



Education Bill

Runs:

<https://www.budget.ny.gov/pubs/archive/fy20/exec/local/school/1920schoolruns.pdf>

Description:

<https://www.budget.ny.gov/pubs/archive/fy20/exec/local/school/1920schoolaid.pdf>

Part A – Amend Education Law and make other changes necessary to authorize School Aid and implement education-related programs in the Executive Budget

Purpose:

This bill would contain various provisions necessary for implementation of the education portion of the 2019-20 Executive Budget.

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

Public education in New York represents a significant commitment of State and local resources. With total spending levels exceeding \$70 billion, New Yorkers have maintained the highest per-pupil spending levels in the nation – even during difficult financial times. Not only is education the largest area of State spending, it is also the largest component of local property taxes. This substantial investment reflects New York State’s long-standing commitment to providing opportunity for all students.

This bill includes measures to authorize School Aid along with other changes necessary to implement education-related programs in the Executive Budget. Significant provisions include:

- **State Support for Schools.** The FY 2020 Executive Budget recommends a year-over-year increase of \$956 million (3.6 percent) in direct aid to school districts for a total of \$27.7 billion for the 2019-20 school year.
- **Foundation Aid and Community Schools.** The FY 2020 Executive Budget recommends a Foundation Aid increase of \$338 million, including an additional \$50 million for Community Schools, bringing the total investment in Community Schools to \$250 million. The Community Schools increase is targeted to school districts with failing and persistently failing schools as well as districts with significant growth in English language learners. Additionally, the Executive Budget increases the minimum Community Schools set-aside amount from \$75,000 to \$100,000.
- **School Funding Equity.** Although the State directs the vast majority of its School Aid to the highest need districts, districts do not always provide their highest need schools with funding allocations that are commensurate with the needs of those schools’ students. To ensure all schools are funded equitably, the FY 2020 Executive Budget will require school districts to dedicate a portion of their annual Foundation Aid increase to any of their neediest schools that are not

already equitably funded, based on a plan submitted to and approved by the State Education Department.

- **School Aid Growth Cap.** The FY 2020 Executive Budget recommends basing the School Aid Growth Cap on 10-year average annual income growth instead of annual income growth. This change is intended to reduce the volatility of the Growth Cap and improve its accuracy as a predictor of the State's underlying fiscal capacity.
- **Expense-Based Aid Reforms.** The FY 2020 Executive Budget proposes to create a new tier of Building Aid for newly approved projects and to consolidate several other aids into a single category that will grow based on inflation and enrollment. These changes will simplify aid calculations, offer more certainty over future funding, encourage school districts to control expenses outside of core instruction, give districts greater flexibility, and provide additional State resources to support Foundation Aid increases.
- **Mayoral Control of New York City Schools.** The FY 2020 Executive Budget recommends extending mayoral control of the New York City School District for an additional three years (through the 2021-22 school year).
- **Annual Professional Performance Reviews.** The FY 2020 Executive Budget recommends reforming the teacher evaluation system so that schools will not be required to use a State test as the measure of student performance and instead will be able to locally select what assessments of student learning are the best way to measure growth.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect April 1, 2019, except that selected provisions take effect immediately or on other specified dates.

Part C – Amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to increasing fines for passing a stopped school bus

Purpose:

This bill authorizes school districts to enter into agreements with third parties to install or operate school bus stop-arm cameras, and increases the fines for passing a stopped school bus.

Summary of Provisions and Statement in Support:

In New York, approximately 2.3 million students ride school buses to and from school every year, and out of concern for their safety it is illegal to pass a stopped school bus. Yet on Operation Safe Stop in April 2018, the one day in which law enforcement targeted citations for passing a stopped school bus, over 850 people were ticketed. Extrapolated for 180 days of school, someone passes a stopped school bus over 150,000 times a year, endangering the safety of school children. These changes will ensure that student safety on and around school buses is increased.

Authorize School Districts to enter into contracts for school bus stop-arm cameras. To improve student safety, the FY 2020 Executive Budget authorizes school districts to enter into third-party contracts for the installation, operation and maintenance of school bus stop arm cameras, which would be able to automatically record the license plate of any vehicle illegally passing a school bus. The owner of the

vehicle would be responsible and be required to pay a penalty. Cameras would be required to avoid capturing the identity of the driver of the vehicle.

Costs associated with such cameras would not be considered a transportation expense reimbursable by State aid; instead, the school district would be entitled to receive the fine associated with a violation for passing a stopped school bus.

The legislation would also require school districts that enter into such contracts to submit data on the results of the program to the Governor, the Temporary President of the Senate, and the speaker of the Assembly.

Increase Fines for Passing a Stopped Bus. To further decrease the number of vehicles illegally passing stopped school buses, the FY 2020 Executive Budget proposes to increase the fines for such a violation from \$250-\$400 to \$500-\$750 for a first offense, from \$600-\$750 to \$1,000-\$1,250 for a second offense, and from \$750-\$1,000 to \$1,250-\$1,500 for a third offense.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part Q – Ensure Equal Pay

Purpose:

This bill would prohibit the request of applicant salary history as a factor in determining whether to offer employment and would expand pay equity provisions to include equal pay for substantially similar work for all protected classes.

Summary of Provisions and Statement in Support:

This bill would amend subdivision 1 of section 296 of the Executive Law to state that in order for an employer or employment agency to rely on or inquire about the salary history of an applicant as a factor for offering employment, the information must be voluntarily provided by the applicant, without prompting the applicant. Should the applicant voluntarily disclose their salary history, the employer or employment agency would not be prohibited from discussing with the applicant about their expectations of salary, benefits or other compensation.

This bill would amend also section 194 of Labor Law to expand coverage of the equal pay provisions for substantially similar work beyond sex or gender to include all protected classes.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect on the 180th day after it becomes law.

Part R – Pass the Gender Expression Non-Discrimination Act

Purpose:

This bill would enact the Gender Expression Non-Discrimination Act (GENDA), to prohibit discrimination based on gender identity or expression, and include offenses regarding gender identity or expression under the hate crimes statute.

Summary of Provisions and Statement in Support:

In 2015, Governor Cuomo issued state-wide regulations prohibiting harassment and discrimination on the basis of gender identity, transgender status, or gender dysphoria. Last year, the Governor established a Hate Crimes Task Force and a hotline for individuals to report bias or hate crimes.

However, discrimination and harassment continue to threaten transgender individuals, especially those in communities of color and others that are multiply marginalized. GENDA would solidify protections against discrimination, harassment, and hate crimes against people on the basis of gender identity and expression. Passing GENDA will allow for all New Yorkers to be treated with the fairness and dignity they deserve.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect on the 30th day after enactment, provided, that sections nineteen through twenty-four of the bill shall take effect on the first of November next succeeding the date on which it is enacted.

Part S – Extend New York Human Rights Law to Cover All Students

Purpose:

This bill would extend the Human Rights Law’s anti-discrimination provisions, which afford protection against discrimination, harassment, and bullying for members of protected groups, to public educational institutions.

Summary of Provisions and Statement in Support:

All New Yorkers must be able to attend school without fear of discrimination or harassment, and to the extent that students are harassed or bullied in school, remedies should be available to them under the New York State Human Rights Law.

For decades, the Division of Human Rights (DHR) accepted, investigated, and adjudicated discrimination complaints from attendees of both public and private secondary schools and universities. In 2012, a New York State Court of Appeals case, involving severe racial bullying of a young girl, held that the law did not cover public schools (including public universities) as the statutory language referencing “educational corporation” or “educational institution” did not indicate the scope of coverage. As a result, only students attending tax-exempt private, non-sectarian schools are currently covered by the Human Rights Law.

This bill would define educational institutions to include both public and private schools and ensure that all students are afforded protection against discrimination.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as agency operations for DHR depend upon a clear definition of jurisdiction.

Effective Date:

This bill would take effect immediately.

Part X – Ensure Breastfeeding is Protected in the Workplace

Purpose:

This bill would amend the Executive Law to clarify that lactation is a pregnancy-related condition entitled to reasonable accommodations in the workplace.

Summary of Provisions and Statement in Support:

In 2015, Governor Cuomo signed the Breastfeeding Mother’s Bill of Rights, guaranteeing breastfeeding parents the right to use break time to express breast milk at work and the right to reasonable efforts by an employer to provide a private space to do so. In 2018, the Governor directed the Department of Financial Services to provide a clear reminder to health insurers that they must provide comprehensive lactation support services to new mothers. This bill would ensure employers are following such laws by clarifying that lactation is a pregnancy-related condition covered by the New York Human Rights Law requiring employers to make reasonable accommodations for lactation in the workplace. If an employer fails provide such accommodations, it would be considered discrimination and the employer would be liable.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget in order to protect working mothers' entitlement to reasonable accommodations in the workplace.

Effective Date:

This bill would take effect immediately.

Revenue Bill

Part I – Continue efforts to avoid large, unexpected tax shifts due to equalization rate changes

Purpose:

This bill would provide additional tools for school districts and local governments to avoid large, unexpected tax shifts due to equalization rate changes.

Summary of Provisions and Statement in Support:

A series of measures were recently enacted into law in response to situations where there had been large and unexpected increases in school tax bills due to equalization rate changes (*see* Chapters 115, 116, 132 of the Laws of 2018). This bill would recognize the value of those efforts and supplement them in several respects.

Section 1 of this bill would make a technical correction to the recent law that requires assessors to provide notice to various local officials when the equalization rate differs from the locally stated level of assessment (LOA) by “five percentage points” or more (Real Property Tax Law §1204(3), as amended by L.2018, c.115). This is appropriate and effective where the LOA is at or close to 100%, but less so when the LOA is low. For example, where the LOA is 10%, the “five percentage points” standard means that a notice would only be required where the equalization rate was below 5% or above 15%, representing a net disparity of 50%. The intent was presumably to require notice in such an instance where the rate is less than 9.5% or above 10.5%, a net disparity of 5%. To achieve this, this bill would replace “five percentage points” with “five percent.”

Section 2 of the bill would provide that when the Commissioner of Taxation and Finance has confirmed the locally stated level of assessment, he or she shall establish it as the final State equalization rate for the city, town or village as soon thereafter as is practicable. When the State and the local assessor agree up front as to what the local level of assessment is, as they do in the vast majority of cases, there is no need for a tentative rate or administrative review period. However, the law was never updated to recognize the collaborative approach the Department now takes, so these cumbersome and time-consuming mandates are still on the books. Eliminating them will make it possible for the vast majority of equalization rates to be finalized in May or June of each year, allowing school authorities to see the impacts on their tax bills much earlier and giving them time to look for ways to ameliorate those impacts.

Section 3 would allow a school district to ameliorate equalization rate impacts by directing school taxes to be apportioned based upon average property values over either a three-year or a five-year period. Current law requires the calculation to be based solely on current values, which under certain circumstances can cause dramatic tax shifts within the school district. This averaging option would enable school districts to avoid these sudden shifts, reducing or eliminating the “sticker shock” their taxpayers might otherwise experience.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part J – Make real property tax administration more effective and efficient

Purpose:

This bill would make real property tax administration more effective and efficient in various respects. In particular, it would:

A. Allow local governments to provide real property tax assessment relief when a disaster is declared without the State Legislature having to pass special legislation.

B. Allow a county and an assessing unit to agree that the local legislative body of a county shall appoint the members of the Board of Assessment Review that will hear and resolve assessment complaints within that assessing unit.

C. Allow the Tax Department to approve assessor and county director training courses for credit without obliging the State to pay for the expenses of attendees, when the provider so requests.

D. Allow the Tax Department to send certain statutory notices by email and/or by a website posting, rather than by postal mail.

E. Changes the valuation date and taxable status date for special franchise property to eliminate the need for mid-year reporting

F. Require electric generating facilities to annually report inventory, revenue, and expense data to the Tax Department to assist the Department in valuing these highly complex properties.

Each of these objectives is embodied in a separate subpart of this bill, resulting in six subparts in total. A detailed description of each follows.

SUBPART A: Authorize Local Option Assessment Relief Upon the Declaration of a State Disaster Emergency

Summary of Provisions and Statement in Support:

In the past several years, an unusual number of powerful storms have caused widespread damage to properties in New York. These storms, and the resulting damage, have prompted the legislature to adopt special legislation allowing local governments to reduce the assessed value of damaged properties. For example, Superstorm Sandy resulted in the Superstorm Sandy Assessment Relief Act (Chapter 424 of the Laws of 2013); severe weather led to the enactment of the Mohawk Valley and Niagara County Assessment Relief Act (Part T of Chapter 55 of the Laws of 2014); and extensive flooding resulted in the enactment of the Lake Ontario and Connected Waterways Assessment Relief Act (Part B of Chapter 85 of the Laws of 2017). This proposal would allow local governments to provide real property assessment relief as soon as a disaster emergency is declared. The State Legislature would no longer need to enact special legislation for this purpose, so impacted property owners could obtain relief sooner, especially when a disaster occurs after the end of the legislative session. Under existing law, real property is valued by local governments as of a specific “valuation date” – generally the date the prior year’s final assessment roll was finalized, *i.e.* July 1. A property’s value can be adjusted by the local assessor to account for a disaster emergency after the valuation date until the “taxable status date” – generally March 1. However, after the taxable status date, an assessor can only adjust property values to correct certain specific factual or clerical errors: even if a disaster results in a 100% loss of all improvements to a property, if it occurs after the taxable status date a property owner would still have to pay tax on the parcel as it was valued on the taxable status date.

Under this proposal, counties, cities, towns, assessing villages, and school districts could, at local option, grant assessment relief to properties that are damaged as a result of a disaster emergency even if the damage occurs after the taxable status date. An eligible municipality that opts in has the further option of offering relief to those whose buildings and other property improvements lost less than 50% of their value. If the municipality opts into the legislation without opting to offer relief at levels below 50%, the relief would only be available to those whose buildings and other property improvements lost 50% or more of their value.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This subpart would take effect immediately.

SUBPART B: Authorize the creation of county-level Boards of Assessment Review at local option

Summary of Provisions and Statement in Support:

Each assessing unit has a Board of Assessment Review (BAR) that is responsible for hearing and resolving assessment complaints for that assessing unit. County Directors of Real Property Tax Services provide training and support to BAR members. They report that staffing issues commonly afflict BARs, particularly in small towns, where it can be difficult to find enough qualified people willing to devote the time that the position requires. If a BAR is short-staffed and/or some of its members have personal conflicts, then, in the worst-case scenario, Grievance Day could not be held due to the lack of a quorum.

Under Real Property Tax Law (RPTL) § 579, counties are authorized to provide assessment-related services to assessing units by entering into an inter-municipal agreement for that purpose pursuant to Article 5-G of the General Municipal Law. Specifically, where the county and the assessing unit have an inter-municipal agreement so providing, the county may value property (appraisal services), may process exemption applications (exemption services), and may even fully assume the assessing function (assessment services).

County Directors have recommended that counties be permitted to set up BARs for assessing units at local option, in the belief it will make BARs more professional and greatly reduce the problems they commonly encounter. This bill would expand RPTL § 579 to allow a county and an assessing unit to agree to do so.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This subpart would take effect immediately.

Part LL – Cap annual growth in STAR exemption benefits

Purpose:

This bill would impose a zero percent cap upon the growth in Basic and Enhanced STAR benefits for purposes of the STAR exemption, beginning with the 2019-20 school year. For purposes of the STAR credit, the existing 2% cap would remain intact.

Summary of Provisions and Statement in Support:

STAR was enacted in 1997 to offset rising property taxes for homeowners and to provide additional targeted property tax relief to senior citizens. Since then, five enhancements have been made that have contributed to increases in the current and projected cost of the STAR program. The costs of the STAR program increased approximately 33 percent between FY 2002 and FY 2017. The direct costs of the STAR program in FY 2017 were over \$3.3 billion.

Existing law allows all STAR savings to grow at a rate not to exceed 2 percent annually, as implemented with the FY 2012 Enacted Budget. This bill would amend Real Property Tax Law §1306-a to lower the cap on the growth of tax savings under the exemption component of STAR Program, beginning with the 2019-20 school year. As a result, Basic and Enhanced STAR savings would be capped at the 2018-19 savings amounts for these exemption programs. For purposes of the STAR credit program, the existing 2% cap would remain intact.

Capping growth of the exemption program at current levels is critical for a balanced State budget. Notably, school tax levy growth has averaged below 2 percent since the enactment of the Governor's property tax cap; reducing STAR benefit growth reinforces the incentive for school districts to continue to control their costs and minimize the growth in their tax levies.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget. Capping the exemption benefits would reduce General Fund spending by an estimated \$106 million in FY 2020.

Effective Date:

This bill would take effect immediately.

Part RR – Lower Basic STAR income limit to \$250,000 – Exemption Program only

Purpose:

This bill would lower the income limit for the Basic STAR exemption to \$250,000, beginning with the 2019-20 school year. For purposes of the STAR credit, the existing \$500,000 income limit would remain intact.

Summary of Provisions and Statement in Support:

STAR was enacted in 1997 to offset rising property taxes for homeowners and to provide additional targeted property tax relief to senior citizens. Since then, five enhancements have been made that have contributed to increases in the current and projected cost of the STAR program. The costs of the STAR program increased approximately 33 percent between FY 2002 and FY 2017. The direct costs of the STAR program in FY 2017 were over \$3.3 billion.

This bill would lower the income limit for the Basic STAR exemption to \$250,000, beginning with the 2019-20 school year. Higher-income homeowners with Basic STAR exemptions would be able to avoid adverse impacts by switching to the STAR credit program, where the \$500,000 income limit would remain intact. Homeowners who switch from the exemption would see a difference in the amount of the benefit, rather the only difference they would see is that the STAR benefit would be delivered to them in the form of a check rather than a reduced school tax bill.

The bill would also correct a drafting oversight by making clear that the verification of income-eligibility for exemption purposes will be based primarily upon data obtained by the Tax Commissioner through the STAR registration program. The law currently only makes reference to the verification process authorized by Tax Law §171-u, which became of secondary importance once the registration program was enacted.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget. Lowering the Basic STAR income limit would reduce General Fund spending by \$125 million in FY 2020.

Effective Date:

This bill would take effect immediately.

Part SS – Clarify STAR check tax bill notices

Purpose:

This bill would clarify the notice that appears on the school tax bills of recipients of STAR credit checks.

Summary of Provisions and Statement in Support:

Under the 2016-2017 Enacted State Budget, the STAR exemption program was closed to new homeowners and the STAR credit program was enacted to take its place. To help promote public awareness of the program; the law requires that a notice be placed on the school tax bills of credit recipients stating that that a STAR check “will be mailed” to them. This wording is potentially confusing for some taxpayers who receive their checks before their school tax bills, leading such taxpayers to erroneously conclude that that they will receive a second check.

This proposal clarifies the tax bill notice by rewording it to say that a “STAR check has been or will be mailed” to them.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part VV – Enact the Cannabis Regulation and Taxation Act.

Purpose:

This bill would create and amend existing laws to legalize adult-use cannabis, consolidate governance of all forms of cannabis and create a regulatory structure to oversee the licensure, cultivation, production, distribution, sale and taxation of cannabis within New York State.

Summary of Provisions and Statement in Support:

This bill would create the cannabis control law, which would create a new section for adult-use and hemp cannabis while merging existing law for medical cannabis. Regulation of cannabis benefits public health by enabling government oversight of the production, testing, labeling, distribution, and sale of marijuana. The creation of a regulated cannabis program would enable New York State to control licensure, ensure quality control and consumer protection, set age and quantity restrictions and do so through a comprehensive regulatory framework.

This bill would establish the Office of Cannabis Management (OCM) within the Division of Alcohol Beverage Control, and consolidate governance of adult-use, medical and hemp cannabis. The powers of this new office include but are not limited to: the establishment of cultivation and processing standards; the licensure of all business entities in the production and distribution chain; the inspection and enforcement of program standards and the development and issuance of program regulations.

Article 3 governs New York State's Medical Cannabis Program, designed to comprehensively regulate the manufacture, sale and use of medical cannabis while striking a balance between potentially relieving the pain and suffering of those in desperate need of treatment and protecting the public against risks to health and safety.

The Office of Cannabis Management will supervise the continued expansion of the medical cannabis program and promote reforms that expand patient access and product affordability while encouraging research opportunities.

Article 4 of the bill would regulate and control the cultivation, processing, manufacturing, distribution and sale of cannabis products for adults over 21 years of age. This bill would utilize a three-tier market structure (similar to the alcohol model) for the adult-use cannabis industry. In general, the model prohibits vertical integration and would be coupled with licensing limits and supply management to control market concentration and encourage social equity applicant participation.

This bill would establish a robust social equity program to actively encourage members of communities who have been disproportionately impacted by the policies of prohibition to participate in the new industry through the implementation of a social equity licensing and incubator program – providing technical assistance, training, loans and mentoring to social equity applicants. Additionally, this bill would create a program to review and seal prior cannabis convictions and eliminate the collateral consequences of conviction while also ensuring the enforcement framework of legalization does not replicate the arrest disparities and criminalization of prohibition.

Article 5 of the bill would provide a regulatory framework to comprehensively regulate hemp cannabis including the licensing, cultivation, processing, extracting and distribution. Hemp grown and used for industrial or food purposes (such as fiber or seed) will continue to be regulated by the Department of Agriculture and Markets. The bill would also regulate the packaging and labeling and laboratory testing requirements of hemp cannabis products and their distribution.

This bill would amend Tax Law to add a new Article 20-C, Tax on Adult-Use Cannabis Products, to impose three taxes. The first tax is imposed on the cultivation of cannabis at the rate of \$1 per dry weight gram of cannabis flower and \$0.25 per dry weight gram of cannabis trim. The second tax is imposed on the sale by a wholesaler to a retail dispensary at the rate of 20 percent of the invoice price. The third tax is imposed on the same sale by a wholesaler to a retail dispensary at the rate of 2 percent of the invoice price but collected in trust for and on account of the county in which the retail dispensary is located. All wholesalers would be required to apply to the Commissioner of Taxation and Finance for a Certificate of Registration prior to commencing business and renew such registration every two years. The initial application and renewal would be subject to a fee of \$600.

Revenues from the State cannabis taxes shall be deposited in the New York State Cannabis Revenue Fund and expended for the following purposes: administration of the regulated cannabis program, data gathering, monitoring and reporting, the governor's traffic safety committee, small business development and loans, substance abuse, harm reduction and mental health treatment and prevention, public health education and intervention, research on cannabis uses and applications, program evaluation and improvements, and any other identified purpose recommended by the director of the Office of Cannabis Management and approved by the Director of the Budget. County governments would have the opportunity to opt-out of the provisions of Article 4 of the bill with the passage of a local law, ordinance or resolution by a majority vote of their governing body. If a county does not opt out, a city with a population over 100,000 in that county could elect to opt out.

The bill also would create conforming changes to a number of different laws including amending the public health law, in relation to the description of cannabis; the vehicle and traffic law, in relation to making technical changes regarding the definition of cannabis; the penal law, in relation to the qualification of certain offenses involving cannabis and to exempt certain persons from prosecution for the use, consumption, display, production or distribution of cannabis; the tax law, in relation to providing for the levying of taxes on cannabis; the criminal procedure law, the civil practice law and rules, the general business law, and the state finance law.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it would increase All Funds revenue by \$83 million in FY 2021, \$85 million in FY 2022, \$141 million in FY 2023 and \$184 million in FY 2024.

Effective Date:

This bill would take effect immediately; provided, however, that the amendments to article of the penal law made by section fifty-five of this act shall not affect the repeal of such article and shall be deemed to be repealed therewith; provided further that the amendments to section 89-h of the state finance law made by section fifty-eight of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided further, that the amendments to section 221.00 of the penal law made by section fifteen of this act shall be subject to the expiration of such section when upon such date the provisions of section fifteen-a of this act shall take effect; provided, however, that the amendments to subdivision 2 of section 3371 of the public health law made by section sixty-one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith; provided further, that the amendments to subdivision 3 of section 853 of the general business law made by section sixty-two of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith; and provided further, that the amendments to subdivision 5 of section 410.91 of the penal law made by section sixty-three of this act shall be subject to the expiration and reversion of such subdivision when upon such date the provisions of section sixty-three-a of this act shall take effect; provided however that sections 37-38 of this Act shall take effect on April 1, 2020 and shall apply on and after such date:

- (1) to the cultivation of cannabis flower and cannabis trim transferred by a cultivator who is not a wholesaler;
- (2) to the cultivation of cannabis flower and cannabis trim sold or transferred to a retail dispensary by a cultivator who is a wholesaler; and
- (3) to the sale or transfer of adult use cannabis products to a retail dispensary.

Public Protection and General Government Bill

Part Z – Establish Extreme Risk Protection Orders (RED FLAG BILL)

Purpose:

This bill would prevent individuals determined by a court to be likely to engage in conduct that would result in serious harm to themselves or others from purchasing, possessing, or attempting to purchase or possess a firearm, rifle, or shotgun.

Summary of Provisions and Statement in Support:

New York currently lacks a procedure permitting a court to issue an order to temporarily seize firearms from a person who is believed to pose a severe threat of harm to himself, herself, or others unless that person has also been accused of a crime or family offense.

Under the current law, despite the fact that family members often contact law enforcement when they fear that a loved one poses a threat of violence to others or him or herself, a court can only issue a temporary order of protection in connection with a criminal or family offense proceeding. More protections are needed to prevent unnecessary gun violence by those who pose a threat of harm to themselves or others. This bill would provide all of the necessary procedural safeguards to ensure that no firearm is removed without due process while ensuring that tragedies like the school shooting in Parkland, FL and the mass killing at the Waffle House in Nashville, Tennessee do not occur in New York. In both of those cases, the shooter was reported by multiple sources to be disturbed and dangerous yet was allowed to purchase and possess deadly firearms. An extreme risk protection order would have prevented countless, needless deaths.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect on the one hundred eightieth day after it becomes law.