

# STATE OF NEW YORK

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3005--B

## IN ASSEMBLY

January 23, 2017

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and

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

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jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part A); to amend the penal law and the criminal procedure law, in relation to criminal possession of marihuana in the fifth degree and sealing certain records where charges relate to the possession of marihuana (Part B); intentionally omitted (Part C); to amend the criminal procedure law, the family court act and the executive law, in relation to statements of those accused of crimes and eyewitness identifications, to enhance criminal investi-





gations and prosecutions and to promote confidence in the criminal justice system of this state; to amend the county law and the executive law, in relation to the implementation of a plan regarding indigent legal services; to amend the state finance law, in relation to amounts distributed from the indigent legal services fund; to amend chapter 62 of the laws of 2003, amending the county law and other laws relating to fees collected, in relation to certain fees collected by the office of court administration; and to amend the judiciary law, in relation to the biennial registration fee for attorneys (Part D); to amend the correction law, the penal law, the criminal procedure law and the executive law, in relation to correction reform (Part E); to amend the executive law, in relation to the establishment of a hate crime task force (Part F); to amend the executive law, in relation to expanding eligibility for awards to victims of certain crimes not resulting in physical injury (Part G); to amend the executive law, in relation to the reimbursement for loss of savings of a vulnerable elderly person or an incompetent or physically disabled person (Part H); to amend the executive law, in relation to additional duties of the commissioner of general services (Part I); to amend the state finance law, the public authorities law, the highway law, the general municipal law, and the public buildings law, in relation to requiring the use of American made iron, steel and manufactured products in certain government contracts, and to repeal certain provisions of the public authorities law and the state finance law relating thereto (Part J); to authorize the transfer of employees of the division of military and naval affairs in the unclassified service of the state to the office of general services; and providing for the repeal of such provisions upon expiration thereof (Part K); to amend chapter 674 of the laws of 1993 amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof; and to amend the public buildings law and the state finance law, in relation to contracts for construction projects (Part L); intentionally omitted (Part M); to amend the state finance law, in relation to the preferred sources program for commodities or services (Part N); to amend the workers' compensation law, in relation to the information required to be included in payroll records (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the executive law, in relation to unlawful discriminatory practices by educational institutions (Part V); intentionally omitted (Part W); to amend the economic development law, in relation to reporting requirements for the START-UP NY program (Part X); to amend the labor law, in relation to the calculation of weekly employment insurance benefits for workers who are partially unemployed; and repealing certain provisions of such law relating thereto (Part Y); to provide for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; to amend the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding





project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to authorization for issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program; to amend the education law, in relation to special apportionments of the EXCEL program; to amend the public authorities law, in relation to library construction; to amend the public authorities law, in relation to foster care youth facilities; to amend the public authorities law, in relation to the financing of metropolitan transportation authority transportation facilities; to amend the state finance law, in relation to the issuance of bonds; to amend the state finance law, in relation to the replacement of lost certificates; to amend the state finance law, in relation to the appointment of a fiscal agent; to amend the public authorities law, in relation to notes or bonds of the New York state thruway authority; to repeal sections 58, 59 and 60 of the state finance law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part Z); to amend the insurance law, in relation to workers' compensation rate service organizations; and to amend chapter 11 of the laws of 2008, amending the workers' compensation law, the insurance law, the volunteer ambulance workers' benefit law and the volunteer firefighters' benefit law, relating to rates for workers' compensation insurance and setting forth conditions for a workers' compensation rate service organization, in relation to the effectiveness thereof (Part AA); to amend the election law, in





relation to early voting (Part BB); to amend the election law, in relation to political contributions (Part CC); to amend the election law, in relation to enacting the Voter Enfranchisement Modernization Act of 2017; in relation to establishing the electronic personal voter registration process and in relation to establishing an electronic registration process integrated within designated agency applications (Part DD); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part EE); to authorize an increase in aid and incentives for municipalities' base level grants (Part FF); to amend the election law, in relation to monies received and expenditures made by a party committee or constituted committee (Part GG); to amend the public service law, in relation to creating the state office of the utility consumer advocate (Part HH); to amend the public service law, in relation to utility intervenor reimbursement; and to amend the state finance law, in relation to establishing the utility intervenor account (Part II); to amend the county law, in relation to plans for representation of persons accused of a crime or certain parties in family court or surrogate's court (Part JJ); to amend the state finance law, in relation to the cost effectiveness of consultant contracts by state agencies (Part KK); relating to prohibiting the reduction of visiting hours in correctional facilities (Part LL); to amend the county law, in relation to assignment of counsel (Part MM); to amend the state finance law, in relation to defining prior year aid (Part NN); to amend the criminal procedure law, in relation to time limits for a speedy trial (Part OO); and to amend the insurance law, in relation to charitable bail organizations (Part PP)

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

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

12 PART A

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

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

20 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-  
 21 tive law and the criminal procedure law relating to expanding the



1 § 5. This act shall take effect on the earlier occurrence of: (i) two  
2 years after it shall have become a law; provided, however, the state  
3 board of elections shall be authorized to implement necessary rules and  
4 regulations and to take steps required to implement this act immediate-  
5 ly; or (ii) five days after the date of certification by the state board  
6 of elections that the information technology infrastructure to substan-  
7 tially implement this act is functional. Provided, further that the  
8 state board of elections shall notify the legislative bill drafting  
9 commission upon the occurrence of the enactment of the legislation  
10 provided for in this act in order that the commission may maintain an  
11 accurate and timely effective data base of the official text of the laws  
12 of the state of New York in furtherance of effectuating the provisions  
13 of section 44 of the legislative law and section 70-b of the public  
14 officers law.

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## PART EE ✓

16 Section 1. Section 13 of chapter 141 of the laws of 1994, amending  
17 the legislative law and the state finance law relating to the operation  
18 and administration of the legislature, as amended by section 2 of part S  
19 of chapter 57 of the laws of 2016, is amended to read as follows:

20 § 13. This act shall take effect immediately and shall be deemed to  
21 have been in full force and effect as of April 1, 1994, provided that,  
22 the provisions of section 5-a of the legislative law as amended by  
23 sections two and two-a of this act shall take effect on January 1, 1995,  
24 and provided further that, the provisions of article 5-A of the legisla-  
25 tive law as added by section eight of this act shall expire June 30,  
26 [2017] 2018 when upon such date the provisions of such article shall be  
27 deemed repealed; and provided further that section twelve of this act  
28 shall be deemed to have been in full force and effect on and after April  
29 10, 1994.

30 § 2. This act shall take effect immediately, provided, however, if  
31 section one of this act shall take effect on or after June 30, 2017  
32 section one of this act shall be deemed to have been in full force and  
33 effect on and after June 30, 2017.

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## PART FF

35 Section 1. Notwithstanding any other provision of law to the contrary,  
36 for the state fiscal year commencing April 1, 2017, a \$50,074,110  
37 increase in aid and incentives for municipalities' base level grants in  
38 the general fund for each municipality shall be apportioned in an amount  
39 equal to each municipality's cumulative property tax cap rate for their  
40 respective fiscal years 2012 through 2017; provided, however, no munici-  
41 pality shall receive an increase of more than \$6,070,776, except for a  
42 city with a population greater than 200,000 but less than 250,000. The  
43 total amount of grants provided in addition to the total 2017-18 base  
44 level grant provided pursuant to paragraph b of subdivision 10 of  
45 section 54 of the state finance law shall be \$50,074,110.

46 For the purposes of this act, "total 2017-18 base level grant" shall  
47 mean the sum of the amount of grants each municipality shall receive in  
48 the state fiscal year commencing April 1, 2017, and the amount of  
49 miscellaneous financial assistance from the local assistance account  
50 received by a village in the state fiscal year beginning April 1, 2016.

51 § 2. This act shall take effect immediately and shall be deemed to  
52 have been in full force and effect on or after April 1, 2017.