

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Wednesday, August 26, 2020

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "A" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET
3. 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
4. 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
5. 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
6. 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
7. 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

CURRENT BUSINESS:

8. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE GUN INVOLVED VIOLENCE ELIMINATION GRANT

9. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE GUN INVOLVED VIOLENCE ELIMINATION GRANT

10. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE SECOND REGIONAL IMMIGRATION ASSISTANCE CENTER GRANT

County of Albany

112 State Street
Albany, NY 12207



Meeting Minutes

Wednesday, July 29, 2020

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

Present: Legislator Victoria Plotsky, Legislator Joanne Cunningham, Dennis A. Feeney, David B. Mayo, Matthew T. Peter, Bill L. Ricard, Paul J. Burgdorf, Jennifer A. Whalen and Jeffrey D. Kuhn

1. APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

2. LOCAL LAW NO. "A" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET

This Local Law was tabled at the request of the Sponsor.

3. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by the following vote:

Aye: Legislator Plotsky, Legislator Cunningham, Legislator Feeney, Legislator Mayo, Legislator Peter, Legislator Ricard and Legislator Kuhn

Nay: Legislator Burgdorf and Legislator Whalen

4. 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

This Local Law was tabled at the request of the Sponsor.

CURRENT BUSINESS:**5. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2020**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

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

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

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

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

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

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

9. 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

This Local Law was tabled at the request of the Sponsor.

10. 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

This Local Law was tabled at the request of the Sponsor.

11. 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

This Local Law was tabled at the request of the Sponsor.

12. 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

This Local Law was tabled at the request of the Sponsor.

13. ADOPTING THE NEW YORK STATE ARCHIVES RETENTION AND DISPOSITION SCHEDULE FOR LOCAL GOVERNMENT RECORDS

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

14. AMENDING RESOLUTION NO. 30 FOR 2019 REGARDING THE SECOND UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

15. AUTHORIZING AGREEMENTS REGARDING ALBANY COUNTY INSURANCE COVERAGE

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

16. AUTHORIZING A LEASE AGREEMENT WITH DAVID VILLAMIL REGARDING SUITE 118 AT 112 STATE STREET

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

LOCAL LAW NO. "A" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET

Introduced: 2/10/20

By Messrs. A. Joyce, O'Brien, Peter:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2702 OF THE ALBANY COUNTY CHARTER

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

SECTION 1. Section 603 (d) of the Albany County Charter is hereby amended to read as follows:

Elements of the tentative annual budget. Upon completion of her review, the Commissioner of the Department of Management and Budget shall prepare the tentative annual budget for the County Executive, which shall be filed with the Clerk on or before [October 10] September 15. Upon such filing, the tentative annual budget submission shall become a public record in the office of the Clerk, and copies of it shall be made available by the Clerk for distribution. Elements of the tentative annual budget submission shall be in compliance with the provisions of County law and include such material as the County Executive deems desirable, or the County Legislature may require. In addition, such submission shall include, but not be limited to: Legislative Intent and purpose.

SECTION 2. If any article, section, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 3. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Referred to Law and Audit and Finance Committees – 2/10/20

LOCAL LAW “C” FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

Introduced: 03/09/20
By Ms. Cunningham:

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

Local Law No. 5 for 2019, entitled “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” is hereby amended to read as follows:

SECTION 1.

Section 4 of Local Law No. 5 for 2019 is amended to read as follows:

Section 4 Imposition of Fees for Use of Paper Bags

- (a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, Albany County establishments subject to the ban on Plastic Carryout Bags set forth in Section 27-2803 of the New York State Environmental Conservation Law shall charge customers a Paper Carryout Reduction Fee of \$.05 for each Paper Carryout Bag the Establishment provides to customers. On the effective date, all covered stores shall indicate on the customer receipt the number of Paper Carryout Bags that are provided to customers and the fee at which they were charged for the use of such bag.
- (b) The paper carryout bag reduction fee imposed by this local law shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased.
- (c) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by this local law.

SECTION 2.

Section 5 of Local Law No. 5 for 2019 is amended to read as follows:

Section 5 Distribution of Fees and Transparency of Fee Collection

- (a) Per Section 27-2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of

purchasing reusable bags for Albany County residents, particularly those of low-income or limited means.

- (b) The fee imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subsection 6 of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this local law.
- (c) Any monies received by Albany County from the New York State Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of § 27-2805. Any monies not expended by Albany County for such purposes shall be returned to the New York State Comptroller at the end of the fiscal year.

SECTION 3.

Section 8 (d) of Local law No. 5 for 2019 is amended to read as follows:

Section 8. Albany County Responsibilities, Enforcement and Penalties.

- (e) Violation: Violations of this law shall be enforced pursuant to Section 27-2807 of the New York State Environmental Conservation Law.

SECTION 4.

Section 10 of Local Law No. 5 for 2019 is deleted in its entirety.

SECTION 5.

Section 11 of Local Law No. 5 for 2019 renumbered to Section 10 and is amended to read as follows:

Section 10. Effective Date.

The effective date of this local law will be September 1, 2020.

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

And 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 IIII); 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 obligations 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
COSPNSR
MLTSPNSR

And 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 IIII); 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

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

And 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 IIII); 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

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. "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

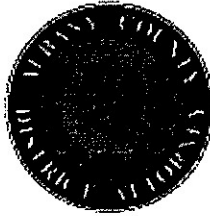
If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in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



P. DAVID SOARES
DISTRICT ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
COUNTY COURT HOUSE
ALBANY, NEW YORK 12207
(518) 487-5460
(518) 487-5093 - FAX

DAVID M. ROSSI
CHIEF ASSISTANT DISTRICT ATTORNEY

CHERYL K. FOWLER
DEPUTY CHIEF ASSISTANT DISTRICT
ATTORNEY

August 4, 2020

Brandon Russell, Majority Counsel
Albany County Legislature
112 State Street, Rm. 700
Albany, N.Y. 12207

Arnis Zilgme, Minority Counsel
Albany County Legislature
112 State Street, Rm. 1360
Albany, N.Y. 12207

Dear Sirs:

I am requesting legislative action to further the mission of the Office of the Albany County District Attorney. The attached resolutions seek permission to:

- Amend the 2020 budget for the Office of the District Attorney to reallocate existing funds to comply with Criminal Justice Reforms.
- Apply and accept funding from DCJS for the Gun Involved Violence Elimination (GIVE) Program.

Attached is the request for legislative action and supporting documents. If you have any questions, please feel free to contact me at 275-4706.

Thank you for your assistance.

Sincerely,

P. David Soares
Albany County District Attorney

FOR COUNSEL USE ONLY

Date Received: _____
Received By: _____
Method: Hand: _____
Courier: _____
Mail: _____

REQUEST FOR LEGISLATIVE ACTION

DATE: August 4, 2020

DEPARTMENT: Office of the District Attorney

Contact Person: Heather Orth

Telephone: 275 4704

Dept. Representative Attending

Committee Meeting: District Attorney David Soares and/or Heather Orth

PURPOSE OF REQUEST:

- Adoption of Local Law _____
- Amendment of Prior Legislation _____
- Approval/Adoption of Plan/Procedure _____
- Bond Approval _____
- Budget Amendment _____
- Contract Authorization (See below) X
- Environmental Impact _____
- Home Rule Request _____
- Property Conveyance _____
- Other: (State briefly if not listed above) X

Permission to submit an application and receive funds from the Division of Criminal Justice Services for the Gun Involved Violence Elimination Partnership.

CONCERNING CONTRACT AUTHORIZATION (Cont'd)

STATE THE FOLLOWING:

Contract Terms/Conditions:

Party (Name/Address):

NYS DCJS

80 South Swan Street

Albany, NY 12210

Amount/Rate Schedule/Fee:

\$236740

Scope of Services: The funds will be used to fight gun crime in Albany County.

Contract Funding:

Anticipated in Current Budget: Yes X No ___

Funding Source: State Funds

CONCERNING ALL REQUESTS:

Mandated Program/Service: Yes ___ No X

If Mandated Cite: Authority _____

Anticipated in Current Adopted Budget: Yes X No ___

If yes, indicate Revenue/Appropriation Accounts: A91165 – 03330, 12010, 89010, 89030, 89060, 44039, 22999, 44046

Fiscal Impact – Funding: (Dollars or Percentages)

Federal _____

State 100%

County _____

Term/Length of Funding 1 year

Previous Requests for Identical or Similar Action:

Resolution/Law Number: 19-207

Date of Adoption: May 13, 2019

Justification: (State briefly why legislative action is requested)

This RLA covers the fifth year of the Gun Involved Violence Elimination partnership for the Office of the District Attorney.

Back-up Material Submitted:

Award letter.

Submitted By: Heather Orth

Title: Confidential Assistant to the District Attorney



**Division of Criminal
Justice Services**

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

JEFFREY P. BENDER
Deputy Commissioner

Grant Award Notice

Grantee/Contractor: Albany County District Attorney	Date: June 29, 2020
Program Name: GIVE (2020-2021)	Award Amount: \$236,740
Signatory Name and Title: David Soares District Attorney	Term Dates: July 1, 2020 through June 30, 2021
Email: dsoares@albanycounty.com	Project ID No.: GV20-1001-D00
SFS Vendor ID No.: 1000002428	Contract No.: C484707
<p>Congratulations on your 2020-21 award for the DCJS Gun Involved Violence Elimination (GIVE) initiative.</p> <p>Your DCJS Grants Representative will be contacting you shortly to review any remaining contract requirements. Please note that prompt completion of this step will facilitate timely execution of your contract.</p> <p>DCJS is pleased to be able to provide your agency with this funding and we look forward to working with you in our continued efforts to maintain New York's standing as the safest large state in the nation.</p>	
<p>The award amount listed above is contingent upon the following:</p> <ol style="list-style-type: none"> 1. The availability of appropriations, which may be reduced during the contract period pursuant to language included in the FY21 enacted state budget; 2. DCJS approval of the county's GIVE Comprehensive Plan for 2020-21; and 3. Approval and execution of the grant contract by the Attorney General and the Office of the State Comptroller. <p>If you have any questions about this award, please contact:</p> <p style="text-align: center;">Dave Martin Public Safety Grants Representative 3 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 485-9607 or David.Martin@DCJS.NY.GOV</p>	

DANIEL P. MCCOY
County Executive



WILLIAM CONNORS
Director
COLLEEN BRESLIN
Deputy Director

COUNTY OF ALBANY
PROBATION DEPARTMENT
60 SOUTH PEARL STREET
ALBANY, NEW YORK 12207
PHONE: (518) 487-5200
FAX: (518) 487-5204
www.albanycounty.com

July 6, 2020

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

Re: Gun Involved Violence Elimination
(GIVE) Grant Renewal

Dear Chairman Joyce:

Enclosed is a request for Legislative Action for permission to renew The Probation Department's contract with the New York State Division of Criminal Justice Services (DCJS) regarding Gun Involved Violence Elimination (GIVE) grant. The total award remains at \$137,005. The grant pays limited overtime, GPS monitoring, and for one full time Probation Officer and ½ Probation Officer. This is a partnership with the Albany County District, and the Albany Police, and NYS Division of Criminal Justice Services.

It is respectfully requested this be considered. If you have any questions or need additional information, please do not hesitate to contact me directly at (518) 487-5194.

Sincerely,

William Connors
Probation Director

WC/km
Enc.

cc: Honorable Dennis Feeney, Majority Leader
Honorable Frank Mauriello, Minority Leader
Rebekah Kennedy, Esq., Majority Counsel
Arnis Zilgme, Esq., Minority Counsel

PROVIDING PROBATION SERVICES TO ALL COURTS WITHIN ALBANY COUNTY, NEW YORK



Legislation Text

File #: TMP-1771, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract Authorization for Gun Violence Elimination (GIVE) Grant with NYS DCJS

Date: July 20, 2020
Submitted By: William Connors
Department: Probation Department
Title: Probation Director
Phone: 518-487-5194
Department Rep.
Attending Meeting: William Connors

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

Renewal

Submission Date Deadline 7/1/2020

- 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):

New York State Division of Criminal Justices Services
80 South Swan Street
Albany, NY 12110

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: 137,005.

Scope of Services: The Probation department is a partner with the Albany County District Attorney Office, the Albany Police, and NYS DCJS to reduce gun violence in Albany County by participating in the Gun Violence Elimination GIVE Grant. The grant remains the same as last year in the amount of 137,005. The grant funds monitoring persons sentenced to Probation having been convicted of gun related crimes. It pays for ½ salary of a Probation Officer who is assigned as a Field Intelligence Officer (FIO) to the Capital Region Crime Analysis Center. The FIO assists the GIVE strategy by providing intelligence regarding Probationers. The grant also funds the salary of another Probation Officer who works directly with the Albany Police Enhanced Supervision unit monitoring Probationers who maybe engaged in activities that are likely to lead to gun violence. The GIVE Probation Officer provides enhanced probation supervision. This may include special details where probationers may attend, curfew checks, increased reporting and GPS monitoring. Other funding includes limited Overtime and GPS monitoring.

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: A3140.03334
Revenue Amount: 137,005.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.
State: 100%
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term

Term: (Start and end date) 7.1.2020-6.30.2021
Length of Contract: 12 months

Impact on Pending Litigation

If yes, explain: Yes No
Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: resolution 269
Date of Adoption: July 8, 2019

Justification: (state briefly why legislative action is requested)

Requesting permission to renew The Probation Department’s contract with the New York State Division of Criminal Justice Services (DCJS) regarding Gun Involved Violence Elimination (GIVE). This is a partnership with the Albany County District Attorney, Albany Police, and NYS Division of Criminal Justice Services.



Division of Criminal Justice Services

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

JEFFREY P. BENDER
Deputy Commissioner

Grant Award Notice

Grantee/Contractor: Albany County Probation Department	Date: June 29, 2020
Program Name: GIVE (2020-2021)	Award Amount: \$137,005
Signatory Name and Title: William Connors Director	Term Dates: July 1, 2020 through June 30, 2021
Email: william.connors@albanycounty.com	Project ID No.: GV20-1002-D00
SFS Vendor ID No.: 1000002428	Contract No.: C484708

Congratulations on your 2020-21 award for the DCJS Gun Involved Violence Elimination (GIVE) initiative.

Your DCJS Grants Representative will be contacting you shortly to review any remaining contract requirements. Please note that prompt completion of this step will facilitate timely execution of your contract.

DCJS is pleased to be able to provide your agency with this funding and we look forward to working with you in our continued efforts to maintain New York’s standing as the safest large state in the nation.

The award amount listed above is contingent upon the following:

1. The availability of appropriations, which may be reduced during the contract period pursuant to language included in the FY21 enacted state budget;
2. DCJS approval of the county’s GIVE Comprehensive Plan for 2020-21; and
3. Approval and execution of the grant contract by the Attorney General and the Office of the State Comptroller.

If you have any questions about this award, please contact:

Dave Martin
Public Safety Grants Representative 3
NYS Division of Criminal Justice Services
Office of Program Development and Funding
(518) 485-9607 or David.Martin@DCJS.NY.GOV

Albany County Probation Department - \$137,005.00

½ Time Field Intelligence Officer: \$36,735.00 (\$26,268.00 Salary + \$10,467.00 Fringe)

One ½ time Probation Officer will be assigned as a Field Intelligence Officer to the Capital Region Crime Analysis Center. The FIO will focus of probationers and enhance gun related intelligence for all GIVE partners. The FIO attends all weekly crime meetings and assists with the GVI strategy by providing intelligence regarding individuals who may be involved in a GVI enforcement action.

Probation Officer: \$73,270.00 (\$52,336.00 Salary + \$20,934.00 Fringe)

One Full- time Probation Officer is assigned to GIVE related strategies and initiatives. The officer works directly with the Albany Police Department's Enhanced Supervision and TRaC units to oversee probationers identified through VOID. The Probation Officer also assists in the monitoring of group members that may be engaged in activities that are likely to lead to gun violence, but have not yet scored high enough for inclusion on the VOID list. The Probation Officer is also instrumental to the GVI strategy by assisting in the selection of individuals who attend the Call-In, participating in Custom Notifications, and assisting in carrying out Probation-related sanctions for individuals who are the target of GVI enforcement actions. The Probation Officer participates in the GVI Operational Group and attends all weekly crime meetings. Enhanced supervision of these offenders includes, field contacts, special details (ie. concerts and basketball games), home visits, curfew checks, increased reporting, GPS monitoring, routine searches, school dismissal and a variety of other site visits. The Probation Officer assists those threatened by gun violence to ensure safety while maintaining accountability.

Overtime: \$15,000.00

Hot-Spot Policing - \$10,000.00 – Albany County Probation in coordination with the Albany Police Department conducts home visits weekly for high-risk probationers, probationers on the VOID list, and group-involved probationers. These visits assure that all partners have the most current information regarding addresses, that probationers are abiding by all conditions, and also provide intelligence regarding who probationers are spending their free time with. Warrant sweeps are conducted jointly with APD, particularly in hotspots when Conflict Analysis is showing a hot area and when there is a rise in gun violence.

Focused Deterrence - \$5,000.00 – Albany County Probation participates in the GVI strategy. Overtime funds will be used for participation in Call-ins and Custom Notifications.

Ankle Bracelet Activation and Monitoring: \$12,000.00

At times it becomes necessary for individuals on the VOID list, or individuals who are identified members of a group who are also under the supervision of Probation to be monitored

via GPS ankle bracelets. An increasingly common practice for Albany County Probation, when used it allows for more stringent compliance with terms of probation and subsequent investigations. The GIVE funded Probation Officer offers recommendations for conditions relating to GPS for enhanced supervision and monitoring so that zero tolerance actions may be taken when offenders violate such conditions.

RESOLUTION NO. 269

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE GUN INVOLVED VIOLENCE ELIMINATION INITIATIVE GRANT AND AMENDING THE 2019 PROBATION DEPARTMENT BUDGET

Introduced: 7/8/19
By Law Committee:

WHEREAS, The Director of the Albany County Probation Department has requested authorization to submit a grant application and enter into an agreement with the New York State Division of Criminal Justice Services regarding the Gun Involved Violence Elimination Initiative (GIVE) grant in the amount of \$137,005 for the term commencing July 1, 2019 and ending June 30, 2020, and

WHEREAS, The Director has indicated that the funding will be used to support overtime, personnel, and GPS monitoring fees, and

WHEREAS, The Director has requested a budget amendment in order to incorporate additional GIVE grant funding into the 2019 Probation Department Budget, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application and enter into an agreement with the New York State Division of Criminal Justice Services regarding the GIVE grant in the amount of \$137,005 for a term commencing July 1, 2019 and ending June 30, 2020, and, be it further

RESOLVED, By the Albany County Legislature that the 2019 Probation Department Budget is amended as follows:

Increase Revenue Account A3334 Operation GIVE by \$53,635

Increase Appropriation Account A3140.1 by \$41,635 by increasing Line Items:
A3140 1 9900 Overtime by \$5,000
A3140 1 9954 Grant Assignment Pay by \$36,635

Increase Appropriation Account A3140.4 by \$12,000 by increasing Line Item
A3140 4 4046 Fees for Services by \$12,000

and, be it further

State of New York
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 8th day of July, 2019, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 9th day of June, 2019.

A handwritten signature in cursive script, appearing to read "Paul J. Deane".

Clerk, Albany County Legislature



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
REGIONAL IMMIGRATION ASSISTANCE CENTER
REGION 3- CAPITAL REGION & NORTHERN N.Y.
112 STATE STREET, SUITE 900
ALBANY, NEW YORK 12207
PHONE: (518) 447-4890
www.albanycounty.com

EVELYN A. KINNAH, ESQ.
DIRECTOR

BAKARY JANNEH
DEPUTY DIRECTOR

July 24, 2020

Honorable Andrew Joyce
Chair, Albany County Legislature
112 State Street, Rm. 710
Albany, NY 12207

Dear Chairmen Joyce:

The Regional Immigration Assistance Center (RIAC) request authorization to accept the second round of funding from the New York State Office of Indigent Legal Services to provide legal support, in-person and virtual immigration training, and the development of protocols and procedures for attorneys and court rooms throughout the fourteen counties (please see attached for details) the RIAC represents. The RIAC will function as resource for the defender community to understand and navigate the complexities of immigration consequences in regards to criminal convictions. The funding will be utilized to provide resources, and guidance to mandated representatives of criminal law, family law, appellate and post-convictions representation in compliance with the legal and constitutional obligations established by the Supreme Court in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010). On July 20, 2020, the RIAC was awarded \$1,654,260 to continue its participation in a statewide network designed to improve provided indigent legal services over the next three years.

Very truly yours,

Evelyn A. Kinnah, Esq.
Director

Cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1805, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract authorization for Regional Immigration Assistance Center (RIAC) funding

Date: 07/24/2020
Submitted By: Bakary Jannah
Department: RIAC
Title: DD
Phone: (518)447-4890
Department Rep.
Attending Meeting: Evelyn Kinnah

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

Acceptance

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) accept funding

Contract Terms/Conditions:

Party (Name/address):
NYS Office of Indigent Legal Services
A.E. Smith Building, 11th Floor
80 South Swan Street
Albany, NY 12210

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$1,654,260
Scope of Services: accept funding to improve quality of mandated representation to noncitizen clients by indigent service providers.

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: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.
State: 100%
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term

Term: (Start and end date) 01/01/2020 - 12/31/2020
Length of Contract: Three years

Impact on Pending Litigation

If yes, explain: Yes No
Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Resolution 25 of 2020
Date of Adoption: 2/10/20

Justification: (state briefly why legislative action is requested)

The Regional Immigration Assistance Center (RIAC) request authorization to accept the New York State Office of Indigent Legal Services second round of funding in the amount of \$1,654,260 to continue its participation in a statewide network designed to improve provided indigent legal services to noncitizens over the next three years. The RIAC functions as resource for the defender community as they navigate the complexities of immigration consequences throughout the third RIAC region of New York, which includes the Capital District and Northern New York (see attached for listing of the fourteen counties). The funding will be utilized to provide training, resources, and expert guidance to mandated representatives of criminal law, family law including appellate and post-convictions in compliance with the legal and constitutional obligations established by the Supreme Court in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010).

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>STATE AGENCY (Name & Address):</p> <p>NYS Office of Indigent Legal Services A. E. Smith Building, 11th Floor 80 South Swan Street Albany, NY 12210</p>	<p>BUSINESS UNIT/DEPT. ID: OLS01 1350200</p> <p>CONTRACT NUMBER: C2ND801</p> <p>CONTRACT TYPE:</p> <p><input checked="" type="checkbox"/> Multi-Year Agreement</p> <p><input type="checkbox"/> Simplified Renewal Agreement</p> <p><input type="checkbox"/> Fixed Term Agreement</p>
<p>CONTRACTOR SFS PAYEE NAME:</p> <p>Albany, County of</p>	<p>TRANSACTION TYPE:</p> <p><input checked="" type="checkbox"/> New</p> <p><input type="checkbox"/> Renewal</p> <p><input type="checkbox"/> Fixed Term Agreement</p>
<p>CONTRACTOR DOS INCORPORATED NAME:</p>	<p>PROJECT NAME:</p> <p>Second Regional Immigration Assistance Centers</p>
<p>CONTRACTOR IDENTIFICATION NUMBERS:</p> <p>NYS Vendor ID Number: 1000002428 Federal Tax ID Number: 14-6002563 DUNS Number (if applicable):</p>	<p>AGENCY IDENTIFIER:</p> <p>CFDA NUMBER (Federally funded grants only):</p>
<p>CONTRACTOR PRIMARY MAILING ADDRESS:</p> <p>County of Albany Albany County Regional Immigration Assistance Center 112 State Street, Suite 900 Albany, NY 12207</p> <p>CONTRACTOR PAYMENT ADDRESS:</p> <p><input type="checkbox"/> Check if same as primary mailing address</p> <p>County of Albany Dept. of Management and Budget 112 State Street, Suite 900 Albany, NY 12207</p> <p>CONTRACTOR MAILING ADDRESS:</p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p>	<p>CONTRACTOR STATUS:</p> <p><input type="checkbox"/> For Profit</p> <p><input checked="" type="checkbox"/> Municipality, Code: 010100000000</p> <p><input type="checkbox"/> Tribal Nation</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Not-for-Profit</p> <p>Charities Registration Number:</p> <p>Exemption Status/Code:</p> <p><input type="checkbox"/> Sectarian Entity</p>

Contract Number: C2ND801

Page 1 of 2

Master Grant Contract, Face Pages

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>CURRENT CONTRACT TERM:</p> <p>From: January 1, 2020 To: December 31, 2022</p> <p>CURRENT CONTRACT PERIOD:</p> <p>AMENDED TERM:</p> <p>From: _____ To: _____</p> <p>AMENDED PERIOD:</p> <p>From: _____ To: _____</p>	<p>CONTRACT FUNDING AMOUNT (<i>Multi-year</i> – enter total projected amount of the contract; <i>Fixed Term/Simplified Renewal</i> – enter current period amount):</p> <p>CURRENT: \$1,654,260.00</p> <p>AMENDED:</p> <p>FUNDING SOURCE(S):</p> <p><input checked="" type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other</p>
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FOR MULTI-YEAR AGREEMENTS ONLY – CONTRACT PERIOD AND FUNDING AMOUNT:
(Out years represent projected funding amounts)

#	CURRENT PERIOD	CURRENT AMOUNT	AMENDED PERIOD	AMENDED AMOUNT
1				
2				
3				
4				
5				

ATTACHMENTS PART OF THIS AGREEMENT:

- Attachment A: A-1 Program-Specific Terms and Conditions
 A-2 Federally Funded Grants

- Attachment B: B-1 Expenditure Based Budget
 B-2 Performance Based Budget
 B-3 Capital Budget
 B-1(A) Expenditure Based Budget (Amendment)
 B-2(A) Performance Based Budget (Amendment)
 B-3(A) Capital Budget (Amendment)

- Attachment C: Work Plan

- Attachment D: Payment and Reporting Schedule

- Other:

Contract Number: C2ND801

Page 2 of 2

Master Grant Contract, Face Pages

IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

By: _____

Printed Name

Title: _____

Date: _____

STATE AGENCY:

NYS Office of Indigent Legal Services

By: _____

William J. Leahy

Printed Name

Title: Director – Office of Indigent Legal Services

Date: _____

STATE OF NEW YORK

County of _____

On the _____ day of _____, _____, before me personally appeared _____, to me known, who being by me duly sworn, did depose and say that he/she resides at _____, that he/she is the _____ of the _____, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE

Printed Name

Title: _____

Date: _____

STATE COMPTROLLER'S SIGNATURE

Printed Name

Title: _____

Date: _____

Contract Number: C2ND801

Page 1 of 1

Master Contract for Grants, Signature Page

**STATE OF NEW YORK
MASTER CONTRACT FOR GRANTS**

This State of New York Master Contract for Grants (Master Contract) is hereby made by and between the State of New York acting by and through the applicable State Agency (State) and the public or private entity (Contractor) identified on the face page hereof (Face Page).

WITNESSETH:

WHEREAS, the State has the authority to regulate and provide funding for the establishment and operation of program services, design or the execution and performance of construction projects, as applicable and desires to contract with skilled parties possessing the necessary resources to provide such services or work, as applicable; and

WHEREAS, the Contractor is ready, willing and able to provide such program services or the execution and performance of construction projects and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to perform or have performed the services or work, as applicable, required pursuant to the terms of the Master Contract;

NOW THEREFORE, in consideration of the promises, responsibilities, and covenants herein, the State and the Contractor agree as follows:

STANDARD TERMS AND CONDITIONS

I. GENERAL PROVISIONS

A. Executory Clause: In accordance with Section 41 of the State Finance Law, the State shall have no liability under the Master Contract to the Contractor, or to anyone else, beyond funds appropriated and available for the Master Contract.

B. Required Approvals: In accordance with Section 112 of the State Finance Law (or, if the Master Contract is with the State University of New York (SUNY) or City University of New York (CUNY), Section 355 or Section 6218 of the Education Law), if the Master Contract exceeds \$50,000 (or \$85,000 for contracts let by the Office of General Services, or the minimum thresholds agreed to by the Office of the State Comptroller (OSC) for certain SUNY and CUNY contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount including, but not limited to, changes in amount, consideration, scope or contract term identified on the Face Page (Contract Term), it shall not be valid, effective or binding upon the State until it has been approved by, and filed with, the New York Attorney General Contract Approval Unit (AG) and OSC. If, by the Master Contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by, and filed with, the AG and OSC.

Budget Changes: An amendment that would result in a transfer of funds among program activities or budget cost categories that does not affect the amount, consideration, scope or other terms of such contract may be subject to the approval of the AG and OSC where the amount of such modification is, as a portion of the total value of the contract, equal to or greater than ten percent for contracts of less than five million dollars, or five percent for contracts of more than

five million dollars; and, in addition, such amendment may be subject to prior approval by the applicable State Agency as detailed in Attachment D (Payment and Reporting Schedule).

C. Order of Precedence:

In the event of a conflict among (i) the terms of the Master Contract (including any and all attachments and amendments) or (ii) between the terms of the Master Contract and the original request for proposal, the program application or other attachment that was completed and executed by the Contractor in connection with the Master Contract, the order of precedence is as follows:

1. Standard Terms and Conditions
2. Modifications to the Face Page
3. Modifications to Attachment A-2¹, Attachment B, Attachment C and Attachment D
4. The Face Page
5. Attachment A-2², Attachment B, Attachment C and Attachment D
6. Modification to Attachment A-1
7. Attachment A-1
8. Other attachments, including, but not limited to, the request for proposal or program application

D. Funding: Funding for the term of the Master Contract shall not exceed the amount specified as “Contract Funding Amount” on the Face Page or as subsequently revised to reflect an approved renewal or cost amendment. Funding for the initial and subsequent periods of the Master Contract shall not exceed the applicable amounts specified in the applicable Attachment B form (Budget).

E. Contract Performance: The Contractor shall perform all services or work, as applicable, and comply with all provisions of the Master Contract to the satisfaction of the State. The Contractor shall provide services or work, as applicable, and meet the program objectives summarized in Attachment C (Work Plan) in accordance with the provisions of the Master Contract, relevant laws, rules and regulations, administrative, program and fiscal guidelines, and where applicable, operating certificate for facilities or licenses for an activity or program.

F. Modifications: To modify the Attachments or Face Page, the parties mutually agree to record, in writing, the terms of such modification and to revise or complete the Face Page and all the

¹ To the extent that the modifications to Attachment A-2 are required by Federal requirements and conflict with other provisions of the Master Contract, the modifications to Attachment A-2 shall supersede all other provisions of this Master Contract. See Section I(V).

² To the extent that the terms of Attachment A-2 are required by Federal requirements and conflict with other provisions of the Master Contract, the Federal requirements of Attachment A-2 shall supersede all other provisions of this Master Contract. See Section I(V).

appropriate attachments in conjunction therewith. In addition, to the extent that such modification meets the criteria set forth in Section I.B herein, it shall be subject to the approval of the AG and OSC before it shall become valid, effective and binding upon the State. Modifications that are not subject to the AG and OSC approval shall be processed in accordance with the guidelines stated in the Master Contract.

G. Governing Law: The Master Contract shall be governed by the laws of the State of New York except where the Federal Supremacy Clause requires otherwise.

H. Severability: Any provision of the Master Contract that is held to be invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, shall be ineffective only to the extent of such invalidity, illegality or unenforceability, without affecting in any way the remaining provisions hereof; provided, however, that the parties to the Master Contract shall attempt in good faith to reform the Master Contract in a manner consistent with the intent of any such ineffective provision for the purpose of carrying out such intent. If any provision is held void, invalid or unenforceable with respect to particular circumstances, it shall nevertheless remain in full force and effect in all other circumstances.

I. Interpretation: The headings in the Master Contract are inserted for convenience and reference only and do not modify or restrict any of the provisions herein. All personal pronouns used herein shall be considered to be gender neutral. The Master Contract has been made under the laws of the State of New York, and the venue for resolving any disputes hereunder shall be in a court of competent jurisdiction of the State of New York.

J. Notice:

1. All notices, except for notices of termination, shall be in writing and shall be transmitted either:
 - a) by certified or registered United States mail, return receipt requested;
 - b) by facsimile transmission;
 - c) by personal delivery;
 - d) by expedited delivery service; or
 - e) by e-mail.
2. Notices to the State shall be addressed to the Program Office designated in Attachment A-1 (Program Specific Terms and Conditions).
3. Notices to the Contractor shall be addressed to the Contractor's designee as designated in Attachment A-1 (Program Specific Terms and Conditions).
4. Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission or e-mail, upon receipt.

5. The parties may, from time to time, specify any new or different e-mail address, facsimile number or address in the United States as their address for purpose of receiving notice under the Master Contract by giving fifteen (15) calendar days prior written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under the Master Contract. Additional individuals may be designated in writing by the parties for purposes of implementation, administration, billing and resolving issues and/or disputes.

K. Service of Process: In addition to the methods of service allowed by the State Civil Practice Law & Rules (CPLR), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. The Contractor shall have thirty (30) calendar days after service hereunder is complete in which to respond.

L. Set-Off Rights: The State shall have all of its common law, equitable, and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold, for the purposes of set-off, any moneys due to the Contractor under the Master Contract up to any amounts due and owing to the State with regard to the Master Contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of the Master Contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies, or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State Agency, its representatives, or OSC.

M. Indemnification: The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.

N. Non-Assignment Clause: In accordance with Section 138 of the State Finance Law, the Master Contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet, or otherwise disposed of without the State's previous written consent, and attempts to do so shall be considered to be null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract, let pursuant to Article XI of the State Finance Law, may be waived at the discretion of the State Agency and with the concurrence of OSC, where the original contract was subject to OSC's approval, where the assignment is due to a reorganization, merger, or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that the merged contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless the Master Contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

O. Legal Action: No litigation or regulatory action shall be brought against the State of New York, the State Agency, or against any county or other local government entity with funds provided under the Master Contract. The term “litigation” shall include commencing or threatening to commence a lawsuit, joining or threatening to join as a party to ongoing litigation, or requesting any relief from any of the State of New York, the State Agency, or any county, or other local government entity. The term “regulatory action” shall include commencing or threatening to commence a regulatory proceeding, or requesting any regulatory relief from any of the State of New York, the State Agency, or any county, or other local government entity.

P. No Arbitration: Disputes involving the Master Contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

Q. Secular Purpose: Services performed pursuant to the Master Contract are secular in nature and shall be performed in a manner that does not discriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular religious beliefs.

R. Partisan Political Activity and Lobbying: Funds provided pursuant to the Master Contract shall not be used for any partisan political activity, or for activities that attempt to influence legislation or election or defeat of any candidate for public office.

S. Reciprocity and Sanctions Provisions: The Contractor is hereby notified that if its principal place of business is located in a country, nation, province, state, or political subdivision that penalizes New York State vendors, and if the goods or services it offers shall be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that it be denied contracts which it would otherwise obtain.³

T. Reporting Fraud and Abuse: Contractor acknowledges that it has reviewed information on how to prevent, detect, and report fraud, waste and abuse of public funds, including information about the Federal False Claims Act, the New York State False Claims Act, and whistleblower protections.

U. Non-Collusive Bidding: By submission of this bid, the Contractor and each person signing on behalf of the Contractor certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief that its bid was arrived at independently and without collusion aimed at restricting competition. The Contractor further affirms that, at the time the Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive binding certification on the Contractor’s behalf.

V. Federally Funded Grants and Requirements Mandated by Federal Laws: All of the Specific Federal requirements that are applicable to the Master Contract are identified in Attachment A-2 (Federally Funded Grants and Requirements Mandated by Federal Laws) hereto. To the extent

³ As of October 9, 2012, the list of discriminatory jurisdictions subject to this provision includes the states of Alaska, Hawaii, Louisiana, South Carolina, West Virginia and Wyoming. Contact NYS Department of Economic Development for the most current list of jurisdictions subject to this provision.

that the Master Contract is funded, in whole or part, with Federal funds or mandated by Federal laws, (i) the provisions of the Master Contract that conflict with Federal rules, Federal regulations, or Federal program specific requirements shall not apply and (ii) the Contractor agrees to comply with all applicable Federal rules, regulations and program specific requirements including, but not limited to, those provisions that are set forth in Attachment A-2 (Federally Funded Grants and Requirements Mandated by Federal Laws) hereto.

II. TERM, TERMINATION AND SUSPENSION

A. Term: The term of the Master Contract shall be as specified on the Face Page, unless terminated sooner as provided herein.

B. Renewal:

1. General Renewal: The Master Contract may consist of successive periods on the same terms and conditions, as specified within the Master Contract (a “Simplified Renewal Contract”). Each additional or superseding period shall be on the forms specified by the State and shall be incorporated in the Master Contract.

2. Renewal Notice to Not-for-Profit Contractors:

a) Pursuant to State Finance Law §179-t, if the Master Contract is with a not-for-profit Contractor and provides for a renewal option, the State shall notify the Contractor of the State’s intent to renew or not to renew the Master Contract no later than ninety (90) calendar days prior to the end of the term of the Master Contract, unless funding for the renewal is contingent upon enactment of an appropriation. If funding for the renewal is contingent upon enactment of an appropriation, the State shall notify the Contractor of the State’s intent to renew or not to renew the Master Contract the later of: (1) ninety (90) calendar days prior to the end of the term of the Master Contract, and (2) thirty (30) calendar days after the necessary appropriation becomes law. Notwithstanding the foregoing, in the event that the State is unable to comply with the time frames set forth in this paragraph due to unusual circumstances beyond the control of the State (“Unusual Circumstances”), no payment of interest shall be due to the not-for-profit Contractor. For purposes of State Finance Law §179-t, “Unusual Circumstances” shall not mean the failure by the State to (i) plan for implementation of a program, (ii) assign sufficient staff resources to implement a program, (iii) establish a schedule for the implementation of a program or (iv) anticipate any other reasonably foreseeable circumstance.

b) Notification to the not-for-profit Contractor of the State’s intent to not renew the Master Contract must be in writing in the form of a letter, with the reason(s) for the non-renewal included. If the State does not provide notice to the not-for-profit Contractor of its intent not to renew the Master Contract as required in this Section and State Finance Law §179-t, the Master Contract shall be deemed continued until the date the State provides the necessary notice to the Contractor, in accordance with State Finance Law §179-t. Expenses incurred by the not-for-profit Contractor during such extension shall be reimbursable under the terms of the Master Contract.

C. Termination:

1. Grounds:

- a) Mutual Consent: The Master Contract may be terminated at any time upon mutual written consent of the State and the Contractor.
- b) Cause: The State may terminate the Master Contract immediately, upon written notice of termination to the Contractor, if the Contractor fails to comply with any of the terms and conditions of the Master Contract and/or with any laws, rules, regulations, policies, or procedures that are applicable to the Master Contract.
- c) Non-Responsibility: In accordance with the provisions of Sections IV(N)(6) and (7) herein, the State may make a final determination that the Contractor is non-responsible (Determination of Non-Responsibility). In such event, the State may terminate the Master Contract at the Contractor's expense, complete the contractual requirements in any manner the State deems advisable and pursue available legal or equitable remedies for breach.
- d) Convenience: The State may terminate the Master Contract in its sole discretion upon thirty (30) calendar days prior written notice.
- e) Lack of Funds: If for any reason the State or the Federal government terminates or reduces its appropriation to the applicable State Agency entering into the Master Contract or fails to pay the full amount of the allocation for the operation of one or more programs funded under this Master Contract, the Master Contract may be terminated or reduced at the State Agency's discretion, provided that no such reduction or termination shall apply to allowable costs already incurred by the Contractor where funds are available to the State Agency for payment of such costs. Upon termination or reduction of the Master Contract, all remaining funds paid to the Contractor that are not subject to allowable costs already incurred by the Contractor shall be returned to the State Agency. In any event, no liability shall be incurred by the State (including the State Agency) beyond monies available for the purposes of the Master Contract. The Contractor acknowledges that any funds due to the State Agency or the State of New York because of disallowed expenditures after audit shall be the Contractor's responsibility.
- f) Force Majeure: The State may terminate or suspend its performance under the Master Contract immediately upon the occurrence of a "force majeure." For purposes of the Master Contract, "Force majeure" shall include, but not be limited to, natural disasters, war, rebellion, insurrection, riot, strikes, lockout and any unforeseen circumstances and acts beyond the control of the State which render the performance of its obligations impossible.

2. Notice of Termination:

- a) Service of notice: Written notice of termination shall be sent by:
 - (i) personal messenger service; or

(ii) certified mail, return receipt requested and first class mail.

b) Effective date of termination: The effective date of the termination shall be the later of (i) the date indicated in the notice and (ii) the date the notice is received by the Contractor, and shall be established as follows:

(i) if the notice is delivered by hand, the date of receipt shall be established by the receipt given to the Contractor or by affidavit of the individual making such hand delivery attesting to the date of delivery; or

(ii) if the notice is delivered by registered or certified mail, by the receipt returned from the United States Postal Service, or if no receipt is returned, five (5) business days from the date of mailing of the first class letter, postage prepaid, in a depository under the care and control of the United States Postal Service.

3. Effect of Notice and Termination on State's Payment Obligations:

a) Upon receipt of notice of termination, the Contractor agrees to cancel, prior to the effective date of any prospective termination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice without approval by the State.

b) The State shall be responsible for payment on claims for services or work provided and costs incurred pursuant to the terms of the Master Contract. In no event shall the State be liable for expenses and obligations arising from the requirements of the Master Contract after its termination date.

4. Effect of Termination Based on Misuse or Conversion of State or Federal Property:

Where the Master Contract is terminated for cause based on Contractor's failure to use some or all of the real property or equipment purchased pursuant to the Master Contract for the purposes set forth herein, the State may, at its option, require:

a) the repayment to the State of any monies previously paid to the Contractor; or

b) the return of any real property or equipment purchased under the terms of the Master Contract; or

c) an appropriate combination of clauses (a) and (b) of Section II(C)(4) herein.

Nothing herein shall be intended to limit the State's ability to pursue such other legal or equitable remedies as may be available.

D. Suspension: The State may, in its discretion, order the Contractor to suspend performance for a reasonable period of time. In the event of such suspension, the Contractor shall be given a formal written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor shall comply with the particulars of the notice. The State shall have no obligation to reimburse Contractor's expenses during such suspension period. Activities may resume at such time

as the State issues a formal written notice authorizing a resumption of performance under the Master Contract.

III. PAYMENT AND REPORTING

A. Terms and Conditions:

1. In full consideration of contract services to be performed, the State Agency agrees to pay and the Contractor agrees to accept a sum not to exceed the amount noted on the Face Page.
2. The State has no obligation to make payment until all required approvals, including the approval of the AG and OSC, if required, have been obtained. Contractor obligations or expenditures that precede the start date of the Master Contract shall not be reimbursed.
3. Contractor must provide complete and accurate billing invoices to the State in order to receive payment. Provided, however, the State may, at its discretion, automatically generate a voucher in accordance with an approved contract payment schedule. Billing invoices submitted to the State must contain all information and supporting documentation required by Attachment D (Payment and Reporting Schedule) and Section III(C) herein. The State may require the Contractor to submit billing invoices electronically.
4. Payment for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the head of the State Agency, in the sole discretion of the head of such State Agency, due to extenuating circumstances. Such electronic payment shall be made in accordance with OSC's procedures and practices to authorize electronic payments.
5. If travel expenses are an approved expenditure under the Master Contract, travel expenses shall be reimbursed at the lesser of the rates set forth in the written standard travel policy of the Contractor, the OSC guidelines, or United States General Services Administration rates. No out-of-state travel costs shall be permitted unless specifically detailed and pre-approved by the State.
6. Timeliness of advance payments or other claims for reimbursement, and any interest to be paid to Contractor for late payment, shall be governed by Article 11-A of the State Finance Law to the extent required by law.
7. Article 11-B of the State Finance Law sets forth certain time frames for the Full Execution of contracts or renewal contracts with not-for-profit organizations and the implementation of any program plan associated with such contract. For purposes of this section, "Full Execution" shall mean that the contract has been signed by all parties thereto and has obtained the approval of the AG and OSC. Any interest to be paid on a missed payment to the Contractor based on a delay in the Full Execution of the Master Contract shall be governed by Article 11-B of the State Finance Law.

B. Advance Payment and Recoupment:

1. Advance payments, which the State in its sole discretion may make to not-for-profit grant recipients, shall be made and recouped in accordance with State Finance Law Section 179(u), this Section and the provisions of Attachment D (Payment and Reporting Schedule).
2. Initial advance payments made by the State to not-for-profit grant recipients shall be due no later than thirty (30) calendar days, excluding legal holidays, after the first day of the Contract Term or, if renewed, in the period identified on the Face Page. Subsequent advance payments made by the State to not-for-profit grant recipients shall be due no later than thirty (30) calendar days, excluding legal holidays, after the dates specified in Attachment D (Payment and Reporting Schedule).
3. For subsequent contract years in multi-year contracts, Contractor will be notified of the scheduled advance payments for the upcoming contract year no later than 90 days prior to the commencement of the contract year. For simplified renewals, the payment schedule (Attachment D) will be modified as part of the renewal process.
4. Recoupment of any advance payment(s) shall be recovered by crediting the percentage of subsequent claims listed in Attachment D (Payment and Reporting Schedule) and Section III(C) herein and such claims shall be reduced until the advance is fully recovered within the Contract Term. Any unexpended advance balance at the end of the Contract Term shall be refunded by the Contractor to the State.
5. If for any reason the amount of any claim is not sufficient to cover the proportionate advance amount to be recovered, then subsequent claims may be reduced until the advance is fully recovered.

C. Claims for Reimbursement:

1. The Contractor shall submit claims for the reimbursement of expenses incurred on behalf of the State under the Master Contract in accordance with this Section and the applicable claiming schedule in Attachment D (Payment and Reporting Schedule).

Vouchers submitted for payment shall be deemed to be a certification that the payments requested are for project expenditures made in accordance with the items as contained in the applicable Attachment B form (Budget) and during the Contract Term. When submitting a voucher, such voucher shall also be deemed to certify that: (i) the payments requested do not duplicate reimbursement from other sources of funding; and (ii) the funds provided herein do not replace funds that, in the absence of this grant, would have been made available by the Contractor for this program. Requirement (ii) does not apply to grants funded pursuant to a Community Projects Fund appropriation.

2. Consistent with the selected reimbursement claiming schedule in Attachment D (Payment and Reporting Schedule), the Contractor shall comply with the appropriate following provisions:
 - a) Quarterly Reimbursement: The Contractor shall be entitled to receive payments for work, projects, and services rendered as detailed and described in Attachment C (Work Plan).

The Contractor shall submit to the State Agency quarterly voucher claims and supporting documentation. The Contractor shall submit vouchers to the State Agency in accordance with the procedures set forth in Section III(A)(3) herein.

b) Monthly Reimbursement: The Contractor shall be entitled to receive payments for work, projects, and services rendered as detailed and described in Attachment C (Work Plan).

The Contractor shall submit to the State Agency monthly voucher claims and supporting documentation. The Contractor shall submit vouchers to the State Agency in accordance with the procedures set forth in Section III(A)(3) herein.

c) Biannual Reimbursement: The Contractor shall be entitled to receive payments for work, projects, and services rendered as detailed and described in Attachment C (Work Plan).

The Contractor shall submit to the State Agency biannually voucher claims and supporting documentation. The Contractor shall submit vouchers to the State Agency in accordance with the procedures set forth in Section III(A)(3) herein.

d) Milestone/Performance Reimbursement:⁴ Requests for payment based upon an event or milestone may be either severable or cumulative. A severable event/milestone is independent of accomplishment of any other event. If the event is cumulative, the successful completion of an event or milestone is dependent on the previous completion of another event.

Milestone payments shall be made to the Contractor when requested in a form approved by the State, and at frequencies and in amounts stated in Attachment D (Payment and Reporting Schedule). The State Agency shall make milestone payments subject to the Contractor's satisfactory performance.

e) Fee for Service Reimbursement:⁵ Payment shall be limited to only those fees specifically agreed upon in the Master Contract and shall be payable no more frequently than monthly upon submission of a voucher by the contractor.

f) Rate Based Reimbursement:⁶ Payment shall be limited to rate(s) established in the Master Contract. Payment may be requested no more frequently than monthly.

g) Scheduled Reimbursement:⁷ The State Agency shall generate vouchers at the frequencies and amounts as set forth in Attachment D (Payment and Reporting Schedule), and service

⁴ A milestone/ performance payment schedule identifies mutually agreed-to payment amounts based on meeting contract events or milestones. Events or milestones must represent integral and meaningful aspects of contract performance and should signify true progress in completing the Master Contract effort.

⁵ Fee for Service is a rate established by the Contractor for a service or services rendered.

⁶ Rate based agreements are those agreements in which payment is premised upon a specific established rate per unit.

⁷ Scheduled Reimbursement agreements provide for payments that occur at defined and regular intervals that provide for a specified dollar amount to be paid to the Contractor at the beginning of each payment period (i.e. quarterly, monthly or bi-annually). While these payments are related to the particular services and outcomes defined in the Master Contract, they are not dependent upon particular services or expenses in any one payment period and provide the Contractor with a defined and regular payment over the life of the contract.

reports shall be used to determine funding levels appropriate to the next annual contract period.

h) Interim Reimbursement: The State Agency shall generate vouchers on an interim basis and at the amounts requested by the Contractor as set forth in Attachment D (Payment and Reporting Schedule).

i) Fifth Quarter Payments:⁸ Fifth quarter payment shall be paid to the Contractor at the conclusion of the final scheduled payment period of the preceding contract period. The State Agency shall use a written directive for fifth quarter financing. The State Agency shall generate a voucher in the fourth quarter of the current contract year to pay the scheduled payment for the next contract year.

3. The Contractor shall also submit supporting fiscal documentation for the expenses claimed.
4. The State reserves the right to withhold up to fifteen percent (15%) of the total amount of the Master Contract as security for the faithful completion of services or work, as applicable, under the Master Contract. This amount may be withheld in whole or in part from any single payment or combination of payments otherwise due under the Master Contract. In the event that such withheld funds are insufficient to satisfy Contractor's obligations to the State, the State may pursue all available remedies, including the right of setoff and recoupment.
5. The State shall not be liable for payments on the Master Contract if it is made pursuant to a Community Projects Fund appropriation if insufficient monies are available pursuant to Section 99-d of the State Finance Law.
6. All vouchers submitted by the Contractor pursuant to the Master Contract shall be submitted to the State Agency no later than thirty (30) calendar days after the end date of the period for which reimbursement is claimed. In no event shall the amount received by the Contractor exceed the budget amount approved by the State Agency, and, if actual expenditures by the Contractor are less than such sum, the amount payable by the State Agency to the Contractor shall not exceed the amount of actual expenditures.
7. All obligations must be incurred prior to the end date of the contract. Notwithstanding the provisions of Section III(C)(6) above, with respect to the final period for which reimbursement is claimed, so long as the obligations were incurred prior to the end date of the contract, the Contractor shall have up to ninety (90) calendar days after the contract end date to make expenditures; provided, however, that if the Master Contract is funded, in whole or in part, with Federal funds, the Contractor shall have up to sixty (60) calendar days after the contract end date to make expenditures.

D. Identifying Information and Privacy Notification:

⁸ Fifth Quarter Payments occurs where there are scheduled payments and where there is an expectation that services will be continued through renewals or subsequent contracts. Fifth Quarter Payments allow for the continuation of scheduled payments to a Contractor for the first payment period quarter of an anticipated renewal or new contract.

1. Every voucher or New York State Claim for Payment submitted to a State Agency by the Contractor, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property, must include the Contractor's Vendor Identification Number assigned by the Statewide Financial System, and any or all of the following identification numbers: (i) the Contractor's Federal employer identification number, (ii) the Contractor's Federal social security number, and/or (iii) DUNS number. Failure to include such identification number or numbers may delay payment by the State to the Contractor. Where the Contractor does not have such number or numbers, the Contractor, on its voucher or Claim for Payment, must provide the reason or reasons for why the Contractor does not have such number or numbers.

2. The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principle purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. The personal information is requested by the purchasing unit of the State Agency contracting to purchase the goods or services or lease the real or personal property covered by the Master Contract. This information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York, 12236.

E. Refunds:

1. In the event that the Contractor must make a refund to the State for Master Contract-related activities, including repayment of an advance or an audit disallowance, payment must be made payable as set forth in Attachment A-1 (Program Specific Terms and Conditions). The Contractor must reference the contract number with its payment and include a brief explanation of why the refund is being made. Refund payments must be submitted to the Designated Refund Office at the address specified in Attachment A-1 (Program Specific Terms and Conditions).

If at the end or termination of the Master Contract, there remains any unexpended balance of the monies advanced under the Master Contract in the possession of the Contractor, the Contractor shall make payment within forty-five (45) calendar days of the end or termination of the Master Contract. In the event that the Contractor fails to refund such balance the State may pursue all available remedies.

F. Outstanding Amounts Owed to the State: Prior period overpayments (including, but not limited to, contract advances in excess of actual expenditures) and/or audit recoveries associated with the Contractor may be recouped against future payments made under this Master Contract to Contractor. The recoupment generally begins with the first payment made to the Contractor following identification of the overpayment and/or audit recovery amount. In the event that there are no payments to apply recoveries against, the Contractor shall make payment as provided in Section III(E) (Refunds) herein.

G. Program and Fiscal Reporting Requirements:

Contract Number: C2ND801

Page 13 of 26, Master Contract for Grants – Standard Terms and Conditions (August 2014)

1. The Contractor shall submit required periodic reports in accordance with the applicable schedule provided in Attachment D (Payment and Reporting Schedule). All required reports or other work products developed pursuant to the Master Contract must be completed as provided by the agreed upon work schedule in a manner satisfactory and acceptable to the State Agency in order for the Contractor to be eligible for payment.

2. Consistent with the selected reporting options in Attachment D (Payment and Reporting Schedule), the Contractor shall comply with the following applicable provisions:

a) If the Expenditure Based Reports option is indicated in Attachment D (Payment and Reporting Schedule), the Contractor shall provide the State Agency with one or more of the following reports as required by the following provisions and Attachment D (Payment and Reporting Schedule) as applicable:

(i) *Narrative/Qualitative Report*: The Contractor shall submit, on a quarterly basis, not later than the time period listed in Attachment D (Payment and Reporting Schedule), a report, in narrative form, summarizing the services rendered during the quarter. This report shall detail how the Contractor has progressed toward attaining the qualitative goals enumerated in Attachment C (Work Plan). This report should address all goals and objectives of the project and include a discussion of problems encountered and steps taken to solve them.

(ii) *Statistical/Quantitative Report*: The Contractor shall submit, on a quarterly basis, not later than the time period listed in Attachment D (Payment and Reporting Schedule), a detailed report analyzing the quantitative aspects of the program plan, as appropriate (e.g., number of meals served, clients transported, patient/client encounters, procedures performed, training sessions conducted, etc.)

(iii) *Expenditure Report*: The Contractor shall submit, on a quarterly basis, not later than the time period listed in Attachment D (Payment and Reporting Schedule), a detailed expenditure report, by object of expense. This report shall accompany the voucher submitted for such period.

(iv) *Final Report*: The Contractor shall submit a final report as required by the Master Contract, not later than the time period listed in Attachment D (Payment and Reporting Schedule) which reports on all aspects of the program and detailing how the use of funds were utilized in achieving the goals set forth in Attachment C (Work Plan).

(v) *Consolidated Fiscal Report (CFR)*: The Contractor shall submit a CFR, which includes a year-end cost report and final claim not later than the time period listed in Attachment D (Payment and Reporting Schedule).

b) If the Performance-Based Reports option is indicated in Attachment D (Payment and Reporting Schedule), the Contractor shall provide the State Agency with the following reports as required by the following provisions and Attachment D (Payment and Reporting Schedule) as applicable:

- (i) *Progress Report*: The Contractor shall provide the State Agency with a written progress report using the forms and formats as provided by the State Agency, summarizing the work performed during the period. These reports shall detail the Contractor's progress toward attaining the specific goals enumerated in Attachment C (Work Plan). Progress reports shall be submitted in a format prescribed in the Master Contract.
- (ii) *Final Progress Report*: Final scheduled payment is due during the time period set forth in Attachment D (Payment and Reporting Schedule). The deadline for submission of the final report shall be the date set forth in Attachment D (Payment and Reporting Schedule). The State Agency shall complete its audit and notify the Contractor of the results no later than the date set forth in Attachment D (Payment and Reporting Schedule). Payment shall be adjusted by the State Agency to reflect only those services/expenditures that were made in accordance with the Master Contract. The Contractor shall submit a detailed comprehensive final progress report not later than the date set forth in Attachment D (Payment and Reporting Schedule), summarizing the work performed during the entire Contract Term (i.e., a cumulative report), in the forms and formats required.

3. In addition to the periodic reports stated above, the Contractor may be required (a) to submit such other reports as are required in Table 1 of Attachment D (Payment and Reporting Schedule), and (b) prior to receipt of final payment under the Master Contract, to submit one or more final reports in accordance with the form, content, and schedule stated in Table 1 of Attachment D (Payment and Reporting Schedule).

H. Notification of Significant Occurrences:

1. If any specific event or conjunction of circumstances threatens the successful completion of this project, in whole or in part, including where relevant, timely completion of milestones or other program requirements, the Contractor agrees to submit to the State Agency within three (3) calendar days of becoming aware of the occurrence or of such problem, a written description thereof together with a recommended solution thereto.
2. The Contractor shall immediately notify in writing the program manager assigned to the Master Contract of any unusual incident, occurrence, or event that involves the staff, volunteers, directors or officers of the Contractor, any subcontractor or program participant funded through the Master Contract, including but not limited to the following: death or serious injury; an arrest or possible criminal activity that could impact the successful completion of this project; any destruction of property; significant damage to the physical plant of the Contractor; or other matters of a similarly serious nature.

IV. ADDITIONAL CONTRACTOR OBLIGATIONS, REPRESENTATIONS AND WARRANTIES

A. Contractor as an Independent Contractor/Employees:

1. The State and the Contractor agree that the Contractor is an independent contractor, and not an employee of the State and may neither hold itself out nor claim to be an officer, employee, or subdivision of the State nor make any claim, demand, or application to or for any right based upon any different status. Notwithstanding the foregoing, the State and the Contractor

agree that if the Contractor is a New York State municipality, the Contractor shall be permitted to hold itself out, and claim, to be a subdivision of the State.

The Contractor shall be solely responsible for the recruitment, hiring, provision of employment benefits, payment of salaries and management of its project personnel. These functions shall be carried out in accordance with the provisions of the Master Contract, and all applicable Federal and State laws and regulations.

2. The Contractor warrants that it, its staff, and any and all subcontractors have all the necessary licenses, approvals, and certifications currently required by the laws of any applicable local, state, or Federal government to perform the services or work, as applicable, pursuant to the Master Contract and/or any subcontract entered into under the Master Contract. The Contractor further agrees that such required licenses, approvals, and certificates shall be kept in full force and effect during the term of the Master Contract, or any extension thereof, and to secure any new licenses, approvals, or certificates within the required time frames and/or to require its staff and subcontractors to obtain the requisite licenses, approvals, or certificates. In the event the Contractor, its staff, and/or subcontractors are notified of a denial or revocation of any license, approval, or certification to perform the services or work, as applicable, under the Master Contract, Contractor shall immediately notify the State.

B. Subcontractors:

1. If the Contractor enters into subcontracts for the performance of work pursuant to the Master Contract, the Contractor shall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the State under the Master Contract. No contractual relationship shall be deemed to exist between the subcontractor and the State.
2. If requested by the State, the Contractor agrees not to enter into any subcontracts, or revisions to subcontracts, that are in excess of \$100,000 for the performance of the obligations contained herein until it has received the prior written permission of the State, which shall have the right to review and approve each and every subcontract in excess of \$100,000 prior to giving written permission to the Contractor to enter into the subcontract. All agreements between the Contractor and subcontractors shall be by written contract, signed by individuals authorized to bind the parties. All such subcontracts shall contain provisions for specifying (1) that the work performed by the subcontractor must be in accordance with the terms of the Master Contract, (2) that nothing contained in the subcontract shall impair the rights of the State under the Master Contract, and (3) that nothing contained in the subcontract, nor under the Master Contract, shall be deemed to create any contractual relationship between the subcontractor and the State. In addition, subcontracts shall contain any other provisions which are required to be included in subcontracts pursuant to the terms herein.
3. If requested by the State, prior to executing a subcontract, the Contractor agrees to require the subcontractor to provide to the State the information the State needs to determine whether a proposed subcontractor is a responsible vendor.
4. If requested by the State, when a subcontract equals or exceeds \$100,000, the subcontractor shall submit a Vendor Responsibility Questionnaire (Questionnaire).

5. If requested by the State, upon the execution of a subcontract, the Contractor shall provide detailed subcontract information (a copy of subcontract will suffice) to the State within fifteen (15) calendar days after execution. The State may request from the Contractor copies of subcontracts between a subcontractor and its subcontractor.

6. The Contractor shall require any and all subcontractors to submit to the Contractor all financial claims for Services or work to the State agency, as applicable, rendered and required supporting documentation and reports as necessary to permit Contractor to meet claim deadlines and documentation requirements as established in Attachment D (Payment and Reporting Schedule) and Section III. Subcontractors shall be paid by the Contractor on a timely basis after submitting the required reports and vouchers for reimbursement of services or work, as applicable. Subcontractors shall be informed by the Contractor of the possibility of non-payment or rejection by the Contractor of claims that do not contain the required information, and/or are not received by the Contractor by said due date.

C. Use Of Material, Equipment, Or Personnel:

1. The Contractor shall not use materials, equipment, or personnel paid for under the Master Contract for any activity other than those provided for under the Master Contract, except with the State's prior written permission.

2. Any interest accrued on funds paid to the Contractor by the State shall be deemed to be the property of the State and shall either be credited to the State at the close-out of the Master Contract or, upon the written permission of the State, shall be expended on additional services or work, as applicable, provided for under the Master Contract.

D. Property:

1. Property is real property, equipment, or tangible personal property having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit.

a) If an item of Property required by the Contractor is available as surplus to the State, the State at its sole discretion, may arrange to provide such Property to the Contractor in lieu of the purchase of such Property.

b) If the State consents in writing, the Contractor may retain possession of Property owned by the State, as provided herein, after the termination of the Master Contract to use for similar purposes. Otherwise, the Contractor shall return such Property to the State at the Contractor's cost and expense upon the expiration of the Master Contract.

c) In addition, the Contractor agrees to permit the State to inspect the Property and to monitor its use at reasonable intervals during the Contractor's regular business hours.

d) The Contractor shall be responsible for maintaining and repairing Property purchased or procured under the Master Contract at its own cost and expense. The Contractor shall procure and maintain insurance at its own cost and expense in an amount satisfactory to the State Agency, naming the State Agency as an additional insured, covering the loss, theft or destruction of such equipment.

- e) A rental charge to the Master Contract for a piece of Property owned by the Contractor shall not be allowed.
 - f) The State has the right to review and approve in writing any new contract for the purchase of or lease for rental of Property (Purchase/Lease Contract) operated in connection with the provision of the services or work, as applicable, as specified in the Master Contract, if applicable, and any modifications, amendments, or extensions of an existing lease or purchase prior to its execution. If, in its discretion, the State disapproves of any Purchase/Lease Contract, then the State shall not be obligated to make any payments for such Property.
 - g) No member, officer, director or employee of the Contractor shall retain or acquire any interest, direct or indirect, in any Property, paid for with funds under the Master Contract, nor retain any interest, direct or indirect, in such, without full and complete prior disclosure of such interest and the date of acquisition thereof, in writing to the Contractor and the State.
2. For non-Federally-funded contracts, unless otherwise provided herein, the State shall have the following rights to Property purchased with funds provided under the Master Contract:
 - a) For cost-reimbursable contracts, all right, title and interest in such Property shall belong to the State.
 - b) For performance-based contracts, all right, title and interest in such Property shall belong to the Contractor.
 3. For Federally funded contracts, title to Property whose requisition cost is borne in whole or in part by monies provided under the Master Contract shall be governed by the terms and conditions of Attachment A-2 (Federally Funded Grants and Requirements Mandated by Federal Laws).
 4. Upon written direction by the State, the Contractor shall maintain an inventory of all Property that is owned by the State as provided herein.
 5. The Contractor shall execute any documents which the State may reasonably require to effectuate the provisions of this section.

E. Records and Audits:

1. General:

- a) The Contractor shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract (collectively, Records).
- b) The Contractor agrees to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such Records may include, but not be limited to, original books of entry

(e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted:

(i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable.

(ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable.

(iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable.

(iv) receipt and deposit of advance and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

c) The OSC, AG and any other person or entity authorized to conduct an examination, as well as the State Agency or State Agencies involved in the Master Contract that provided funding, shall have access to the Records during the hours of 9:00 a.m. until 5:00 p.m., Monday through Friday (excluding State recognized holidays), at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying.

d) The State shall protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records, as exempt under Section 87 of the Public Officers Law, is reasonable.

e) Nothing contained herein shall diminish, or in any way adversely affect, the State's rights in connection with its audit and investigatory authority or the State's rights in connection with discovery in any pending or future litigation.

2. Cost Allocation:

a) For non-performance based contracts, the proper allocation of the Contractor's costs must be made according to a cost allocation plan that meets the requirements of OMB Circulars A-87, A-122, and/or A-21. Methods used to determine and assign costs shall conform to generally accepted accounting practices and shall be consistent with the method(s) used by the Contractor to determine costs for other operations or programs. Such accounting standards and practices shall be subject to approval of the State.

b) For performance based milestone contracts, or for the portion of the contract amount paid on a performance basis, the Contractor shall maintain documentation demonstrating that milestones were attained.

3. **Federal Funds:** For records and audit provisions governing Federal funds, please see Attachment A-2 (Federally Funded Grants and Requirements Mandated by Federal Laws).

F. Confidentiality: The Contractor agrees that it shall use and maintain personally identifiable information relating to individuals who may receive services, and their families pursuant to the Master Contract, or any other information, data or records marked as, or reasonably deemed, confidential by the State (Confidential Information) only for the limited purposes of the Master Contract and in conformity with applicable provisions of State and Federal law. The Contractor (i) has an affirmative obligation to safeguard any such Confidential Information from unnecessary or unauthorized disclosure and (ii) must comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

G. Publicity:

1. Publicity includes, but is not limited to: news conferences; news releases; public announcements; advertising; brochures; reports; discussions or presentations at conferences or meetings; and/or the inclusion of State materials, the State's name or other such references to the State in any document or forum. Publicity regarding this project may not be released without prior written approval from the State.

2. Any publications, presentations or announcements of conferences, meetings or trainings which are funded in whole or in part through any activity supported under the Master Contract may not be published, presented or announced without prior approval of the State. Any such publication, presentation or announcement shall:

a) Acknowledge the support of the State of New York and, if funded with Federal funds, the applicable Federal funding agency; and

b) State that the opinions, results, findings and/or interpretations of data contained therein are the responsibility of the Contractor and do not necessarily represent the opinions, interpretations or policy of the State or if funded with Federal funds, the applicable Federal funding agency.

3. Notwithstanding the above, (i) if the Contractor is an educational research institution, the Contractor may, for scholarly or academic purposes, use, present, discuss, report or publish any material, data or analyses, other than Confidential Information, that derives from activity under the Master Contract and the Contractor agrees to use best efforts to provide copies of any manuscripts arising from Contractor's performance under this Master Contract, or if requested by the State, the Contractor shall provide the State with a thirty (30) day period in which to review each manuscript for compliance with Confidential Information requirements; or (ii) if the Contractor is not an educational research institution, the Contractor may submit for publication, scholarly or academic publications that derive from activity under the Master Contract (but are not deliverable under the Master Contract), provided that the Contractor first

submits such manuscripts to the State forty-five (45) calendar days prior to submission for consideration by a publisher in order for the State to review the manuscript for compliance with confidentiality requirements and restrictions and to make such other comments as the State deems appropriate. All derivative publications shall follow the same acknowledgments and disclaimer as described in Section IV(G)(2) (Publicity) hereof.

H. Web-Based Applications-Accessibility: Any web-based intranet and Internet information and applications development, or programming delivered pursuant to the Master Contract or procurement shall comply with New York State Enterprise IT Policy NYS-P08-005, Accessibility Web-Based Information and Applications, and New York State Enterprise IT Standard NYS-S08-005, Accessibility of Web-Based Information Applications, as such policy or standard may be amended, modified or superseded, which requires that State Agency web-based intranet and Internet information and applications are accessible to person with disabilities. Web content must conform to New York State Enterprise IT Standards NYS-S08-005, as determined by quality assurance testing. Such quality assurance testing shall be conducted by the State Agency and the results of such testing must be satisfactory to the State Agency before web content shall be considered a qualified deliverable under the Master Contract or procurement.

I. Non-Discrimination Requirements: Pursuant to 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 Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex (including gender expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that the Master Contract shall be performed within the State of New York, the Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under the Master Contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, the Contractor 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 New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under the Master Contract. The Contractor shall be subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 of the Labor Law.

J. Equal Opportunities for Minorities and Women; Minority and Women Owned Business Enterprises: In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if the Master Contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting State Agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting State Agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting State Agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess

of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the Contractor certifies and affirms that (i) it is subject to Article 15-A of the Executive Law which includes, but is not limited to, those provisions concerning the maximizing of opportunities for the participation of minority and women-owned business enterprises and (ii) the following provisions shall apply and it is Contractor's equal employment opportunity policy that:

1. The Contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status;
2. The Contractor shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts;
3. The Contractor shall undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
4. At the request of the State, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative shall not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative shall affirmatively cooperate in the implementation of the Contractor's obligations herein; and
5. The Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants shall be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

The Contractor shall include the provisions of subclauses 1 – 5 of this Section (IV)(J), in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (Work) except where the Work is for the beneficial use of the Contractor. Section 312 of the Executive Law does not apply to: (i) work, goods or services unrelated to the Master Contract; or (ii) employment outside New York State. The State shall consider compliance by the Contractor or a subcontractor with the requirements of any Federal law concerning equal employment opportunity which effectuates the purpose of this section. The State shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such Federal law and if such duplication or conflict exists, the State shall waive the applicability of Section 312 of the Executive Law to the extent of such duplication or conflict. The Contractor shall comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

K. Omnibus Procurement Act of 1992: It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and

women-owned business enterprises, as bidders, subcontractors and suppliers on its procurement contracts.

1. If the total dollar amount of the Master Contract is greater than \$1 million, the Omnibus Procurement Act of 1992 requires that by signing the Master Contract, the Contractor certifies the following:

- a) The Contractor has made reasonable efforts to encourage the participation of State business enterprises as suppliers and subcontractors, including certified minority and womenowned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- c) The Contractor agrees to make reasonable efforts to provide notification to State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and
- d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of the Master Contract and agrees to cooperate with the State in these efforts.

L. Workers' Compensation Benefits:

1. In accordance with Section 142 of the State Finance Law, the Master Contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of the Master Contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.
2. If a Contractor believes they are exempt from the Workers Compensation insurance requirement they must apply for an exemption.

M. Unemployment Insurance Compliance: The Contractor shall remain current in both its quarterly reporting and payment of contributions or payments in lieu of contributions, as applicable, to the State Unemployment Insurance system as a condition of maintaining this grant.

The Contractor hereby authorizes the State Department of Labor to disclose to the State Agency staff only such information as is necessary to determine the Contractor's compliance with the State Unemployment Insurance Law. This includes, but is not limited to, the following:

1. any records of unemployment insurance (UI) contributions, interest, and/or penalty payment arrears or reporting delinquency;
2. any debts owed for UI contributions, interest, and/or penalties;

3. the history and results of any audit or investigation; and
4. copies of wage reporting information.

Such disclosures are protected under Section 537 of the State Labor Law, which makes it a misdemeanor for the recipient of such information to use or disclose the information for any purpose other than the performing due diligence as a part of the approval process for the Master Contract.

N. Vendor Responsibility:

1. If a Contractor is required to complete a Questionnaire, the Contractor covenants and represents that it has, to the best of its knowledge, truthfully, accurately and thoroughly completed such Questionnaire. Although electronic filing is preferred, the Contractor may obtain a paper form from the OSC prior to execution of the Master Contract. The Contractor further covenants and represents that as of the date of execution of the Master Contract, there are no material events, omissions, changes or corrections to such document requiring an amendment to the Questionnaire.
2. The Contractor shall provide to the State updates to the Questionnaire if any material event(s) occurs requiring an amendment or as new information material to such Questionnaire becomes available.
3. The Contractor shall, in addition, promptly report to the State the initiation of any investigation or audit by a governmental entity with enforcement authority with respect to any alleged violation of Federal or state law by the Contractor, its employees, its officers and/or directors in connection with matters involving, relating to or arising out of the Contractor's business. Such report shall be made within five (5) business days following the Contractor becoming aware of such event, investigation, or audit. Such report may be considered by the State in making a Determination of Vendor Non-Responsibility pursuant to this section.
4. The State reserves the right, in its sole discretion, at any time during the term of the Master Contract:
 - a) to require updates or clarifications to the Questionnaire upon written request;
 - b) to inquire about information included in or required information omitted from the Questionnaire;
 - c) to require the Contractor to provide such information to the State within a reasonable timeframe; and
 - d) to require as a condition precedent to entering into the Master Contract that the Contractor agree to such additional conditions as shall be necessary to satisfy the State that the Contractor is, and shall remain, a responsible vendor; and
 - e) to require the Contractor to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity. By signing the Master Contract, the Contractor agrees

to comply with any such additional conditions that have been made a part of the Master Contract.

5. The State, in its sole discretion, reserves the right to suspend any or all activities under the Master Contract, at any time, when it discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor shall be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the State issues a written notice authorizing a resumption of performance under the Master Contract.

6. The State, in its sole discretion, reserves the right to make a final Determination of Non-Responsibility at any time during the term of the Master Contract based on:

- a) any information provided in the Questionnaire and/or in any updates, clarifications or amendments thereof; or
- b) the State's discovery of any material information which pertains to the Contractor's responsibility.

7. Prior to making a final Determination of Non-Responsibility, the State shall provide written notice to the Contractor that it has made a preliminary determination of non-responsibility. The State shall detail the reason(s) for the preliminary determination, and shall provide the Contractor with an opportunity to be heard.

O. Charities Registration: If applicable, the Contractor agrees to (i) obtain not-for-profit status, a Federal identification number, and a charitable registration number (or a declaration of exemption) and to furnish the State Agency with this information as soon as it is available, (ii) be in compliance with the OAG charities registration requirements at the time of the awarding of this Master Contract by the State and (iii) remain in compliance with the OAG charities registration requirements throughout the term of the Master Contract.

P. Consultant Disclosure Law:⁹ If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal, or similar services, then in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

Q. Wage and Hours Provisions: If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the

⁹ Not applicable to not-for-profit entities.

prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

ATTACHMENT A-1

PROGRAM SPECIFIC TERMS AND CONDITIONS

SECOND REGIONAL IMMIGRATION ASSISTANCE CENTERS

I. Notices

All written notices made pursuant to this Agreement shall be delivered to the addresses set forth below.

Notification to the Office of Indigent Legal Services (ILS):

NYS Office of Indigent Legal Services
A. E. Smith Office Building, 11th Floor
80 South Swan Street
Albany, NY 12210

Notification to County:

Daniel P. McCoy
Albany County Executive
112 State Street, Suite 200
Albany, NY 12207
(518) 447-7040
Daniel.McCoy@albanycounty.com

II. Supplanting Funds

The amounts paid to County by ILS pursuant to this Agreement shall be used to supplement and not supplant any local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, or state funds, including any funds distributed by the Office of Indigent Legal Services, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to article eighteen-B of the County Law. In the event funds are used to supplant local or state funds, such funds actually provided by ILS shall be returned to ILS by County.

ATTACHMENT B-1

BUDGET

**Office of Indigent Legal Services
SECOND REGIONAL IMMIGRATION CENTER**

January 1, 2020 - December 31, 2022

COUNTY OF ALBANY

Total Contract Amount: \$1,654,260.00

Budget Expenditure Item	Year 1 1/1/20 - 12/31/20	Year 2 1/1/21 - 12/31/21	Year 3 1/1/22 - 12/31/22
Personnel:			
Director - Salary	\$105,000.00	\$105,000.00	\$105,000.00
Director - Fringe Benefits	\$55,650.00	\$55,650.00	\$55,650.00
Deputy Director - Salary	\$84,000.00	\$84,000.00	\$84,000.00
Deputy Director - Fringe Benefits	\$44,520.00	\$44,520.00	\$44,520.00
Immigration Attorney - Salary	\$80,000.00	\$80,000.00	\$80,000.00
Immigration Attorney - Fringe Benefits	\$42,400.00	\$42,400.00	\$42,400.00
Confidential Secretary - Salary	\$53,060.00	\$53,060.00	\$53,060.00
Confidential Secretary - Fringe Benefits	\$28,122.00	\$28,122.00	\$28,122.00
Law Interns	\$6,000.00	\$6,000.00	\$6,000.00
Subtotal Personnel	\$498,752.00	\$498,752.00	\$498,752.00
Contracted/Consultant:			
Immigration Defense Project (IMP)	\$12,000.00	\$12,000.00	\$12,000.00
NYSDA Case Management System - (software subscription, support service, sponsors/facilitates CLE trainings)	\$5,000.00	\$5,000.00	\$5,000.00
Translation Services	\$4,000.00	\$4,000.00	\$4,000.00
Subtotal Contracted/Consultant	\$21,000.00	\$21,000.00	\$21,000.00
OTPS:			
Additional Trainings beyond IMP/Seminars/Meetings	\$12,500.00	\$12,500.00	\$12,500.00
Travel/Mileage	\$7,000.00	\$7,000.00	\$7,000.00
Office Supplies/Office Equipment/Furniture	\$7,218.00	\$7,218.00	\$7,218.00
Printed Materials/Legal Resource Materials for Library	\$1,950.00	\$1,950.00	\$1,950.00
Postage, Cell phones/data plans, Insurance, Computer Fees, Photocopier Leases)	\$3,000.00	\$3,000.00	\$3,000.00
Subtotal OTPS	\$31,668.00	\$31,668.00	\$31,668.00
TOTAL	\$551,420.00	\$551,420.00	\$551,420.00
THREE-YEAR TOTAL	\$1,654,260.00		

ATTACHMENT C
WORK PLAN
OFFICE OF INDIGENT LEGAL SERVICES
SECOND REGIONAL IMMIGRATION ASSISTANCE CENTERS
JANUARY 1, 2020 – DECEMBER 31, 2022
COUNTY OF ALBANY

Goal: To improve the quality of mandated representation to noncitizen clients by indigent service providers in Region 3 (Northern New York), inclusive of the counties of Albany, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Warren and Washington.

Task #1

Establish a Regional Immigration Assistance Center in Region 3 to provide immigration legal assistance and trainings to improve the quality of mandated representation afforded to noncitizen clients. The Center will implement efforts to develop in-house expertise, best practices, and effective attorney protocol that will ensure *Padilla*-compliant representation and incorporate prevailing professional norms and best practices for representing noncitizen clients in both criminal and Family Court proceedings.

Task #2

Hire a Director, an attorney position to administer the grant, provide expert legal consults to and conduct CLE trainings for Region 3 providers of mandated representation. The Director will also work to increase public awareness of the RIAC and to ensure that relevant information is readily available to providers of mandated representation.

Task #3

Hire a Deputy Director to assist the Director in administrative duties and overall functioning of the Center, including working to increase awareness of the RIAC, providing administrative and logistical support, and fostering program development.

Task #4

Hire an Immigration Attorney to share responsibility with the Director in providing legal consults to and conducting CLE training for Region 3 providers of mandated representation. The Immigration Attorney will also work with providers to develop and implement protocols that foster quality representation for non-citizen clients and/or improve upon existing protocols.

Task #5

Hire a Confidential Secretary to maintain the Center's case management system and make all referral information immediately available to Center attorneys. The Confidential Secretary also facilitates training, seminars, conferences, and other routine logistical and administrative functions as needed.

Task #6

Hire part-time law interns to work under the supervision of the Center attorneys in providing legal support and expertise to providers of mandated representation. The Center has a relationship with Albany Law School and will recruit interns from the law school.

Task #7

Contract with the Immigration Defense Project to provide staff with intensive immigration training, support, consultation, seminars, practice advisories, and comprehensive immigration materials.

Task #8

Contract with the New York State Defender Association (NYSDA) for the Center's case management system which provides the Center with a software subscription and support service to collect, maintain, track and report on data in compliance with ILS Performance Measures (below). The Center also collaborates with NYSDA to sponsor and/or facilitate CLE trainings for providers of mandated representation (Criminal and Family Court), as NYSDA is a certified provider of CLE trainings.

Task #9

Provide funding to contract for translation services (to produce informational materials) and interpretation services, whether out-of-court, in-person or via Language Line or other telephonic interpretation services. Language Line services currently costs \$.75 per minute; interpretation and translation services are paid an hourly fee, ranging from \$50 to \$125.

Task #10

Provide funding for incidental and operational expenses, including:

- Trainings – The costs of hosting trainings (meeting space, refreshments, etc.) and the costs of Center staff attending trainings/seminars/meetings (registration and associated travel costs) beyond those contracted with Immigrant Defense Project (IMP).
- Travel – Costs of Center staff to travel throughout Region 3.

- Office supplies, computer equipment, office furniture, postage, cell phones and associated data plans, insurance, computer fees, photocopier leases and maintenance
- Legal reference materials/subscriptions/books/printed resources for its existing library and for dissemination of materials to Region 3 mandated providers, etc.

Task #11

Collect and report data annually, in written form, to measure the impact of the Regional Immigration Assistance Centers project and analyze and evaluate project outcomes.

Data Collection Performance Measures:

To ensure and demonstrate compliance with *Padilla*, mandated representation providers are strongly encouraged to develop and maintain consistent and accurate record keeping of the assistance provided to noncitizen clients. Providers are also encouraged to maintain a record of the advice offered to a noncitizen client as to the potential immigration consequences that may result from a particular criminal conviction, family court proceeding and/or appellate or post-conviction matter.

Accordingly, each Center is expected to track and measure the progress of mandated representation providers in reaching *Padilla*-related compliance that ensures effective assistance of counsel in criminal, family court, appellate and post-conviction representation within the designated region.

Each Center will be expected to show that they are actively responding to solicitations for legal assistance from mandated representation providers and others seeking advice on behalf of noncitizen clients. Additionally, each Center will be required to demonstrate that it is actively conducting and/or coordinating trainings throughout the designated region to help educate attorneys on the immigration consequences resulting from a criminal conviction, family court disposition and/or appellate and post-conviction matter.

Centers will be expected to provide both quantitative and qualitative data on an annual basis to this Office for the duration of the contract that will demonstrate the efforts made to ensure *Padilla-related* compliance in criminal, family court, appellate and post-conviction representation throughout the designated region. In so doing, each Center is to annually report to this Office the following data:

- A. The number of requests for legal assistance received and addressed by the Center. A request for legal assistance, which includes but is not limited to a written or verbal assistance, is defined as all communication, in whatever form and from whatever party, in relation to a single case or matter. Cases in criminal, family, appellate, post-conviction, or other courts should be counted separately. Report the following data as specified above:

1. The number of requests for legal assistance categorized by county;

2. For each county:
 - i. the number of requests for legal assistance categorized by affiliation of the attorney requesting legal assistance, (e.g., county public defender, conflict defender, legal aid attorney or assigned counsel attorney);
 - ii. the number of requests for legal assistance categorized by the type of mandated representation provided, (e.g., criminal defense, family court, appellate, post-conviction, immigration-related or other matter);
 - iii. the number and type of advisory opinion letters, or other form of written communication, generated in response to requests to the Center for legal assistance;
 - iv. the number of instances that the Center has made recommendations and/or provided assistance and support in development of an immigration-related protocol, (i.e., including, but not limited to, developing a streamlined procedure for client screening and/or immigration-related referrals for assistance) for a mandated representation provider within the designated region, categorized by county, by type of mandated representation provider assisted and a brief description of the assistance provided in supporting the development of an immigration protocol; and
 - v. any other type of assistance provided by the Center to support the overall quality of mandated representation within the designated region.

B. A summary of the type of assistance rendered by the Center to improve the overall quality of mandated representation in criminal defense, family court, appellate and post-conviction representation. The summary should include the number and type of provider meetings conducted and/or attended by the Center.

C. A list of training, workshops and/or presentations, (“training event”) conducted by the Center within the designated region, which should include the following information:

1. The office and affiliation of the attorneys registered for each training event, (e.g., county public defender, conflict defender, legal aid attorney or assigned counsel attorney; criminal or family court practitioner);
2. The role played by the Center in developing, planning or coordinating the training event, if any; and

3. The total number of training programs conducted categorized by topic, (i.e., criminal law, family law, appellate and/or post-conviction representation), as well as the total number of attorneys in attendance at each training event.
4. A description of training materials provided at each training event. The Center is also expected to develop training materials that it may be requested to share with this Office and the other Centers, upon request.
5. The total number of participants categorized by training event.
6. A description of any collaborations with mandated representation providers, organizations, agencies, institutions and/or any other entities involved in the development and/or co-sponsorship of each training event.

Finally, each Center should make concerted efforts to assist mandated representation providers within the designated region in developing protocol/procedures that will ensure early intervention and quality representation afforded to noncitizen clients. Centers are, therefore, expected to report to ILS both on any examples of successfully implemented protocols and/or procedures developed to address the specific needs of noncitizen clients, and also on the obstacles they encounter in the course of implementing these reforms. Reports should include information on the Center's efforts to assist providers with developing protocol and immigration service plans within their designated region.

ILS is available to assist counties on how best to comply with these Performance Measures.

Program Location:

Albany, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Warren and Washington counties.

ATTACHMENT D

PAYMENT AND REPORTING SCHEDULE

SECOND REGIONAL IMMIGRATION ASSISTANCE CENTERS

I. PAYMENT PROVISIONS

In full consideration of contract services to be performed the State Agency agrees to pay and the contractor agrees to accept a sum not to exceed the amount noted on the face page hereof. All payments shall be in accordance with the budget contained in the applicable Attachment B form (Budget), which is attached hereto.

A. Advance Payment and Recoupment Language (if applicable):

1. The State Agency will make an advance payment to the Contractor, if requested in writing by Contractor, during the initial period, in the amount of twenty-five percent (25%) of the first-year budget as set forth in the most recently approved applicable Attachment B form (Budget).
2. The State Agency will make an initial payment to the Contractor in the amount of _____ percent (_____%) of the annual first-year budget as set forth in the most recently approved applicable Attachment B form (Budget). This payment will be no later than _____ days from the beginning of the budget period.
3. Scheduled advance payments shall be due in accordance with an approved payment schedule as follows:

Period: n/a Amount: n/a Due Date: n/a

Period: n/a Amount: n/a Due Date: n/a

Period: n/a Amount: n/a Due Date: n/a

Period: n/a Amount: n/a Due Date: n/a
4. Recoupment of any advance payment(s) or initial payment(s) (3) shall be recovered by crediting (100%) of subsequent claims and such claims will be reduced until the advance is fully recovered within the contract period.

B. Interim and/or Final Claims for Reimbursement

Claiming Schedule (select applicable frequency):

Quarterly Reimbursement

Due Date: Thirty (30) days from the end of each contract quarter, as follows:

1st Quarter: January 1st – March 31st

2nd Quarter: April 1st – June 30th

3rd Quarter: July 1st – September 30th

4th Quarter: October 1st – December 31st

Monthly Reimbursement

Due Date: _____

Biannual Reimbursement

Due Date: _____

Fee for Service Reimbursement

Due Date: _____

Rate Based Reimbursement

Due Date: _____

Fifth Quarter Reimbursement

Due Date: _____

Milestone/Performance Reimbursement

Due Date/Frequency: _____

Scheduled Reimbursement

Due Date/Frequency: _____

Interim Reimbursement as Requested by Contractor _____

II. REPORTING PROVISIONS

A. Expenditure-Based Reports (*select the applicable report type*):

Narrative/Qualitative Report

The Contractor will submit, on a quarterly basis, not later than _____ days from the end of the quarter, the report described in Section III(G)(2)(a)(i) of the Master Contract.

Statistical/Quantitative Report

The Contractor will submit, on a quarterly basis, not later than _____ days from the end of the quarter, the report described in Section III(G)(2)(a)(ii) of the Master Contract.

Expenditure Report

The Contractor will submit, on a quarterly basis, not later than thirty (30) days after the end date for which reimbursement is being claimed, the report described in Section III(G)(2)(a)(iii) of the Master Contract.

Final Report

The Contractors will submit the final report as described in Section III(G)(2)(a)(iv) of the Master Contract, no later than ninety (90) days after the end of the contract period.

Consolidated Fiscal Report (CFR)¹

The Contractor will submit the CFR on an annual basis, in accordance with the time frames designated in the CFR manual. For New York City contractors, the due date shall be May 1 of each year; for Upstate and Long Island contractors, the due date shall be November 1 of each year.

B. Progress-Based Reports

1. Progress Reports

The Contractor shall provide the report described in Section III(G)(2)(b)(i) of the Master Contract in accordance with the forms and in the format provided by the State Agency, summarizing the work performed during the contract period (see Table 1 below for the annual schedule).

2. Final Progress Report

Final scheduled payment will not be due until ____ days after completion of agency's audit of the final expenditures report/documentation showing total grant expenses submitted by vendor with this final invoice. Deadline for submission of the final report is _____. The agency shall complete its audit and notify vendor of the results no later than _____. The Contractor shall submit the report not later than ____ days from the end of the contract.

C. Other Reports

The Contractor shall provide reports in accordance with the form, content and schedule as set forth in Table 1.

¹ The Consolidated Fiscal Reporting System is a standardized electronic reporting method accepted by the Office of Alcoholism & Substance Abuse Services, Office of Mental Health, Office for People with Developmental Disabilities and the State Education Department, consisting of schedules which, in different combinations, capture financial information for budgets, quarterly and/or mid-year claims, an annual cost report, and a final claim. The CFR, which must be submitted annually, is both a year-end cost report and a year-end claiming document.

TABLE I – REPORTING SCHEDULE

PROGRESS REPORT #	PERIOD COVERED	DUE DATE
<p align="center">#1</p> <p><i>(Refer to Attachment D. II. C. "Other Reports")</i></p>	<p align="center">First year of grant</p> <p><i>(Refer to Attachment C, Work Plan)</i></p>	<p align="center">90 days following end of first year</p>
<p align="center">#2</p> <p><i>(Refer to Attachment D. II. C. "Other Reports")</i></p>	<p align="center">Second year of grant</p> <p><i>(Refer to Attachment C, Work Plan)</i></p>	<p align="center">90 days following end of second year</p>
<p align="center">#3</p> <p><i>(Refer to Attachment D. II. C. "Other Reports")</i></p>	<p align="center">Third year of grant</p> <p><i>(Refer to Attachment C, Work Plan)</i></p>	<p align="center">90 days following end of third year</p>

III. SPECIAL PAYMENT AND REPORTING PROVISIONS:

RESOLUTION NO. 25

AUTHORIZING THE ALBANY COUNTY OFFICE OF IMMIGRATION ASSISTANCE TO RESPOND TO A REQUEST FOR PROPOSALS REGARDING INDIGENT LEGAL SERVICES

Introduced: 2/10/20

By Law Committee and Ms. Chapman:

WHEREAS, The Director of the Albany County Office of Immigration Assistance has requested authorization to respond to a request for proposals from the New York State Office of Indigent Legal Services regarding indigent legal services in a maximum annual amount of \$551,420 per year for a total maximum amount of \$1,654,260 over a three-year term commencing April 1, 2020 and ending March 31, 2023, and

WHEREAS, The Director has indicated that the funding would support initiatives aimed at improving indigent legal services to noncitizen clients, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to respond to a request for proposals from the New York State Office of Indigent Legal Services, Albany, NY 12210 regarding indigent legal services in a maximum annual amount not to exceed \$551,420 per year for a total maximum amount not to exceed \$1,654,260 over a three-year term commencing April 1, 2020 and ending March 31, 2023, and, be it further

RESOLVED, That the County Attorney is authorized to approve said proposal 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.

Adopted by unanimous vote - 2/10/20