

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

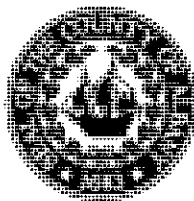
Monday, July 13, 2020

7:15 PM

Held Remotely

County Legislature

Part III



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF SOCIAL SERVICES
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12210-2304
(518) 447-7300
WWW.ALBANYCOUNTY.COM

MICHELE G. MCCLAVE
COMMISSIONER

ERIN M. STACHEWICZ
EXECUTIVE DEPUTY
COMMISSIONER

VALERIE SACKS
DEPUTY COMMISSIONER

June 2, 2019

Chairman Andrew Joyce
Legislative Clerk's Office
112 State St., Room 710
Albany, NY 12207

Dear Chairman Joyce,

The Department of Social Services respectfully requests legislative approval for the following:

As authorized by Resolution #482 of 2005, the County has entered into an MOU with the NYS Department of Health and the NYS Office-Medicaid Inspector General (OMIG) regarding fraud, waste and abuse control activities.

We are requesting to renew a contract with Meyers and Stauffer to assist the County in conducting audits of providers to determine if waste, fraud or abuse has occurred and to determine the amount of any overpayments to be repaid. This request represents the first option year.

During the initial contract year and in preparation for the transition, Meyers & Stauffer obtained a Data Exchange Agreement with OMIG, the NYS Medicaid Data-Warehouse and Albany County Department of Social Services. Additionally, Meyers & Stauffer has established virtual private networks (VPNs) with the OMIG, the NYS Medicaid Data-Warehouse and Albany County Department of Social Services.

We anticipate that OMIG will be providing Meyers & Stauffer with audit protocol training sometime in the near future pending COVID-19 protocols.

Sincerely,

Michele G. McClave
Commissioner

cc: Dennis A. Feeney, Majority Leader
Frank A. Mauriello, Minority Leader
Kevin Cannizzaro, Majority Counsel
Minority Counsel



Legislation Text

File #: TMP-1674, Version: 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

Contract Authorization for Social Services (Meyers & Stauffer)

Date: 5/20/2020
Submitted By: Joseph J DeAngelis
Department: Social Services
Title: Contract Administrator
Phone: 518-447-7583
Department Rep.
Attending Meeting: Michele G. McClave

Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):

Meyers and Stauffer, LLC
7 Waterside Crossing Ct.
Windsor, CT 06095

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$166,000

Scope of Services: The Contractor will conduct audits of Medicaid providers to verify compliance with the Medicaid Program, determine if overpayments were made and calculate the amount for NYS OMIG to pursue for repayment.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes No
Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: AA6010 04610, AA6010 03610
Revenue Amount: \$83,000.00, \$83,000.00

Appropriation Account and Line: AA6010 44056
Appropriation Amount: \$166,000.00

Source of Funding - (Percentages)

Federal: 50%
State: 50%
County: 0
Local: 0

Term

Term: (Start and end date) 10/1/2020 - 9/30/2021
Length of Contract: 12 Months

Impact on Pending Litigation Yes No
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 482, 265
Date of Adoption: 12/5/2005, 7/8/2019

Justification: (state briefly why legislative action is requested)

As authorized by Resolution #482 of 2005, the County has entered into an MOU with the NYS Department of Health and the NYS Office-Medicaid Inspector General (OMIG) regarding fraud, waste and abuse control activities among Medicaid providers. In order to support this initiative, the Albany County Department of Social Services (DSS) contracts with Meyers and Stauffer for auditing services to assist in determining potential fraud, waste and abuse within the Medicaid Program and identifying any overpayments to be made.

Audit targets are selected by OMIG and assigned to Meyers and Stauffer by DSS. These providers may include pharmacies, transportation companies, home care agencies and other health care services paid for by the Medicaid program. During the initial contract year and in preparation for the transition, Meyers & Stauffer obtained a Data Exchange Agreement with OMIG, the NYS Medicaid Data-Warehouse and Albany County Department of Social Services. Additionally, Meyers & Stauffer has established virtual private networks (VPNs) with the OMIG, the NYS Medicaid Data-Warehouse and Albany County Department of Social Services.

We anticipate that OMIG will be providing Meyers & Stauffer with audit protocol training sometime in the near future pending COVID-19 protocols.

**SERVICE AGREEMENT
BETWEEN
THE COUNTY OF ALBANY
AND
MEYERS AND STAUFFER, LLC**

PURSUANT TO RESOLUTION NO. 265 ADOPTED 7/8/2019

This Agreement is made by and between the County of Albany, a municipal corporation, (hereinafter referred to as the "County"), acting by and through the Albany County Department of Social Services (hereinafter referred to as "DSS"), having its principal office at 112 State Street, Albany, NY 12207 and Meyers and Stauffer, LLC. (hereinafter referred to as the "Provider"), having its principal office at 700 W. 47th Street, Suite 1100, Kansas City MO, 64112. The County, DSS and the Provider may each be referred to as the "Party" and together as the "Parties."

WITNESSETH:

WHEREAS, the County has heretofore requested renewal for the provision of Auditing Services for Medicaid Provider Compliance Reviews, said request for proposals having been denominated Request for Proposals # 2018-067 (hereinafter referred to as the "RFP") and is incorporated by reference into this Agreement and made a part hereof; and

WHEREAS, the Provider has heretofore submitted a proposal for Auditing Services of Medicaid Providers in connection with the above mentioned request for proposals (hereinafter referred to as the "Proposal"); and

WHEREAS, the County has accepted the Proposal of the Provider to provide Auditing Services of Medicaid Providers as the lowest responsible bidder; and

WHEREAS, this Agreement sets forth the understanding reached by the parties herein;

NOW THEREFORE, the parties hereto do mutually covenant and agree as follows:

ARTICLE I. SCOPE OF SERVICES

As part of this Agreement, under the auspices of DSS, the Contractor will provide billing or cost-based rate audits of Medicaid providers including but not limited to physicians, licensed physicians' assistants, pharmacies, laboratories, home health care providers and durable medical equipment providers. Presently, NYSDOH has designated DSS and other demonstration counties to only assist with conducting Medicaid billing audits. However, it is possible that in the future the County will also be able to conduct cost-based rate audits of Medicaid providers. The Provider should anticipate the possibility of conducting both Medicaid billing and cost-based rate audits.

ARTICLE II. GENERAL PROVISIONS

The Provider agrees to comply in all respects with the provisions of this Agreement and the exhibits thereto. The Provider specifically agrees to perform auditing services pertaining to Medicaid fraud, waste and abuse control.

The Provider shall complete the service in a timely manner to protect the interests and rights of the County to the fullest extent possible. The Provider agrees to notify the County in writing, within three (3) days of occurrence, of any problems(s) that may threaten performance of the provisions of this Agreement, and shall submit therewith recommendations for solution(s).

The County will designate a staff person who shall have the authority for overseeing the Provider's performance of those services designated herein. Reports and issues of interpretation or direction relating to this Agreement shall be directed to the designated staff member.

The Provider will be fully responsible for the provision of all equipment and services for Provider's staff necessary to the performance of services designated under this Agreement.

Any changes made to this Agreement must be agreed to signed and dated by both the authorized County representative and the Provider.

All responsibility for ensuring the provision of the services described herein shall remain with the Provider, and the parties hereto expressly agree that the County shall bear no responsibility other than that as set forth in Article III entitled "FEES AND PAYMENT".

ARTICLE III. FEES AND PAYMENT

In consideration of the terms and obligations of this Agreement, the County agrees to pay and the Provider agrees to accept amounts as set forth in the Fee Schedule attached hereto as Exhibit 1, and made a part hereof, not to exceed a total amount of **ONE HUNDRED SIXTY-SIX THOUSAND AND 00/100 DOLLARS (\$166,000.00)** as full compensation for all services rendered under this Agreement.

The prices set forth in the Fee Schedule shall remain fixed for the entire term of this Agreement.

Payment shall be made to Provider upon the Provider's submission of a properly executed Albany County Claim Form signed by the Provider. The Claim Form must contain an itemized detail of the services rendered. All claims for services shall be consistent with the guidelines attached hereto and made a part hereof as Exhibit 1.

ARTICLE IV. CONFIDENTIALITY

As part of this Agreement, the Provider agrees to safeguard the confidentiality of information relating to individuals who have applied for or are receiving services under this Agreement and shall maintain the confidentiality of all such information in conformity with the provisions of applicable New York State and Federal laws and regulations. Any breach of confidentiality by the Provider, its agents or representatives, shall be cause for immediate termination of this Agreement.

Medicaid Confidential Data/Protected Health Information (MCD/PHI) includes all information about a recipient or applicant, including enrollment information, eligibility data and protected health information.

You must comply with the following:

- Section 367b (4) of the NY Social Services Law.
- Social Services Law Section 369 (4).
- Article 27-F of the New York Public Health Law.

- Social Security Act, 42 USC 1396a (a)(7),
- Federal regulations at 42 CFR 431.302.
- The Health Insurance Portability and Accountability Act (HIPAA) at 45 CFR Parts 160 and 164.
- 42 C.F.R. Part 2.

Pursuant to the New York State Medicaid Plan requirements, Social Security Act, Section 1902(a) (7) a.d.; and federal regulations at 42CFR 431.302, no release of Medicaid confidential data (MCD) is permitted unless such release is directly related to the administration of the Medicaid state plan.

MCD is also protected by Social Services Law Section 369 (4), which states:

“Any inconsistent provision of this chapter or other law notwithstanding, all information received by public welfare officers concerning applicants for and receipts of medical assistance may be disclosed or used only for the purposes directly connected with the administration of medical assistance of needy persons.”

Alcohol and Substance Abuse Related Confidentiality Restrictions:

Alcohol and substance abuse information is confidential pursuant to 42 C.F.R. Part 2. General authorizations are ineffective to obtain the release of such data. The federal regulations provide for a specific release for such data.

Also, pursuant to Section 367b(4) of the NY Social Services Law, information relating to persons applying for medical assistance shall also be considered confidential and shall not be disclosed to persons or agencies without the prior written approval of the New York State Department of Health.

Please note that Medicaid Confidential Data released to you may contain AIDS/HIV related confidential information as defined in Section 2780(7) of the New York Public Health Law. As required by N.Y. Public Health Law Section 2782(5), the New York Department of Health hereby provides the following notice:

“This information has been disclosed to you from confidential records which are protected by state law. State law prohibits you from making any further disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law. Any unauthorized further disclosure of state law may result in a fine or jail sentence or both. A general authorization for the release of medical or other information is NOT sufficient authorization for the release for further disclosure.”

The Provider agrees to include the notice preceding, as well as references to statutory and regulatory citations set forth above in any Agreement, contract or document the Provider enters into that involves Medicaid Confidential Data. Further, the Provider agrees to state in any such Agreement, contract or document that the subcontractor(s) or other party may not further disclose the Medicaid Confidential Data without the prior written approval of the New York State Department of Health.

The Provider shall report to the County and the New York State Department of Health (“NYSDOH”) as soon as reasonably possible the unauthorized use or disclosure of any Medicaid confidential data and or personal health information (“MCD/PHI”). In the event that there is an unauthorized use or disclosure of MCD/PHI, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and

authority to complete the Work provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Provider.

In order to comply with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Provider, (deemed a BUSINESS ASSOCIATE as defined at 45 CFR 164.501), its employees, administrators and agents shall not use or disclose Protected Health Information (PHI), (as defined in 45 CFR 160.103) other than as permitted or required by this Agreement with the County (deemed a HYBRID ENTITY as defined at 45 CFR 164.504) or as Required By Law (as defined in 45 CFR 164.103). The Provider shall maintain compliance with all U.S. Department of Health and Human Services, Office of Civil Rights, policies, procedures, rules and regulations applicable in the context of this Agreement, as more particularly set forth on Appendix A attached hereto and made a part hereof.

ARTICLE V. INFORMATION ACCESS

The Provider agrees to provide the County and authorized State and/or Federal personnel access to any and all books, documents, records, charts, software or any other information relevant to performance under this Agreement, upon request. The Provider agrees to retain all of the above information for six (6) years after final payment or the termination of this Agreement, and shall make such information available to the County, State, and/or Federal personnel, and/or to any person(s) duly authorized by any of them during such period.

The County and the State reserve the right to conduct on-site evaluations of the services provided under this Agreement, and shall be afforded full access by the Provider to the grounds, buildings, books, papers, employees and recipients relating to such service provision, and may require from the officers and persons in charge thereof any information deemed necessary to such an evaluation.

All technical or other data relative to the work pertaining to this Agreement in the possession of the County or in the possession of the Provider shall be made available to the other party to this Agreement without expense to the other party.

ARTICLE VI. COOPERATION

The Provider shall cooperate with representatives, agents and employees of the County and the County shall cooperate with the Provider, its representatives, agents and employees to facilitate the economic and expeditious provision of services under this Agreement.

ARTICLE VII. RELATIONSHIP

The Provider is, and will function as, an independent contractor under the terms of this Agreement and shall not be considered an agent or employee of the County of Albany or the State of New York for any purpose, and the employees and representatives of the Provider shall not in any manner be, or be held to be, agents or employees of the County or the State.

ARTICLE VIII. ASSIGNMENTS

The Provider specifically agrees as required by Section 109 of the New York General Municipal Law that the Provider is prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of this Agreement, or of the Provider's right, title or interest therein, without the previous written consent of the County.

The Provider or its employees will provide all activities required to be performed by it under this Agreement. The Provider shall not subcontract for any portion of the services required under this Agreement without the prior written approval of the County and subject to such conditions and provisions as the County may deem necessary.

ARTICLE IX. ACCOUNTING RECORDS

Proper and full accounting records shall be maintained by the Provider, which records shall clearly identify the costs of the work performed under this Agreement. Such records shall be subject to periodic and final audit by the County and the State for a period of six (6) years following the date of final payment by the County to the Provider for the performance of the work contemplated herein.

If the Provider is subject to an audit by an agency of the United States government, then a copy of such annual audit, including exit conference results, if any, shall be provided to the Albany County Department of Social Services and the Comptroller of the County of Albany within ten (10) days after receipt by Provider of the final audit and the exit conference results, if any.

If Provider is not subject to an annual audit by an agency of the United States government, but receives from Albany County Department of Social Services funds in excess of \$50,000 in its fiscal year, then Provider shall engage an independent auditor acceptable to the Albany County Department of Social Services to: 1) review the records and accounts of the Provider; 2) render an opinion as to the accuracy and sufficiency of Provider's records and accounting methods; 3) render an opinion of Provider's financial position for the fiscal year being audited and any change therein, including but not limited to its net income or net loss. The audit report by the independent auditor shall be submitted to the Albany County Department of Social Services and the Comptroller of the County of Albany within ten (10) days of its receipt by the Provider.

ARTICLE X. NON-APPROPRIATIONS

Notwithstanding anything contained herein to the contrary, no default shall be deemed to occur in the event no funds or insufficient funds are appropriated and budgeted by either the County or the State, or are otherwise unavailable to the County for payment. The County will immediately notify the Provider of such occurrence and this Agreement shall terminate on the last day of the fiscal period for which appropriations were made without penalty or expense to the County of any kind whatsoever, except as to those portions herein agreed upon for which funds shall have been appropriated and budgeted.

ARTICLE XI. INDEMNIFICATION

The Provider shall defend, indemnify and save harmless the County, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the Provider, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

ARTICLE XII. INSURANCE

The Provider agrees to procure and maintain without additional expense to the County, insurance of the kinds and in the amounts provided under Schedule A attached hereto and made a part hereof. Before commencing services under this Agreement, the Provider shall furnish to the

County, a certificate(s) showing that the requirements of this Article are met and the certificate(s) shall provide that the policy shall not be changed or canceled until thirty (30) days prior written notice has been given to the County, and the County of Albany is named as an additional insured.

The Provider shall provide to the County documentation and proof that automobile insurance coverage has been obtained and will continue to exist during the term of this Agreement that will hold the County harmless from any and all liability incurred for the use of a motor vehicle to transport individuals in conjunction with or for the purpose of providing the services described in this agreement or shall instead fill out, sign and execute the Automobile Insurance Waiver in Schedule B attached hereto and made a part hereof.

ARTICLE XIII. CONFLICT OF INTEREST

The Provider hereby warrants that it has no conflict of interest with respect to the activities to be performed hereunder. If any conflict or potential conflict of interest arises in the future, the Provider shall promptly notify the County.

ARTICLE XIV. NON-DISCRIMINATION

In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Subscriber agrees that neither it nor its subcontractors shall, by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any person who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this Agreement.

ARTICLE XV. SUSPENSION AND DEBARMENT

The Provider certifies that its company/entity and any person associated therewith in the capacity of independent contractor, not-for-profit provider, for profit provider, owner, director, officer, or major stockholder (5% or more ownership):

- a. is not currently under suspension, debarment, voluntary exclusion, or determined ineligible by any federal agency;
- b. has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;
- c. does not have a proposed debarment pending; and
- d. has not been indicted, convicted, nor had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

ARTICLE XVI. GOVERNING LAWS

This Agreement shall be governed by and construed according to the Laws of the State of New York.

ARTICLE XVII. NYSDOH DATA EXCHANGE APPLICATION AND AGREEMENT

The Provider shall cooperate with the County and NYSDOH to execute and maintain a Data Exchange Application and Agreement (DEAA) with the NYSDOH Office of Medicaid Management.

ARTICLE XVIII. TERM

The terms of this Agreement shall commence on October 1, 2019 and terminate on September 30, 2020. Provided, however that the respective rights and obligations of the parties hereto shall survive termination of this Agreement. At the end of that initial term, the County reserves the right to renew any and all contracts for four (4) additional years, in one (1) consecutive one year interval, for the services and rates established in the original contract.

ARTICLE XIX. TERMINATION OF AGREEMENT

This Agreement may be terminated at any time upon mutual written agreement of the contracting parties.

This Agreement may be terminated if the Department deems that termination would be in the best interests of the County, provided that the Department shall give written notice to the Provider not less than thirty (30) days prior to the date upon which termination shall become effective. Such notice is to be made via registered or certified mail return receipt requested or hand delivered to the last known address of the Provider. The date of such notice shall be deemed to be the date the notice is received by the Provider established by the receipt returned, if delivered by registered or certified mail, or by an affidavit of the person delivering the notice to the Provider, if the notice is delivered by hand.

Upon the County's knowledge of a breach of this Agreement by the Provider, the County may terminate the Agreement if it determines that such a breach violated a material term of this Agreement. Notwithstanding that, the County may provide an opportunity for the Provider to cure the breach within a time set by the County and, if cure is not possible or does not occur within the time limit, immediately terminate the Agreement without penalty.

This Agreement shall be deemed terminated immediately upon the filing of a petition of bankruptcy or insolvency, by or against the Provider. Such termination shall be immediate and complete, without termination costs or further obligation by the Department to the Provider.

This Agreement shall be deemed terminated immediately should Federal and/or State funds for this Agreement become unavailable.

In the event of termination for any reason, the Provider shall not incur new obligations for the terminated portion and the Provider shall cancel as many outstanding obligations as possible.

Any violation by the Provider of any of the terms of this Agreement may result in the County's decision at its sole discretion, to immediately terminate this Agreement.

ARTICLE XX. REMEDY FOR BREACH

In the event of a breach by Provider, Provider shall pay to the County all direct and consequential damages caused by such breach, including, but not limited to, all sums expended by the County to procure a substitute contractor to satisfactorily complete the contract work, together with the County's own costs incurred in procuring a substitute contractor.

ARTICLE XXI. FEDERAL LOBBYING

The Federal Lobbying Act states that no Federal appropriated funds may be spent by the recipient of a Federal grant, or a sub tier contractor or sub grantee, to pay any person for influencing or attempting to influence an officer or employee of any Federal agency or a Member of Congress in connection with any of the following covered Federal actions: the awarding of a Federal contract, or the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. If any funds or other Federal appropriated funds have been or will be expended by the Provider to pay any person for influencing any Federal officer, employee or Member of Congress described above in connection with such Federal grant the Provider agrees to make a written disclosure on the appropriate specified disclosure form.

The parties hereunto represent that they have not committed or authorized, nor will they commit or authorize the commission of any act in violation of the Federal Lobbying Act.

ARTICLE XXII. MACBRIDE PRINCIPLES

Contractor hereby represents that said Provider is in compliance with the MacBride Principles of Fair Employment as set forth in Albany County Local Law No. [3] for 1993, in that said Provider either (a) has no business operations in Northern Ireland or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles, and shall permit independent monitoring of their compliance with such principles. In the event of a violation of this stipulation, the County reserves all rights to take remedial measures as authorized under section 4 of Local Law No. [3] in 1993, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the Provider in default and/or seeking debarment or suspension of the Provider.

ARTICLE XXIII. INTERPRETATION

The Parties' entire agreement concerning the auditing services pertaining to Medicaid fraud, waste and abuse control consists of the Contract Documents. The Contract Documents consist of the following: this Agreement; the Exhibits to this Agreement; the RFP which is incorporated by reference and made a part hereof; and the Proposal which is incorporated by reference and made a part hereof (collectively referred to as the "Agreement" hereinafter). The Parties' agreement concerning the auditing services pertaining to Medicaid fraud, waste and abuse control shall be interpreted by taking all documents as being cumulative and reading them together. Any contradiction between or among such documents shall be resolved by giving preference to the Contract Documents in the following order: 1) this Agreement; 2) the Exhibits to this Agreement; 3) the RFP; 4) the Proposal.

ARTICLE XXIV. IRANIAN ENERGY SECTOR DIVESTMENT

Contractor hereby represents that Contractor is in compliance with New York State General Municipal Law Section 103-g entitled "Iranian Energy Sector Divestment," in that Contractor has not:

- (a) Provided goods or services of \$20 Million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or

- (b) Acted as a financial institution and extended \$20 Million or more in credit to another person for forty-five (45) days or more, if that person's intent was to use the credit to provide goods or services in the energy sector in Iran.

ARTICLE XXV. CHANGE IN LEGAL STATUS OR DISSOLUTION

During the term of this Agreement, the Provider agrees that, in the event of its reorganization or dissolution as a business entity or change in business, the Provider shall give the County thirty (30) days written notice in advance of such event.

ARTICLE XXVI. LICENSES

The Provider shall at all times obtain and maintain all licenses required by New York State, or other relevant regulating body, to perform the services required under this Agreement.

ARTICLE XXVII. INVALID PROVISIONS

It is further expressly understood and agreed by and between the parties hereto that in the event any covenant, condition or provision herein contained is held to be invalid by any court or competent jurisdiction, the invalidity of such covenant, condition or provision shall in no way affect any other covenant, condition or provision herein contained; provided, however, that the invalidity of any such covenant, condition or provision does not materially prejudice either County or Provider in their respective rights and obligations contained in the valid covenants, conditions or provisions in this Agreement.

ARTICLE XXVIII. MODIFICATION

This Agreement may only be modified by a formal written amendment executed by the parties.

ARTICLE XXIX. ADDITIONAL ASSURANCES

The Provider agrees that no part of any substantial claim will have previously been paid by the County, State, and/or other funding source.

The Provider agrees that funds received from other sources for specific services already paid for by the County shall be reimbursed to the County.

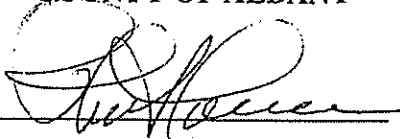
The Provider agrees to comply with all applicable State and Federal statutes and regulations.

The Provider agrees to comply with the requirements of the Federal Lobbying Act and the Drug-Free Workplace Act of 1988 and has signed the certifications contained in Schedules B and C, which are attached hereto and made a part thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

COUNTY OF ALBANY

DATE: 7/23/19

BY: 

Daniel P. McCoy
County Executive
or
Philip F. Calderone
Deputy County Executive

MEYERS AND STAUFFER, LLC

DATE: 8/12/19

BY: 

TITLE: MEMBER

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the ___ day of _____, 20___, before me, the undersigned, personally appeared Daniel P. McCoy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:


On the 23 day of August, 2019, before me, the undersigned, personally appeared Phillip F. Calderone, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

MICHAEL A. LALLI
NOTARY PUBLIC - STATE OF NEW YORK
No. 01LA6322012
Qualified in Albany County
My Commission Expires March 30, 2023

Lalli
NOTARY PUBLIC

STATE OF Virginia)
COUNTY OF Henrico) SS.:

On the 12 day of August, 2019, before me, the undersigned, personally appeared Charles T. Smith, III personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

 Karen Leslie Stafford
Commonwealth of Virginia
Notary Public
Commission No. 7505604
My Commission Expires 4/30/2023

Karen Leslie Stafford
NOTARY PUBLIC

SCHEDULE A
INSURANCE COVERAGE

The kinds and amounts of insurance to be provided are as follows:

1. **Workers' Compensation and Employers Liability Insurance:** A policy or policies providing protection for employees in the event of job related injuries.
2. **Automobile Liability Insurance:** A policy or policies with the limits of not less than \$500,000 for each accident because of bodily injury, sickness or disease, including death at any time, resulting there from, sustained by any person caused by accident, and arising out of the ownership, maintenance or use of any automobiles, and with the limits of \$500,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobiles.
3. **General Liability Insurance:** A policy or policies including comprehensive form, personal injury, contractual, products/completed operations, premises operations and broad form property insurance shall be furnished with limits of not less than:

<u>Liability for:</u>	<u>Combined Single Limit:</u>
Bodily Injury	\$1,000,000.
Property Damage	\$1,000,000.
Personal Injury	\$1,000,000.
Professional Liability	\$1,000,000.

SCHEDULE B

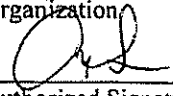
CERTIFICATION REGARDING DRUG FREE WORKPLACE REQUIREMENTS GRANTEES OTHER THAN INDIVIDUALS

This certification is required by regulations implementing Sections 5151-5160 of the Drug-free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.) 7 CFR Part 3017, Subpart F, Section 3017.600 and 45 CFR Part 76, Subpart F. The January 31, 1989 regulations were amended and published as Part II of the May 25, 1990 Federal Register (Page 21681-21691).

The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance program; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a), that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to the employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraph (a), (b), (c), (d), (e) and (f).

MYCAS AWA STAWFEL LC
 Organization


 Authorized Signature

MEMBER 9/12/15
 Title Date

SCHEDULE C

Certification Regarding Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreements


The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into or any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

MYERS AND STAUFFER LC

 Organization



 Authorized Signature

MEMBER

 Title

8/12/17

 Date

Note: If Disclosure Forms are required, please contact: Mr. William Saxton, Deputy Director, Grants and Contracts Management Division, Room 341F, HHH Building, 200 Independence Avenue, SW, Washington, D.C. 20201-0001.

EXHIBIT 1
FEE SCHEDULE

The Provider will be reimbursed a fixed fee per audit, one each for billing audits and cost audits. Each fixed fee encompasses all costs associated with audit, including labor, travel, equipment and other overhead expenses as follows:

- Billing Audits
- Cost Report Audits: \$21,500 per audit

The provider will be reimbursed per audit fee payable in three installments, each payable upon completion of the following milestones:

- Acceptance of provider review Plan: 30%
- Acceptance of Exit Conference Summary 50%
- Acceptance of final Report: 20%

The fees broken down by payment milestones are as follows:

Milestones	Percentage	Billing Audit	Cost Report Audit
Acceptance of Provider Review Plan	30%	\$3,450	\$6,450
Acceptance of Exit Conference Summary	50%	\$5,570	\$10,750
Acceptance of Final Report	20%	\$2,300	\$4,300
Total	100%	\$11,500	\$21,500

APPENDIX A

OBLIGATIONS AND ACTIVITIES OF THE CONSULTANT AS A BUSINESS ASSOCIATE PURSUANT TO 45 CFR SECTION 164.504

The parties to the Agreement hereby agree to comply with the following provisions to ensure their compliance with the requirements of the Privacy Rule and the Health Insurance Portability and Accountability Act of 1996.

Pursuant to the terms of the Agreement, and in accordance with the requirements of 45 CFR Sections 160 and 164, the Provider herein shall be considered a "Business Associate." The following terms are hereby incorporated in this AGREEMENT and shall be binding upon the parties hereto:

A. DEFINITIONS

1. "Business Associate" – under the terms of this Agreement, the term "Business Associate" shall mean Meyers and Stauffer, LLC.
2. "Covered Entity" – for purposes of this Agreement, the term "Covered Entity" shall mean the County of Albany and/or the Albany County Department of Social Services.
3. "Individual" – under the terms of this Agreement, the term "Individual" shall have the same meaning as the term "individual" in 45 CFR Section 160.103, and shall include a person who qualifies as a personal representative in accordance with 45 CFR Section 164.502(g).
4. "Privacy Rule" – shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 CFR Part 160 and Part 164, Subparts A and E.
5. "Protected Health Information" – shall have the same meaning as the term "protected health information" in 45 CFR Section 160.103, limited to the information created, received, maintained or transmitted by the Business Associate from or on behalf of the Covered Entity.
6. "Required by Law" – shall have the same meaning as the term "required by law" in 45 CFR Section 164.103.
7. "Secretary" – shall mean the Secretary of the Department of Health and Human Services or his/her Designee.
8. "Subcontractor" – shall have the same meaning as the term "subcontractor" in 45 CFR Section 160.103.

B. OBLIGATIONS AND ACTIVITIES OF THE BUSINESS ASSOCIATE

1. Pursuant to the terms of the Agreement, the Business Associate agrees to not use or disclose Protected Health Information other than as permitted or required by the Agreement, or as required by law.
2. The Business Associate agrees to use appropriate safeguards to prevent the use or disclosure of electronic Protected Health Information other than as provided for by this Agreement in accordance with the requirements of 45 CFR Section 164.314(a)(2)(i).
3. Pursuant to the terms of the Agreement and as more particularly described in the INDEMNIFICATION provisions of the Agreement, the Business Associate hereby agrees, and shall be required to mitigate, to the extent practicable, any

- harmful effect that is known to the Business Associate of a use or disclosure of Protected Health Information by the Business Associate which is in violation of the requirements of the Agreement.
4. The Business Associate shall immediately report to the Covered Entity any use or disclosure of unsecured Protected Health Information not provided for by the Agreement, of which it shall become aware in accordance with the provisions of 45 CFR Section 164.410.
 5. The Business Associate agrees to ensure that any agent, including a subcontractor, that creates, receives, maintains or transmits Protected Health Information on behalf of the Business Associate agrees to the same restrictions and conditions that apply through this Agreement to the Business Associate with respect to such information pursuant to 45 CFR Section 164.502(e)(1)(ii) by entering into a contract or other arrangement in accordance with the requirements of 45 CFR Section 164.314.
 6. Business Associate agrees to provide access, at the request of the Covered Entity, to Protected Health Information in a Designated Record Set, to the Covered Entity or as directed by the Covered Entity, to an Individual, in order to meet the requirements under 45 CFR Section 164.524.
 7. Business Associate agrees to make any necessary amendments to Protected Health Information in a Designated Record Set that the Covered Entity directs or agrees pursuant to 45 CFR Section 164.526, at the request of Covered Entity or an Individual, in a timely manner.
 8. Business Associate agrees to make its internal practices, books, and records, including policies and procedures relating to the use and disclosure of Protected Health Information received from, or created or received by the Business Associate on behalf of the Covered Entity, available to the Secretary for purposes of the Secretary determining the Covered Entity's compliance with the Privacy Rule.
 9. Business Associate agrees to document such disclosures of Protected Health Information and information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with the requirements of 45 CFR Section 164.528.
 10. Business Associate agrees to provide to the Covered Entity or an Individual, upon request, information which may be collected by the Business Associate during the term of this Agreement, for purposes of permitting the Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information, in accordance with the provisions of 45 CFR Section 164.528.
 11. To the extent that the Business Associate is to carry out an obligation of the Covered Entity as a term of this Agreement, Business Associate agrees to comply with the requirements of the Privacy Rule under 45 CFR Section 164.504 that apply to the Covered Entity in the performance of such obligation.

C. PERMITTED USES AND DISCLOSURE

1. **General Uses and Disclosure** - Except as otherwise limited in this Agreement, the Business Associate may use or disclose Protected Health Information to perform the functions, activities, or services as defined in this Agreement, provided that such use or disclosure would not violate the Privacy Rule if said disclosure were done by the Covered Entity, or the minimum necessary policies and procedures of the Covered Entity, as well as the applicable provisions of the New York State Social Service and/or Mental Hygiene Law.

- 2. Specific Uses and Disclosure – Except as otherwise limited in this Agreement, the Business Associate may disclose Protected Health Information for the proper management and administration of the services to be provided by the Business Associate in this Agreement, provided that disclosures are Required by Law, or the Business Associate obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and used or further disclosed only as Required by Law, or for the purposes for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware that the confidentiality of the information has been breached.
- 3. Except as otherwise limited in this Agreement, the Business Associate may use Protected Health Information to provide information required to the Covered Entity as permitted by 45 CFR Section 164.504 (e)(2)(i)(B).
- 4. Except as otherwise limited in this Agreement, the Business Associate may use Protected Health Information to carry out the legal responsibilities of the Business Associate.
- 5. The Business Associate may use Protected Health Information to report violations of law to appropriate Federal and State authorities, consistent with 45 CFR Section 164.502 (j)(1).
- 6. Nothing within this section shall be construed as to inhibit the disclosure of information as may be required by the New York State Social Service and/or Mental Hygiene Law, Sections 33.13 or 33.16, or other provisions, as may be Required by Law.

D. OBLIGATIONS OF COVERED ENTITY WITH REGARD TO PRIVACY PRACTICE AND RESTRICTIONS

- 1. The Covered Entity shall notify the Business Associate of any limitations in its notice of privacy practices in accordance with 45 CFR Section 164.520, to the extent that such limitation may affect the Business Associate’s use or disclosure of Protected Health Information.
- 2. The Covered Entity shall notify the Business Associate of any changes in, or revocation of, permission by the Individual to use or disclose Protected Health Information, to the extent that such changes may affect the Business Associate’s use or disclosure of Protected Health Information.
- 3. The Covered Entity shall notify the Business Associate of any restriction to the use or disclosure of Protected Health Information that the Covered Entity has agreed to in accordance with 45 CFR Section 164.522, to the extent that such restriction may affect the Business Associate’s use or disclosure of Protected Health Information.

E. PERMISSIBLE REQUESTS BY COVERED ENTITY

The Covered Entity shall not request the Business Associate to use or disclose Protected Health Information in any manner that would not be permissible under the Privacy Rule if done by the Covered Entity.

F. COVERED ENTITY’S RESPONSIBILITIES UPON TERMINATION

- 1. The term of this Agreement shall be October 1, 2019 – September 30, 2020. Upon termination of this Agreement, the Covered Entity shall take such necessary precautions to

ensure the confidentiality of the Protected Health Information, in accordance with the provisions of 45 CFR Section 164.

- 2. Termination for Cause – In the event that the Covered Entity becomes aware of a material breach by the Business Associate of the terms of this Appendix, the Covered Entity shall have the right, at its sole discretion, to proceed as follows:
 - (a) Provide an opportunity to the Business Associate to cure the breach, and end the violation within ten (10) business days. If the Business Associate does not cure the breach and end the violation within ten (10) business days, the Covered Entity shall have the right to immediately terminate the agreement; or,
 - (b) Immediately terminate the agreement if the Business Associate has breached a material term of this Appendix, and cure is not possible; or
 - (c) If neither termination of the agreement nor cure is feasible, the Covered Entity shall report the violation to the Secretary.

G. EFFECT OF TERMINATION

- 1. Upon termination of the Agreement, the Business Associate shall take all necessary precautions and extend the protections of this Agreement to all Protected Health Information, as if the Agreement were still in force and effect.
- 2. At the end of all audit and other relevant periods, as more particularly described in the RECORDS provisions of the Agreement, the Business Associate shall, if feasible, return or destroy all Protected Health Information received from or created or received by the Business Associate on behalf of the Covered Entity that the Business Associate still maintains in any form.

H. MISCELLANEOUS

- 1. **Regulatory References** – A reference in this Agreement to a section in the Privacy Rule or in the Social Service and/or Mental Hygiene Law means the section as in effect or as amended.
- 2. **Amendment** – The parties agree to take such action as is necessary to amend this Agreement from time to time as is necessary for the Covered Entity to comply with the requirements of the Privacy Rule and the Health Insurance Portability and Accountability Act of 1996.
- 3. **Survival** – The respective rights and obligations of the Business Associate with regard to this Appendix shall survive the termination of this Agreement.
- 4. **Interpretation** – Any ambiguity in this Agreement shall be resolved to permit the Covered Entity to comply with the Privacy Rule.
- 5. **Incorporation in the Agreement** – The terms of this Appendix “A” are hereby incorporated into the Agreement between the parties hereto.

ACORDTM

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/09/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CBIZ Insurance Services, Inc. 700 West 47th Street, Suite 1100 Kansas City, MO 64112 816 945-5500	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: kpeed@cbiz.com	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	
INSURED Myers and Stauffer LC 700 W. 47th Street, Suite 1100 Kansas City, MO 64112	INSURER A: Hartford Casualty Insurance Co	NAIC # 29424
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR INSR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			30SBAUH8895	05/01/2019	05/01/2020	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/>			30SBAUH8895	05/01/2019	05/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTIONS \$10,000			30SBAUH8895	05/01/2019	05/01/2020	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 107, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Albany County Department of Social Services 162 Washington Avenue Albany, NY 12210-2304	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE CBIZ Insurance Services, Inc.
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CERTIFICATE OF LIABILITY INSURANCE

8/09/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER CBIZ Insurance Services, Inc. 700 West 47th Street, Suite 1100 Kansas City, MO 64112 816 945-5500		CONTACT NAME: PHONE (A/C, No, Ext): - FAX (A/C, No): E-MAIL ADDRESS: kpeed@cbiz.com	
INSURED CBIZ, Inc. and Subsidiaries 6050 Oak Tree Blvd., South, Suite 500 Cleveland, OH 44131		INSURER(S) AFFORDING COVERAGE	
		INSURER A: CNA/Continental Casualty Co	NAIC # 20443
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE	\$
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$
							GENERAL AGGREGATE	\$
							PRODUCTS - COMP/OP AGG	\$
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTIONS						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	6072461232 6072461246CA	09/30/2018	09/30/2019	PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$1,000,000
							E.L. DISEASE - POLICY LIMIT	\$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Albany County Department of Social Services 162 Washington Avenue Albany, NY 12210-2304	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE CBIZ Insurance Services, Inc.
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ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/09/2019

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PRODUCER CBIZ Insurance Services, Inc. 700 West 47th Street, Suite 1100 Kansas City, MO 64112 816 945-5500	CONTACT NAME: PHONE (A/C, No, Ext): - FAX (A/C, No): E-MAIL ADDRESS: kpeed@cbiz.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED Myers and Stauffer, LC 700 W 47th St., Ste 1100 Kansas City, MO 64112	INSURER A: ACE American Insurance Company	NAIC # 22667
	INSURER B: Ironshore Specialty Insurance Co.	NAIC # 25445
	INSURER C:	
	INSURER D:	
	INSURER E:	
INSURER F:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/POP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input type="checkbox"/> N (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Technology/Cyber		F14973205001	06/01/2019	06/01/2020	\$10,000,000 Each Claim
B	Excess Cyber		002298304	06/01/2019	06/01/2020	\$10,000,000 Aggregate \$10,000,000/\$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Albany County Department of Social Services 162 Washington Avenue Albany, NY 12210-2304	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE CBIZ Insurance Services, Inc.
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/09/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Affinity Insurance Services 1100 Virginia Drive, Suite 250 Fort Washington, PA 19034	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL: ADDRESS: FAX (A/C, No):																					
INSURED Myers and Stauffer LC 700 W 47 th Street, Suite 1100 Kansas City, MO 64112-1922	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td colspan="2">INSURER A: Continental Casualty Company</td> <td style="text-align: center;">20443</td> </tr> <tr> <td colspan="2">INSURER B:</td> <td></td> </tr> <tr> <td colspan="2">INSURER C:</td> <td></td> </tr> <tr> <td colspan="2">INSURER D:</td> <td></td> </tr> <tr> <td colspan="2">INSURER E:</td> <td></td> </tr> <tr> <td colspan="2">INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A: Continental Casualty Company		20443	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSP	INSR	VVD	POLICY NUMBER	POLICY EFF (MMDDYYYY)	POLICY EXP (MMDDYYYY)	LIMITS
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GENL. AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJ. <input type="checkbox"/> LOC. OTHER:							EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (EA occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY							COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTIONS							EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			<input type="checkbox"/> Y / <input type="checkbox"/> N / N/A				<input type="checkbox"/> PER STATE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability Insurance				ABF-188181819	12/31/2018	12/31/2019	\$1,000,000 per claim \$1,000,000 annual aggregate Limits shown are as requested.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Albany County Department of Social Services 162 Washington Avenue Albany, New York 12210-2304 Attn: Joseph J. DeAngelis	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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RESOLUTION NO. 235

AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH MEYERS AND STAUFFER, LLC FOR AUDITING SERVICES REGARDING MEDICAID FRAUD, WASTE AND ABUSE

Introduced: 7/13/20

By Social Services Committee:

WHEREAS, The Commissioner of the Department of Social Services has requested authorization to enter into an agreement with Meyers and Stauffer, LLC for auditing services regarding Medicaid fraud, waste and abuse control activities in the amount not to exceed \$166,000 for the term commencing October 1, 2020 and ending September 30, 2021, and

WHEREAS, The Department issued an Request for Proposal (RFP) for auditing services to assist in determining potential provider fraud, waste and abuse associated with the Medicaid Program and any overpayments to be repaid and Meyers and Stauffer was the lowest responsible proposer, and

WHEREAS, The agreement will provide for a review of Medicaid payments made to providers enrolled in the Medicaid program who have submitted claims for eligible services to recipients for which the County has fiscal responsibility and a determination of any overpayments, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Meyers and Stauffer, LLC, Windsor, CT 06095 for auditing services regarding Medicaid fraud, waste and abuse control activities in the amount not to exceed \$166,000 for the term commencing October 1, 2020 and ending September 30, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF SOCIAL SERVICES
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12210-2304
(518) 447-7300
WWW.ALBANYCOUNTY.COM

MICHELE G. MCCLAVE
COMMISSIONER

ERIN M. STACHEWICZ
EXECUTIVE DEPUTY
COMMISSIONER

VALARIE SACKS
DEPUTY COMMISSIONER

June 2, 2019

Hon. Andrew Joyce, Chairman
Legislative Clerk's Office
112 State St., Room 710
Albany, NY 12207

Dear Chairman Joyce,

The Department of Social Services respectfully requests legislative approval for the following:

Authorization is requested to contract with Cornell Cooperative Extension of Albany County (CCE) to provide Home Energy Assistance Program (HEAP) outreach and certification services. HEAP is a state-supervised program to assist eligible low-income households in meeting the costs of home energy. The local Department of Social Services (LDSS) is designated as the lead local agency to administer outreach, certification and payment services. The LDSS must establish a local certification network which provides for an alternative non-LDSS site(s) for a reasonable share of outreach and intake for regular and emergency HEAP assistance. CCE meets these requirements

CCE also accepts/processes all mail-in applications. We are requesting to renew an agreement with them to continue these important services.

Sincerely,

Michele G. McClave
Commissioner

cc: Dennis Feeny, Majority Leader
Frank Mauriello Minority Leader
Kevin Cannizzaro, Majority Counsel
Minority Counsel



Legislation Text

File #: TMP-1687, Version: 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Contract Authorization for Social Services (Cornell)

Date: 5/27/2020
Submitted By: Joseph J DeAngelis
Department: Social Services
Title: Contract Administrator
Phone: 518-447-7583
Department Rep.
Attending Meeting: Michele G McClave

Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) [Click or tap here to enter text.](#)

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):

Cornell Cooperative Extension of Albany County
P.O. Box 497, 24 Martin Road
Voorheesville, NY 12186

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$160,000

Scope of Services: Provide Home Energy Assistance Program (HEAP) outreach and certification services to low-income residents in Albany County, especially elderly and handicapped individuals. Service to include the preparation and review of all mail-in applications.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: 18 NYCRR 393.3

Is there a Fiscal Impact: Yes No
Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: AA6010 04610
Revenue Amount: \$35,200.00

Appropriation Account and Line: AA6010 44046
Appropriation Amount: \$160,000.00

Source of Funding - (Percentages)

Federal: 22%
State: 0
County: 78%
Local: 0

Term

Term: (Start and end date) 10/1/2020 - 9/30/2021
Length of Contract: 12 Months

Impact on Pending Litigation

Yes No
If yes, explain: [Click or tap here to enter text.](#)

Previous requests for Identical or Similar Action:

Resolution/Law Number: 262
Date of Adoption: 7/8/2019

Justification: (state briefly why legislative action is requested)

Authorization is requested to renew a contract with Cornell Cooperative Extension of Albany County (CCE) to provide HEAP outreach and certification services. HEAP is a state-supervised program which provides financial assistance to eligible low-income households in meeting the costs of home heating and cooling. The local department of social services (LDSS) is designated as the lead local agency to administer outreach, certification and payment services. The LDSS is required to have a local certification network, which provides for an alternative non-LDSS site(s) for a reasonable share of outreach and intake for regular and emergency HEAP assistance.

CCE will provide outreach, information and certification services for the general public residing in Albany County and also accept/process all mail-in applications. During the next contract period CCE will:

- Bring the benefits of the Home Energy Program to eligible residents - especially working families, retirees and disabled persons within Albany County.
- Receive HEAP applications and documentation, interview applicants and forward applications to ACDSS for final determination and payment. NOTE: Cornell handled 2,369 HEAP applications for the 2019-2020 HEAP season. During the Covid pandemic Cornell will continue to receive applications, interview applicants via the telephone and conduct in-person meetings. For any in person meetings, they will follow social distancing protocols, and wear masks and gloves.
- Complete HEAP "application days" at satellite sites throughout Albany County. (During COVID pandemic clients continue to drop off HEAP applications at the sites and CCE continues to work with clients by phone.)

- Advertise through various media regarding the availability of the HEAP program and eligibility criteria for receiving benefits.
- Monitor and address DSS incoming HEAP telephone traffic, forwarding only those calls that must be resolved by Examiner series staff.
- Cornell assists in handling HEAP in-person and mail-in applications and HEAP phone calls for the entire County. During the pandemic Cornell will continue to assist individual's in-person making certain they follow social distancing protocols, and wear masks and gloves.

In addition to conducting outreach at a variety of community locations throughout the County, Cornell provides HEAP enrollment services at the following sites:

- 1) Cornell Cooperative Extension
230 Green St., Albany 3rd Floor
Phone: 518-765-3500; Fax: 518-463-8218
- 2) Choices
Rte. 9 W, Faith Plaza
Ravena, NY
Phone: 518-756-8650; Fax: 518-756-3988
- 3) Cohoes Multi-Service Senior Center (During Winter HEAP season every Tuesday 1:00-3:30 PM)
10 Cayuga Plaza, Cohoes, NY
Walk-in only

If the above locations are not available during the pandemic, Cornell Cooperative will work with the local libraries and other potential community locations that are open to conduct outreach to low-income households. In addition to in-person outreach, Cornell conducts home visits for disabled/homebound residents to assist in applying for HEAP benefits. They will continue to conduct home visits while employing social distancing protocols as well as wear masks and gloves.

Knowing that there could be limited in person outreach opportunities, CCE plans on increasing their advertising with local media to market the HEAP program and encourage applications from low-income households. Additionally, CCE will work to provide HEAP informational sessions during local town, village and city board meetings, which are shown on the local cable television channels for households to be informed. In addition to these outreach methodologies, CCE will work with the County's home delivered meal providers to have an informational flyer provided to each home delivered meal recipient. CCE will also continue to identify other outreach opportunities.

The number of clients served is dependent upon income eligibility guidelines set by New York State Office of Temporary and Disability Assistance and also by the level of federal funding received.

**SERVICE AGREEMENT BETWEEN
THE COUNTY OF ALBANY
AND
CORNELL COOPERATIVE EXTENSION OF ALBANY COUNTY
FOR
HOME ENERGY ASSISTANCE PROGRAM
OUTREACH, CERTIFICATION AND EDUCATION SERVICES**

RESOLUTION NO. 262, ADOPTED 7/8/2019

This is an Agreement between the County of Albany, a municipal Corporation, (hereinafter referred to as the "County"), acting through the Albany County Department of Social Services (hereinafter referred to as "DSS"), Albany County Office Building, 112 State Street, Albany, New York 12207 and the Cornell Cooperative Extension of Albany County with principle offices located at 24 Martin Road, Voorheesville, New York 12186 (hereinafter referred to as the "Provider") regarding the Home Energy Assistance Program (hereinafter referred to as "HEAP").

WITNESSETH:

WHEREAS the County requires a service Agreement with a qualified provider to comply with the Social Services Law of the State of New York and the rules and regulations of Title 18 NYCRR, specifically that the County of Albany shall provide for a comprehensive program of assistance and care to supply the basic needs of those eligible individuals living within the County who qualify for such assistance and care (hereinafter referred to as the "Service"), and

WHEREAS the Provider in consultation with the County has agreed to provide HEAP services for specified and agreed to fees as stated in Article X of this Agreement, and

WHEREAS the County has accepted the offer of the Provider to provide HEAP services, and

WHEREAS, the County has authorized support and maintenance of county extension work under County Law Section 224 (8), and

WHEREAS, the Provider is the designated agent of Cornell University under Section 224 (8) to provide the extension service required locally, and

WHEREAS, the Provider will provide under this agreement connection to the Cornell University Colleges of Agriculture and Life Sciences and the College of Human Ecology along with the Land-Grant University system, and those subjects pertaining to Agriculture and Life Sciences and Human Ecology directly to the residents of Albany County that are covered in the above colleges and universities, and

WHEREAS, Provider will supervise and empower staff associated with this agreement to connect with and align themselves with the set forth plans of work of the State and National Land-Grant and Cooperative Extension systems to further the improvement of Albany County's residents knowledge and practices, and

WHEREAS, Provider has satisfactorily demonstrated that it has the experience and expertise through its connection to the Cornell Colleges of Agriculture and Life Sciences and the College of Human Ecology along with the integration of the nationwide connection to the Land-Grant University system necessary to provide such services, and

WHEREAS, Provider, under the general supervision of Cornell University as agent for the State of New York, and Albany County Department of Social Services have developed an understanding which will provide for professional educational services in exchange for financial resources from the County for the purpose of application assistance and educational programming and referral to Extension's educational and training opportunities for the stated outreach services in Albany County within the mission of Cooperative Extension.

NOW, THEREFORE, the parties hereto do mutually covenant and agree as follows:

ARTICLE I. SERVICES TO BE PERFORMED BY PROVIDER

The Provider, either directly or through an authorized representative approved by DSS, shall provide all educational services set forth and specifically defined in Exhibit 1 entitled "SCOPE OF SERVICES."

If the Provider is of the opinion that any work the Provider has been directed to perform is beyond the scope of this Agreement and constitutes Extra Work, the Provider shall promptly notify the County of the fact. The County shall be the sole judge as to whether or not such work is, in fact, beyond the scope of this Agreement and whether or not it constitutes Extra Work. In the event that the County determines that such work does constitute Extra Work, it shall provide extra compensation to the Provider on a negotiated basis.

The County invests in this Agreement in order to maximize the effectiveness of HEAP for low income residents of Albany County. Ideally, all eligible HEAP customers will become aware of and apply for HEAP. In particular the County (as investor) seeks a partnership with the provider (as implementer) that will:

1. Maximize the number of people who are specifically aware of the available benefits of HEAP so as more who qualify will apply for this benefit.
2. Maximize the number and percent of eligible applicants and therefore reduce the number of applicants who are potentially denied a benefit, thereby freeing staff time and resources to process benefits for eligible applicants more quickly.
3. Maximize customer service and satisfaction by taking complete, accurate applications so that extensive follow-up is not necessary and track applications carefully to minimize duplicate applications.
4. Monitor and provide timely response to Albany County Energy Hotline telephone messages via Outlook Web Access.
5. Provide educational materials, programs, trainings and support to applicants and their families with regard to household energy conservation, basic household budgeting and resource management, and other life skill training opportunities.
6. Provide referrals and enrollment to other educational programs that provide supports to limited income residents i.e. Weatherization, SNAP Ed, EFNEP, Lead Certification Training, Financial Management, Emergency Preparedness, Strengthening Families Program, etc.

- 7. Distribute educational resources and enrollment information through Cornell Cooperative Extension (provider) newsletters and website, and through various direct and indirect educational programming.
- 8. Track participation in all outreach and educational activities offered.

In order to maximize the likelihood of achieving the County's desired outcomes as well as the effectiveness of the Provider's overall HEAP services, the provider agrees to review all HEAP applications presented either by mail or in person.

ARTICLE II. GENERAL PROVISIONS

DSS will provide the Provider with the name, address, telephone and FAX numbers of the principal DSS contact for the submission of printed materials, logs, reports and any other materials requiring DSS approval before the beginning of the HEAP season. DSS will communicate any changes in this information to the Provider promptly.

DSS will provide the Provider with the name(s), location(s), telephone and FAX numbers of DSS contact(s) for the submission of applications. DSS will communicate any changes in this information to the Provider promptly.

As part of this Agreement, and especially including conditions of payment for services provided:

- 1. Only applications which meet the following criteria shall be considered complete and accurate:
 - application forms and budget worksheets are completed fully and accurately
 - mathematical computations are calculated and displayed
 - presumptive eligibility determinations – including the primary reason for ineligibility – are clearly indicated
 - all required documentation – including legible photocopies as appropriate – are attached

ARTICLE III. CONFIDENTIALITY REQUIREMENTS

The Provider shall observe all applicable Federal and State requirements relating to confidentiality of records and information, and shall not allow the examination of records or disclose information, except as may be necessary by the County to assure that the purpose of the Agreement will be effectuated, and also to otherwise comply with the County's requirements and obligations under law. Further, to the extent it may be applicable, the Provider herein agrees to abide by the terms and conditions of Appendix "A" attached hereto and made a part hereof regarding the Healthcare Insurance Portability and Accountability Act of 1996.

ARTICLE IV. INFORMATION ACCESS

The Provider agrees to provide the County and authorized State and/or Federal personnel access to any and all books, documents, records, charts, software or any other information relevant to performance under this Agreement, upon request. The Provider agrees to retain all of the above information for six (6) years after final payment or the termination of this Agreement, and shall make such information available to the County, State, and/or Federal personnel, and/or to any person(s) duly authorized by any of them during such period.

The County and the State reserve the right to conduct on-site evaluations of the services provided under this Agreement, and shall be afforded full access by the Provider to the grounds, buildings, books, papers, employees and recipients relating to such service provision, and may require from the officers and persons in charge thereof any information deemed necessary to such an evaluation.

All technical or other data relative to the work pertaining to this Agreement in the possession of the County or in the possession of the Provider shall be made available to the other party to this Agreement without expense to the other party.

ARTICLE V. COOPERATION

The Provider shall cooperate with representatives, agents and employees of the County and the County shall cooperate with the Provider, its representatives, agents and employees to facilitate the economic and expeditious provision of services under this Agreement.

ARTICLE VI. FAIR HEARING

The Provider shall establish a system through which applicants/recipients may present grievances about the operation of the service program. The Provider shall advise applicants/recipients of this right and also of their right to appeal.

The County shall notify applicants/recipients of their right to a fair hearing to appeal the denial, reduction or termination of a service, or failure to act upon a request for services with reasonable promptness.

The Provider, upon the request of the County, shall participate in appeals and fair hearings as witnesses when necessary for a determination of the issues.

ARTICLE VII. RELATIONSHIP

The Provider is, and will function as, an independent contractor under the terms of this Agreement and shall not be considered an agent or employee of the County of Albany or the State of New York for any purpose, and the employees and representatives of the Provider shall not in any manner be, or be held to be, agents or employees of the County or the State.

ARTICLE VIII. SCHEDULE

The Provider shall complete all work in a timely manner to protect the interests and rights of the County to the fullest extent reasonably possible. The Provider agrees to notify the Department in writing, within three (3) days of occurrence, of any problem(s) which may threaten performance of the provisions of this Agreement, and shall submit therewith recommendations for solution(s).

ARTICLE IX. ACCOUNTING RECORDS

Proper and full accounting records shall be maintained by the Provider, which records shall clearly identify the costs of the work performed under this Agreement. Such records shall be subject to periodic and final audit by the County and the State for a period of six (6) years following the date of final payment by the County to the Provider for the performance of the work contemplated herein.

If the Provider is subject to an audit by an agency of the United States government, then a copy of such annual audit, including exit conference results, if any, shall be provided to the Albany County Department of Social Services and the Comptroller of the County of Albany within ten (10) days after receipt by Provider of the final audit and the exit conference results, if any.

If Provider is not subject to an annual audit by an agency of the United States government, but receives from Albany County Department of Social Services funds in excess of \$50,000 in its fiscal year, then Provider shall engage an independent auditor acceptable to the Albany County Department of Social Services to: 1) review the records and accounts of the Provider; 2) render an opinion as to the accuracy and sufficiency of Provider's records and accounting methods; 3) render an opinion of Provider's financial position for the fiscal year being audited and any change therein, including but not limited to its net income or net loss. The audit report by the independent auditor shall be submitted to the Albany County Department of Social Services and the Comptroller of the County of Albany within ten (10) days of its receipt by the Provider.

ARTICLE X. FEES

The maximum payment for all services provided under this Agreement shall be **ONE HUNDRED SIXTY THOUSAND DOLLARS and NO CENTS (\$160,000)**. It is understood that the Provider will continue providing HEAP services for the duration of each season based on public interest.

Services provided for each HEAP season under this Agreement shall be paid according to the following schedule:

1. An initial payment of \$32,000 will be paid by January 31st of the contract year or as soon as appropriate HEAP funds are received from New York State. These funds are usually received by January 31 of each year.
2. An additional payment of \$32,000 will be paid by March 1st of the contract year.
3. An additional payment of \$32,000 will be paid by May 1st of the contract year.
4. An additional payment of \$32,000 will be paid by August 1st of the contract year.
5. A final payment of \$32,000 will be paid by October 31st following the end of the contract year.

ARTICLE XI. NON-APPROPRIATIONS

Notwithstanding anything contained herein to the contrary, no default shall be deemed to occur in the event no funds or insufficient funds are appropriated and budgeted by either the County or the State, or are otherwise unavailable to the County for payment. The County will immediately notify the Provider of such occurrence and this Agreement shall terminate on the last day of the fiscal period for which appropriations were made without penalty or expense to the County of any kind whatsoever, except as to those portions herein agreed upon for which funds shall have been appropriated and budgeted.

ARTICLE XII. INDEMNIFICATION

The Provider shall defend, indemnify and save harmless the County, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or

omission of the Provider, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

ARTICLE XIII. INSURANCE

The Provider agrees to procure and maintain without additional expense to the County, insurance of the kinds and in the amounts provided under Schedule A attached hereto and made a part hereof. Before commencing services under this Agreement, the Provider shall furnish to the County, a certificate(s) showing that the requirements of this Article are met and the certificate(s) shall provide that the policy shall not be changed or canceled until thirty (30) days prior written notice has been given to the County, and the County of Albany is named as an additional insured.

The Provider shall provide to the County documentation and proof that automobile insurance coverage has been obtained and will continue to exist during the term of this Agreement that will hold the County harmless from any and all liability incurred for the use of a motor vehicle to transport individuals in conjunction with or for the purpose of providing the services described in this agreement or shall instead fill out, sign and execute the Automobile Insurance Waiver in Schedule B attached hereto and made a part hereof.

ARTICLE XIV. ASSIGNMENTS

The Provider specifically agrees as required by Section 109 of the New York General Municipal Law that the Provider is prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of this Agreement, or of the Provider's right, title or interest therein, without the previous written consent of the County.

The Provider or its employees will provide all activities required to be performed by it under this Agreement. The Provider shall not subcontract for any portion of the services required under this Agreement without the prior written approval of the County and subject to such conditions and provisions as the County may deem necessary.

ARTICLE XV. CONFLICT OF INTEREST

The Provider hereby warrants that it has no conflict of interest with respect to the activities to be performed hereunder. If any conflict or potential conflict of interest arises in the future, the Provider shall promptly notify the County.

ARTICLE XVI. NON-DISCRIMINATION

In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Provider agrees that neither it nor its subcontractors shall, by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any person who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this Agreement.

ARTICLE XVII. SUSPENSION AND DEBARMENT

The Provider certifies that its company/entity and any person associated therewith in the capacity of independent contractor, not-for-profit provider, for profit provider, owner, director, officer, or major stockholder (5% or more ownership):

- a. is not currently under suspension, debarment, voluntary exclusion, or determined ineligible by any federal agency;
- b. has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;
- c. does not have a proposed debarment pending; and
- d. has not been indicted, convicted, nor had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

ARTICLE XVIII. GOVERNING LAWS

This Agreement shall be governed by and construed according to the Laws of the State of New York and any or all legal proceedings or actions shall be brought in a county, state, federal or local Court or other tribunal in the County of Albany.

ARTICLE XIX. TERM OF AGREEMENT

The term of this Agreement shall commence on October 1, 2019 and will continue in effect through September 30, 2020. It is agreed by the Provider that performance outside the scope of this Agreement will not be paid for by the Department or the County.

ARTICLE XX. TERMINATION OF AGREEMENT

This Agreement may be terminated at any time upon mutual written agreement of the contracting parties.

This Agreement may be terminated if the Department deems that termination would be in the best interests of the County, provided that the Department shall give written notice to the Provider not less than thirty (30) days prior to the date upon which termination shall become effective. Such notice is to be made via registered or certified mail return receipt requested or hand delivered to the last known address of the Provider. The date of such notice shall be deemed to be the date the notice is received by the Provider established by the receipt returned, if delivered by registered or certified mail, or by an affidavit of the person delivering the notice to the Provider, if the notice is delivered by hand.

Upon the County's knowledge of a breach of this Agreement by the Provider, the County may terminate the Agreement if it determines that such a breach violated a material term of this Agreement. Notwithstanding that, the County may provide an opportunity for the Provider to cure the breach within a time set by the County and, if cure is not possible or does not occur within the time limit, immediately terminate the Agreement without penalty.

This Agreement shall be deemed terminated immediately upon the filing of a petition of bankruptcy or insolvency, by or against the Provider. Such termination shall be immediate and complete, without termination costs or further obligation by the Department to the Provider.

This Agreement shall be deemed terminated immediately should Federal and/or State funds for this Agreement become unavailable.

In the event of termination for any reason, the Provider shall not incur new obligations for the terminated portion and the Provider shall cancel as many outstanding obligations as possible.

Any violation by the Provider of any of the terms of this Agreement may result in the County's decision at its sole discretion, to immediately terminate this Agreement.

ARTICLE XXI. REMEDY FOR BREACH

In the event of a breach by Provider, Provider shall pay to the County all direct and consequential damages caused by such breach, including, but not limited to, all sums expended by the County to procure a substitute contractor to satisfactorily complete the contract work, together with the County's own costs incurred in procuring a substitute contractor.

ARTICLE XXII. FEDERAL LOBBYING

The Federal Lobbying Act states that no Federal appropriated funds may be spent by the recipient of a Federal grant, or a sub tier contractor or sub grantee, to pay any person for influencing or attempting to influence an officer or employee of any Federal agency or a Member of Congress in connection with any of the following covered Federal actions: the awarding of a Federal contract, or the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. If any funds or other Federal appropriated funds have been or will be expended by the Provider to pay any person for influencing any Federal officer, employee or Member of Congress described above in connection with such Federal grant the Provider agrees to make a written disclosure on the appropriate specified disclosure form.

The parties hereunto represent that they have not committed or authorized, nor will they commit or authorize the commission of any act in violation of the Federal Lobbying Act.

ARTICLE XXIII. MACBRIDE PRINCIPLES

Contractor hereby represents that said Provider is in compliance with the MacBride Principles of Fair Employment as set forth in Albany County Local Law No. [3] for 1993, in that said Provider either (a) has no business operations in Northern Ireland or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles, and shall permit independent monitoring of their compliance with such principles. In the event of a violation of this stipulation, the County reserves all rights to take remedial measures as authorized under section 4 of Local Law No. [3] in 1993, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the Provider in default and/or seeking debarment or suspension of the Provider.

ARTICLE XXIV. PRIVACY OF PERSONAL HEALTH INFORMATION

In order to comply with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Provider (deemed a BUSINESS ASSOCIATE as defined at 45 CFR § 164.501), its employees, administrators and agents shall not use or disclose Protected Health Information (PHI) (as defined in 45 CFR § 164.501) other than as permitted or required by this Agreement with the County (deemed a Hybrid Entity as defined at 45 CFR § 164.504) or as Required By Law (as defined in 45 CFR § 164.501). The Provider shall maintain compliance with all U.S. Department of Health and Human Services, Office for Civil Rights, policies, procedures, rules and regulations applicable in the context of this Agreement, as more particularly set forth on Appendix A attached hereto and made a part hereof.

ARTICLE XXV. LICENSES

The provider shall at all times obtain and maintain all licenses required by New York State, or other relevant regulating body, to perform the services required under this Agreement.

ARTICLE XXVI. INVALID PROVISIONS

It is further expressly understood and agreed by and between the parties hereto that in the event any covenant, condition or provision herein contained is held to be invalid by any court or competent jurisdiction, the invalidity of such covenant, condition or provision shall in no way affect any other covenant, condition or provision herein contained; provided, however, that the invalidity of any such covenant, condition or provision does not materially prejudice either County or Provider in their respective rights and obligations contained in the valid covenants, conditions or provisions in this Agreement.

ARTICLE XXVII. MODIFICATION

This Agreement may only be modified by a formal written amendment executed by the parties.

ARTICLE XXVIII. NOTICE

All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given if, and only if, delivered personally, sent by registered or certified United States mail, postage prepaid, or, with the prior consent of the receiving party, dispatched via facsimile transmission, at the addresses for and the representatives of the parties shown below:

Name: Laurie Ingersoll; Department: Energy/Nutrition; 162 Washington Ave. Albany, NY 12210

ARTICLE XXIX. IRANIAN ENERGY SECTOR DIVESTMENT

The provider hereby represents that the Provider is in compliance with New York State General Municipal Law Section 103-g entitled "Iranian Energy Sector Divestment," in that the Provider has not:

- (a) Provided goods or services of \$20 Million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or
- (b) Acted as a financial institution and extended \$20 Million or more in credit to another person for forty-five (45) days or more, if that person's intent was to use the credit to provide goods or services in the energy sector in Iran.

ARTICLE XXX. CHANGE IN LEGAL STATUS OR DISSOLUTION

During the term of this Agreement, the Contractor agrees that, in the event of its reorganization or dissolution as a business entity or change in business, the Contractor shall give the County thirty (30) days written notice in advance of such event.

ARTICLE XXXI. ADDITIONAL ASSURANCES

The Provider agrees that no part of any submitted claim will have previously been paid by the County, State, and/or other funding sources.

The Provider agrees that funds received from other sources for specific services already paid for by the County shall be reimbursed to the County.

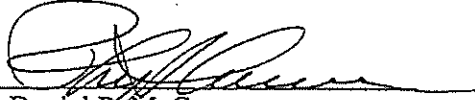
The Provider agrees to comply with all applicable State and Federal statutes and regulations.

The Provider agrees to comply with the requirements of the Federal Lobbying Act and the Drug-Free Workplace Act of 1988 and has signed the certifications contained in Schedules C and D, which are attached hereto and made a part thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year indicated below.

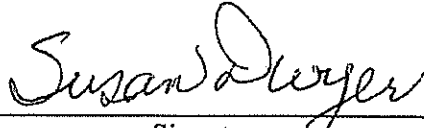
ALBANY COUNTY

DATE: 9/9/12

BY: 
Daniel P. McCoy
Albany County Executive
or
Philip F. Calderone
Deputy County Executive

CORNELL COOPERATIVE EXTENSION

DATE: 8.14.2019

BY: 
Signature
Board President
Title

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

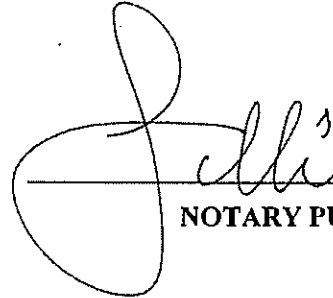
On the ___ day of _____, 20___, before me, the undersigned, personally appeared Daniel P. McCoy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

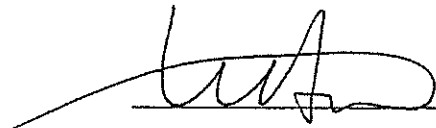
On the 7 day of September, 2019, before me, the undersigned, personally appeared Phillip F. Calderone, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

MICHAEL A. LALLI
NOTARY PUBLIC - STATE OF NEW YORK
No. 01LA8322012
Qualified in Albany County
My Commission Expires March 30, 2023


NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the 14 day of August, 2019, before me, the undersigned, personally appeared Susan Dwyer personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC

TERESA ANNE TYMCHYN
Notary Public, State of New York
No. 01TY8358303
Qualified in Schoenectady County
Commission Expires May 8, 2021

SCHEDULE A
INSURANCE COVERAGE

The kinds and amounts of insurance to be provided are as follows:

1. **Workers' Compensation and Employers Liability Insurance:** A policy or policies providing protection for employees in the event of job related injuries.
2. **Automobile Liability Insurance:** A policy or policies with the limits of not less than \$500,000 for each accident because of bodily injury, sickness or disease, including death at any time, resulting therefrom, sustained by any person caused by accident, and arising out of the ownership, maintenance or use of any automobiles, and with the limits of \$500,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobiles.
3. **General Liability Insurance:** A policy or policies including comprehensive form, personal injury, contractual, products/completed operations, premises operations and broad form property insurance shall be furnished with limits of not less than:

<u>Liability for:</u>	<u>Combined Single Limit:</u>
Bodily Injury	\$1,000,000
Property Damage	\$1,000,000
Personal Injury	\$1,000,000

4. **Errors and Omissions Insurance:** A policy or policies of insurance with limits of not less than \$1,000,000.

SCHEDULE C

CERTIFICATION REGARDING DRUG FREE WORKPLACE REQUIREMENTS GRANTEES OTHER THAN INDIVIDUALS

This certification is required by regulations implementing Sections 5151-5160 of the Drug-free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.) 7 CFR Part 3017, Subpart F, Section 3017.600 and 45 CFR Part 76, Subpart F. The January 31, 1989 regulations were amended and published as Part II of the May 25, 1990 Federal Register (Page 21681-21691).

The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance program; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a), that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to the employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraph (a), (b), (c), (d), (e) and (f).

~~Cornell Cooperative Extension, Albany County~~
Organization

Susan Dwyer
Authorized Signature

President, Board of Directors
Title

8.14.19
Date

SCHEDULE D

Certification Regarding Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into or any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

Cornell Cooperative Extension, Albany County
Organization


Authorized Signature

President, Board of Directors
Title

8.14.19
Date

Note: If Disclosure Forms are required, please contact: Mr. William Saxton, Deputy Director, Grants and Contracts Management Division, Room 341F, HHH Building, 200 Independence Avenue, SW, Washington, D.C. 20201-0001.

EXHIBIT 1

SCOPE OF SERVICES

The Provider shall maintain at least one main office that is open standard business hours and shall notify DSS within 30 minutes of any unscheduled closings (such as early closings because of inclement weather). The holidays shall be the same as those observed by DSS and therefore county government.

- 1. A messaging system shall be available 24 hours/day, 7 days a week to accommodate HEAP inquiries when the office is closed or personnel are otherwise unavailable to receive telephone calls.
- 2. At a minimum, the office space shall: accommodate handicapped customers, provide appropriate restroom facilities, provide adequate lighting and furniture, and provide for a private, confidential interview.

As part of comprehensive programming and outreach in the area of family and consumer sciences, including financial education, nutrition education and household energy conservation to instruct and support residents of Albany County the Provider shall provide HEAP outreach certification and educational services in Albany County. In addition, these same services shall be provided to any resident of the County eligible to apply by mail.

The Provider shall assume responsibility for the performance of outreach activities in connection with HEAP consistent with the New York State Plan and federal regulations. The conduct of said outreach services shall be designed to ensure that eligible households, especially households with vulnerable populations, are made aware of the assistance available under HEAP.

- 1. The Provider shall publicize the availability of HEAP.
- 2. The Provider shall develop informational materials regarding HEAP eligibility criteria, documentation requirements, office location, hours of operation and telephone number. The Provider shall disseminate these materials to the public from community centers, service organizations, businesses and other sites, which the Provider may deem appropriate. All printed materials shall be submitted to DSS for review and approval at least 30 days prior to their dissemination. DSS will notify the Provider regarding approval or a request for revision within 10 days of receipt.
- 3. The Provider shall make presentations designed to educate the public about the availability of HEAP at a minimum of 10 community forums during the HEAP season.
- 4. The Provider shall schedule and conduct "HEAP Outreach Days" at satellite sites during the HEAP season. The purpose of these sessions shall be to market the HEAP program and encourage applications from low-income households. The Provider shall provide a schedule of the dates and locations of these "HEAP Outreach Days" to DSS at least 30 days in advance.
- 5. Outreach shall be targeted to HEAP-eligible residents. HEAP-eligible households include, (but are not necessarily limited to): low-income homeowners, renters (both publicly subsidized and private) who pay for heat separately from their rent, and private, non-subsidized renters whose rent includes heat.

6. The Provider shall invite telephone inquiries and respond to them directly, minimizing telephone referrals to DSS.

The Provider shall assume responsibility for verifying eligible low-income households pertaining to HEAP in accordance with the State Plan, DSS directives, state-issued policies and operating manuals.

1. The Provider shall ensure that HEAP applications are readily available and shall provide appropriate instructions for persons requesting applications.
2. The Provider shall review the HEAP "Application Rights Form" with the customer during each application interview.
3. The Provider shall conduct home visits for disabled/homebound residents. Home visits shall take place within 18 hours of notification for disabled/homebound residents with emergencies.
4. The Provider shall monitor their application database to ensure that only one application per household is submitted within a 30-day period.

The Provider shall comply with DSS directives, including, but not limited to directives pertaining to the provision of assistance or referral services to eligible households in cases of emergencies.

The Provider shall submit applications to DSS according to the following schedule:

1. All completed applications (including application denied due to the household not meeting the eligibility guidelines) shall be submitted to DSS within 15 calendar days after the date of application.

The Provider shall assist DSS in an ongoing review and monitoring of HEAP, including the timely reporting to the New York State Office of Temporary and Disability Assistance with any information and reports necessary for the proper and efficient administration and evaluation of HEAP.

1. The Provider shall maintain spreadsheets of outreach efforts initiated and applications received. Copies of these spreadsheets shall be submitted to DSS on a weekly basis throughout the HEAP season.

The Provider shall require that their personnel who will provide HEAP outreach and/or certification services attend a training session of not more than one full day which will be scheduled prior to the start-up of the HEAP program. DSS will notify the Provider of the date, time, and location of this training.

The provider agrees to integrate evolving technological enhancements into the application and communication process. Such enhancements may be related to the NYS Welfare Management System (WMS) or MS Office based technology and online application process.

Albany County Department of Social Services uses a central phone line (518-447-7323) with a voice-mail phone tree for callers seeking answers to questions related to and/or resolution of fuel/utility issues and emergencies. The Provider will be responsible for removing voicemail messages from Albany County's phone line via webmail internet access. The Provider will attempt to resolve the caller's question or concern via their access to fuel/utility vendors and the

Welfare Management System. When possible, Provider will return the call within a two day time frame. For those instances in which DSS attention is needed for resolution, Provider will alert DSS staff by e-mail, fax or telephone, depending on the urgency of the situation. DSS staff will work together with Provider staff to resolve the issue and decide, on a case by case basis, who will handle the follow-up communication with the caller.

The Provider shall provide program delivery services set forth in the Home Energy Assistance Program (HEAP) Outreach and Certification Services, specifically providing a comprehensive program to assist limited resource county residents to become aware of and apply for HEAP benefits. Provider will also provide educational support to assist these limited resource families with no cost/low cost energy conservation tips, information regarding household hazards and safety (i.e. carbon monoxide), basic financial literacy as it applies to household budgeting and resource management (i.e. paying their energy bills etc.). Provider will also be responsible for guidance and referrals to educational programs within the Cornell Cooperative Extension Albany County system as well as other community supports such as but not limited to: Eat Smart New York-SNAP Ed., emergency preparedness, weatherization, 4-H, etc. Additionally, educational resources and information will be distributed directly to clients as well as through Provider newsletters, website and direct and indirect educational programming efforts.

APPENDIX A

OBLIGATIONS AND ACTIVITIES OF THE CONSULTANT AS A BUSINESS ASSOCIATE PURSUANT TO 45 CFR SECTION 164.504

The parties to the Agreement hereby agree to comply with the following provisions to ensure their compliance with the requirements of the Privacy Rule and the Health Insurance Portability and Accountability Act of 1996.

Pursuant to the terms of the Agreement, and in accordance with the requirements of 45 CFR Sections 160 and 164, the Provider herein shall be considered a "Business Associate." The following terms are hereby incorporated in this AGREEMENT and shall be binding upon the parties hereto:

A. DEFINITIONS

1. "Business Associate" – under the terms of this Agreement, the term "Business Associate" shall mean Cornell Cooperative Extension of Albany County.
2. "Covered Entity" – for purposes of this Agreement, the term "Covered Entity" shall mean the County and/or the Department.
3. "Individual" – under the terms of this Agreement, the term "Individual" shall have the same meaning as the term "individual" in 45 CFR Section 160.103, and shall include a person who qualifies as a personal representative in accordance with 45 CFR Section 164.502(g).
4. "Privacy Rule" – shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 CFR Part 160 and Part 164, Subparts A and E.
5. "Protected Health Information" - shall have the same meaning as the term "protected health information" in 45 CFR Section 160.103, limited to the information created, received, maintained or transmitted by the Business Associate from or on behalf of the Covered Entity.
6. "Required by Law" – shall have the same meaning as the term "required by law" in 45 CFR Section 164.103.
7. "Secretary" – shall mean the Secretary of the Department of Health and Human Services or his/her Designee.
8. "Subcontractor" – shall have the same meaning as the term "subcontractor" in 45 CFR Section 160.103.

B. OBLIGATIONS AND ACTIVITIES OF THE BUSINESS ASSOCIATE

1. Pursuant to the terms of the Agreement, the Business Associate agrees to not use or disclose Protected Health Information other than as permitted or required by the Agreement, or as required By Law.
2. The Business Associate agrees to use appropriate safeguards to prevent the use or disclosure of electronic Protected Health Information other than as provided for by this Agreement in accordance with the requirements of 45 CFR Section 164.314(a)(2)(i).
3. Pursuant to the terms of the Agreement and as more particularly described in the INDEMNIFICATION provisions of the Agreement, the Business Associate hereby agrees, and shall be required to mitigate, to the extent practicable, any harmful effect that is known to the Business Associate of a use or disclosure of

- Protected Health Information by the Business Associate which is in violation of the requirements of the Agreement.
4. The Business Associate shall immediately report to the Covered Entity any use or disclosure of unsecured Protected Health Information not provided for by the Agreement, of which it shall become aware in accordance with the provisions of 45 CFR Section 164.410.
 5. The Business Associate agrees to ensure that any agent, including a subcontractor, that creates, receives, maintains or transmits Protected Health Information on behalf of the Business Associate agrees to the same restrictions and conditions that apply through this Agreement to the Business Associate with respect to such information pursuant to 45 CFR Section 164.502(e)(1)(ii) by entering into a contract or other arrangement in accordance with the requirements of 45 CFR Section 164.314.
 6. Business Associate agrees to provide access, at the request of the Covered Entity, to Protected Health Information in a Designated Record Set, to the Covered Entity or as directed by the Covered Entity, to an Individual, in order to meet the requirements under 45 CFR Section 164.524.
 7. Business Associate agrees to make any necessary amendments to Protected Health Information in a Designated Record Set that the Covered Entity directs or agrees pursuant to 45 CFR Section 164.526, at the request of Covered Entity or an Individual, in a timely manner.
 8. Business Associate agrees to make its internal practices, books, and records, including policies and procedures relating to the use and disclosure of Protected Health Information received from, or created or received by the Business Associate on behalf of the Covered Entity, available to the Secretary for purposes of the Secretary determining the Covered Entity's compliance with the Privacy Rule.
 9. Business Associate agrees to document such disclosures of Protected Health Information and information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with the requirements of 45 CFR Section 164.528.
 10. Business Associate agrees to provide to the Covered Entity or an Individual, upon request, information which may be collected by the Business Associate during the term of this Agreement, for purposes of permitting the Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information, in accordance with the provisions of 45 CFR Section 164.528.
 11. To the extent that the Business Associate is to carry out an obligation of the Covered Entity as a term of this Agreement, Business Associate agrees to comply with the requirements of the Privacy Rule under 45 CFR Section 164.504 that apply to the Covered Entity in the performance of such obligation.

C. PERMITTED USES AND DISCLOSURE

1. General Uses and Disclosure - Except as otherwise limited in this Agreement, the Business Associate may use or disclose Protected Health Information to perform the functions, activities, or services as defined in this Agreement, provided that such use or disclosure would not violate the Privacy Rule if said disclosure were done by the Covered Entity, or the minimum necessary policies and procedures

of the Covered Entity, as well as the applicable provisions of the New York State Social Service and/or Mental Hygiene Law.

- 2. Specific Uses and Disclosure – Except as otherwise limited in this Agreement, the Business Associate may disclose Protected Health Information for the proper management and administration of the services to be provided by the Business Associate in this Agreement, provided that disclosures are Required By Law, or the Business Associate obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and used or further disclosed only as Required By Law, or for the purposes for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware that the confidentiality of the information has been breached.
- 3. Except as otherwise limited in this Agreement, the Business Associate may use Protected Health Information to provide information required to the Covered Entity as permitted by 45 CFR Section 164.504 (e)(2)(i)(B).
- 4. Except as otherwise limited in this Agreement, the Business Associate may use Protected Health Information to carry out the legal responsibilities of the Business Associate.
- 5. The Business Associate may use Protected Health Information to report violations of law to appropriate Federal and State authorities, consistent with 45 CFR Section 164.502 (j)(1).
- 6. Nothing within this section shall be construed as to inhibit the disclosure of information as may be required by the New York State Social Service and/or Mental Hygiene Law, Sections 33.13 or 33.16, or other provisions, as may be Required By Law.

D. OBLIGATIONS OF COVERED ENTITY WITH REGARD TO PRIVACY PRACTICE AND RESTRICTIONS

- 1. The Covered Entity shall notify the Business Associate of any limitations in its notice of privacy practices in accordance with 45 CFR Section 164.520, to the extent that such limitation may affect the Business Associate’s use or disclosure of Protected Health Information.
- 2. The Covered Entity shall notify the Business Associate of any changes in, or revocation of, permission by the Individual to use or disclose Protected Health Information, to the extent that such changes may affect the Business Associate’s use or disclosure of Protected Health Information.
- 3. The Covered Entity shall notify the Business Associate of any restriction to the use or disclosure of Protected Health Information that the Covered Entity has agreed to in accordance with 45 CFR Section 164.522, to the extent that such restriction may affect the Business Associate’s use or disclosure of Protected Health Information.

E. PERMISSIBLE REQUESTS BY COVERED ENTITY

The Covered Entity shall not request the Business Associate to use or disclose Protected Health Information in any manner that would not be permissible under the Privacy Rule if done by the Covered Entity.

F. COVERED ENTITY'S RESPONSIBILITIES UPON TERMINATION

1. The term of this Agreement shall be October 1, 2019 - September 30, 2020. Upon termination of this Agreement, the Covered Entity shall take such necessary precautions to ensure the confidentiality of the Protected Health Information, in accordance with the provisions of 45 CFR Section 164.
2. Termination for Cause – In the event that the Covered Entity becomes aware of a material breach by the Business Associate of the terms of this Appendix, the Covered Entity shall have the right, at its sole discretion, to proceed as follows:
 - (a) Provide an opportunity to the Business Associate to cure the breach, and end the violation within ten (10) business days. If the Business Associate does not cure the breach and end the violation within ten (10) business days, the Covered Entity shall have the right to immediately terminate the agreement; or,
 - (b) Immediately terminate the agreement if the Business Associate has breached a material term of this Appendix, and cure is not possible; or
 - (c) If neither termination of the agreement nor cure is feasible, the Covered Entity shall report the violation to the Secretary.

G. EFFECT OF TERMINATION

1. Upon termination of the Agreement, the Business Associate shall take all necessary precautions and extend the protections of this Agreement to all Protected Health Information, as if the Agreement were still in force and effect.
2. At the end of all audit and other relevant periods, as more particularly described in the RECORDS provisions of the Agreement, the Business Associate shall, if feasible, return or destroy all Protected Health Information received from or created or received by the Business Associate on behalf of the Covered Entity that the Business Associate still maintains in any form.

H. MISCELLANEOUS

1. **Regulatory References** – A reference in this Agreement to a section in the Privacy Rule or in the Social Service and/or Mental Hygiene Law means the section as in effect or as amended.
2. **Amendment** – The parties agree to take such action as is necessary to amend this Agreement from time to time as is necessary for the Covered Entity to comply with the requirements of the Privacy Rule and the Health Insurance Portability and Accountability Act of 1996.
3. **Survival** – The respective rights and obligations of the Business Associate with regard to this Appendix shall survive the termination of this Agreement.
4. **Interpretation** – Any ambiguity in this Agreement shall be resolved to permit the Covered Entity to comply with the Privacy Rule.
5. **Incorporation in the Agreement** – The terms of this Appendix “A” are hereby incorporated into the Agreement between the parties hereto.



CCEALB1

OP ID: ES

456

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/29/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER P. W. Wood & Son, Inc. 2333 N Triphammer Rd, Ste 501 PO Box 4798 Ithaca, NY 14852 Jamie A. Ferris CIC, AAI, CPIA	607-266-3303	CONTACT NAME: Karen Supek PHONE (A/C, No, Ext): 607-266-3303 FAX (A/C, No): 607-266-9663 E-MAIL ADDRESS: ccecontracts@thewoodoffice.com
	INSURER(S) AFFORDING COVERAGE	
INSURER A: Philadelphia Indemnity Ins Co		NAIC # 18058
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED Cornell Cooperative Extension
 Albany County/001
 24 Martin Rd.
 Voorheesville, NY 12186-9699

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	SUBJECT	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	Y		PHPK1978278	05/24/2019	05/24/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (If a occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 Emp Ben. \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRE AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK1978278	05/24/2019	05/24/2020	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> RETENTION \$ 10000			PHUB674961	05/24/2019	05/24/2020	EACH OCCURRENCE \$ 20,000,000 AGGREGATE \$ 20,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Service Agreement for Home Energy Assistance Program 10/1/19-9/30/20. County of Albany is an additional insured if required by written contract, per endorsement number PI-GLD-HS NY (10/11).

CERTIFICATE HOLDER County of Albany Albany County Office Building 112 State Street Albany, NY 12207	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	--



New York State Insurance Fund

Workers' Compensation & Disability Benefits Specialists Since 1914

2001 PERIMETER ROAD EAST, BUILDING 16, ENDICOTT, NEW YORK 13760-7390

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE (RENEWED)

***** 146036881
PW WOOD & SON INC
2333 N TRIPHAMMER ROAD STE 501
PO BOX 4798
ITHACA NY 14852



SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER COOPERATIVE EXTENSION ASSOC IN THE STATE OF NEW YORK/ALBANY COUNTY 24 MARTIN ROAD VOORHEESVILLE NY 12186		CERTIFICATE HOLDER COUNTY OF ALBANY ALBANY COUNTY OFFICE BLDG 112 STATE ST ALBANY NY 12207	
POLICY NUMBER E 190 501-7	CERTIFICATE NUMBER 394815	POLICY PERIOD 01/01/2019 TO 01/01/2020	DATE 12/31/2018

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 190 501-7, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT [HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP](https://www.nysif.com/cert/certval.asp). THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 187118649

RESOLUTION NO. 236

**AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE
EXTENSION REGARDING THE HOME ENERGY ASSISTANCE PROGRAM
(HEAP)**

Introduced: 7/13/20

By Social Services Committee:

WHEREAS, The Commissioner of the Department of Social Services has requested authorization to enter into an agreement with Cornell Cooperative Extension regarding the Home Energy Assistance Program (HEAP) in the amount of \$160,000 for the term commencing October 1, 2020 and ending September 30, 2021, and

WHEREAS, HEAP is a state-supervised program that provides outreach and certification services to assist eligible low-income households, especially elderly and disabled individuals, in Albany County in meeting the costs of home energy, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Cornell Cooperative Extension, Voorheesville, NY 12186 regarding the Home Energy Assistance Program (HEAP) in an amount not to exceed \$160,000 for the term commencing October 1, 2020 and ending September 30, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate Cornell Cooperative Extension and County Officials.

RESOLUTION NO. 237

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2020

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "E" for 2020, "A Local Law of the County of Albany, New York, Imposing an Additional One Percent Rate of Tax on Sales and Uses of Tangible Personal Property and of Certain Services, and on Occupancy of Hotel Rooms and Amusement Charges, Pursuant to Article 29 of the Tax Law of the State of New York" be held by the County Legislature remotely, with information available on the County website, at 7:15 p.m. on Tuesday, August 25, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

LOCAL LAW NO. "E" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, IMPOSING AN ADDITIONAL ONE PERCENT RATE OF TAX ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany, as follows:

SECTION 1. The first sentence of Section 2 of Local Law No. 3 for 1967, entitled "A Local Law of the County of Albany in relation to the imposition of a County Sales and Use Tax", as amended, is amended to read as follows:

"SECTION 2. Imposition of sales tax. On and after March 1, 1970, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1992, and ending November 30, 2023, there is hereby imposed and there shall be paid an additional tax at the rate of one percent upon."

SECTION 2. Section 2-B of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

"SECTION 2-B. Exemption of certain energy sources and related services from additional one percent rate of tax.

Notwithstanding any inconsistent provision of this Local Law, receipts from the sale of property and services described in Section 2-A of this Local Law and consideration given or contracted to be given for such property and services shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by Sections 2 and 4, respectively, of this Local Law for the period commencing September 1, 1992, and ending November 30, 2023."

SECTION 3. Subdivision (g) of Section 3 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

"(g) With respect to the additional tax of one percent imposed for the period commencing September 1, 1992, and ending November 30, 2023, the provisions of subdivisions (a), (b), (c), (d) and (e) of this Section apply,

except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.”

SECTION 4. Section 4 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

“SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractors, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of Section Two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of Section Two have been performed, (E) of any telephone answering service described in subdivision (b) of Section Two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this Section, for the period commencing September 1, 1992, and ending November 30,

2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of Section One, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of Section One.

(e) Notwithstanding the foregoing provision of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on

and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of Section One.

(g) For purposes of clause (F) of subdivision (a) of this Section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.”

SECTION 5. Paragraph (B) of subdivision (1) of Section 11 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1992, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to September 1, 1992.”

SECTION 6. A new subdivision (q) of section 14 of such Local Law No. 3 for 1967, as amended, is added to read as follows:

“(q) Notwithstanding any inconsistent provision of law, the County shall allocate and distribute quarterly to the cities and the area in the County outside the cities the same proportion of net collections attributable to the additional one percent rate of taxes imposed by sections two and four of this Local Law for the period commencing December 1, 2020 and ending November 30, 2023, as the County allocates and distributes the net collections from the County’s three percent rate of such taxes, as of July 20, 2020, and such portion of net collections attributable to such additional one percent rate of such taxes shall be allocated and distributed to the towns and villages in the County in the same manner as the net collections attributable to the County’s three percent rate of such taxes are allocated and distributed to such towns and villages as of July 20, 2020. In the event that any city

in the County exercises its prior right to impose tax pursuant to Section 1224 of the New York Tax Law, then the County shall not allocate and distribute net collections in accordance with the previous sentence for any period of time during which any such city tax is in effect, and the County shall instead set aside net collections attributable to such additional one percent rate of such taxes for County purposes for any such period that any such city tax is in effect.

SECTION 7. This enactment shall take effect December 1, 2020.

RESOLUTION NO. 238

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2020

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "F" for 2020, "A Local Law of the County of Albany, New York Imposing a Tax on the Occupancy of Hotel Rooms in Albany County" be held remotely by the County Legislature, with information available on the County website, at 7:15 p.m. on Tuesday, August 25, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

LOCAL LAW NO. "F" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany that Local Law No. 3 for 1980 as amended by Local Law No. 8 for 1981, Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009, Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 pursuant to Chapter 693 of the Laws of 1980 of the State of New York, Chapter 375 of the Laws of 1985 of the State of New York, Chapter 531 of the Laws of 2005 of the State of New York, Chapter 194 of the Laws of 2006 of the State of New York, Chapter 105 of the Laws of 2009 of the State of New York, Chapter 401 of the Laws of 2010 of the State of New York, Chapter 312 of the Laws of 2012 of the State of New York, Chapter 228 of the Laws of 2014 of the State of New York, Chapter 452 of the Laws of 2016 of the State of New York Chapter 134 of the Laws 2018 of the State of New York and Chapter 58 of the Laws of the State of New York is hereby amended as follows:

SECTION 1. During the period January 1, 2021 to December 31, 2023, Section 2 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009, Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 is amended to read as follows:

Imposition of Tax

On and after the first day of January 1, 2021, there is hereby imposed and there shall be paid a tax of six percent of the per diem rental rate charged to occupants for each hotel or motel room except that the tax shall not be imposed upon a permanent resident of such hotel or motel.

SECTION 2. During the period January 1, 2021 to December 31, 2023, Section 12 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009 Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 is amended to read as follows:

Disposition of Revenues

All revenues resulting from the imposition of the tax under the local law shall be paid into the treasury of the County of Albany and shall be credited to and deposited into three special funds as follows:

♦

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to two-thirds of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-sixth of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 3. On and after the Albany Convention Center completion date, defined as the date on which the architect for the convention center project issues a

certificate of substantial completion in substantial conformity with AIA Document G704-2000 stating that the convention center facility is sufficiently complete in accordance with the contract or contracts for construction that the owner can occupy or utilize the convention center facility for its intended use:

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to one-third of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-half of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be

located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 4. This local law supersedes Local Law No. 5 for 2018 and shall take effect January 1, 2021 and expire and be deemed repealed December 31, 2023.

RESOLUTION NO. 239

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "G" FOR 2020

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "G" for 2020, "A Local Law of The County Of Albany, New York Enacting a Mortgage Recording Tax Pursuant to Section 253-P of the Tax Law of the State of New York" be held remotely by the County Legislature, with information available on the County website, at 7:15 p.m. on Tuesday, August 25, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

LOCAL LAW NO. "G" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ENACTING A MORTGAGE RECORDING TAX PURSUANT TO SECTION 253-p OF THE TAX LAW OF THE STATE OF NEW YORK

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany, as follows:

SECTION 1. Pursuant to the provision of Section 253-p of the Tax Law of the State of New York, there is hereby imposed in the County of Albany, New York a tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Albany County and recorded on or after October 31, 2008 and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars.

SECTION 2. The tax imposed by this local law shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty three and paragraph (b) of subdivision one of section two hundred fifty-five of Article 11 of the Tax Law and shall be paid as provided in Section 253-p of the Tax Law and shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 3. This local law shall expire December 1, 2023, provided further, however, that such expiration shall not preclude the adoption and enactment of additional local laws by the County of Albany pursuant to the provisions of Section 253-p of the Tax Law upon the expiration of this local law or any subsequent local law adopted and enacted pursuant to the provisions thereof.

SECTION 4. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Albany during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of the recording officer's office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Albany County Director of Finance and, after the deduction by the Director of Finance

of the necessary expenses as provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Albany for expenditure on County purposes. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

SECTION 5. This local law shall take effect on December 1, 2020, provided that the Clerk of this Legislature shall mail a certified copy hereof by registered or certified mail to the Commissioner of the New York State Department of Taxation and Finance at least 30 days prior to such date. The Clerk of this Legislature shall also file certified copies hereof with the County Clerk of the County of Albany, the Secretary of State of the State of New York and the State Comptroller within five days after the enactment of this local law.

RESOLUTION NO. 240

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "H" FOR 2020

Introduced: 7/13/20

By Mr. Peter:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "H" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, REPEALING LOCAL LAW 1 FOR 2016 AND PROHIBITING THE USE AND SALE OF SPARKLING DEVICES" to be held remotely by the Albany County Legislature at 7:15 p.m. on Tuesday, August 25, 2020, with participation information to be made available on the Albany County website, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

RESOLUTION NO. 241

PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 1, 2 AND 3

Introduced: 7/13/20

By Mr. A. Joyce:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates an annual thirty-day review period, when landowners can request inclusion of land in an agricultural district prior to the County established review period, and

WHEREAS, Such review has been conducted and modifications are proposed regarding the inclusion of actively viable farm land into the agricultural districts located in the Towns of Berne, Bethlehem, Colonie, Guilderland, New Scotland and Westerlo, and

WHEREAS, In connection with such review, a proposal for the modification of Albany County Agricultural Districts has been submitted, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing on the additions to Agricultural Districts upon notice as prescribed therein, now, therefore be it

RESOLVED, By the Albany County Legislature, that a public hearing be held remotely with instructions available on the Albany County website at 7:15 p.m. on Tuesday, July 28, 2020, for the purpose of receiving the comments of any interested persons regarding the proposed modifications to Agricultural District Nos. 1, 2 and 3 within Albany County, and, be it further

RESOLVED, That notice of said public hearing be given in accordance with the requirements of the Agriculture and Markets Law, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

RESOLUTION NO. 242

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "C" FOR 2020

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "C" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019" be held remotely by the County Legislature, with instructions available on the Albany County website at 7:15 p.m. on Tuesday, July 28, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

RESOLUTION NO. 243

AN ACT TO MODIFY THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES

Introduced:

By: Mauriello, Burgdorf, Grimm, Drake, Lockart, Tunny, Langdon, Whalen and Perlee

WHEREAS, According to the Final Report – Time and Attendance Audit (“Final Report”), dated April 2020 issued by Comptroller Susan Rizzo and Chief Auditor Stephanie Slominski CIA, which reviewed the outgoing Comptroller, Michael Connors, Interim Audit Report, dated December, 2019, and a forensic audit by an outside CPA firm, Berdon LLP, certain areas of improvement exist for internal controls over time and attendance recording for the purpose of payroll disbursements; and

WHEREAS, some of the Key Observations of the Final Report are:

- 1) “Albany County Policy, as set forth by the County Legislature, related to time and attendance recording, does not provide specific guidance to require that departments maintain adequate supporting documentation of time and attendance records”;
- 2) “Manual Entries to record time and attendance are either not supported by documentation or documentation is not obtained on a regular basis”;
- 3) “Manual entries to record time and attendance are signed off by subordinates”; and
- 4) “Individuals with edit access mak[e]ing and approve their own time records”; and

WHEREAS, the outgoing Comptroller, Michael Connors, further alleged that County employees were engaged in political campaign work, while on the County clock, at public expense; and

WHEREAS, the Final Report proposals and the allegations of Michael Connors require a public response and/or a corrective action plan; and

WHEREAS, pursuant to the Albany County Charter, entitled Powers and Duties of the Albany County Legislature, this body is charged with “*Determining policy for the County and to adopt all necessary rules and regulations for its conduct and procedure*” (Sec. 208 (a)), and with “*Exercising legislative oversight of county programs and administrative units*” (Sec. 208 (i)), and

WHEREAS, this body has previously adopted "Rules and Regulations for Albany County Employees" and amendments thereto, and

WHEREAS, it is the desire of this body to amend the above-described employee handbook;

NOW, THEREFORE, BE IT RESOLVED that the "Rules and Regulations for Albany County Employees" are modified as follows:

A) Article II (C), entitled "Attendance Record", is amended as follows:

"Every County employee shall maintain a complete, accurate, and up-to-date record of his or her presence and absence from work. For employees who are FLSA covered employees as defined herein, attendance records shall, at a minimum, indicate the time work commenced, the start and stop of any meal break, and the time work ended. FLSA exempt employees shall record attendance and any leave credits charged. Periods of absence covered by properly authorized paid and unpaid leaves shall also be indicated. All departments must implement written procedures outlining the maintenance, recording, and documentation of time and attendance records in accordance with applicable civil service requirements and collective bargaining agreements. The Commission of Human Resources is authorized to facilitate the development of procedures suited to the individual dynamics of each department and to promulgate County wide standards, forms, and procedures for the purposes of recording attendance. Time sheets should include lines for location, a brief description of activities where applicable and a line for a supervisor to approve/certify, as well as language that provides for an attestation of the employee and an acknowledgment of penalty for any submission of false documentation. Time sheets and supporting documentation, such as leave requests, should be electronically saved and stored in specifically identifiable and searchable electronic folders. The use of automated systems in the recording and reporting of employee attendance [may be required] is preferred and, when not available, time cards completed by the employee and signed by a supervisor, are the next preferred alternative. Approval of time cards by an employee's direct subordinate shall never be permitted. Individuals with access to electronic time records are prohibited from approving their own records. Special procedures shall be developed by the Commissioner of Human Resources for an employee who has no immediate supervisor to approve his or her time. No employee may modify their own records. There is no exception to this rule.

B) Article XIV, entitled "Infractions", is amended as follows:

"It is the County's policy to base the disciplining of employees on just cause and all instances of cause for disciplinary action shall be considered in their full context. The County endorses a policy of progressive discipline in which attempts

are made to provide employees with notice of deficiencies and an opportunity to improve. There are, however, certain misdeeds that by their very nature are particularly inappropriate to the workplace and may require the County to seek immediate removal of an employee, even for a first time offense. The infractions listed below include some, but not all, offenses that may necessitate immediate disciplinary action:

- Use, sale, dispensing, distribution, purchase, possession or manufacture of illegal drugs, controlled substances, narcotics or alcoholic beverages on County premises or work sites;
- Being under the influence of the above while on the job;
- Profane and/or abusive language;
- Gross insubordination, including but not limited to, a direct refusal to obey a lawful order of a supervisor;
- Unauthorized use of equipment;
- Theft of property or services;
- Falsification of employment applications;
- Deliberate falsification of a time and attendance record;
- Sleeping on duty;
- Unauthorized absence;
- Possession of unauthorized firearms, explosives and other weapons on County premises and work sites;
- Performing political work, other than for the Board of Elections, for candidates, political parties, political appointees, or elected officials while at work on the County payroll.

BE IT FURTHER RESOLVED, that nothing in this policy amendment pertaining to campaign work shall discourage the First Amendment rights of Albany County employees, as the right to exercise personal political beliefs is cherished by Albany County, but that does not mean that it can or should be subsidized by the taxpayers. Such activities must be performed outside of public paid time; and

BE IT RESOLVED, that this resolution shall take effect immediately.

STATE OF NEW YORK

S. 7508--B

A. 9508--B

SENATE - ASSEMBLY

January 22, 2020

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

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

AN ACT to amend the highway law and the transportation law, in relation to consolidated local highway assistance payments (Part A); to amend the vehicle and traffic law in relation to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); to amend the vehicle and traffic law, in relation to the display of amber and blue lights on safety service patrol vehicles (Part C); intentionally omitted (Part D); to amend the vehicle and traffic law, in relation to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); to amend the public authorities law, in relation to agreements for fiber optics (Part F); intentionally omitted (Part G); to amend the vehicle and traffic law, in relation to penalties for unlicensed operation of ground transportation to and from airports (Part H); to amend the public authorities law, in relation to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); intentionally omitted (Part J); to amend chapter 54 of the laws of 2016 amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend

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

LBD12673-03-0

1 deemed to mean and refer to the corresponding section of the Item in
2 which it is found. Section three of this Subpart sets forth the general
3 effective date of this Subpart.

4 ITEM A

5 Section 1. Clause 10 of subparagraph (i) of the opening paragraph of
6 section 1210 of the tax law, as amended by section 1 of subpart A of
7 part A of chapter 61 of the laws of 2017, is amended to read as follows:

8 (10) the county of Albany is hereby further authorized and empowered
9 to adopt and amend local laws, ordinances or resolutions imposing such
10 taxes at a rate which is one percent additional to the three percent
11 rate authorized above in this paragraph for such county for the period
12 beginning September first, nineteen hundred ninety-two and ending Novem-
13 ber thirtieth, two thousand [twenty] twenty-three;

14 § 2. Notwithstanding any inconsistent provision of law, if the county
15 of Albany imposes the additional one percent rate of sales and compen-
16 sating use taxes authorized by section one of this act for any portion
17 of the period during which the county is so authorized to impose such
18 additional one percent rate of such taxes, then such county of Albany
19 shall allocate and distribute quarterly to the cities and the area in
20 the county outside the cities the same proportion of net collections
21 attributable to such additional one percent rate of such taxes as such
22 county is allocating and distributing the net collections from the coun-
23 ty's three percent rate of such taxes as of the date this act shall have
24 become a law, and such portion of net collections attributable to such
25 additional one percent rate of such taxes shall be allocated and
26 distributed to the towns and villages in such county in the same manner
27 as the net collections attributable to such county's three percent rate
28 of such taxes are allocated and distributed to such towns and villages
29 as of the date this act shall have become a law. In the event that any
30 city in the county of Albany exercises its prior right to impose tax
31 pursuant to section 1224 of the tax law, then the county of Albany shall
32 not be required to allocate and distribute net collections in accordance
33 with the previous sentence for any period of time during which any such
34 city tax is in effect.

35 § 3. This act shall take effect immediately.

36 ITEM B

37 Section 1. Clause 8 of subparagraph (i) of the opening paragraph of
38 section 1210 of the tax law, as amended by section 1 of subpart B of
39 part A of chapter 61 of the laws of 2017, is amended to read as follows:

40 (8) the county of Allegany is hereby further authorized and empowered
41 to adopt and amend local laws, ordinances or resolutions imposing such
42 taxes at a rate which is: (i) one percent additional to the three
43 percent rate authorized above in this paragraph for such county for the
44 period beginning December first, nineteen hundred eighty-six and ending
45 November thirtieth, two thousand four; and (ii) one and one-half percent
46 additional to the three percent rate authorized above in this paragraph
47 for such county for the period beginning December first, two thousand
48 four and ending November thirtieth, two thousand [twenty] twenty-three;

49 § 2. This act shall take effect immediately.

50 ITEM C

1

ITEM A

2 Section 1. Subdivision 7 of section 1202-q of the tax law, as amended
3 by section 1 of subpart A of part B of chapter 61 of the laws of 2017,
4 is amended to read as follows:

5 (7) Such local law shall provide for the imposition of a hotel or
6 motel tax for a period to expire on December thirty-first, two thousand
7 [twenty] twenty-three.

8 § 2. Section 6 of chapter 179 of the laws of 2000, amending the tax
9 law, relating to hotel and motel taxes in Nassau county and a surcharge
10 on tickets to places of entertainment in such county, as amended by
11 section 2 of subpart A of part B of chapter 61 of the laws of 2017, is
12 amended to read as follows:

13 § 6. This act shall take effect immediately, except that section five
14 of this act shall take effect on the same date as a chapter of the laws
15 of 2000 amending the public authorities law and the tax law relating to
16 creating the Nassau county interim finance authority takes effect;
17 provided, further, that sections two, three and four of this act shall
18 expire and be deemed repealed December 31, [2020] 2023.

19 § 3. This act shall take effect immediately.

20

ITEM B

21 Section 1. Section 2 of chapter 405 of the laws of 2007, amending the
22 tax law relating to increasing hotel/motel taxes in Chautauqua county,
23 as amended by section 1 of subpart B of part B of chapter 61 of the laws
24 of 2017, is amended to read as follows:

25 § 2. This act shall take effect December 1, 2007 and shall expire and
26 be deemed repealed November 30, [2020] 2023.

27 § 2. This act shall take effect immediately.

28

ITEM C

29 Section 1. Subdivision 7 of section 1202-o of the tax law, as amended
30 by section 1 of subpart C of part B of chapter 61 of the laws of 2017,
31 is amended to read as follows:

32 (7) Such local law shall provide for the imposition of a hotel or
33 motel tax until December thirty-first, two thousand [twenty] twenty-
34 three.

35 § 2. This act shall take effect immediately.

36

ITEM D

37 Section 1. Section 3 of chapter 105 of the laws of 2009, amending
38 chapter 693 of the laws of 1980 enabling the county of Albany to impose
39 and collect taxes on occupancy of hotel or motel rooms in Albany county
40 relating to revenues received from the collection of hotel or motel
41 occupancy taxes, as amended by chapter 134 of the laws of 2018, is
42 amended to read as follows:

43 § 3. This act shall take effect upon the adoption by the county of
44 Albany of a local law imposing in such county the additional occupancy
45 tax authorized by this act and shall expire and be deemed repealed
46 December 31, [2020] 2023; provided that Albany county shall notify the
47 legislative bill drafting commission upon the occurrence of the enact-
48 ment of such local law in order that the commission may maintain an
49 accurate and timely effective data base of the official text of the laws

1 of the state of New York in furtherance of effecting the provisions of
2 section 44 of the legislative law and section 70-b of the public offi-
3 cers law.

4 § 2. This act shall take effect immediately.

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

14 § 3. This act shall take effect immediately provided, however, that
15 the applicable effective date of Items A through D of this Subpart shall
16 be as specifically set forth in the last section of such Items.

17 SUBPART E

18 Section 1. This Subpart enacts into law legislation providing for the
19 imposition of a county recording tax on obligation secured by a mortgage
20 on real property. Each component is wholly contained within an Item
21 identified as Items A through N. The effective date for each particular
22 provision contained within an Item is set forth in the last section of
23 such Item. Any provision of any section contained within a Item, includ-
24 ing the effective date of the Item, which makes reference to a section
25 "of this act", when used in connection with that particular component,
26 shall be deemed to mean and refer to the corresponding section of the
27 Item in which it is found. Section three of this Subpart sets forth the
28 general effective date of this Subpart.

29 ITEM A

30 Section 1. Section 2 of chapter 333 of the laws of 2006 amending the
31 tax law relating to authorizing the county of Schoharie to impose a
32 county recording tax on obligation secured by a mortgage on real proper-
33 ty, as amended by section 1 of subpart A of part C of chapter 61 of the
34 laws of 2017, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall expire and be
36 deemed repealed on and after December 1, [2020] 2023.

37 § 2. This act shall take effect immediately.

38 ITEM B

39 Section 1. Section 2 of chapter 326 of the laws of 2006, amending the
40 tax law relating to authorizing the county of Hamilton to impose a coun-
41 ty recording tax on obligations secured by mortgages on real property,
42 as amended by section 1 of subpart B of part C of chapter 61 of the laws
43 of 2017, is amended to read as follows:

44 § 2. This act shall take effect immediately and shall expire and be
45 deemed repealed December 1, [2020] 2023.

46 § 2. This act shall take effect immediately.

47 ITEM C

1 recording tax on obligations secured by a mortgage on real property, as
 2 amended by section 1 of subpart G of part C of chapter 61 of the laws of
 3 2017, is amended to read as follows:
 4 § 2. This act shall take effect on the thirtieth day after it shall
 5 have become a law and shall expire and be deemed repealed on December 1,
 6 [2020] 2023.
 7 § 2. This act shall take effect immediately.

8 ITEM H

9 Section 1. Section 3 of chapter 365 of the laws of 2005, amending the
 10 tax law relating to the mortgage recording tax in the county of Steuben,
 11 as amended by section 1 of subpart H of part C of chapter 61 of the laws
 12 of 2017, is amended to read as follows:
 13 § 3. This act shall take effect immediately except that section two of
 14 this act shall take effect on the thirtieth day after it shall have
 15 become a law and shall expire and be deemed repealed on December 1,
 16 [2020] 2023.
 17 § 2. This act shall take effect immediately.

18 ITEM I

19 Section 1. Section 2 of chapter 405 of the laws of 2005 amending the
 20 tax law relating to authorizing the county of Albany to impose a county
 21 recording tax on obligations secured by a mortgage on real property, as
 22 amended by chapter 346 of the laws of 2018, is amended to read as
 23 follows:
 24 § 2. This act shall take effect on the thirtieth day after it shall
 25 have become a law and shall expire and be deemed repealed on the first
 26 of December, [2020] 2023.
 27 § 2. This act shall take effect immediately.

28 ITEM J

29 Intentionally Omitted

30 ITEM K

31 Intentionally Omitted

32 ITEM L

33 Section 1. Section 2 of chapter 218 of the laws of 2009 amending the
 34 tax law relating to authorizing the county of Greene to impose an addi-
 35 tional mortgage recording tax, as amended by chapter 13 of the laws of
 36 2019, is amended to read as follows:
 37 § 2. This act shall take effect on the sixtieth day after it shall
 38 have become a law and shall expire and be deemed repealed December 1,
 39 [2020] 2023.
 40 § 2. This act shall take effect immediately and shall be deemed to
 41 have been in full force and effect on and after December 1, 2019.

42 ITEM M

43 Section 1. Section 2 of chapter 368 of the laws of 2008, amending the
 44 tax law relating to authorizing the county of Warren to impose an addi-

A09508 Summary:

BILL NO A09508B
SAME AS SAME AS UNI.
SPONSOR Budget
COSPNSR
MLTSPNSR

Amd Various Laws, generally

Enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2020-2021 state fiscal year; relates to consolidated local highway assistance payments (Part A); relates to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); relates to the display of amber and blue lights on safety service patrol vehicles (Part C); relates to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); relates to agreements for fiber optics (Part F); relates to penalties for unlicensed operation of ground transportation to and from airports (Part H); relates to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); relates to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); relates to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service (Part R); relates to prohibiting pricing of goods and services on the basis of gender (Part S); relates to making changes to the arms of the state (Part U); relates to qualifications for appointment and employment (Part V); relates to home inspection professional licensing (Part W); authorizes utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues (Part Y); relates to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes (Part CC); amends the infrastructure investment act, in relation to requiring certain contracts to comply with service-disabled veteran-owned business enterprises, negotiating prices in certain lump-sum contracts, referencing certain sections of law and providing for a date of repeal (Part DD); extends the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); relates to the powers of the New York state urban development corporation to make loans, in relation to extending the general loan powers of the New York state urban development corporation (Part FF); relates to economic transformation program eligibility (Part GG); authorizes the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part HH); relates to the definition of farm laborer and labor practices for farm laborers (Part II); relates to procurement procedures for school districts in relation to New York state products (Part JJ); relates to the water pollution control revolving fund and the drinking water revolving fund (Part KK); relates to student debt consultants (Part MM); relates to expanded polystyrene foam container and polystyrene loose fill packaging ban; relates to moneys collected for violations of the expanded polystyrene foam container and polystyrene loose fill packaging ban (Part PP); authorizes the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2020 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; provides for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); relates to the implementation of the environmental bond act of 2020 "restore mother nature" (Part RR); authorizes the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); authorizes the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); authorizes the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C)(Part UU); relates to banning fracking (Part WM); relates to bicycles with electric assist and electric scooters (Part XX); relates to increasing certain motor vehicle transaction fees; relates to the costs of the department of motor vehicles (Part YY); relates to the acceptance of applications for accident prevention and pre-licensing internet courses; establishes the accident prevention course internet technology pilot program (Part ZZ); amends the New York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); relates to prevailing wage requirements (Part FFF); amends the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); accelerates the growth of renewable energy facilities to meet critical state energy policy goals (Part JJJ); extends the application deadline for businesses to participate in the START-UP NY program (Part KKK); authorizes the metropolitan transportation authority to borrow money and issue negotiable notes, bonds or other obligations to offset decreases in revenue (Part LLL); relates to the central business district tolling lockbox fund (Part MMM); relates to admission to residential treatment facilities (RTF) for children and youth (Part NNN); authorizes the transfer of certain office of mental health employees to the secure treatment rehabilitation center (Part OOO); relates to the amount of time an individual may be held for emergency observation, care, and treatment in CPEP and the implementation of satellite sites; relates to comprehensive psychiatric emergency programs (Part PPP); relates to penalties relating to mental health and substance use disorder parity compliance requirements; establishes the behavioral health parity compliance fund (Part QQQ); relates to providers of service (Part RRR); relates to applied behavior analysis (Part SSS); relates to the closure or transfer of a state-operated individualized residential alternative (Part TTT); provides funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses (Part UUU); relates to acquisitions or transfers of property for transit projects (Part VVV); relates to decoupling from certain federal tax changes (Part WWW); relates to installment loans and obligations evidencing installment loans (Item A); relates to statutory installment bonds (Item B); relates to refunding bonds (Item C); relates to the special powers of the New York state environmental facilities corporation (Item D); extends the authority of the department of environmental conservation to manage Atlantic and shortnose sturgeon (Item E); extends the authority of the department of environmental conservation to manage Atlantic Cod (Item F); extends the authority of the department of environmental conservation to manage Atlantic herring (Item G); extends the authority of the department of environmental conservation to manage black sea bass (Item H); extends the authority of the department of environmental conservation to manage blueback herring (Item I); extends the authority of the department of environmental conservation to manage crabs (Item J); extends the authority of the department of environmental conservation to restrict the taking of fish, shellfish and crustacea in special management areas (Item K); extends the authority of the department of environmental conservation to manage of fluke-summer flounder (Item L); extends the authority of the department of environmental conservation to manage scup (Item M); extends the authority of the department of environmental conservation to manage sharks (Item N); extends the authority of the department of environmental conservation to manage squid (Item O); extends the authority of the department of environmental conservation to manage whelk and conch (Item P); extends the authority of the department of environmental conservation to manage winter flounder (Item Q); relates to commercial fishing licenses (Item R)(Subpart A); authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by the World Triathlon Corporation (Item A); authorizes the city of Middletown to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such city to a private party or engage

a private party to collect some or all of the delinquent tax liens held by it (Item B); redistributes bond volume allocations made pursuant to section 146 of the federal tax reform act of 1986, relating to allocation of the unified state bond volume ceiling, enacts the private activity bond allocation act of 2020 (Item C); relates to the upstate flood mitigation task force (Item D); authorizes a pilot residential parking permit system in the city of Albany (Item K); relates to charging a fee for admission to the New York Botanical Garden (Item L); creates the radon task force, in relation to the reporting date and effectiveness thereof (Item M); relates to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters (Item N); relates to aquatic invasive species, spread prevention, and penalties (Item O); relates to the September 11th worker protection task force act (Item P); relates to extending time limitations for certain actions (Item Q); authorizes New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments (Item R); relates to limits on certain supplementary insurance (Item S); relates to the sale of municipal obligations by the county of Erie (Item T); relates to payment in lieu of taxes for property acquired for park or recreational purposes (Item U); relates to payment in lieu of taxes for property acquired for park or recreational purposes by the town of Hempstead (Item V); relates to the provision of physical therapy assistant services in public and private primary and secondary schools (Item W); relates to the membership composition of the metropolitan transportation authority board (Item X); establishes the New York telecommunications relay service center (Item Y); relates to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens; relates to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities (Item Z); relates to the creation of a state information technology innovation center (Item AA); creates a presumption relating to certain lung disabilities incurred by volunteer firefighters (Item BB); relates to disability due to disease or malfunction of the heart or coronary arteries (Item CC); relates to certified school psychologists and special education services and programs for preschool children with handicapping conditions (Item DD); authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners (Item EE); relates to paperwork reduction (Item FF); relates to bonds and notes of the city of Yonkers (Item GG); relates to the sale of bonds and notes of the city of Buffalo (Item HH); relates to assessment and review of assessments in the county of Nassau (Item II); extends provisions of the property/casualty insurance availability act (Item JJ); relates to certain tuition waivers for police officer students of the city university of New York (Item KK); requires regulations to permit tuition waivers for certain firefighters and fire officers for CUNY (Item LL); relates to repair of damaged pesticide containers (Item MM); relates to pesticide registration time frames and fees; relates to pesticide product registration timetables and fees (Item NN); relates to temporary investments by local governments (Item OO); authorizes services for non-residents in adult homes, residences for adults and enriched housing programs (Item PP); relates to the sale of bonds and notes of the city of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the city of New York, the refunding of bonds, and the down payment for projects financed by bonds; amends the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; relates to interest rate exchange agreements of the city of New York and refunding bonds of such city (Item QQ); relates to certain payments to the horsemen's organization (Item RR); relates to use of electronic means for the commencement and filing of papers in certain actions and proceedings (Item SS); establishes certain water charges for hospitals and charities in New York city (Item TT); relates to the boarding of out of state inmates at local correctional facilities (Item UU); relates to the adoption of the interstate compact for juveniles by the state of New York (Item VV); grants the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session (Item WW); relates to an advisory panel on employee-owned enterprises within the division of small business services; relates to establishing an advisory panel on employee-owned enterprises within the division of small business services (Item XX); establishes the underground facilities safety training account (Item YY); authorizes the hunting of big game in the county of Albany with rifles (Item ZZ); relates to liquidator's permits and temporary retail permits (Item AAA); relates to the New York state thoroughbred breeding and development fund; relates to permitted deductions from wages (Item CCC) establishes the digital currency task force (Item DDD); authorizes the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto (Item EEE); requires certain agencies to submit regulatory agendas for publication in the state register (Item FFF); relates to the taking of sharks (Item GGG); authorizes owners of residential real property in high risk brush fire areas in the borough of Staten Island to cut and remove reeds from their property, in relation to extending the expiration and repeal date thereof for an additional year (Item HHH); creates a temporary state commission to study and investigate how to regulate artificial intelligence, robotics and automation (Item III); relates to the determination of adjusted base proportions in special assessing units which are cities (Item JJJ); extends limitations on the shift between classes of taxable property in the town of Orangetown, county of Rockland (Item KKK); extends limitations on the shift between classes of taxable property in the town of Clarkstown, county of Rockland (Item LLL); allows certain special assessing units other than cities to adjust their current base proportions, adjusted base proportions for assessment rolls, and the base proportion in approved assessing units in Nassau county (Item MMM); increases certain special accidental death benefits (Item NNN); relates to the home based primary care for the elderly demonstration project (Item OOO); relates to the residential parking system in the village of Dobbs Ferry in the county of Westchester (Item PPP); relates to the incorporation of the New York Zoological Society, in relation to extending the expiration date of free one day admission to the zoological park (Item QQQ); increases the average assessed value threshold and to eligibility for J-51 tax abatements (Item RRR); relates to fees and expenses in unemployment insurance proceedings (Item SSS); extends authorization for certain exemptions from filing requirements (Item TTT); extends the tax rate reduction under the New York state real estate transfer tax and the New York city real property transfer tax for conveyances of real property to existing real estate investment funds (Item UUU)(Subpart B); relates to the imposition of sales and compensating use taxes by the county of Albany (Item A); extends the expiration of the provisions authorizing the county of Allegany to impose an additional one and one-half percent sales and compensating use taxes (Item B); extends the authorization of the county of Broome to impose an additional one percent of sales and compensating use taxes (Item C); extends the expiration of provisions authorizing the county of Cattaraugus to impose an additional one percent of sales and compensating use tax (Item D); extends the authorization of the county of Cayuga to impose an additional one percent of sales and compensating use taxes (Item E); authorizes Chautauqua county to impose an additional one percent rate of sales and compensating use taxes (Item F); extends the authorization of the county of Chemung to impose an additional one percent of sales and compensating use taxes (Item G); extends the authority of Chenango county to impose additional taxes (Item H); extends the expiration of the authorization granted to the county of Clinton to impose an additional rate of sales and compensating use tax (Item I); relates to sales and compensating use tax in Columbia county (Item J); extends the authorization for imposition of additional sales tax in the county of Cortland (Item K); extends the authorization of the county of Delaware to impose an additional one percent of sales and compensating use taxes (Item L); relates to sales and compensating use tax in Dutchess county (Item M); relates to the imposition of additional rates of sales and compensating use taxes by Erie county (Item N); extends the authorization granted to the county of Essex to impose an additional one percent of sales and compensating use taxes (Item O); extends the expiration of the authority granted to the county of Franklin to impose an additional one percent of sales and compensating use taxes (Item P); relates to the imposition of additional sales and compensating use tax in Fulton county (Item Q); extends the expiration of the authorization to the county of Genesee to impose an additional one percent of sales and compensating use taxes (Item R); extends the authorization for imposition of additional sales and compensating use taxes in Greene county (Item S); extends the authorization of the county of Hamilton to impose an additional one percent of sales and compensating use taxes (Item T); extends the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes (Item U); authorizes the county of Jefferson to impose additional sales tax (Item V); authorizes the county of Lewis to impose an additional one percent of sales and compensating use taxes (Item W); authorizes the county of Livingston to impose an additional one percent sales tax (Item X); extends the authorization of the county of Madison to impose an additional rate of sales and compensating use taxes (Item Y); relates to the imposition of sales and compensating use taxes by the county of Monroe (Item Z); relates to the imposition of sales and compensating use taxes in Montgomery county (Item AA); extends the authority of the county of Nassau to impose additional sales and compensating use taxes, and extending local government assistance programs in Nassau county (Item BB); relates to continuing to authorize Niagara county to impose an additional rate of sales and compensating use taxes (Item CC); authorizes Oneida county to impose additional rates of sales and compensating use taxes and providing for allocation and distribution

of a portion of net collections from such additional rates (Item DD); extends the authorization of the county of Onondaga to impose an additional rate of sales and compensating use taxes (Item EE); extends the authorization for Ontario county to impose additional rates of sales and compensating use taxes (Item FF); extends the authority of the county of Orange to impose an additional rate of sales and compensating use taxes (Item GG); extends the period during which the county of Orleans is authorized to impose additional rates of sales and compensating use taxes (Item HH); extends authorization for an additional one percent sales and compensating use tax in the county of Oswego (Item II); extends the authorization for imposition of additional sales tax in the county of Otsego (Item JJ); relates to the imposition of sales and compensating use taxes in the county of Putnam (Item KK); extends the authorization of the county of Rensselaer to impose an additional one percent of sales and compensating use taxes (Item LL); authorizes the county of Rockland to impose an additional rate of sales and compensating use taxes (Item MM); extends the authority of St. Lawrence county to impose sales tax (Item NN); relates to the imposition of sales and compensating use tax in Schenectady county (Item OO); extends the authorization for imposition of additional sales tax in the county of Schoharie (Item PP); extends the authorization of the county of Schuyler to impose an additional one percent of sales and compensating use taxes (Item QQ); extends the expiration of the authorization to the county of Seneca to impose an additional one percent sales and compensating use tax (Item RR); extends the authorization of the county of Steuben to impose an additional one percent of sales and compensating use taxes (Item SS); extends the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax (Item TT); extends authorization to impose certain taxes in the county of Sullivan (Item UU); extends the authorization of the county of Tioga to impose an additional one percent of sales and compensating use taxes (Item VV); extends the authorization of the county of Tompkins to impose an additional one percent of sales and compensating use taxes (Item WW); extends the authority of the county of Ulster to impose an additional 1 percent sales and compensating use tax (Item XX); extends the additional one percent sales tax for Wayne county (Item YY); extends the expiration of the authorization to the county of Wyoming to impose an additional one percent sales and compensating use tax (Item ZZ); extends the authorization of the county of Yates to impose an additional one percent of sales and compensating use taxes (Item AAA); extends the authorization of the city of Oswego to impose an additional tax rate of sales and compensating use taxes (Item BBB); authorizes the city of Yonkers to impose additional sales tax (Item CCC); extends the authorization of the city of New Rochelle to impose an additional sales and compensating use tax (Item DDD); revises the period of authorization for the county of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester county spending limitation act; relates to the method of disposition of sales and compensating use tax revenue in Westchester county and enacting the Westchester county spending limitation act, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales; authorizes the county of Westchester to impose an additional rate of sales and compensating use tax, in relation to extending the authorization for the county of Westchester impose an additional tax rate of sales and compensating use taxes (Item EEE)(Subpart C); extends the authority of the county of Nassau to impose hotel and motel taxes in Nassau county; relates to hotel and motel taxes in Nassau county and a surcharge on tickets to places of entertainment in such county (Item A); increases hotel/motel taxes in Chautauqua county (Item B); extends the expiration of the authority granted to the county of Suffolk to impose hotel and motel taxes (Item C); relates to enabling the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county relating to revenues received from the collection of hotel or motel occupancy taxes (Item D) (Subpart D); authorizes the county of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property (Item A); authorizes the county of Hamilton to impose a county recording tax on obligations secured by mortgages on real property (Item B); relates to the mortgage recording tax in the county of Fulton (Item C); extends the expiration of the mortgage recording tax imposed by the city of Yonkers (Item D); authorizes the county of Cortland to impose an additional mortgage recording tax (Item E); authorizes the county of Genesee to impose a county recording tax on obligation secured by a mortgage on real property (Item F); authorizes the county of Yates to impose a county recording tax on obligations secured by a mortgage on real property (Item G); relates to the mortgage recording tax in the county of Steuben (Item H); authorizes the county of Albany to impose a county recording tax on obligations secured by a mortgage on real property (Item I); authorizes the county of Greene to impose an additional mortgage recording tax (Item L); authorizes the county of Warren to impose an additional mortgage recording tax (Item M); authorizes the county of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property (Item N)(Subpart E); imposes an additional real estate transfer tax within the county of Columbia (Subpart F); relates to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York (Subpart G); relates to exemptions from sales and use taxes, in relation to extending certain provisions thereof; extends certain provisions relating to specially eligible premises and special rebates; extends certain provisions relating to exemptions and deductions from base rent; extends certain provisions relating to eligibility periods and requirements; extends certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; extends certain provisions relating to a special reduction in determining the taxable base rent (Item A); extends the expiration of the solar electric generating system and the electric energy storage equipment tax abatement (Item B); authorizes reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof (Item C); repeals certain provisions of the state finance law relating to the motorcycle safety fund (Item D); relates to catastrophic or reinsurance coverage issued to certain small groups, relates to catastrophic or reinsurance coverage issued to certain small groups (Item E)(Subpart H)(Part XXX); relates to the disclosure of certain records by the commissioner of motor vehicles (Part YYY); relates to public financing for state office; establishes the New York state campaign finance fund; establishes the NYS campaign finance fund check-off (Part ZZZ)

A09508 Actions:

BILL NO A09508B

01/22/2020 referred to ways and means
02/22/2020 amend (t) and recommit to ways and means
02/22/2020 print number 9508a
04/01/2020 amend (t) and recommit to ways and means
04/01/2020 print number 9508b
04/02/2020 reported referred to rules
04/02/2020 reported
04/02/2020 rules report cal.21
04/02/2020 substituted by s7508b
S07508 AMEND=B BUDGET
01/22/2020 REFERRED TO FINANCE
02/22/2020 AMEND (T) AND RECOMMIT TO FINANCE
02/22/2020 PRINT NUMBER 7508A
04/01/2020 AMEND (T) AND RECOMMIT TO FINANCE
04/01/2020 PRINT NUMBER 7508B
04/01/2020 ORDERED TO THIRD READING CAL.635
04/01/2020 MESSAGE OF NECESSITY - 3 DAY MESSAGE
04/01/2020 PASSED SENATE
04/01/2020 DELIVERED TO ASSEMBLY
04/01/2020 referred to ways and means
04/02/2020 substituted for a9508b
04/02/2020 ordered to third reading rules cal.21
04/02/2020 message of necessity - 3 day message

04/02/2020 passed assembly
04/02/2020 returned to senate
04/03/2020 DELIVERED TO GOVERNOR
04/03/2020 SIGNED CHAP.58

LOCAL LAW NO. "E" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, IMPOSING AN ADDITIONAL ONE PERCENT RATE OF TAX ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany, as follows:

SECTION 1. The first sentence of Section 2 of Local Law No. 3 for 1967, entitled "A Local Law of the County of Albany in relation to the imposition of a County Sales and Use Tax", as amended, is amended to read as follows:

"SECTION 2. Imposition of sales tax. On and after March 1, 1970, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1992, and ending November 30, 2023, there is hereby imposed and there shall be paid an additional tax at the rate of one percent upon:"

SECTION 2. Section 2-B of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

"SECTION 2-B. Exemption of certain energy sources and related services from additional one percent rate of tax.

Notwithstanding any inconsistent provision of this Local Law, receipts from the sale of property and services described in Section 2-A of this Local Law and consideration given or contracted to be given for such property and services shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by Sections 2 and 4, respectively, of this Local Law for the period commencing September 1, 1992, and ending November 30, 2023."

SECTION 3. Subdivision (g) of Section 3 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

"(g) With respect to the additional tax of one percent imposed for the period commencing September 1, 1992, and ending November 30, 2023, the provisions of subdivisions (a), (b), (c), (d) and (e) of this Section apply,

except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.”

SECTION 4. Section 4 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

“SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractors, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of Section Two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of Section Two have been performed, (E) of any telephone answering service described in subdivision (b) of Section Two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this Section, for the period commencing September 1, 1992, and ending November 30,

2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of Section One, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of Section One.

(e) Notwithstanding the foregoing provision of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on

and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of Section One.

(g) For purposes of clause (F) of subdivision (a) of this Section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.”

SECTION 5. Paragraph (B) of subdivision (1) of Section 11 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1992, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to September 1, 1992.”

SECTION 6. A new subdivision (q) of section 14 of such Local Law No. 3 for 1967, as amended, is added to read as follows:

“(q) Notwithstanding any inconsistent provision of law, the County shall allocate and distribute quarterly to the cities and the area in the County outside the cities the same proportion of net collections attributable to the additional one percent rate of taxes imposed by sections two and four of this Local Law for the period commencing December 1, 2020 and ending November 30, 2023, as the County allocates and distributes the net collections from the County’s three percent rate of such taxes, as of July 20, 2020, and such portion of net collections attributable to such additional one percent rate of such taxes shall be allocated and distributed to the towns and villages in the County in the same manner as the net collections attributable to the County’s three percent rate of such taxes are allocated and distributed to such towns and villages as of July 20, 2020. In the event that any city

in the County exercises its prior right to impose tax pursuant to Section 1224 of the New York Tax Law, then the County shall not allocate and distribute net collections in accordance with the previous sentence for any period of time during which any such city tax is in effect, and the County shall instead set aside net collections attributable to such additional one percent rate of such taxes for County purposes for any such period that any such city tax is in effect.

SECTION 7. This enactment shall take effect December 1, 2020.

A09508 Summary:

BILL NO A09508B
SAME AS SAME AS UNI.
SPONSOR Budget
COSPNR
MLTSPNR

Amd Various Laws, generally

Enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2020-2021 state fiscal year; relates to consolidated local highway assistance payments (Part A); relates to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); relates to the display of amber and blue lights on safety service patrol vehicles (Part C); relates to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); relates to agreements for fiber optics (Part F); relates to penalties for unlicensed operation of ground transportation to and from airports (Part H); relates to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); relates to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); relates to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service (Part R); relates to prohibiting pricing of goods and services on the basis of gender (Part S); relates to making changes to the arms of the state (Part U); relates to qualifications for appointment and employment (Part V); relates to home inspection professional licensing (Part W); authorizes utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues (Part Y); relates to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes (Part CC); amends the infrastructure investment act, in relation to requiring certain contracts to comply with service-disabled veteran-owned business enterprises, negotiating prices in certain lump-sum contracts, referencing certain sections of law and providing for a date of repeal (Part DD); extends the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); relates to the powers of the New York state urban development corporation to make loans, in relation to extending the general loan powers of the New York state urban development corporation (Part FF); relates to economic transformation program eligibility (Part GG); authorizes the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part HH); relates to the definition of farm laborer and labor practices for farm laborers (Part II); relates to procurement procedures for school districts in relation to New York state products (Part JJ); relates to the water pollution control revolving fund and the drinking water revolving fund (Part KK); relates to student debt consultants (Part MM); relates to expanded polystyrene foam container and polystyrene loose fill packaging ban; relates to moneys collected for violations of the expanded polystyrene foam container and polystyrene loose fill packaging ban (Part PP); authorizes the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2020 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; provides for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); relates to the implementation of the environmental bond act of 2020 "restore mother nature" (Part RR); authorizes the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); authorizes the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); authorizes the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C)(Part UU); relates to banning fracking (Part WW); relates to bicycles with electric assist and electric scooters (Part XX); relates to increasing certain motor vehicle transaction fees; relates to the costs of the department of motor vehicles (Part YY); relates to the acceptance of applications for accident prevention and pre-licensing internet courses; establishes the accident prevention course internet technology pilot program (Part ZZ); amends the New York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); relates to prevailing wage requirements (Part FFF); amends the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); accelerates the growth of renewable energy facilities to meet critical state energy policy goals (Part JJJ); extends the application deadline for businesses to participate in the START-UP NY program (Part KKK); authorizes the metropolitan transportation authority to borrow money and issue negotiable notes, bonds or other obligations to offset decreases in revenue (Part LLL); relates to the central business district tolling lockbox fund (Part MMM); relates to admission to residential treatment facilities (RTF) for children and youth (Part MNN); authorizes the transfer of certain office of mental health employees to the secure treatment rehabilitation center (Part OOO); relates to the amount of time an individual may be held for emergency observation, care, and treatment in CPEP and the implementation of satellite sites; relates to comprehensive psychiatric emergency programs (Part PPP); relates to penalties relating to mental health and substance use disorder parity compliance requirements; establishes the behavioral health parity compliance fund (Part QQQ); relates to providers of service (Part RRR); relates to applied behavior analysis (Part SSS); relates to the closure or transfer of a state-operated individualized residential alternative (Part TTT); provides funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses (Part UUU); relates to acquisitions or transfers of property for transit projects (Part VVV); relates to decoupling from certain federal tax changes (Part WWW); relates to installment loans and obligations evidencing installment loans (Item A); relates to statutory installment bonds (Item B); relates to refunding bonds (Item C); relates to the special powers of the New York state environmental facilities corporation (Item D); extends the authority of the department of environmental conservation to manage Atlantic and shortnose sturgeon (Item E); extends the authority of the department of environmental conservation to manage Atlantic Cod (Item F); extends the authority of the department of environmental conservation to manage Atlantic herring (Item G); extends the authority of the department of environmental conservation to manage black sea bass (Item H); extends the authority of the department of environmental conservation to manage blueback herring (Item I); extends the authority of the department of environmental conservation to manage crabs (Item J); extends the authority of the department of environmental conservation to restrict the taking of fish, shellfish and crustacea in special management areas (Item K); extends the authority of the department of environmental conservation to manage of fluke-summer flounder (Item L); extends the authority of the department of environmental conservation to manage scup (Item M); extends the authority of the department of environmental conservation to manage sharks (Item N); extends the authority of the department of environmental conservation to manage squid (Item O); extends the authority of the department of environmental conservation to manage whelk and conch (Item P); extends the authority of the department of environmental conservation to manage winter flounder (Item Q); relates to commercial fishing licenses (Item R)(Subpart A); authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by the World Triathlon Corporation (Item A); authorizes the city of Middletown to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such city to a private party or engage

a private party to collect some or all of the delinquent tax liens held by it (Item B); redistributes bond volume allocations made pursuant to section 146 of the federal tax reform act of 1986, relating to allocation of the unified state bond volume ceiling, enacts the private activity bond allocation act of 2020 (Item C); relates to the upstate flood mitigation task force (Item D); authorizes a pilot residential parking permit system in the city of Albany (Item K); relates to charging a fee for admission to the New York Botanical Garden (Item L); creates the radon task force, in relation to the reporting date and effectiveness thereof (Item M); relates to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters (Item N); relates to aquatic invasive species, spread prevention, and penalties (Item O); relates to the September 11th worker protection task force act (Item P); relates to extending time limitations for certain actions (Item Q); authorizes New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments (Item R); relates to limits on certain supplementary insurance (Item S); relates to the sale of municipal obligations by the county of Erie (Item T); relates to payment in lieu of taxes for property acquired for park or recreational purposes (Item U); relates to payment in lieu of taxes for property acquired for park or recreational purposes by the town of Hempstead (Item V); relates to the provision of physical therapy assistant services in public and private primary and secondary schools (Item W); relates to the membership composition of the metropolitan transportation authority board (Item X); establishes the New York telecommunications relay service center (Item Y); relates to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens; relates to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities (Item Z); relates to the creation of a state information technology innovation center (Item AA); creates a presumption relating to certain lung disabilities incurred by volunteer firefighters (Item BB); relates to disability due to disease or malfunction of the heart or coronary arteries (Item CC); relates to certified school psychologists and special education services and programs for preschool children with handicapping conditions (Item DD); authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners (Item EE); relates to paperwork reduction (Item FF); relates to bonds and notes of the city of Yonkers (Item GG); relates to the sale of bonds and notes of the city of Buffalo (Item HH); relates to assessment and review of assessments in the county of Nassau (Item II); extends provisions of the property/casualty insurance availability act (Item JJ); relates to certain tuition waivers for police officer students of the city university of New York (Item KK); requires regulations to permit tuition waivers for certain firefighters and fire officers for CUNY (Item LL); relates to repair of damaged pesticide containers (Item MM); relates to pesticide registration time frames and fees; relates to pesticide product registration timetables and fees (Item NN); relates to temporary investments by local governments (Item OO); authorizes services for non-residents in adult homes, residences for adults and enriched housing programs (Item PP); relates to the sale of bonds and notes of the city of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the city of New York, the refunding of bonds, and the down payment for projects financed by bonds; amends the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; relates to interest rate exchange agreements of the city of New York and refunding bonds of such city (Item QQ); relates to certain payments to the horsemen's organization (Item RR); relates to use of electronic means for the commencement and filing of papers in certain actions and proceedings (Item SS); establishes certain water charges for hospitals and charities in New York city (Item TT); relates to the boarding of out of state inmates at local correctional facilities (Item UU); relates to the adoption of the interstate compact for juveniles by the state of New York (Item VV); grants the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session (Item WW); relates to an advisory panel on employee-owned enterprises within the division of small business services; relates to establishing an advisory panel on employee-owned enterprises within the division of small business services (Item XX); establishes the underground facilities safety training account (Item YY); authorizes the hunting of big game in the county of Albany with rifles (Item ZZ); relates to liquidator's permits and temporary retail permits (Item AAA); relates to the New York state thoroughbred breeding and development fund; relates to permitted deductions from wages (Item CCC) establishes the digital currency task force (Item ODD); authorizes the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto (Item EEE); requires certain agencies to submit regulatory agendas for publication in the state register (Item FFF); relates to the taking of sharks (Item GGG); authorizes owners of residential real property in high risk brush fire areas in the borough of Staten Island to cut and remove reeds from their property, in relation to extending the expiration and repeal date thereof for an additional year (Item HHH); creates a temporary state commission to study and investigate how to regulate artificial intelligence, robotics and automation (Item III); relates to the determination of adjusted base proportions in special assessing units which are cities (Item JJJ); extends limitations on the shift between classes of taxable property in the town of Orangetown, county of Rockland (Item KKK); extends limitations on the shift between classes of taxable property in the town of Clarkstown, county of Rockland (Item LLL); allows certain special assessing units other than cities to adjust their current base proportions, adjusted base proportions for assessment rolls, and the base proportion in approved assessing units in Nassau county (Item MMM); increases certain special accidental death benefits (Item NNN); relates to the home based primary care for the elderly demonstration project (Item OOO); relates to the residential parking system in the village of Dobbs Ferry in the county of Westchester (Item PPP); relates to the incorporation of the New York Zoological Society, in relation to extending the expiration date of free one day admission to the zoological park (Item QQQ); increases the average assessed value threshold and to eligibility for J-51 tax abatements (Item RRR); relates to fees and expenses in unemployment insurance proceedings (Item SSS); extends authorization for certain exemptions from filing requirements (Item TTT); extends the tax rate reduction under the New York state real estate transfer tax and the New York city real property transfer tax for conveyances of real property to existing real estate investment funds (Item UUU)(Subpart B); relates to the imposition of sales and compensating use taxes by the county of Albany (Item A); extends the expiration of the provisions authorizing the county of Allegany to impose an additional one and one-half percent sales and compensating use taxes (Item B); extends the authorization of the county of Broome to impose an additional one percent of sales and compensating use taxes (Item C); extends the expiration of provisions authorizing the county of Cattaraugus to impose an additional one percent of sales and compensating use tax (Item D); extends the authorization of the county of Cayuga to impose an additional one percent of sales and compensating use taxes (Item E); authorizes Chautauqua county to impose an additional one percent rate of sales and compensating use taxes (Item F); extends the authorization of the county of Chemung to impose an additional one percent of sales and compensating use taxes (Item G); extends the authority of Chenango county to impose additional taxes (Item H); extends the expiration of the authorization granted to the county of Clinton to impose an additional rate of sales and compensating use tax (Item I); relates to sales and compensating use tax in Columbia county (Item J); extends the authorization for imposition of additional sales tax in the county of Cortland (Item K); extends the authorization of the county of Delaware to impose an additional one percent of sales and compensating use taxes (Item L); relates to sales and compensating use tax in Dutchess county (Item M); relates to the imposition of additional rates of sales and compensating use taxes by Erie county (Item N); extends the authorization granted to the county of Essex to impose an additional one percent of sales and compensating use taxes (Item D); extends the expiration of the authority granted to the county of Franklin to impose an additional one percent of sales and compensating use taxes (Item P); relates to the imposition of additional sales and compensating use tax in Fulton county (Item Q); extends the expiration of the authorization to the county of Genesee to impose an additional one percent of sales and compensating use taxes (Item R); extends the authorization for imposition of additional sales and compensating use taxes in Greene county (Item S); extends the authorization of the county of Hamilton to impose an additional one percent of sales and compensating use taxes (Item T); extends the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes (Item U); authorizes the county of Jefferson to impose additional sales tax (Item V); authorizes the county of Lewis to impose an additional one percent of sales and compensating use taxes (Item W); authorizes the county of Livingston to impose an additional one percent sales tax (Item X); extends the authorization of the county of Madison to impose an additional rate of sales and compensating use taxes (Item Y); relates to the imposition of sales and compensating use taxes by the county of Monroe (Item Z); relates to the imposition of sales and compensating use taxes in Montgomery county (Item AA); extends the authority of the county of Nassau to impose additional sales and compensating use taxes, and extending local government assistance programs in Nassau county (Item BB); relates to continuing to authorize Niagara county to impose an additional rate of sales and compensating use taxes (Item CC); authorizes Oneida county to impose additional rates of sales and compensating use taxes and providing for allocation and distribution

of a portion of net collections from such additional rates (Item DD); extends the authorization of the county of Onondaga to impose an additional rate of sales and compensating use taxes (Item EE); extends the authorization for Ontario county to impose additional rates of sales and compensating use taxes (Item FF); extends the authority of the county of Orange to impose an additional rate of sales and compensating use taxes (Item GG); extends the period during which the county of Orleans is authorized to impose additional rates of sales and compensating use taxes (Item HH); extends authorization for an additional one percent sales and compensating use tax in the county of Oswego (Item II); extends the authorization for imposition of additional sales tax in the county of Otsego (Item JJ); relates to the imposition of sales and compensating use taxes in the county of Putnam (Item KK); extends the authorization of the county of Rensselaer to impose an additional one percent of sales and compensating use taxes (Item LL); authorizes the county of Rockland to impose an additional rate of sales and compensating use taxes (Item MM); extends the authority of St. Lawrence county to impose sales tax (Item NN); relates to the imposition of sales and compensating use tax in Schenectady county (Item OO); extends the authorization for imposition of additional sales tax in the county of Schoharie (Item PP); extends the authorization of the county of Schuyler to impose an additional one percent of sales and compensating use taxes (Item QQ); extends the expiration of the authorization to the county of Seneca to impose an additional one percent sales and compensating use tax (Item RR); extends the authorization of the county of Steuben to impose an additional one percent of sales and compensating use taxes (Item SS); extends the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax (Item TT); extends authorization to impose certain taxes in the county of Sullivan (Item UU); extends the authorization of the county of Tioga to impose an additional one percent of sales and compensating use taxes (Item VV); extends the authorization of the county of Tompkins to impose an additional one percent of sales and compensating use taxes (Item WW); extends the authority of the county of Ulster to impose an additional 1 percent sales and compensating use tax (Item XX); extends the additional one percent sales tax for Wayne county (Item YY); extends the expiration of the authorization to the county of Wyoming to impose an additional one percent sales and compensating use tax (Item ZZ); extends the authorization of the county of Yates to impose an additional one percent of sales and compensating use taxes (Item AAA); extends the authorization of the city of Oswego to impose an additional tax rate of sales and compensating use taxes (Item BBB); authorizes the city of Yonkers to impose additional sales tax (Item CCC); extends the authorization of the city of New Rochelle to impose an additional sales and compensating use tax (Item DDD); revises the period of authorization for the county of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester county spending limitation act; relates to the method of disposition of sales and compensating use tax revenue in Westchester county and enacting the Westchester county spending limitation act, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales; authorizes the county of Westchester to impose an additional rate of sales and compensating use tax, in relation to extending the authorization for the county of Westchester impose an additional tax rate of sales and compensating use taxes (Item EEE)(Subpart C); extends the authority of the county of Nassau to impose hotel and motel taxes in Nassau county; relates to hotel and motel taxes in Nassau county and a surcharge on tickets to places of entertainment in such county (Item A); increases hotel/motel taxes in Chautauqua county (Item B); extends the expiration of the authority granted to the county of Suffolk to impose hotel and motel taxes (Item C); relates to enabling the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county relating to revenues received from the collection of hotel or motel occupancy taxes (Item D) (Subpart D); authorizes the county of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property (Item A); authorizes the county of Hamilton to impose a county recording tax on obligations secured by mortgages on real property (Item B); relates to the mortgage recording tax in the county of Fulton (Item C); extends the expiration of the mortgage recording tax imposed by the city of Yonkers (Item D); authorizes the county of Cortland to impose an additional mortgage recording tax (Item E); authorizes the county of Genesee to impose a county recording tax on obligation secured by a mortgage on real property (Item F); authorizes the county of Yates to impose a county recording tax on obligations secured by a mortgage on real property (Item G); relates to the mortgage recording tax in the county of Steuben (Item H); authorizes the county of Albany to impose a county recording tax on obligations secured by a mortgage on real property (Item I); authorizes the county of Greene to impose an additional mortgage recording tax (Item L); authorizes the county of Warren to impose an additional mortgage recording tax (Item M); authorizes the county of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property (Item N)(Subpart E); imposes an additional real estate transfer tax within the county of Columbia (Subpart F); relates to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York (Subpart G); relates to exemptions from sales and use taxes, in relation to extending certain provisions thereof; extends certain provisions relating to specially eligible premises and special rebates; extends certain provisions relating to exemptions and deductions from base rent; extends certain provisions relating to eligibility periods and requirements; extends certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; extends certain provisions relating to a special reduction in determining the taxable base rent (Item A); extends the expiration of the solar electric generating system and the electric energy storage equipment tax abatement (Item B); authorizes reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof (Item C); repeals certain provisions of the state finance law relating to the motorcycle safety fund (Item D); relates to catastrophic or reinsurance coverage issued to certain small groups, relates to catastrophic or reinsurance coverage issued to certain small groups (Item E)(Subpart H)(Part XXX); relates to the disclosure of certain records by the commissioner of motor vehicles (Part YYY); relates to public financing for state office; establishes the New York state campaign finance fund; establishes the NYS campaign finance fund check-off (Part ZZZ)

A09508 Actions:

BILL NO A09508B

01/22/2020 referred to ways and means
02/22/2020 amend (t) and recommit to ways and means
02/22/2020 print number 9508a
04/01/2020 amend (t) and recommit to ways and means
04/01/2020 print number 9508b
04/02/2020 reported referred to rules
04/02/2020 reported
04/02/2020 rules report cal.21
04/02/2020 substituted by s7508b
S07508 AMEND=B BUDGET
01/22/2020 REFERRED TO FINANCE
02/22/2020 AMEND (T) AND RECOMMIT TO FINANCE
02/22/2020 PRINT NUMBER 7508A
04/01/2020 AMEND (T) AND RECOMMIT TO FINANCE
04/01/2020 PRINT NUMBER 7508B
04/01/2020 ORDERED TO THIRD READING CAL.635
04/01/2020 MESSAGE OF NECESSITY - 3 DAY MESSAGE
04/01/2020 PASSED SENATE
04/01/2020 DELIVERED TO ASSEMBLY
04/01/2020 referred to ways and means
04/02/2020 substituted for a9508b
04/02/2020 ordered to third reading rules cal.21
04/02/2020 message of necessity - 3 day message

04/02/2020 passed assembly
04/02/2020 returned to senate
04/03/2020 DELIVERED TO GOVERNOR
04/03/2020 SIGNED CHAP.58

STATE OF NEW YORK

S. 7508--B

A. 9508--B

SENATE - ASSEMBLY

January 22, 2020

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

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

AN ACT to amend the highway law and the transportation law, in relation to consolidated local highway assistance payments (Part A); to amend the vehicle and traffic law in relation to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); to amend the vehicle and traffic law, in relation to the display of amber and blue lights on safety service patrol vehicles (Part C); intentionally omitted (Part D); to amend the vehicle and traffic law, in relation to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); to amend the public authorities law, in relation to agreements for fiber optics (Part F); intentionally omitted (Part G); to amend the vehicle and traffic law, in relation to penalties for unlicensed operation of ground transportation to and from airports (Part H); to amend the public authorities law, in relation to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); intentionally omitted (Part J); to amend chapter 54 of the laws of 2016 amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend

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

LBD12673-03-0

1 deemed to mean and refer to the corresponding section of the Item in
2 which it is found. Section three of this Subpart sets forth the general
3 effective date of this Subpart.

4 ITEM A

5 Section 1. Clause 10 of subparagraph (i) of the opening paragraph of
6 section 1210 of the tax law, as amended by section 1 of subpart A of
7 part A of chapter 61 of the laws of 2017, is amended to read as follows:

8 (10) the county of Albany is hereby further authorized and empowered
9 to adopt and amend local laws, ordinances or resolutions imposing such
10 taxes at a rate which is one percent additional to the three percent
11 rate authorized above in this paragraph for such county for the period
12 beginning September first, nineteen hundred ninety-two and ending Novem-
13 ber thirtieth, two thousand [twenty] ~~twenty-three~~;

14 § 2. Notwithstanding any inconsistent provision of law, if the county
15 of Albany imposes the additional one percent rate of sales and compen-
16 sating use taxes authorized by section one of this act for any portion
17 of the period during which the county is so authorized to impose such
18 additional one percent rate of such taxes, then such county of Albany
19 shall allocate and distribute quarterly to the cities and the area in
20 the county outside the cities the same proportion of net collections
21 attributable to such additional one percent rate of such taxes as such
22 county is allocating and distributing the net collections from the coun-
23 ty's three percent rate of such taxes as of the date this act shall have
24 become a law, and such portion of net collections attributable to such
25 additional one percent rate of such taxes shall be allocated and
26 distributed to the towns and villages in such county in the same manner
27 as the net collections attributable to such county's three percent rate
28 of such taxes are allocated and distributed to such towns and villages
29 as of the date this act shall have become a law. In the event that any
30 city in the county of Albany exercises its prior right to impose tax
31 pursuant to section 1224 of the tax law, then the county of Albany shall
32 not be required to allocate and distribute net collections in accordance
33 with the previous sentence for any period of time during which any such
34 city tax is in effect.

35 § 3. This act shall take effect immediately.

36 ITEM B

37 Section 1. Clause 8 of subparagraph (i) of the opening paragraph of
38 section 1210 of the tax law, as amended by section 1 of subpart B of
39 part A of chapter 61 of the laws of 2017, is amended to read as follows:

40 (8) the county of Allegany is hereby further authorized and empowered
41 to adopt and amend local laws, ordinances or resolutions imposing such
42 taxes at a rate which is: (i) one percent additional to the three
43 percent rate authorized above in this paragraph for such county for the
44 period beginning December first, nineteen hundred eighty-six and ending
45 November thirtieth, two thousand four; and (ii) one and one-half percent
46 additional to the three percent rate authorized above in this paragraph
47 for such county for the period beginning December first, two thousand
48 four and ending November thirtieth, two thousand [twenty] ~~twenty-three~~;

49 § 2. This act shall take effect immediately.

50 ITEM C

1

ITEM A

2 Section 1. Subdivision 7 of section 1202-q of the tax law, as amended
3 by section 1 of subpart A of part B of chapter 61 of the laws of 2017,
4 is amended to read as follows:

5 (7) Such local law shall provide for the imposition of a hotel or
6 motel tax for a period to expire on December thirty-first, two thousand
7 [twenty] twenty-three.

8 § 2. Section 6 of chapter 179 of the laws of 2000, amending the tax
9 law, relating to hotel and motel taxes in Nassau county and a surcharge
10 on tickets to places of entertainment in such county, as amended by
11 section 2 of subpart A of part B of chapter 61 of the laws of 2017, is
12 amended to read as follows:

13 § 6. This act shall take effect immediately, except that section five
14 of this act shall take effect on the same date as a chapter of the laws
15 of 2000 amending the public authorities law and the tax law relating to
16 creating the Nassau county interim finance authority takes effect;
17 provided, further, that sections two, three and four of this act shall
18 expire and be deemed repealed December 31, [2020] 2023.

19 § 3. This act shall take effect immediately.

20

ITEM B

21 Section 1. Section 2 of chapter 405 of the laws of 2007, amending the
22 tax law relating to increasing hotel/motel taxes in Chautauqua county,
23 as amended by section 1 of subpart B of part B of chapter 61 of the laws
24 of 2017, is amended to read as follows:

25 § 2. This act shall take effect December 1, 2007 and shall expire and
26 be deemed repealed November 30, [2020] 2023.

27 § 2. This act shall take effect immediately.

28

ITEM C

29 Section 1. Subdivision 7 of section 1202-o of the tax law, as amended
30 by section 1 of subpart C of part B of chapter 61 of the laws of 2017,
31 is amended to read as follows:

32 (7) Such local law shall provide for the imposition of a hotel or
33 motel tax until December thirty-first, two thousand [twenty] twenty-
34 three.

35 § 2. This act shall take effect immediately.

36

ITEM D

37 Section 1. Section 3 of chapter 105 of the laws of 2009, amending
38 chapter 693 of the laws of 1980 enabling the county of Albany to impose
39 and collect taxes on occupancy of hotel or motel rooms in Albany county
40 relating to revenues received from the collection of hotel or motel
41 occupancy taxes, as amended by chapter 134 of the laws of 2018, is
42 amended to read as follows:

43 § 3. This act shall take effect upon the adoption by the county of
44 Albany of a local law imposing in such county the additional occupancy
45 tax authorized by this act and shall expire and be deemed repealed
46 December 31, [2020] 2023; provided that Albany county shall notify the
47 legislative bill drafting commission upon the occurrence of the enact-
48 ment of such local law in order that the commission may maintain an
49 accurate and timely effective data base of the official text of the laws

1 of the state of New York in furtherance of effecting the provisions of
2 section 44 of the legislative law and section 70-b of the public offi-
3 cers law.

4 § 2. This act shall take effect immediately.

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

14 § 3. This act shall take effect immediately provided, however, that
15 the applicable effective date of Items A through D of this Subpart shall
16 be as specifically set forth in the last section of such Items.

17 SUBPART E

18 Section 1. This Subpart enacts into law legislation providing for the
19 imposition of a county recording tax on obligation secured by a mortgage
20 on real property. Each component is wholly contained within an Item
21 identified as Items A through N. The effective date for each particular
22 provision contained within an Item is set forth in the last section of
23 such Item. Any provision of any section contained within a Item, includ-
24 ing the effective date of the Item, which makes reference to a section
25 "of this act", when used in connection with that particular component,
26 shall be deemed to mean and refer to the corresponding section of the
27 Item in which it is found. Section three of this Subpart sets forth the
28 general effective date of this Subpart.

29 ITEM A

30 Section 1. Section 2 of chapter 333 of the laws of 2006 amending the
31 tax law relating to authorizing the county of Schoharie to impose a
32 county recording tax on obligation secured by a mortgage on real proper-
33 ty, as amended by section 1 of subpart A of part C of chapter 61 of the
34 laws of 2017, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall expire and be
36 deemed repealed on and after December 1, [2020] 2023.

37 § 2. This act shall take effect immediately.

38 ITEM B

39 Section 1. Section 2 of chapter 326 of the laws of 2006, amending the
40 tax law relating to authorizing the county of Hamilton to impose a coun-
41 ty recording tax on obligations secured by mortgages on real property,
42 as amended by section 1 of subpart B of part C of chapter 61 of the laws
43 of 2017, is amended to read as follows:

44 § 2. This act shall take effect immediately and shall expire and be
45 deemed repealed December 1, [2020] 2023.

46 § 2. This act shall take effect immediately.

47 ITEM C

1 recording tax on obligations secured by a mortgage on real property, as
2 amended by section 1 of subpart G of part C of chapter 61 of the laws of
3 2017, is amended to read as follows:

4 § 2. This act shall take effect on the thirtieth day after it shall
5 have become a law and shall expire and be deemed repealed on December 1,
6 [2020] 2023.

7 § 2. This act shall take effect immediately.

8 ITEM H

9 Section 1. Section 3 of chapter 365 of the laws of 2005, amending the
10 tax law relating to the mortgage recording tax in the county of Steuben,
11 as amended by section 1 of subpart H of part C of chapter 61 of the laws
12 of 2017, is amended to read as follows:

13 § 3. This act shall take effect immediately except that section two of
14 this act shall take effect on the thirtieth day after it shall have
15 become a law and shall expire and be deemed repealed on December 1,
16 [2020] 2023.

17 § 2. This act shall take effect immediately.

18 ITEM I

19 Section 1. Section 2 of chapter 405 of the laws of 2005 amending the
20 tax law relating to authorizing the county of Albany to impose a county
21 recording tax on obligations secured by a mortgage on real property, as
22 amended by chapter 346 of the laws of 2018, is amended to read as
23 follows:

24 § 2. This act shall take effect on the thirtieth day after it shall
25 have become a law and shall expire and be deemed repealed on the first
26 of December, [2020] 2023.

27 § 2. This act shall take effect immediately.

28 ITEM J

29 Intentionally Omitted

30 ITEM K

31 Intentionally Omitted

32 ITEM L

33 Section 1. Section 2 of chapter 218 of the laws of 2009 amending the
34 tax law relating to authorizing the county of Greene to impose an addi-
35 tional mortgage recording tax, as amended by chapter 13 of the laws of
36 2019, is amended to read as follows:

37 § 2. This act shall take effect on the sixtieth day after it shall
38 have become a law and shall expire and be deemed repealed December 1,
39 [2020] 2023.

40 § 2. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after December 1, 2019.

42 ITEM M

43 Section 1. Section 2 of chapter 368 of the laws of 2008, amending the
44 tax law relating to authorizing the county of Warren to impose an addi-

LOCAL LAW NO. "F" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany that Local Law No. 3 for 1980 as amended by Local Law No. 8 for 1981, Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009, Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 pursuant to Chapter 693 of the Laws of 1980 of the State of New York, Chapter 375 of the Laws of 1985 of the State of New York, Chapter 531 of the Laws of 2005 of the State of New York, Chapter 194 of the Laws of 2006 of the State of New York, Chapter 105 of the Laws of 2009 of the State of New York, Chapter 401 of the Laws of 2010 of the State of New York, Chapter 312 of the Laws of 2012 of the State of New York, Chapter 228 of the Laws of 2014 of the State of New York, Chapter 452 of the Laws of 2016 of the State of New York Chapter 134 of the Laws 2018 of the State of New York and Chapter 58 of the Laws of the State of New York is hereby amended as follows:

SECTION 1. During the period January 1, 2021 to December 31, 2023, Section 2 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009, Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 is amended to read as follows:

Imposition of Tax

On and after the first day of January 1, 2021, there is hereby imposed and there shall be paid a tax of six percent of the per diem rental rate charged to occupants for each hotel or motel room except that the tax shall not be imposed upon a permanent resident of such hotel or motel.

SECTION 2. During the period January 1, 2021 to December 31, 2023, Section 12 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009 Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 is amended to read as follows:

Disposition of Revenues

All revenues resulting from the imposition of the tax under the local law shall be paid into the treasury of the County of Albany and shall be credited to and deposited into three special funds as follows:

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to two-thirds of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-sixth of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 3. On and after the Albany Convention Center completion date, defined as the date on which the architect for the convention center project issues a

certificate of substantial completion in substantial conformity with AIA Document G704-2000 stating that the convention center facility is sufficiently complete in accordance with the contract or contracts for construction that the owner can occupy or utilize the convention center facility for its intended use:

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to one-third of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-half of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be

located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 4. This local law supersedes Local Law No. 5 for 2018 and shall take effect January 1, 2021 and expire and be deemed repealed December 31, 2023.

A09508 Summary:

BILL NO A09508B
SAME AS SAME AS UNI.
SPONSOR Budget
COSPNSR
MLTSPNSR

Amd Various Laws, generally

Enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2020-2021 state fiscal year; relates to consolidated local highway assistance payments (Part A); relates to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); relates to the display of amber and blue lights on safety service patrol vehicles (Part C); relates to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); relates to agreements for fiber optics (Part F); relates to penalties for unlicensed operation of ground transportation to and from airports (Part H); relates to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); relates to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); relates to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service (Part R); relates to prohibiting pricing of goods and services on the basis of gender (Part S); relates to making changes to the arms of the state (Part U); relates to qualifications for appointment and employment (Part V); relates to home inspection professional licensing (Part W); authorizes utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues (Part Y); relates to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes (Part CC); amends the infrastructure investment act, in relation to requiring certain contracts to comply with service-disabled veteran-owned business enterprises, negotiating prices in certain lump-sum contracts, referencing certain sections of law and providing for a date of repeal (Part DD); extends the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); relates to the powers of the New York state urban development corporation to make loans, in relation to extending the general loan powers of the New York state urban development corporation (Part FF); relates to economic transformation program eligibility (Part GG); authorizes the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part HH); relates to the definition of farm laborer and labor practices for farm laborers (Part II); relates to procurement procedures for school districts in relation to New York state products (Part JJ); relates to the water pollution control revolving fund and the drinking water revolving fund (Part KK); relates to student debt consultants (Part MM); relates to expanded polystyrene foam container and polystyrene loose fill packaging ban; relates to moneys collected for violations of the expanded polystyrene foam container and polystyrene loose fill packaging ban (Part PP); authorizes the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2020 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; provides for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); relates to the implementation of the environmental bond act of 2020 "restore mother nature" (Part RR); authorizes the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); authorizes the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); authorizes the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C)(Part UU); relates to banning fracking (Part WW); relates to bicycles with electric assist and electric scooters (Part XX); relates to increasing certain motor vehicle transaction fees; relates to the costs of the department of motor vehicles (Part YY); relates to the acceptance of applications for accident prevention and pre-licensing internet courses; establishes the accident prevention course internet technology pilot program (Part ZZ); amends the New York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); relates to prevailing wage requirements (Part FFF); amends the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); accelerates the growth of renewable energy facilities to meet critical state energy policy goals (Part JJJ); extends the application deadline for businesses to participate in the START-UP NY program (Part KKK); authorizes the metropolitan transportation authority to borrow money and issue negotiable notes, bonds or other obligations to offset decreases in revenue (Part LLL); relates to the central business district tolling lockbox fund (Part MMM); relates to admission to residential treatment facilities (RTF) for children and youth (Part NNN); authorizes the transfer of certain office of mental health employees to the secure treatment rehabilitation center (Part ODO); relates to the amount of time an individual may be held for emergency observation, care, and treatment in CPEP and the implementation of satellite sites; relates to comprehensive psychiatric emergency programs (Part PPP); relates to penalties relating to mental health and substance use disorder parity compliance requirements; establishes the behavioral health parity compliance fund (Part QQQ); relates to providers of service (Part RRR); relates to applied behavior analysis (Part SSS); relates to the closure or transfer of a state-operated individualized residential alternative (Part TTT); provides funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses (Part UUU); relates to acquisitions or transfers of property for transit projects (Part VVV); relates to decoupling from certain federal tax changes (Part WWW); relates to installment loans and obligations evidencing installment loans (Item A); relates to statutory installment bonds (Item B); relates to refunding bonds (Item C); relates to the special powers of the New York state environmental facilities corporation (Item D); extends the authority of the department of environmental conservation to manage Atlantic and shortnose sturgeon (Item E); extends the authority of the department of environmental conservation to manage Atlantic Cod (Item F); extends the authority of the department of environmental conservation to manage Atlantic herring (Item G); extends the authority of the department of environmental conservation to manage black sea bass (Item H); extends the authority of the department of environmental conservation to manage blueback herring (Item I); extends the authority of the department of environmental conservation to manage crabs (Item J); extends the authority of the department of environmental conservation to restrict the taking of fish, shellfish and crustacea in special management areas (Item K); extends the authority of the department of environmental conservation to manage of fluke-summer flounder (Item L); extends the authority of the department of environmental conservation to manage scup (Item M); extends the authority of the department of environmental conservation to manage sharks (Item N); extends the authority of the department of environmental conservation to manage squid (Item O); extends the authority of the department of environmental conservation to manage whelk and conch (Item P); extends the authority of the department of environmental conservation to manage winter flounder (Item Q); relates to commercial fishing licenses (Item R)(Subpart A); authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by the World Triathlon Corporation (Item A); authorizes the city of Middletown to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such city to a private party or engage

a private party to collect some or all of the delinquent tax liens held by it (Item B); redistributes bond volume allocations made pursuant to section 146 of the federal tax reform act of 1986, relating to allocation of the unified state bond volume ceiling, enacts the private activity bond allocation act of 2020 (Item C); relates to the upstate flood mitigation task force (Item D); authorizes a pilot residential parking permit system in the city of Albany (Item K); relates to charging a fee for admission to the New York Botanical Garden (Item L); creates the radon task force, in relation to the reporting date and effectiveness thereof (Item M); relates to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters (Item N); relates to aquatic invasive species, spread prevention, and penalties (Item O); relates to the September 11th worker protection task force act (Item P); relates to extending time limitations for certain actions (Item Q); authorizes New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments (Item R); relates to limits on certain supplementary insurance (Item S); relates to the sale of municipal obligations by the county of Erie (Item T); relates to payment in lieu of taxes for property acquired for park or recreational purposes (Item U); relates to payment in lieu of taxes for property acquired for park or recreational purposes by the town of Hempstead (Item V); relates to the provision of physical therapy assistant services in public and private primary and secondary schools (Item W); relates to the membership composition of the metropolitan transportation authority board (Item X); establishes the New York telecommunications relay service center (Item Y); relates to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens; relates to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities (Item Z); relates to the creation of a state information technology innovation center (Item AA); creates a presumption relating to certain lung disabilities incurred by volunteer firefighters (Item BB); relates to disability due to disease or malfunction of the heart or coronary arteries (Item CC); relates to certified school psychologists and special education services and programs for preschool children with handicapping conditions (Item DD); authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners (Item EE); relates to paperwork reduction (Item FF); relates to bonds and notes of the city of Yonkers (Item GG); relates to the sale of bonds and notes of the city of Buffalo (Item HH); relates to assessment and review of assessments in the county of Nassau (Item II); extends provisions of the property/casualty insurance availability act (Item JJ); relates to certain tuition waivers for police officer students of the city university of New York (Item KK); requires regulations to permit tuition waivers for certain firefighters and fire officers for CUNY (Item LL); relates to repair of damaged pesticide containers (Item MM); relates to pesticide registration time frames and fees; relates to pesticide product registration timetables and fees (Item NN); relates to temporary investments by local governments (Item OO); authorizes services for non-residents in adult homes, residences for adults and enriched housing programs (Item PP); relates to the sale of bonds and notes of the city of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the city of New York, the refunding of bonds, and the down payment for projects financed by bonds; amends the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; relates to interest rate exchange agreements of the city of New York and refunding bonds of such city (Item QQ); relates to certain payments to the horsemen's organization (Item RR); relates to use of electronic means for the commencement and filing of papers in certain actions and proceedings (Item SS); establishes certain water charges for hospitals and charities in New York city (Item TT); relates to the boarding of out of state inmates at local correctional facilities (Item UU); relates to the adoption of the interstate compact for juveniles by the state of New York (Item VV); grants the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session (Item WW); relates to an advisory panel on employee-owned enterprises within the division of small business services; relates to establishing an advisory panel on employee-owned enterprises within the division of small business services (Item XX); establishes the underground facilities safety training account (Item YY); authorizes the hunting of big game in the county of Albany with rifles (Item ZZ); relates to liquidator's permits and temporary retail permits (Item AAA); relates to the New York state thoroughbred breeding and development fund; relates to permitted deductions from wages (Item CCC) establishes the digital currency task force (Item DDD); authorizes the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto (Item EEE); requires certain agencies to submit regulatory agendas for publication in the state register (Item FFF); relates to the taking of sharks (Item GGG); authorizes owners of residential real property in high risk brush fire areas in the borough of Staten Island to cut and remove reeds from their property, in relation to extending the expiration and repeal date thereof for an additional year (Item HHH); creates a temporary state commission to study and investigate how to regulate artificial intelligence, robotics and automation (Item III); relates to the determination of adjusted base proportions in special assessing units which are cities (Item JJJ); extends limitations on the shift between classes of taxable property in the town of Clarkstown, county of Rockland (Item KKK); extends limitations on the shift between classes of taxable property in the town of Clarkstown, county of Rockland (Item LLL); allows certain special assessing units other than cities to adjust their current base proportions, adjusted base proportions for assessment rolls, and the base proportion in approved assessing units in Nassau county (Item MMM); increases certain special accidental death benefits (Item NNN); relates to the home based primary care for the elderly demonstration project (Item OOO); relates to the residential parking system in the village of Dobbs Ferry in the county of Westchester (Item PPP); relates to the incorporation of the New York Zoological Society, in relation to extending the expiration date of free one day admission to the zoological park (Item QQQ); increases the average assessed value threshold and to eligibility for J-51 tax abatements (Item RRR); relates to fees and expenses in unemployment insurance proceedings (Item SSS); extends authorization for certain exemptions from filing requirements (Item TTT); extends the tax rate reduction under the New York state real estate transfer tax and the New York city real property transfer tax for conveyances of real property to existing real estate investment funds (Item UUU)(Subpart B); relates to the imposition of sales and compensating use taxes by the county of Albany (Item A); extends the expiration of the provisions authorizing the county of Allegany to impose an additional one and one-half percent sales and compensating use taxes (Item B); extends the authorization of the county of Broome to impose an additional one percent of sales and compensating use taxes (Item C); extends the expiration of provisions authorizing the county of Cattaraugus to impose an additional one percent of sales and compensating use tax (Item D); extends the authorization of the county of Cayuga to impose an additional one percent of sales and compensating use taxes (Item E); authorizes Chautauqua county to impose an additional one percent rate of sales and compensating use taxes (Item F); extends the authorization of the county of Chemung to impose an additional one percent of sales and compensating use taxes (Item G); extends the authority of Chenango county to impose additional taxes (Item H); extends the expiration of the authorization granted to the county of Clinton to impose an additional rate of sales and compensating use tax (Item I); relates to sales and compensating use tax in Columbia county (Item J); extends the authorization for imposition of additional sales tax in the county of Cortland (Item K); extends the authorization of the county of Delaware to impose an additional one percent of sales and compensating use taxes (Item L); relates to sales and compensating use tax in Dutchess county (Item M); relates to the imposition of additional rates of sales and compensating use taxes by Erie county (Item N); extends the authorization granted to the county of Essex to impose an additional one percent of sales and compensating use taxes (Item O); extends the expiration of the authority granted to the county of Franklin to impose an additional one percent of sales and compensating use taxes (Item P); relates to the imposition of additional sales and compensating use tax in Fulton county (Item Q); extends the expiration of the authorization to the county of Genesee to impose an additional one percent of sales and compensating use taxes (Item R); extends the authorization for imposition of additional sales and compensating use taxes in Greene county (Item S); extends the authorization of the county of Hamilton to impose an additional one percent of sales and compensating use taxes (Item T); extends the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes (Item U); authorizes the county of Jefferson to impose additional sales tax (Item V); authorizes the county of Lewis to impose an additional one percent of sales and compensating use taxes (Item W); authorizes the county of Livingston to impose an additional one percent sales tax (Item X); extends the authorization of the county of Madison to impose an additional rate of sales and compensating use taxes (Item Y); relates to the imposition of sales and compensating use taxes by the county of Monroe (Item Z); relates to the imposition of sales and compensating use taxes in Montgomery county (Item AA); extends the authority of the county of Nassau to impose additional sales and compensating use taxes, and extending local government assistance programs in Nassau county (Item BB); relates to continuing to authorize Niagara county to impose an additional rate of sales and compensating use taxes (Item CC); authorizes Oneida county to impose additional rates of sales and compensating use taxes and providing for allocation and distribution

of a portion of net collections from such additional rates (Item DD); extends the authorization of the county of Onondaga to impose an additional rate of sales and compensating use taxes (Item EE); extends the authorization for Ontario county to impose additional rates of sales and compensating use taxes (Item FF); extends the authority of the county of Orange to impose an additional rate of sales and compensating use taxes (Item GG); extends the period during which the county of Orleans is authorized to impose additional rates of sales and compensating use taxes (Item HH); extends authorization for an additional one percent sales and compensating use tax in the county of Oswego (Item II); extends the authorization for imposition of additional sales tax in the county of Otsego (Item JJ); relates to the imposition of sales and compensating use taxes in the county of Putnam (Item KK); extends the authorization of the county of Rensselaer to impose an additional one percent of sales and compensating use taxes (Item LL); authorizes the county of Rockland to impose an additional rate of sales and compensating use taxes (Item MM); extends the authority of St. Lawrence county to impose sales tax (Item NN); relates to the imposition of sales and compensating use tax in Schenectady county (Item OO); extends the authorization for imposition of additional sales tax in the county of Schoharie (Item PP); extends the authorization of the county of Schuyler to impose an additional one percent of sales and compensating use taxes (Item QQ); extends the expiration of the authorization to the county of Seneca to impose an additional one percent sales and compensating use tax (Item RR); extends the authorization of the county of Steuben to impose an additional one percent of sales and compensating use taxes (Item SS); extends the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax (Item TT); extends authorization to impose certain taxes in the county of Sullivan (Item UU); extends the authorization of the county of Tioga to impose an additional one percent of sales and compensating use taxes (Item VV); extends the authorization of the county of Tompkins to impose an additional one percent of sales and compensating use taxes (Item WW); extends the authority of the county of Ulster to impose an additional 1 percent sales and compensating use tax (Item XX); extends the additional one percent sales tax for Wayne county (Item YY); extends the expiration of the authorization to the county of Wyoming to impose an additional one percent sales and compensating use tax (Item ZZ); extends the authorization of the county of Yates to impose an additional one percent of sales and compensating use taxes (Item AAA); extends the authorization of the city of Oswego to impose an additional tax rate of sales and compensating use taxes (Item BBB); authorizes the city of Yonkers to impose additional sales tax (Item CCC); extends the authorization of the city of New Rochelle to impose an additional sales and compensating use tax (Item DDD); revises the period of authorization for the county of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester county spending limitation act; relates to the method of disposition of sales and compensating use tax revenue in Westchester county and enacting the Westchester county spending limitation act, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales; authorizes the county of Westchester to impose an additional rate of sales and compensating use tax, in relation to extending the authorization for the county of Westchester impose an additional tax rate of sales and compensating use taxes (Item EEE)(Subpart C); extends the authority of the county of Nassau to impose hotel and motel taxes in Nassau county; relates to hotel and motel taxes in Nassau county and a surcharge on tickets to places of entertainment in such county (Item A); increases hotel/motel taxes in Chautauqua county (Item B); extends the expiration of the authority granted to the county of Suffolk to impose hotel and motel taxes (Item C); relates to enabling the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county relating to revenues received from the collection of hotel or motel occupancy taxes (Item D) (Subpart D); authorizes the county of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property (Item A); authorizes the county of Hamilton to impose a county recording tax on obligations secured by mortgages on real property (Item B); relates to the mortgage recording tax in the county of Fulton (Item C); extends the expiration of the mortgage recording tax imposed by the city of Yonkers (Item D); authorizes the county of Cortland to impose an additional mortgage recording tax (Item E); authorizes the county of Genesee to impose a county recording tax on obligation secured by a mortgage on real property (Item F); authorizes the county of Yates to impose a county recording tax on obligations secured by a mortgage on real property (Item G); relates to the mortgage recording tax in the county of Steuben (Item H); authorizes the county of Albany to impose a county recording tax on obligations secured by a mortgage on real property (Item I); authorizes the county of Greene to impose an additional mortgage recording tax (Item L); authorizes the county of Warren to impose an additional mortgage recording tax (Item M); authorizes the county of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property (Item N)(Subpart E); imposes an additional real estate transfer tax within the county of Columbia (Subpart F); relates to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York (Subpart G); relates to exemptions from sales and use taxes, in relation to extending certain provisions thereof; extends certain provisions relating to specially eligible premises and special rebates; extends certain provisions relating to exemptions and deductions from base rent; extends certain provisions relating to eligibility periods and requirements; extends certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; extends certain provisions relating to a special reduction in determining the taxable base rent (Item A); extends the expiration of the solar electric generating system and the electric energy storage equipment tax abatement (Item B); authorizes reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof (Item C); repeals certain provisions of the state finance law relating to the motorcycle safety fund (Item D); relates to catastrophic or reinsurance coverage issued to certain small groups, relates to catastrophic or reinsurance coverage issued to certain small groups (Item E)(Subpart H)(Part XXX); relates to the disclosure of certain records by the commissioner of motor vehicles (Part YYY); relates to public financing for state office; establishes the New York state campaign finance fund; establishes the NYS campaign finance fund check-off (Part ZZZ)

A09508 Actions:

BILL NO A09508B

01/22/2020 referred to ways and means
02/22/2020 amend (t) and recommit to ways and means
02/22/2020 print number 9508a
04/01/2020 amend (t) and recommit to ways and means
04/01/2020 print number 9508b
04/02/2020 reported referred to rules
04/02/2020 reported
04/02/2020 rules report cal.21
04/02/2020 substituted by s7508b
S07508 AMEND=B BUDGET
01/22/2020 REFERRED TO FINANCE
02/22/2020 AMEND (T) AND RECOMMIT TO FINANCE
02/22/2020 PRINT NUMBER 7508A
04/01/2020 AMEND (T) AND RECOMMIT TO FINANCE
04/01/2020 PRINT NUMBER 7508B
04/01/2020 ORDERED TO THIRD READING CAL.635
04/01/2020 MESSAGE OF NECESSITY - 3 DAY MESSAGE
04/01/2020 PASSEO SENATE
04/01/2020 DELIVERED TO ASSEMBLY
04/01/2020 referred to ways and means
04/02/2020 substituted for a9508b
04/02/2020 ordered to third reading rules cal.21
04/02/2020 message of necessity - 3 day message

04/02/2020 passed assembly
04/02/2020 returned to senate
04/03/2020 DELIVERED TO GOVERNOR
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STATE OF NEW YORK

S. 7508--B

A. 9508--B

SENATE - ASSEMBLY

January 22, 2020

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

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

AN ACT to amend the highway law and the transportation law, in relation to consolidated local highway assistance payments (Part A); to amend the vehicle and traffic law in relation to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); to amend the vehicle and traffic law, in relation to the display of amber and blue lights on safety service patrol vehicles (Part C); intentionally omitted (Part D); to amend the vehicle and traffic law, in relation to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); to amend the public authorities law, in relation to agreements for fiber optics (Part F); intentionally omitted (Part G); to amend the vehicle and traffic law, in relation to penalties for unlicensed operation of ground transportation to and from airports (Part H); to amend the public authorities law, in relation to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); intentionally omitted (Part J); to amend chapter 54 of the laws of 2016 amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend

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

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1 deemed to mean and refer to the corresponding section of the Item in
2 which it is found. Section three of this Subpart sets forth the general
3 effective date of this Subpart.

4 ITEM A

5 Section 1. Clause 10 of subparagraph (i) of the opening paragraph of
6 section 1210 of the tax law, as amended by section 1 of subpart A of
7 part A of chapter 61 of the laws of 2017, is amended to read as follows:

8 (10) the county of Albany is hereby further authorized and empowered
9 to adopt and amend local laws, ordinances or resolutions imposing such
10 taxes at a rate which is one percent additional to the three percent
11 rate authorized above in this paragraph for such county for the period
12 beginning September first, nineteen hundred ninety-two and ending Novem-
13 ber thirtieth, two thousand [twenty] ~~twenty-three~~;

14 § 2. Notwithstanding any inconsistent provision of law, if the county
15 of Albany imposes the additional one percent rate of sales and compen-
16 sating use taxes authorized by section one of this act for any portion
17 of the period during which the county is so authorized to impose such
18 additional one percent rate of such taxes, then such county of Albany
19 shall allocate and distribute quarterly to the cities and the area in
20 the county outside the cities the same proportion of net collections
21 attributable to such additional one percent rate of such taxes as such
22 county is allocating and distributing the net collections from the coun-
23 ty's three percent rate of such taxes as of the date this act shall have
24 become a law, and such portion of net collections attributable to such
25 additional one percent rate of such taxes shall be allocated and
26 distributed to the towns and villages in such county in the same manner
27 as the net collections attributable to such county's three percent rate
28 of such taxes are allocated and distributed to such towns and villages
29 as of the date this act shall have become a law. In the event that any
30 city in the county of Albany exercises its prior right to impose tax
31 pursuant to section 1224 of the tax law, then the county of Albany shall
32 not be required to allocate and distribute net collections in accordance
33 with the previous sentence for any period of time during which any such
34 city tax is in effect.

35 § 3. This act shall take effect immediately.

36 ITEM B

37 Section 1. Clause 8 of subparagraph (i) of the opening paragraph of
38 section 1210 of the tax law, as amended by section 1 of subpart B of
39 part A of chapter 61 of the laws of 2017, is amended to read as follows:

40 (8) the county of Allegany is hereby further authorized and empowered
41 to adopt and amend local laws, ordinances or resolutions imposing such
42 taxes at a rate which is: (i) one percent additional to the three
43 percent rate authorized above in this paragraph for such county for the
44 period beginning December first, nineteen hundred eighty-six and ending
45 November thirtieth, two thousand four; and (ii) one and one-half percent
46 additional to the three percent rate authorized above in this paragraph
47 for such county for the period beginning December first, two thousand
48 four and ending November thirtieth, two thousand [twenty] ~~twenty-three~~;

49 § 2. This act shall take effect immediately.

50 ITEM C



1

ITEM A

2 Section 1. Subdivision 7 of section 1202-q of the tax law, as amended
3 by section 1 of subpart A of part B of chapter 61 of the laws of 2017,
4 is amended to read as follows:

5 (7) Such local law shall provide for the imposition of a hotel or
6 motel tax for a period to expire on December thirty-first, two thousand
7 [twenty] twenty-three.

8 § 2. Section 6 of chapter 179 of the laws of 2000, amending the tax
9 law, relating to hotel and motel taxes in Nassau county and a surcharge
10 on tickets to places of entertainment in such county, as amended by
11 section 2 of subpart A of part B of chapter 61 of the laws of 2017, is
12 amended to read as follows:

13 § 6. This act shall take effect immediately, except that section five
14 of this act shall take effect on the same date as a chapter of the laws
15 of 2000 amending the public authorities law and the tax law relating to
16 creating the Nassau county interim finance authority takes effect;
17 provided, further, that sections two, three and four of this act shall
18 expire and be deemed repealed December 31, [2020] 2023.

19 § 3. This act shall take effect immediately.

20

ITEM B

21 Section 1. Section 2 of chapter 405 of the laws of 2007, amending the
22 tax law relating to increasing hotel/motel taxes in Chautauqua county,
23 as amended by section 1 of subpart B of part B of chapter 61 of the laws
24 of 2017, is amended to read as follows:

25 § 2. This act shall take effect December 1, 2007 and shall expire and
26 be deemed repealed November 30, [2020] 2023.

27 § 2. This act shall take effect immediately.

28

ITEM C

29 Section 1. Subdivision 7 of section 1202-o of the tax law, as amended
30 by section 1 of subpart C of part B of chapter 61 of the laws of 2017,
31 is amended to read as follows:

32 (7) Such local law shall provide for the imposition of a hotel or
33 motel tax until December thirty-first, two thousand [twenty] twenty-
34 three.

35 § 2. This act shall take effect immediately.

36

ITEM D

37 Section 1. Section 3 of chapter 105 of the laws of 2009, amending
38 chapter 693 of the laws of 1980 enabling the county of Albany to impose
39 and collect taxes on occupancy of hotel or motel rooms in Albany county
40 relating to revenues received from the collection of hotel or motel
41 occupancy taxes, as amended by chapter 134 of the laws of 2018, is
42 amended to read as follows:

43 § 3. This act shall take effect upon the adoption by the county of
44 Albany of a local law imposing in such county the additional occupancy
45 tax authorized by this act and shall expire and be deemed repealed
46 December 31, [2020] 2023; provided that Albany county shall notify the
47 legislative bill drafting commission upon the occurrence of the enact-
48 ment of such local law in order that the commission may maintain an
49 accurate and timely effective data base of the official text of the laws

1 of the state of New York in furtherance of effecting the provisions of
2 section 44 of the legislative law and section 70-b of the public offi-
3 cers law.

4 § 2. This act shall take effect immediately.

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

14 § 3. This act shall take effect immediately provided, however, that
15 the applicable effective date of Items A through D of this Subpart shall
16 be as specifically set forth in the last section of such Items.

17 SUBPART E

18 Section 1. This Subpart enacts into law legislation providing for the
19 imposition of a county recording tax on obligation secured by a mortgage
20 on real property. Each component is wholly contained within an Item
21 identified as Items A through N. The effective date for each particular
22 provision contained within an Item is set forth in the last section of
23 such Item. Any provision of any section contained within a Item, includ-
24 ing the effective date of the Item, which makes reference to a section
25 "of this act", when used in connection with that particular component,
26 shall be deemed to mean and refer to the corresponding section of the
27 Item in which it is found. Section three of this Subpart sets forth the
28 general effective date of this Subpart.

29 ITEM A

30 Section 1. Section 2 of chapter 333 of the laws of 2006 amending the
31 tax law relating to authorizing the county of Schoharie to impose a
32 county recording tax on obligation secured by a mortgage on real proper-
33 ty, as amended by section 1 of subpart A of part C of chapter 61 of the
34 laws of 2017, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall expire and be
36 deemed repealed on and after December 1, [2020] 2023.

37 § 2. This act shall take effect immediately.

38 ITEM B

39 Section 1. Section 2 of chapter 326 of the laws of 2006, amending the
40 tax law relating to authorizing the county of Hamilton to impose a coun-
41 ty recording tax on obligations secured by mortgages on real property,
42 as amended by section 1 of subpart B of part C of chapter 61 of the laws
43 of 2017, is amended to read as follows:

44 § 2. This act shall take effect immediately and shall expire and be
45 deemed repealed December 1, [2020] 2023.

46 § 2. This act shall take effect immediately.

47 ITEM C

1 recording tax on obligations secured by a mortgage on real property, as
2 amended by section 1 of subpart G of part C of chapter 61 of the laws of
3 2017, is amended to read as follows:

4 § 2. This act shall take effect on the thirtieth day after it shall
5 have become a law and shall expire and be deemed repealed on December 1,
6 [2020] 2023.

7 § 2. This act shall take effect immediately.

8 ITEM H

9 Section 1. Section 3 of chapter 365 of the laws of 2005, amending the
10 tax law relating to the mortgage recording tax in the county of Steuben,
11 as amended by section 1 of subpart H of part C of chapter 61 of the laws
12 of 2017, is amended to read as follows:

13 § 3. This act shall take effect immediately except that section two of
14 this act shall take effect on the thirtieth day after it shall have
15 become a law and shall expire and be deemed repealed on December 1,
16 [2020] 2023.

17 § 2. This act shall take effect immediately.

18 ITEM I

19 Section 1. Section 2 of chapter 405 of the laws of 2005 amending the
20 tax law relating to authorizing the county of Albany to impose a county
21 recording tax on obligations secured by a mortgage on real property, as
22 amended by chapter 346 of the laws of 2018, is amended to read as
23 follows:

24 § 2. This act shall take effect on the thirtieth day after it shall
25 have become a law and shall expire and be deemed repealed on the first
26 of December, [2020] 2023.

27 § 2. This act shall take effect immediately.

28 ITEM J

29 Intentionally Omitted

30 ITEM K

31 Intentionally Omitted

32 ITEM L

33 Section 1. Section 2 of chapter 218 of the laws of 2009 amending the
34 tax law relating to authorizing the county of Greene to impose an addi-
35 tional mortgage recording tax, as amended by chapter 13 of the laws of
36 2019, is amended to read as follows:

37 § 2. This act shall take effect on the sixtieth day after it shall
38 have become a law and shall expire and be deemed repealed December 1,
39 [2020] 2023.

40 § 2. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after December 1, 2019.

42 ITEM M

43 Section 1. Section 2 of chapter 368 of the laws of 2008, amending the
44 tax law relating to authorizing the county of Warren to impose an addi-

LOCAL LAW NO. "G" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ENACTING A MORTGAGE RECORDING TAX PURSUANT TO SECTION 253-p OF THE TAX LAW OF THE STATE OF NEW YORK

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany, as follows:

SECTION 1. Pursuant to the provision of Section 253-p of the Tax Law of the State of New York, there is hereby imposed in the County of Albany, New York a tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Albany County and recorded on or after October 31, 2008 and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars.

SECTION 2. The tax imposed by this local law shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty three and paragraph (b) of subdivision one of section two hundred fifty-five of Article 11 of the Tax Law and shall be paid as provided in Section 253-p of the Tax Law and shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 3. This local law shall expire December 1, 2023, provided further, however, that such expiration shall not preclude the adoption and enactment of additional local laws by the County of Albany pursuant to the provisions of Section 253-p of the Tax Law upon the expiration of this local law or any subsequent local law adopted and enacted pursuant to the provisions thereof.

SECTION 4. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Albany during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of the recording officer's office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Albany County Director of Finance and, after the deduction by the Director of Finance

of the necessary expenses as provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Albany for expenditure on County purposes. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

SECTION 5. This local law shall take effect on December 1, 2020, provided that the Clerk of this Legislature shall mail a certified copy hereof by registered or certified mail to the Commissioner of the New York State Department of Taxation and Finance at least 30 days prior to such date. The Clerk of this Legislature shall also file certified copies hereof with the County Clerk of the County of Albany, the Secretary of State of the State of New York and the State Comptroller within five days after the enactment of this local law.

LOCAL LAW NO. "H" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, REPEALING LOCAL LAW 1 FOR 2016 AND PROHIBITING THE USE AND SALE OF SPARKLING DEVICES

Introduced: 7/13/20

By Messrs. Peter, R. Joyce, Ward, A. Joyce and Ricard:

BE IT ENACTED by the Albany County Legislature as follows:

SECTION 1. Repeal of Local Law 1 for 2016

Local Law 1 for 2016, "A Local Law of the County of Albany, New York, Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by New York State Penal Law Section 405 (b)" is hereby repealed upon the effective date of this law.

SECTION 2. Legislative Intent

The New York State Legislature approved, and the Governor of New York signed into law, Chapter 477 of the Laws of 2014 that amended the New York State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous.

The Governor signed this bill into law in part due to New York's strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a Local Law authorizing such action.

Thereafter, Chapter 371 of the Laws of 2017 amended the previous grant of home rule authority, and legalized the sale and use of sparkling devices throughout the state, outside of New York City. This amendment did not require County's to opt-in, instead it allowed them to opt-out.

Since the passage of Law 1 for 2016, which legalized sparkling devices in Albany County, significant problems have arisen due to members of the public engaging in the practice of lighting off fireworks at all hours of the night. The scope and use of sparking devices anticipated in 2016 when Albany County opted-in has grown into something entirely different. These devices are far more powerful than originally envisioned. This has significantly affected the quality of life and safety of the residents of the County. While this Legislature cannot stop the conduct of all those using sparking devices irresponsibly, it can do its part to limit their ability to obtain these tools of nuisance.

Therefore, the purpose of this Local Law is to prohibit the previously believed to be safe sparkling devices from being sold or used in Albany County.

Section 3. Definitions

“Sparkling Devices” are defined in Section 270.00 of the New York Penal Law.

Section 4. Prohibitions

The sale and use of sparkling devices is hereby prohibited within the County of Albany.

Section 5. Penalties

- (i) Any person who shall use or explode a sparkling device, or cause an exploding device to be exploded, shall be guilty of a violation punishable by a fine not to exceed \$500;
- (ii) Any person who offers a sparkling device for sale, or sells or furnishes a sparkling device to another person or persons, shall be guilty of a Class B misdemeanor, punishable by a fine of \$1,000 and fifteen (15) days in jail.

Section 6. Applicability

This law shall apply to all actions occurring on or after the effective date of this law.

Section 7. Severability

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

Section 8. State Environmental Quality Review Act Compliance

This County Legislature determines that the adoption of this Local Law constitutes a “Type II action” as said term is defined in the State Environmental Quality Review Act (“SEQRA”), and that no further action with respect to same is required under SEQRA.

Section 9. Effective Date

This law shall take effect January 3, 2021.