Adds Email as a Permissible Notification from SLA to Municipalities

Purpose:

Under current law, applicants for certain State Liquor Authority (SLA) licenses are required to serve notice on a municipality 30 days before submitting the application to the SLA. The permissible forms of service currently are only registered mail and personal service. This bill would allow municipalities to also accept statutory notice from applicants by email.

Summary of Provisions and Statement in Support:

Section 1 amends section 110-B of the Alcoholic Beverage Control Law to add email notice to the permissible forms of service for notice of application.

Email notice was utilized during the COVID-19 pandemic, and this bill would continue this policy. The bill would update the Alcoholic Beverage Law and streamline the process of serving notice to municipalities.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part L – Streamline Application Requirements

Purpose:

This bill would eliminate and modify certain requirements on the application for a liquor license in order to modernize and streamline the State Liquor Authority's (SLA) application process.

Summary of Provisions and Statement in Support:

Section 1 of the bill repeals Section 110 of the Alcoholic Beverage Law and replaces it with a new Section 110. The new provisions clarify, modify, and remove certain existing items that current law requires the Authority to review when processing applications, including photos, family member criminal history, and certain financial records.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget as it would streamline the preparation and the review of SLA applications.

Effective Date:

This bill would take effect ninety days from the date it shall become law.

Part M – Temporary Retail Permits Extender

Purpose:

This bill would extend a provision in section 97-a of the Alcoholic Beverage Control Law that allows the State Liquor Authority (SLA) to issue temporary permits to certain retail applicants while they await a full review of their license applications.

Summary of Provisions and Statement in Support:

Section 1 of the bill amends chapter 396 of the laws of 2010, as amended by chapter 375 of the laws of 2021, to extend the authority of the SLA to issue temporary permits to retail applicants.

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

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part N – 10 Day Voter Registration Deadline

Purpose:

This bill would amend election law by changing the deadline for voter registration from 25 days before an election to 10 days before an election. This would be consistent with the State's Constitutional registration deadline of 10 days before an election.

Summary of Provisions and Statement in Support:

This bill expands the voter registration period by requiring local boards of elections to process any applications received no later than 10 days before an election and postmarked no later than 15 days before. Under current law, those deadlines are 20 and 25 days respectively.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget as it will extend the timeframe to register to vote in New York State.

Effective Date:

This bill would take effect immediately

Part O – Require Polling Sites on College Campuses

Purpose:

This bill would require local boards of elections to establish one or more poll sites on college campuses whenever a contiguous property of a college or university contains 300 or more registrants who are registered to vote at an address on that contiguous property. The polling location must be on or nearby such campus or property and must be recommended by the college or university and agreed to with the local board of elections.

Summary of Provisions and Statement in Support:

This bill is intended to further engage young voters and make it easier for them to exercise their right to vote. Many times, polling locations are not near a college or university campus, which can make finding and getting to poll sites difficult for students who are unfamiliar with the area or simply do not possess a mode of travel to conveniently get to polling locations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget as it is critical to modernizing the electoral process.

Effective Date:

This bill will take effect January 1, 2024.

Part P – Allow for the Sale of To-Go Drinks

Purpose:

This bill would permanently allow for the sale of alcoholic beverages "to-go" for off-premises consumption.

Summary of Provisions and Statement in Support:

This bill would amend the Alcoholic Beverage Control Law to authorize any retail license that allows for liquor or wine sale for on-premises consumption to also sell these products for off-premises consumption. The State Liquor Authority (SLA) would maintain the ability to adopt rules and regulations for these sales, including but not limited to

quantity and volume, food required at time of purchase, hours of sale, and the sealing of open containers.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part Q – Ethics Requirements for Local Officials

Purpose:

This bill would amend General Municipal Law to strengthen ethics rules at the local government level and create consistency between State and local standards. Specifically, this bill would strengthen provisions regarding gifts and conflicts of interest as they relate to local municipal officers.

Summary of Provisions and Statement in Support:

This bill would clarify that a municipal officer may not accept any gift above nominal value, if it could be reasonably viewed as a conflict of interest for the officer. This bill also expands the definition of "interest" to include an interest in the contract of a familial member which means any person living in the same household as a covered individual and any person who is a direct descendant of such covered individual's grandparents or the spouse of such descendant.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget because it is critical to holding elected officials accountable and restoring faith in government at all levels.

Effective Date:

This bill would take effect immediately; with respect to interests in contracts, the bill is applicable to contracts entered into or after the effective date of the amendments to the chapter of the laws of two thousand twenty two.

Part R – Permit the Use of Continuous Recruitment Testing

Purpose:

This bill would amend the Civil Service Law (CSL) section 57 to allow the Department of Civil Service (DCS) or municipal commission to permit the use of a continuous recruitment testing process for open-competitive examinations.

Summary of Provisions and Statement in Support:

The bill would amend section 57 of the CSL to provide that DCS or municipal commissions may use a continuous recruitment testing process to establish an eligible list for any open-competitive class position.

Allowing for continuous recruitment is a key strategy for increasing diversity in the New York State workforce. It would make exams more accessible by increasing the frequency in which exams can be held and applicants could apply for exams when jobs are available. Continuous recruitment provides candidates interested in public employment with more opportunities to compete for positions and provides agencies with more refreshed pools of interested candidates.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part S – Open-Competitive/Promotional Exams

Purpose:

This bill would amend the Civil Service Law (CSL) section 52 to eliminate the requirement that the Department of Civil Service (DCS) and municipal commissions announce and hold open-competitive examinations at the same time promotion examinations are held. This will allow non-competitive and labor class employees to compete in a promotion examination without the need for a potentially unnecessary open-competitive examination.

Summary of Provisions and Statement in Support:

Sections 1 and 2 of the bill would amend CSL to remove the DCS and municipal commission requirement that an open competitive examination must be held at the same time as the promotional examination in order for non-competitive and labor class employees to compete in promotional examination.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget as it will ensure the efficient administration of civil service testing in New York State.

Effective Date:

This bill would take effect immediately.

Part T – Allow the transfer of non-competitive employees appointed through the state's 55-B and 55-C programs into the competitive class

Purpose:

This bill would amend Civil Service Law (CSL) sections 55-B and 55-C to allow the transfer of non-competitive employees appointed through the state's 55-B and 55-C programs into the competitive class if they meet the requisite criteria.

Summary of Provisions and Statement in Support:

Section 1 of the bill would amend CSL section 55-B to allow employees in the 55-B program (increases hiring of individuals with disabilities) the opportunity to transfer into competitive class positions if they meet the necessary criteria.

Section 2 of the bill would amend CSL section 55-C to allow employees in the 55-C program (increases the hiring of veterans) the opportunity to transfer into competitive class positions if they meet the necessary criteria.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget as it would eliminate barriers imposed by the non-competitive classification and provide enhanced career mobility opportunities to 55-B and 55-C employees.

Effective Date:

This bill would take effect immediately.

Part U – Expansion of the Statutory Shift Pay Differential

Purpose:

This bill is intended to improve the staffing of hard-to-fill work shifts within the State's institutional settings by amendments to subdivision 6 of Section 130 of the Civil Service Law. Specifically, the bill authorizes the provision of the shift pay differential for any work shift in which it is deemed necessary to incentivize employees to work, including healthcare settings.

Summary of Provisions and Statement in Support:

Under current law, the shift pay differential is additional compensation over an employee's basic annual salary which may be authorized by the Director of Classification and Compensation, subject to approval by the Director of the Budget. The employee must be regularly assigned to a shift other than the day shift, four or more hours of which fall between 6 PM and 6 AM. Additionally, the shift pay differential may only be designated as a percentage of the basic salary or a fixed dollar amount.

This bill expands the shift pay differential by allowing the Director of Classification and Compensation to authorize shift pay for any work shift, including the hard-to-fill weekend day shift. This will incentivize employees to volunteer for hard-to-fill shifts in healthcare settings and other institutional settings (e.g., hospitals, psychiatric centers, prisons) through the provision of additional compensation.

Additionally, the bill removes the requirement that an employee be regularly assigned to a shift in order to be paid the shift pay differential. The intent is to incentivize employees regularly assigned to the day shift to volunteer for evening and night shifts on an episodic basis, which would expand the worker resource pool to cover such shifts.

Finally, the bill would allow the Director of Classification and Compensation to authorize the shift pay differential as an hourly or annual rate, which would be necessary for employees who may now work certain shifts on an episodic basis or to address other administrative concerns.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget, with the intent to improve the staffing of hard-to-fill work shifts in the State's institutional settings, including healthcare settings.

This bill would have a negligible impact on State finances and manageable future costs are expected as new shift pay differentials are authorized by the Director of Classification and Compensation and approved by the Director of the Budget.

Effective Date:

This bill would take effect immediately.

Part V – Market-Based Interest Rate on Court Judgments

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. Judgements arising from consumer debt would remain at 2% per annum pursuant to Chapter 831 of the Laws of 2021.

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, 2022.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget because it 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 immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.

Part W – Streamline County-Wide Shared Services Initiative

Purpose:

This bill would streamline the County-Wide Shared Services Initiative by making projects previously proposed, but not implemented, eligible for State matching funds, and places time limits on the submission of applications after the implementation year concludes.

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 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 that had been included in a previous Plan may not be included in a future Plan and would not be 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 through one consolidated application per plan.

Additionally, under current law, net savings for each project are eligible for State matching funds achieved between either January 1st and December 31st of the ensuing year or July 1 of the ensuing year and June 30 of the next year. This bill would require Shared Services Panels to submit applications for State matching funds by December 31 of the second year following Plan adoption.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 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 incentivize more taxpayer savings.

Effective Date:

This bill would take effect immediately.

Part X – Resume General Fund AIM for Towns and Villages

Purpose:

This bill restores Aid and Incentives for Municipalities (AIM) to 846 towns and 479 villages that currently receive \$59.1 million in AIM-Related payments rather than AIM payments. These AIM-Related Payments, funded by local sales tax, would cease.

Summary of Provisions and Statement in Support:

The State annually disburses \$655 million in AIM to cities and certain towns and villages throughout the State. However, 846 towns and 479 villages currently receive \$59.1 million in AIM-Related Payments instead. This proposal would replace the AIM-Related Payments with AIM funded by the State in an equal amount.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget because it provides \$59.1 million to towns and villages as part of Aid and Incentives for Municipalities.

Effective Date:

This bill would take effect July 1, 2022.

Part Y – 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 2022-23 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 2021 in relation to capital projects and certain certifications, and (3) modify various debt and bond provisions necessary to implement the budget.

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

This bill is necessary to execute a balanced Financial Plan in accordance with the 2022-23 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 2022-23.
- Section 1-a of this bill would authorize the Comptroller to make temporary loans to accounts within specific Federal funds during fiscal year 2022-23.
- 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 \$1.1 billion 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 \$48.8 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account during the period of July 1, 2022 through June 30, 2023 to support Tuition Assistance Program payments.
- Section 11 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, 2022 through June 30, 2023.
- Section 12 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 13 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 14 of this bill would authorize the Comptroller, at the direction of the Director of DoB and the SUNY Chancellor, to transfer up to \$100 million between the State University Dormitory Income Fund and the State University Residence Hall Rehabilitation Fund.
- Section 15 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$700 million 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 16 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 17 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 18 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, 2022.
- Section 19 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, 2023.

- Section 20 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, 2023.
- Section 21 of this bill would amend State Finance Law (SFL) §97-rrr to allow the State Comptroller to deposit up to \$1.8 billion into the School Tax Relief Fund.
- Section 22 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 23 amends subdivision 8 of SFL §53 to extend for one year the authorization for the governor to transfer to the general fund, to a capital projects fund, or to a fund established to account for revenues from the federal government if the Legislature does not affirmatively approve or deny such transfer within 10 days of notification.
- Section 24 would amend SFL § 4(6) to permanently authorize the Comptroller to receive moneys for deposit to funds and accounts as identified by the Director of the Budget.
- Section 25 would amend SFL § 40(4) to permanently permit payment of prior years' liabilities.
- Section 26 would amend SFL § 92-cc to increase the maximum allowable deposit and fund balance of the rainy day reserve fund.
- Section 27 would amend SFL §99-aa to increase the maximum allowable deposit to the retiree health benefit trust fund.
- Section 28 would amend SFL §89-h to allow the deposit of monies to the New York cannabis revenue fund.
- Section 29 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 30 of this bill would increase the bond cap for financing correctional facilities from \$9.140 billion to \$9.503 billion.
- Section 31 of this bill would increase the bond cap for financing state police capital projects from \$374.6 million to \$426.1 million.

- Section 32 of this bill would increase the bond cap for financing environmental infrastructure projects from \$7.130 billion to \$8.089 billion.
- Section 33 of this bill would increase the bond cap for financing homeland security and training facilities from \$347.5 million to \$383.5 million and increase the bond cap for financing improvements to State office buildings and other facilities from \$1.309 billion to \$1.592 billion.
- Section 34 of this bill would increase the bond cap for financing SUNY educational facilities from \$15.556 billion to \$16.372 billion.
- Section 35 of this bill would increase the bond cap for City University of New York senior and community colleges from \$9.661 billion to \$10.099 billion.
- Section 36 of this bill would increase the bond cap for financing SUNY community colleges from \$1.066 billion to \$1.123 billion.
- Section 37 of this bill would increase the bond cap for financing youth facilities from \$876.0 million to \$911.7 million.
- Section 38 of this bill would increase the bond cap for financing mental health services facilities improvement from \$10.477 billion to \$10.933 billion.
- Section 39 of this bill would increase the bond cap for financing public protection facilities in the Division of Military and Naval Affairs from \$172.0 million to \$197.0 million.
- Section 40 of this bill would increase the bond cap for financing the acquisition of equipment from \$293.0 million to \$393.0 million.
- Section 41 of this bill would increase the bond cap for financing local highway projects from \$12.261 billion to \$13.054 billion.
- Section 42 of this bill would increase the bond cap for financing library facilities from \$299.0 million to \$313.0 million.
- Section 43 of this bill would increase the bond cap for financing economic development projects from \$11.279 billion to \$13.938 billion.
- Section 44 of this bill would increase the bond cap for financing transportation initiatives from \$8.840 billion to \$10.148 billion.

- Section 45 of this bill would increase the bond cap for financing housing programs from \$7.545 billion to \$12.452 billion.
- Section 46 of this bill would increase the bond cap for financing private special education from \$236.0 million to \$301.7 million.
- Section 47 of this bill would increase the bond cap for financing the Office of Information Technology Services from \$974.3 million to \$1.125 billion.
- Sections 48 of this bill would increase the bond cap for financing dedicated highway bridge and trust projects from \$18.150 billion to \$19.777 billion.
- Section 49 of this bill would extend the authorization to issuance MTA projects for a maximum term of 50 years through FY 2023.
- Sections 50 of this bill would increase the bond cap for financing Health Care capital grants from \$3.053 billion to \$4.653 billion.
- Section 51 of this bill would increase the bond cap for Food Lab from \$40.715 million to \$40.830 million.
- Section 52 of this bill would increase the bond cap for Higher Education Capital Matching Grants from \$300.0 million to \$330.0 million.
- Section 53 of this bill would increase the bond cap for the Nonprofit Infrastructure Capital Investment Program from \$120.0 million to \$170.0 million.
- Section 54 would add a new section § 54-b to Chapter 174 of the laws of 1968 to extend the period to issue notes to temporarily finance the budgetary needs of the state.
- Section 55 would add a new section §55-b to 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.
- Section 56 would add a new section §58 to Chapter 174 of the laws of 1968 to authorize the State's contribution to the Gateway project. It authorizes the State to enter into a service contract with the Gateway Development Commission to make payments which may be pledged as security for a Federal transportation loan.

- Section 57 of this bill would repeal subdivisions of section 16 of part T of Chapter 57 of the laws of 2007 related to reporting requirements for certain capital funds.

All of the sections of this bill would become permanent upon enactment except for sections one through eight, sections thirteen through twenty, twenty-two and twenty-three, which are subject to expiration on March 31, 2023.

Budget Implications:

Enactment of this bill is necessary to implement the 2022-23 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, 2022.

Part Z – Independent Ethics Reform Act of 2022

Purpose:

This bill would repeal the law enacting the Joint Commission on Public Ethics (JCOPE) and replace it with an independent commission on ethics and lobbying in government.

Summary of Provisions and Statement in Support:

The bill would create a new independent commission to exercise the powers and duties set forth in executive law section 94 with respect to:

1. statewide elected officials, members of the legislature and employees of the legislature, and state officers and employees as defined in sections 73 and 73-a of the public officers law,
2. candidates for statewide elected office and for the senate or assembly,
3. the political party chairman as is defined in section 73-a of the public officers law, and
4. lobbyists and the clients of lobbyists as defined in article 1-A of the legislative law, and individuals who have formerly held such positions, were lobbyists or clients of lobbyists as defined in article 1A of the legislative law, or who have formerly been such candidates.

The commission would have 5 members and would be appointed to staggered four year terms by a selection committee consisting of the state's accredited law school deans.

The commission would have the power to act by a majority vote of the members.

The commission would be subject to the Open Meetings Law and the Freedom of Information Law, Articles 6 and 7 of the Public Officers Law, with certain exceptions.

The commission members would receive a per diem allowance equal to the salary of a justice of the supreme court divided by 220 for each day or each pro-rated day actually spent in the performance of their duties. The members would be reimbursed for all reasonable expenses actually and necessarily incurred by them in the performance of their duties as members of the commission.

The commission would appoint an executive director to assist in carrying out the duties required of the commission.

The commission would establish a training unit that would require all individuals and entities under its jurisdiction to take regular ethics and lobbying training, provide training to agency ethics counsels, and require other regular trainings.

The commission would also establish an advice and guidance unit to provide confidential advice to all individuals and entities under its jurisdiction.

The commission would be required to review state elected officials and legislative members' annual financial disclosure statements within in a certain time of its filing for deficiency and conflicts.

The commission would produce an annual report summarizing its activities during the previous year and recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission's conduct.

The commission would hold an annual public hearing to gain advice from external stakeholders relating to recommendations for legislative change.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget because it would repeal JCOPE and replace it with an improved independent ethics oversight body for the executive and legislative branches of government.

Effective Date:

This bill would take effect 90 days after its enactment and would permit the transition to commence immediately.

Part AA - Clean Slate Act

Purpose:

For the 2.3 million New Yorkers with a conviction, a criminal record can limit access to opportunities such as employment and housing. This bill would improve opportunities for released individuals by providing for certain felony records to be sealed after seven years, and misdemeanor records to be sealed after three years, following the completion of a sentence.

Summary of Provisions and Statement in Support:

This bill would automatically seal convictions for certain felonies after seven years and misdemeanor records after three years, following the completion of a sentence. The Office of Court Administration (OCA) would be required to notify the Division of Criminal Justice Services (DCJS), the court of conviction, and appropriate police departments when a conviction is sealed. DCJS would not be authorized to provide criminal history information that is sealed pursuant to this bill in reports produced by DCJS for civil purposes. The bill also provides for certain exceptions, including the licensing of firearms or employment as a police officer.

This bill would further provide that an individual's information concerning their conviction that is posted on a website maintained by the Department of Corrections and Community Supervision (DOCCS) shall remain on such website no longer than five years past the maximum sentence of imprisonment has expired and at the conclusion of parole or post-release supervision.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill would take effect eighteen months after it shall have become law.

Part BB - Private Sector Employment for Incarcerated Persons

Purpose:

This bill would amend the state constitution to allow public-private partnerships that would enable hybrid work release programs within correctional facilities.

Summary of Provisions and Statement in Support:

By allowing these public-private partnerships, this bill would create private-sector engagements that provide critical job skills to incarcerated individuals, resulting in more successful re-entry and expanded job opportunities. All in-prison work opportunities arising from these partnerships would be voluntary.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2023 Executive Budget.

Effective Date:

This bill becomes effective January 1, 2024 following the passage of the associated concurrent resolution by the Legislature over two successive legislative sessions, upon approval by voters.

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.