NEW ISSUE – BOOK-ENTRY ONLY

DASNY

$3,090,070,000
DORMITORY AUTHORITY OF THE STATE OF NEW YORK
STATE PERSONAL INCOME TAX REVENUE BONDS
(GENERAL PURPOSE)

$2,422,335,000	**$667,735,000**
Series 2022A (Tax-Exempt)	**Series 2022B (Federally Taxable)**
Dated: Date of Delivery	Due: As Shown on the Inside Cover Pages

The Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (General Purpose), Series 2022A (Tax-Exempt) (the "Series 2022A Bonds") and the Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (General Purpose), Series 2022B (Federally Taxable) (the "Series 2022B Bonds" and, together with the Series 2022A Bonds, the "Series 2022 Bonds"), are special obligations of the Dormitory Authority of the State of New York ("DASNY"). The Series 2022 Bonds are secured by a pledge of certain financing agreement payments to be made to U.S. Bank Trust Company, National Association, New York, New York, as trustee and paying agent (the "Trustee") on behalf of DASNY by the State of New York (the "State") under a financing agreement (the "Financing Agreement") between DASNY and the State, acting by and through the Director of the Division of the Budget (the "Director of the Budget"). Financing agreement payments are payable from amounts legally required to be deposited into the Revenue Bond Tax Fund (as hereinafter defined) to provide for the payment of the Series 2022 Bonds and all other State Personal Income Tax Revenue Bonds (as hereinafter defined). The Revenue Bond Tax Fund receives a statutory allocation of 50 percent of State personal income tax receipts imposed by Article 22 of the New York State Tax Law, 50 percent of employer compensation expense program receipts imposed by Article 24 of the New York State Tax Law, and 50 percent of pass-through entity tax receipts imposed by Article 24-A of the New York State Tax Law (collectively the "Revenue Bond Tax Fund Receipts"). See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program."

DASNY is one of five Authorized Issuers (as hereinafter defined) that can issue State Personal Income Tax Revenue Bonds. All financing agreements entered into by the State to secure State Personal Income Tax Revenue Bonds shall be executory only to the extent of the revenues available in the Revenue Bond Tax Fund. The obligation of the State to make financing agreement payments is subject to the State Legislature making annual appropriations for such purpose and such obligation does not constitute or create a debt of the State, nor a contractual obligation in excess of the amounts appropriated therefor. In addition, the State has no continuing legal or moral obligation to appropriate money for payments due under any financing agreement. Nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the State Personal Income Tax.

The Series 2022 Bonds shall not be a debt of the State and the State shall not be liable thereon, nor shall the Series 2022 Bonds be payable out of any funds other than those of DASNY pledged therefor. Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on the Series 2022 Bonds. DASNY has no taxing power.

The Series 2022 Bonds will be issued as fixed rate obligations, fully registered, in denominations of $5,000 or any integral multiple thereof. The Series 2022 Bonds will bear interest at the rates and mature at the times and in the principal amounts shown on the inside cover pages hereof. Interest on the Series 2022 Bonds is payable on each March 15 and September 15, commencing September 15, 2022.

The Series 2022 Bonds will be initially issued under a book-entry only system and will be registered in the name of Cede & Co., as Bondholder and nominee of The Depository Trust Company, New York, New York ("DTC"). See "PART 8—BOOK-ENTRY ONLY SYSTEM AND GLOBAL CLEARANCE PROCEDURES" herein. So long as Cede & Co., as nominee for DTC, is the registered owner of the Series 2022 Bonds, payments of principal or redemption price of and interest on the Series 2022 Bonds will be made by the Trustee and Paying Agent, to Cede & Co.

The Series 2022 Bonds are subject to redemption prior to maturity as more fully described herein.

In the opinion of Nixon Peabody LLP, Co-Bond Counsel to DASNY, under existing law and assuming compliance with the tax covenants described herein, and the accuracy of certain representations and certifications made by DASNY and the Departments described herein, interest on the Series 2022A Bonds is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"). Nixon Peabody LLP is also of the opinion that such interest is not treated as a preference item in calculating the alternative minimum tax imposed under the Code. Nixon Peabody LLP is further of the opinion that, under existing law, interest on the Series 2022 Bonds is, by virtue of the Authority Act, exempt from personal income taxation imposed by the State of New York or any political subdivision thereof including The City of New York. Interest on the Series 2022B Bonds is not excluded from gross income for federal income tax purposes under the Code. See "PART 13—TAX MATTERS" herein.

The Series 2022 Bonds are offered, when, as and if issued and delivered to the Underwriters (as defined herein), and are subject to approval of legality by Nixon Peabody LLP, New York, New York, and Bryant Rabbino LLP, New York, New York, co-bond counsel to DASNY (collectively, "Co-Bond Counsel"), and to certain other conditions. Certain legal matters will be passed upon for the Underwriters by their co-counsel, Harris Beach PLLC, New York, New York and the Law Offices of Joseph C. Reid, P.A., New York, New York. It is expected that the Series 2022 Bonds will be delivered in definitive form in New York, New York, on or about March 25, 2022.

$2,422,335,000 Series 2022A (Tax-Exempt)

J.P. Morgan

RBC Capital Markets **Wells Fargo Securities**

Academy Securities, Inc.	Bancroft Capital, LLC	Barclays	Blaylock Van, LLC
BofA Securities	Cabrera Capital Markets LLC	Citigroup	Loop Capital Markets
Morgan Stanley	Ramirez & Co., Inc.	Raymond James	Rice Financial Products Company
Stern Brothers & Co.			UBS Financial Services Inc.

$667,735,000 Series 2022B (Federally Taxable)

Siebert Williams Shank & Co., LLC

Loop Capital Markets **Ramirez & Co., Inc.**

Drexel Hamilton, LLC Mischler Financial Group, Inc. Stern Brothers & Co.

Dated: March 15, 2022

$3,090,070,000
DORMITORY AUTHORITY OF THE STATE OF NEW YORK
STATE PERSONAL INCOME TAX REVENUE BONDS
(GENERAL PURPOSE)

Maturity Schedule

$2,422,335,000
SERIES 2022A (TAX-EXEMPT)

$1,546,700,000 Serial Bonds

Due March 15	Amount	Interest Rate	Price or Yield	CUSIP Numbers†	Due March 15	Amount	Interest Rate	Price or Yield	CUSIP Numbers†
2023	$14,155,000	5.00%	1.18%	64990FU85	2034	$ 44,380,000	4.00%	2.80*%	64990FW34
2024	55,645,000	5.00	1.54	64990FU93	2035	46,175,000	4.00	2.88*	64990FW42
2025	60,665,000	5.00	1.74	64990FV27	2036	48,040,000	5.00	2.82*	64990FW59
2026	71,645,000	5.00	1.88	64990FV35	2037	50,455,000	5.00	2.86*	64990FW67
2027	70,280,000	5.00	1.98	64990FV43	2038	109,040,000	4.00	3.11*	64990FW75
2028	98,345,000	5.00	2.11	64990FV50	2039	113,395,000	4.00	3.16*	64990FW83
2029	89,590,000	5.00	2.23	64990FV68	2040	117,930,000	4.00	3.18*	64990FW91
2030	76,040,000	5.00	2.33	64990FV76	2041	122,645,000	5.00	3.00*	64990FX25
2031	63,135,000	5.00	2.39	64990FV84	2042	128,775,000	4.00	3.22*	64990FX33
2032	46,235,000	5.00	2.45	64990FV92	2043	77,880,000	4.00	3.24*	64990FX41
2033	42,250,000	5.00	2.57*	64990FW26					

$255,335,000 5.00% Term Bond due March 15, 2046 Yield 3.11*% CUSIP No.† 64990FX58
$292,690,000 4.00% Term Bond due March 15, 2049 Yield 3.38*% CUSIP No.† 64990FX66
$327,610,000 3.50% Term Bond due March 15, 2052 Yield 3.71% CUSIP No.† 64990FX74

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† Copyright, American Bankers Association ("ABA"). CUSIP numbers are assigned by, and managed on behalf of the ABA by, an organization not affiliated with DASNY. The CUSIP numbers listed above are being provided solely for the convenience of Bondholders only at the time of issuance of the Series 2022A Bonds, and neither DASNY nor the Underwriters of the Series 2022A Bonds make any representation with respect to such numbers or undertakes any responsibility for their accuracy now or at any time in the future. The CUSIP numbers for a specific maturity are subject to being changed after the issuance of the Series 2022A Bonds as a result of various subsequent actions including, but not limited to, a refunding in whole or in part of such maturity or as a result of the procurement of secondary market portfolio insurance or other similar enhancement by investors that is applicable to all or a portion of certain maturities of the Series 2022A Bonds.

* Priced at the stated yield to the March 15, 2032 optional redemption date at a redemption price of 100%.

$3,090,070,000
DORMITORY AUTHORITY OF THE STATE OF NEW YORK
STATE PERSONAL INCOME TAX REVENUE BONDS
(GENERAL PURPOSE)

Maturity Schedule

$667,735,000
SERIES 2022B (FEDERALLY TAXABLE)

$561,990,000 Serial Bonds

Due March 15	Amount	Interest Rate	Price	CUSIP No.†	ISIN No.†
2023	$36,205,000	2.009%	100%	64990FX82	US64990FX824
2024	38,690,000	2.319	100	64990FX90	US64990FX907
2025	39,690,000	2.566	100	64990FY24	US64990FY244
2026	41,070,000	2.738	100	64990FY32	US64990FY327
2027	41,930,000	2.888	100	64990FY40	US64990FY400
2028	42,840,000	3.059	100	64990FY57	US64990FY574
2029	43,470,000	3.159	100	64990FY65	US64990FY657
2030	43,940,000	3.229	100	64990FY73	US64990FY731
2031	44,525,000	3.329	100	64990FY81	US64990FY814
2032	45,010,000	3.399	100	64990FY99	US64990FY996
2033	46,515,000	3.599	100	64990FZ23	US64990FZ233
2034	48,170,000	3.709	100	64990FZ31	US64990FZ316
2035	49,935,000	3.849	100	64990FZ49	US64990FZ498

$105,745,000 3.999% Term Bond due March 15, 2037 Price 100%
CUSIP No.† 64990FZ56 ISIN No.† US64990FZ563

No dealer, broker, salesperson or other person has been authorized to give any information or to make any representations, other than those contained in this Official Statement, and if given or made, such other information or representations must not be relied upon as having been authorized. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Series 2022 Bonds by any person in any jurisdiction in which it is unlawful for the person to make such offer, solicitation or sale. The Underwriters have provided the following sentence for inclusion in this Official Statement. The Underwriters have reviewed the information in the Official Statement in accordance with, and as part of, their responsibility to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriters do not guarantee the accuracy or completeness of such information. The information set forth herein has been provided by DASNY, the State and other sources which are believed to be reliable by DASNY and with respect to the information supplied or authorized by the State and information provided by such other sources, is not to be construed as a representation by DASNY. The information herein is subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of DASNY or the State. This Official Statement is submitted in connection with the sale of the securities referred to herein and may not be reproduced or used, in whole or in part, for any other purpose.

In connection with offers and sales of the Series 2022 Bonds, no action has been taken by DASNY that would permit a public offering of the Series 2022 Bonds, or possession or distribution of any information relating to the pricing of the Series 2022 Bonds, this Official Statement or any other offering or publicity material relating to the Series 2022 Bonds, in any non-U.S. jurisdiction where action for that purpose is required. Accordingly, the Underwriters are obligated to comply with all applicable laws and regulations in force in any non-U.S. jurisdiction in which they purchase, offer or sell the Series 2022 Bonds or possess or distribute this Official Statement or any other offering or publicity material relating to the Series 2022 Bonds and will obtain any consent, approval or permission required by them for the purchase, offer or sale by them of the Series 2022 Bonds under the laws and regulations in force in any non-U.S. jurisdiction to which they are subject or in which they make such purchases, offers or sales and DASNY shall have no responsibility therefor.

References to website addresses presented herein are for informational purposes only and may be in the form of a hyperlink solely for the reader's convenience. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement.

IN CONNECTION WITH THE OFFERING OF THE SERIES 2022 BONDS, THE UNDERWRITERS MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF SUCH BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZATION, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

IN MAKING AN INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE TERMS OF THE OFFERING INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

THIS OFFICIAL STATEMENT CONTAINS STATEMENTS WHICH, TO THE EXTENT THEY ARE NOT RECITATIONS OF HISTORICAL FACT, CONSTITUTE "FORWARD-LOOKING STATEMENTS." IN THIS RESPECT, THE WORDS "ESTIMATE," "PROJECT," "ANTICIPATE," "EXPECT," "INTEND," "BELIEVE" AND SIMILAR EXPRESSIONS ARE INTENDED TO IDENTIFY FORWARD-LOOKING STATEMENTS. A NUMBER OF IMPORTANT FACTORS AFFECTING THE STATE'S FINANCIAL RESULTS COULD CAUSE ACTUAL RESULTS TO DIFFER MATERIALLY FROM THOSE STATED IN THE FORWARD-LOOKING STATEMENTS.

INFORMATION CONCERNING OFFERING RESTRICTIONS IN CERTAIN JURISDICTIONS OUTSIDE THE UNITED STATES

DASNY (REFERRED TO IN THESE LEGENDS AS THE "ISSUER") MAKES NO REPRESENTATION AS TO THE ACCURACY, COMPLETENESS OR ADEQUACY OF THE INFORMATION UNDER THIS CAPTION. REFERENCES UNDER THIS CAPTION TO "BONDS" OR "SECURITIES" MEAN THE SERIES 2022 BONDS OFFERED HEREBY. THESE LEGENDS ARE BEING PROVIDED SOLELY FOR THE CONVENIENCE OF THE UNDERWRITERS. COMPLIANCE WITH ANY RULES OR RESTRICTIONS OF ANY JURISDICTION RELATING TO THE OFFERING, SOLICITATION AND/OR SALE OF THE SERIES 2022 BONDS IS THE RESPONSIBILITY OF THE UNDERWRITERS AND DASNY SHALL NOT HAVE RESPONSIBILITY OR LIABILITY IN CONNECTION THEREWITH.

IN CONNECTION WITH OFFERINGS AND SALES OF THE SERIES 2022 BONDS, NO ACTION HAS BEEN TAKEN BY DASNY THAT WOULD PERMIT A PUBLIC OFFERING OF THE SERIES 2022 BONDS, OR POSSESSION OR DISTRIBUTION OF ANY INFORMATION RELATING TO THE PRICING OF THE SERIES 2022 BONDS, THIS OFFICIAL STATEMENT OR ANY OTHER OFFERING OR PUBLICITY MATERIAL RELATING TO THE SERIES 2022 BONDS, IN ANY NON-U.S. JURISDICTION WHERE ACTION FOR THAT PURPOSE IS REQUIRED.

MINIMUM UNIT SALES

THE SERIES 2022 BONDS WILL TRADE AND SETTLE ON A UNIT BASIS (ONE UNIT EQUALING ONE BOND OF $5,000 PRINCIPAL AMOUNT). FOR ANY SALES MADE OUTSIDE THE UNITED STATES, THE MINIMUM PURCHASE AND TRADING AMOUNT IS 30 UNITS (BEING 30 BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF $150,000).

NOTICE TO PROSPECTIVE INVESTORS IN THE EUROPEAN ECONOMIC AREA

THE SERIES 2022 BONDS ARE NOT INTENDED TO BE OFFERED, SOLD OR OTHERWISE MADE AVAILABLE TO AND SHOULD NOT BE OFFERED, SOLD OR OTHERWISE MADE AVAILABLE TO ANY RETAIL INVESTOR IN THE EUROPEAN ECONOMIC AREA ("EEA"). FOR THESE PURPOSES, A "RETAIL INVESTOR" MEANS A PERSON WHO IS ONE (OR MORE) OF: (I) A RETAIL CLIENT AS DEFINED IN POINT (11) OF ARTICLE 4(1) OF DIRECTIVE 2014/65/EU (AS AMENDED, "MIFID II"); OR (II) A CUSTOMER WITHIN THE MEANING OF DIRECTIVE (EU) 2016/97 (AS AMENDED, THE "INSURANCE DISTRIBUTION DIRECTIVE"), WHERE THAT CUSTOMER WOULD NOT QUALIFY AS A PROFESSIONAL CLIENT AS DEFINED IN POINT (10) OF ARTICLE 4(1) OF MIFID II; OR (III) NOT A QUALIFIED INVESTOR ("QUALIFIED INVESTOR") AS DEFINED IN REGULATION (EU) 2017/1129 (AS AMENDED OR SUPERSEDED, THE "EU PROSPECTUS REGULATION"). CONSEQUENTLY, NO KEY INFORMATION DOCUMENT REQUIRED BY REGULATION (EU) NO 1286/2014 (AS AMENDED, THE "EU PRIIPS REGULATION") FOR OFFERING OR SELLING THE SERIES 2022 BONDS OR OTHERWISE MAKING THEM AVAILABLE TO RETAIL INVESTORS IN THE EEA OR IN THE UK HAS BEEN PREPARED AND THEREFORE OFFERING OR SELLING THE SERIES 2022 BONDS OR OTHERWISE MAKING THEM AVAILABLE TO ANY RETAIL INVESTOR IN THE EEA OR IN THE UK MAY BE UNLAWFUL UNDER THE EU PRIIPS REGULATION.

THIS OFFICIAL STATEMENT IS NOT A PROSPECTUS FOR PURPOSES OF THE EU PROSPECTUS REGULATION. THIS OFFICIAL STATEMENT AND ANY OTHER OFFERING MATERIAL RELATING TO THE SERIES 2022 BONDS DESCRIBED HEREIN HAVE BEEN PREPARED ON THE BASIS THAT ALL OFFERS OF BONDS IN ANY MEMBER STATE OF THE EEA (EACH, A "RELEVANT STATE") WILL BE MADE ONLY TO A QUALIFIED INVESTOR. ACCORDINGLY, ANY PERSON MAKING OR INTENDING TO MAKE ANY OFFER IN THAT RELEVANT STATE OF BONDS WHICH ARE THE SUBJECT OF THE OFFERING CONTEMPLATED IN THIS OFFICIAL STATEMENT MAY ONLY DO SO WITH RESPECT TO QUALIFIED INVESTORS. NONE OF THE ISSUER OR THE

INITIAL PURCHASERS HAS AUTHORIZED, NOR DO THEY AUTHORIZE, THE MAKING OF ANY OFFER OF THE SERIES 2022 BONDS OTHER THAN TO QUALIFIED INVESTORS.

NOTICE TO PROSPECTIVE INVESTORS IN THE UNITED KINGDOM

THE SERIES 2022 BONDS MUST NOT BE OFFERED OR SOLD AND THIS OFFICIAL STATEMENT AND ANY OTHER DOCUMENT IN CONNECTION WITH THE OFFERING AND ISSUANCE OF THE SERIES 2022 BONDS MUST NOT BE COMMUNICATED OR CAUSED TO BE COMMUNICATED IN THE UNITED KINGDOM EXCEPT TO PERSONS WHO HAVE PROFESSIONAL EXPERIENCE IN MATTERS RELATING TO INVESTMENTS AND QUALIFY AS INVESTMENT PROFESSIONALS UNDER ARTICLE 19 (INVESTMENT PROFESSIONALS) OF THE FINANCIAL SERVICES AND MARKETS ACT 2000 (FINANCIAL PROMOTION) ORDER 2005, (AS AMENDED) (THE "ORDER") OR ARE PERSONS FALLING WITHIN ARTICLE 49(2)(A)-(D) (HIGH NET WORTH COMPANIES, UNINCORPORATED ASSOCIATIONS, ETC.) OF THE ORDER OR WHO OTHERWISE FALL WITHIN AN EXEMPTION SET FORTH IN SUCH ORDER SUCH THAT SECTION 21(1) OF THE FINANCIAL SERVICES AND MARKETS ACT 2000 (AS AMENDED) ("FSMA") DOES NOT APPLY TO THE ISSUER OR ARE PERSONS TO WHOM THIS OFFICIAL STATEMENT OR ANY OTHER SUCH DOCUMENT MAY OTHERWISE LAWFULLY BE COMMUNICATED OR CAUSED TO BE COMMUNICATED (ALL SUCH PERSONS TOGETHER BEING REFERRED TO AS "RELEVANT PERSONS"). ANY INVESTMENT OR INVESTMENT ACTIVITY TO WHICH THIS OFFICIAL STATEMENT RELATES IS AVAILABLE ONLY TO RELEVANT PERSONS AND WILL BE ENGAGED IN ONLY WITH RELEVANT PERSONS.

NEITHER THIS OFFICIAL STATEMENT NOR THE SERIES 2022 BONDS ARE OR WILL BE AVAILABLE TO PERSONS WHO ARE NOT RELEVANT PERSONS AND THIS OFFICIAL STATEMENT MUST NOT BE ACTED ON OR RELIED ON BY PERSONS WHO ARE NOT RELEVANT PERSONS. THE COMMUNICATION OF THIS OFFICIAL STATEMENT TO ANY PERSON IN THE UNITED KINGDOM WHO IS NOT A RELEVANT PERSON IS UNAUTHORIZED AND MAY CONTRAVENE THE FSMA.

EACH UNDERWRITER HAS REPRESENTED AND AGREED THAT: (A) IT ONLY COMMUNICATED OR CAUSED TO BE COMMUNICATED AND WILL ONLY COMMUNICATE OR CAUSE TO BE COMMUNICATED AN INVITATION OR INDUCEMENT TO ENGAGE IN INVESTMENT ACTIVITY (WITHIN THE MEANING OF SECTION 21 OF THE FSMA) RECEIVED BY IT IN CONNECTION WITH THE ISSUE OR SALE OF THE SERIES 2022 BONDS IN CIRCUMSTANCES IN WHICH SECTION 21(1) OF THE FSMA DOES NOT APPLY TO THE ISSUER; AND (B) IT HAS COMPLIED AND WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE FSMA WITH RESPECT TO ANYTHING DONE BY IT IN RELATION TO THE SERIES 2022 BONDS IN, FROM OR OTHERWISE INVOLVING THE UNITED KINGDOM.

THE SERIES 2022 BONDS ARE NOT INTENDED TO BE OFFERED, SOLD OR OTHERWISE MADE AVAILABLE TO, AND SHOULD NOT BE OFFERED, SOLD OR OTHERWISE MADE AVAILABLE TO, ANY RETAIL INVESTOR IN THE UNITED KINGDOM ("UK"). FOR THESE PURPOSES, A RETAIL INVESTOR MEANS A PERSON WHO IS ONE (OR MORE) OF THE FOLLOWING: (I) A RETAIL CLIENT, AS DEFINED IN POINT (8) OF ARTICLE 2 OF REGULATION (EU) NO 2017/565, AS IT FORMS PART OF UK DOMESTIC LAW BY VIRTUE OF THE EUROPEAN UNION (WITHDRAWAL) ACT 2018 (THE "EUWA"); OR (II) A CUSTOMER WITHIN THE MEANING OF THE PROVISIONS OF THE FSMA AND ANY RULES OR REGULATIONS MADE UNDER THE FSMA TO IMPLEMENT DIRECTIVE (EU) 2016/97, WHERE THAT CUSTOMER WOULD NOT QUALIFY AS A PROFESSIONAL CLIENT, AS DEFINED IN POINT (8) OF ARTICLE 2(1) OF REGULATION (EU) NO 600/2014, AS IT FORMS PART OF UK DOMESTIC LAW BY VIRTUE OF THE EUWA, AND AS AMENDED; OR (III) NOT A QUALIFIED INVESTOR ("UK QUALIFIED INVESTOR") AS DEFINED IN ARTICLE 2 OF REGULATION (EU) 2017/1129, AS IT FORMS PART OF UK DOMESTIC LAW BY VIRTUE OF THE EUWA (THE "UK

PROSPECTUS REGULATION”). CONSEQUENTLY NO KEY INFORMATION DOCUMENT REQUIRED BY REGULATION (EU) NO 1286/2014, AS IT FORMS PART OF UK DOMESTIC LAW BY VIRTUE OF THE EUWA, AND AS AMENDED (THE “UK PRIIPS REGULATION”) FOR OFFERING OR SELLING THE SERIES 2022 BONDS OR OTHERWISE MAKING THEM AVAILABLE TO RETAIL INVESTORS IN THE UK HAS BEEN PREPARED AND THEREFORE OFFERING OR SELLING THE SERIES 2022 BONDS OR OTHERWISE MAKING THEM AVAILABLE TO ANY RETAIL INVESTOR IN THE UK MAY BE UNLAWFUL UNDER THE UK PRIIPS REGULATION.

POTENTIAL INVESTORS IN THE UNITED KINGDOM ARE ADVISED THAT ALL, OR MOST, OF THE PROTECTIONS AFFORDED BY THE UNITED KINGDOM REGULATORY SYSTEM WILL NOT APPLY TO AN INVESTMENT IN THE SERIES 2022 BONDS AND THAT COMPENSATION WILL NOT BE AVAILABLE UNDER THE UNITED KINGDOM FINANCIAL SERVICES COMPENSATION SCHEME.

NOTICE TO PROSPECTIVE INVESTORS IN TAIWAN

THE OFFER OF THE SERIES 2022 BONDS HAS NOT BEEN AND WILL NOT BE REGISTERED WITH THE FINANCIAL SUPERVISORY COMMISSION OF TAIWAN (THE “FSC”) PURSUANT TO APPLICABLE SECURITIES LAWS AND REGULATIONS OF TAIWAN AND THE SERIES 2022 BONDS, INCLUDING ANY COPY OF THIS OFFICIAL STATEMENT OR ANY OTHER DOCUMENTS RELATING TO THE SERIES 2022 BONDS, MAY NOT BE OFFERED, SOLD, DELIVERED OR DISTRIBUTED WITHIN TAIWAN (THE REPUBLIC OF CHINA) THROUGH A PUBLIC OFFERING OR IN CIRCUMSTANCES WHICH CONSTITUTE AN OFFER WITHIN THE MEANING OF THE SECURITIES AND EXCHANGE ACT OF TAIWAN THAT REQUIRES THE REGISTRATION WITH OR APPROVAL OF THE FSC. NO PERSON OR ENTITY IN TAIWAN (THE REPUBLIC OF CHINA) HAS BEEN AUTHORIZED TO OFFER, SELL, DISTRIBUTE, GIVE ADVICE REGARDING OR OTHERWISE INTERMEDIATE THE OFFERING, SALE OR DISTRIBUTION OF THE SERIES 2022 BONDS. TAIWAN INVESTORS WHO SUBSCRIBE AND PURCHASE THE SERIES 2022 BONDS SHALL COMPLY WITH ALL RELEVANT SECURITIES, TAX AND FOREIGN EXCHANGE LAWS AND REGULATIONS IN EFFECT IN TAIWAN.

NOTICE TO PROSPECTIVE INVESTORS IN SWITZERLAND

THIS OFFICIAL STATEMENT IS NOT INTENDED TO CONSTITUTE AN OFFER OR A SOLICITATION TO PURCHASE OR INVEST IN THE SERIES 2022 BONDS DESCRIBED HEREIN. THE SERIES 2022 BONDS MAY NOT BE PUBLICLY OFFERED, SOLD OR ADVERTISED, DIRECTLY OR INDIRECTLY, IN, INTO OR FROM SWITZERLAND AND WILL NOT BE LISTED ON THE SIX SWISS EXCHANGE LTD. OR ON ANY OTHER EXCHANGE OR REGULATED TRADING FACILITY IN SWITZERLAND. NEITHER THIS OFFICIAL STATEMENT NOR ANY OTHER OFFERING OR MARKETING MATERIAL RELATING TO THE SERIES 2022 BONDS CONSTITUTES A PROSPECTUS OR A KEY INFORMATION DOCUMENT AS SUCH TERMS ARE UNDERSTOOD PURSUANT TO ARTICLES 35 ET SEQ. AND 58 SEQ. OF THE SWISS FEDERAL ACT ON FINANCIAL SERVICES OR A LISTING PROSPECTUS WITHIN THE MEANING OF THE LISTING RULES OF THE SIX SWISS EXCHANGE LTD. OR ANY OTHER REGULATED TRADING FACILITY IN SWITZERLAND, AND NEITHER THIS OFFICIAL STATEMENT NOR ANY OTHER OFFERING OR MARKETING MATERIAL RELATING TO THE SERIES 2022 BONDS MAY BE PUBLICLY OFFERED OR OTHERWISE MADE PUBLICLY AVAILABLE IN OR FROM SWITZERLAND. ACCORDINGLY, THIS OFFICIAL STATEMENT IS COMMUNICATED IN OR FROM SWITZERLAND TO A LIMITED NUMBER OF SELECTED INVESTORS ONLY. NEITHER THIS OFFICIAL STATEMENT NOR ANY OTHER OFFERING OR MARKETING MATERIAL RELATING TO THE OFFERING, NOR THE ISSUER, NOR THE SERIES 2022 BONDS HAVE BEEN OR WILL BE FILED WITH OR APPROVED BY ANY SWISS REGULATORY AUTHORITY. THE SERIES 2022 BONDS ARE NOT SUBJECT TO SUPERVISION BY ANY SWISS REGULATORY AUTHORITY, E.G., THE SWISS FINANCIAL MARKET SUPERVISORY

AUTHORITY FINMA, AND INVESTORS IN THE SERIES 2022 BONDS WILL NOT BENEFIT FROM PROTECTION OR SUPERVISION BY SUCH AUTHORITY.

NOTICE TO PROSPECTIVE INVESTORS IN HONG KONG

THE CONTENTS OF THIS OFFICIAL STATEMENT HAVE NOT BEEN REVIEWED BY ANY REGULATORY AUTHORITY IN HONG KONG. YOU ARE ADVISED TO EXERCISE CAUTION IN RELATION TO THE SERIES 2022 BONDS AND TO THE OFFERING CONTEMPLATED IN THIS OFFICIAL STATEMENT. IF YOU ARE IN ANY DOUBT ABOUT ANY OF THE CONTENTS OF THIS OFFICIAL STATEMENT, YOU SHOULD OBTAIN INDEPENDENT PROFESSIONAL ADVICE.

THIS OFFICIAL STATEMENT HAS NOT BEEN AND WILL NOT BE REGISTERED BY THE REGISTRAR OF COMPANIES IN HONG KONG PURSUANT TO THE COMPANIES (WINDING UP AND MISCELLANEOUS PROVISIONS) ORDINANCE (CHAPTER 32) OF THE LAWS OF HONG KONG ("CWMO").

ACCORDINGLY: (I) THE SERIES 2022 BONDS MAY NOT BE OFFERED OR SOLD IN HONG KONG BY MEANS OF ANY DOCUMENT OTHER THAN TO PERSONS WHO ARE "PROFESSIONAL INVESTORS" AS DEFINED IN THE SECURITIES AND FUTURES ORDINANCE (CHAPTER 571) OF THE LAWS OF HONG KONG ("SFO") AND ANY RULES MADE UNDER THE SFO, OR IN OTHER CIRCUMSTANCES WHICH DO NOT RESULT IN THE DOCUMENT BEING A "PROSPECTUS" AS DEFINED IN SECTION 2(1) OF THE CWMO OR WHICH DO NOT CONSTITUTE AN OFFER TO THE PUBLIC WITHIN THE MEANING OF THE CWMO OR AN INVITATION TO THE PUBLIC WITHIN THE MEANING OF THE SFO; AND (II) THIS OFFICIAL STATEMENT MUST NOT BE ISSUED, CIRCULATED OR DISTRIBUTED IN HONG KONG OTHER THAN (1) TO "PROFESSIONAL INVESTORS" AS DEFINED IN THE SFO AND ANY RULES MADE UNDER THE SFO, (2) TO PERSONS AND IN CIRCUMSTANCES WHICH DO NOT RESULT IN THIS OFFICIAL STATEMENT BEING A "PROSPECTUS" AS DEFINED IN SECTION 2(1) OF THE CWMO OR WHICH DO NOT CONSTITUTE AN OFFER TO THE PUBLIC WITHIN THE MEANING OF THE CWMO OR AN INVITATION TO THE PUBLIC WITHIN THE MEANING OF THE SFO OR (3) OTHERWISE PURSUANT TO, AND IN ACCORDANCE WITH THE CONDITIONS OF, ANY OTHER APPLICABLE PROVISIONS OF THE SFO AND CWMO. IN ADDITION, UNLESS PERMITTED BY THE SECURITIES LAWS OF HONG KONG, NO PERSON MAY ISSUE OR DISTRIBUTE OR HAVE IN ITS POSSESSION FOR THE PURPOSES OF ISSUE OR DISTRIBUTION, WHETHER IN HONG KONG OR ELSEWHERE, ANY ADVERTISEMENT, INVITATION OR DOCUMENT RELATING TO THE SERIES 2022 BONDS, WHICH IS DIRECTED AT, OR THE CONTENTS OF WHICH ARE LIKELY TO BE ACCESSED OR READ BY, THE PUBLIC OF HONG KONG OTHER THAN WITH RESPECT TO BONDS WHICH ARE OR ARE INTENDED TO BE DISPOSED OF ONLY (A) TO PERSONS OUTSIDE HONG KONG, AND (B) TO "PROFESSIONAL INVESTORS" AS DEFINED IN THE SFO AND ANY RULES AND REGULATIONS THEREUNDER..

NOTICE TO PROSPECTIVE INVESTORS IN JAPAN

THE SERIES 2022 BONDS HAVE NOT BEEN AND WILL NOT BE REGISTERED UNDER THE FINANCIAL INSTRUMENTS AND EXCHANGE ACT OF JAPAN (NO. 25 OF 1948, AS AMENDED, THE "FIEA"). NEITHER THE SERIES 2022 BONDS NOR ANY INTEREST THEREIN MAY BE OFFERED OR SOLD, DIRECTLY OR INDIRECTLY, IN JAPAN OR TO, OR FOR THE BENEFIT OF, ANY RESIDENT OF JAPAN (AS DEFINED UNDER ITEM 5, PARAGRAPH 1, ARTICLE 6 OF THE FOREIGN EXCHANGE AND FOREIGN TRADE ACT (ACT NO. 228 OF 1949, AS AMENDED)), OR TO OTHERS FOR RE-OFFERING OR RESALE, DIRECTLY OR INDIRECTLY, IN JAPAN OR TO, OR FOR THE BENEFIT OF, ANY RESIDENT OF JAPAN, EXCEPT PURSUANT TO AN EXEMPTION FROM THE REGISTRATION REQUIREMENTS OF, AND OTHERWISE IN COMPLIANCE WITH, THE FIEA AND ANY OTHER APPLICABLE LAWS, REGULATIONS AND MINISTERIAL GUIDELINES OF JAPAN.

THE PRIMARY OFFERING OF THE SERIES 2022 BONDS AND THE SOLICITATION OF AN OFFER FOR ACQUISITION THEREOF HAVE NOT BEEN AND WILL NOT BE REGISTERED UNDER THE FIEA. AS IT IS A PRIMARY OFFERING, IN JAPAN, THE SERIES 2022 BONDS MAY ONLY BE OFFERED, SOLD, RESOLD OR OTHERWISE TRANSFERRED, DIRECTLY OR INDIRECTLY TO, OR FOR THE BENEFIT OF A QUALIFIED INSTITUTIONAL INVESTOR ("QII") DEFINED IN ARTICLE 10 OF THE CABINET ORDINANCE CONCERNING DEFINITIONS UNDER ARTICLE 2 OF THE FIEA (ORDINACE NO. 14 OF 1993, AS AMENDED). A PERSON WHO PURCHASED OR OTHERWISE OBTAINED THE SERIES 2022 BONDS CANNOT RESELL OR OTHERWISE TRANSFER THE SERIES 2022 BONDS IN JAPAN TO ANY PERSON EXCEPT ANOTHER QII.

NOTICE TO PROSPECTIVE INVESTORS IN KOREA

THIS OFFICIAL STATEMENT IS NOT, AND UNDER NO CIRCUMSTANCES IS TO BE CONSIDERED AS, A PUBLIC OFFERING OF SECURITIES IN KOREA FOR THE PURPOSES OF THE FINANCIAL INVESTMENT SERVICES AND CAPITAL MARKET ACT OF KOREA. THE SERIES 2022 BONDS HAVE NOT BEEN AND WILL NOT BE REGISTERED WITH THE FINANCIAL SERVICES COMMISSION OF SOUTH KOREA FOR PUBLIC OFFERING IN SOUTH KOREA UNDER THE FINANCIAL INVESTMENT SERVICES AND CAPITAL MARKETS ACT AND ITS SUBORDINATE DECREES AND REGULATIONS (COLLECTIVELY, THE "FSCMA"). THE SERIES 2022 BONDS MAY NOT BE OFFERED, SOLD OR DELIVERED, DIRECTLY OR INDIRECTLY, OR OFFERED OR SOLD TO ANY PERSON FOR RE-OFFERING OR RESALE, DIRECTLY OR INDIRECTLY, IN SOUTH KOREA OR TO ANY RESIDENT OF SOUTH KOREA EXCEPT AS OTHERWISE PERMITTED UNDER THE APPLICABLE LAWS AND REGULATIONS OF SOUTH KOREA, INCLUDING THE FSCMA AND THE FOREIGN EXCHANGE TRANSACTION LAW AND ITS SUBORDINATE DECREES AND REGULATIONS (COLLECTIVELY, THE "FETL"). WITHOUT PREJUDICE TO THE FOREGOING, THE NUMBER OF INVESTORS (AS CALCULATED PURSUANT TO THE FSCMA) TO WHICH BONDS HAVE BEEN OFFERED IN SOUTH KOREA OR THE NUMBER OF INVESTORS WHO ARE RESIDENTS IN SOUTH KOREA SHALL BE LESS THAN FIFTY AND NO UNIT OF BONDS MAY BE DIVIDED RESULTING IN MORE THAN FORTY-NINE INVESTORS (AS CALCULATED PURSUANT TO THE FSCMA). FURTHERMORE, THE SERIES 2022 BONDS MAY NOT BE RESOLD TO SOUTH KOREAN RESIDENTS UNLESS THE PURCHASER OF THE SERIES 2022 BONDS COMPLIES WITH ALL APPLICABLE REGULATORY REQUIREMENTS (INCLUDING BUT NOT LIMITED TO GOVERNMENT REPORTING REQUIREMENTS UNDER THE FETL) IN CONNECTION WITH THE PURCHASE OF THE SERIES 2022 BONDS.

NOTICE TO PROSPECTIVE INVESTORS IN SINGAPORE

NEITHER THIS OFFICIAL STATEMENT NOR ANY OTHER DOCUMENT OR MATERIAL IN CONNECTION WITH ANY OFFER OF THE SERIES 2022 BONDS HAS BEEN OR WILL BE LODGED OR REGISTERED AS A PROSPECTUS WITH THE MONETARY AUTHORITY OF SINGAPORE (MAS) UNDER THE SECURITIES AND FUTURES ACT (CAP. 289) OF SINGAPORE (SFA). ACCORDINGLY, MAS ASSUMES NO RESPONSIBILITY FOR THE CONTENTS OF THIS OFFICIAL STATEMENT. THIS OFFICIAL STATEMENT IS NOT A PROSPECTUS AS DEFINED IN THE SFA AND STATUTORY LIABILITY UNDER THE SFA IN RELATION TO THE CONTENTS OF PROSPECTUSES WOULD NOT APPLY. PROSPECTIVE INVESTORS SHOULD CONSIDER CAREFULLY WHETHER THE INVESTMENT IS SUITABLE FOR IT.

THIS OFFICIAL STATEMENT AND ANY OTHER DOCUMENTS OR MATERIALS IN CONNECTION WITH THE OFFER OR SALE, OR INVITATION FOR SUBSCRIPTION OR PURCHASE, OF THE SERIES 2022 BONDS MAY NOT BE DIRECTLY OR INDIRECTLY ISSUED, CIRCULATED OR DISTRIBUTED, NOR MAY THE SERIES 2022 BONDS BE OFFERED OR SOLD, OR BE MADE THE SUBJECT OF AN INVITATION FOR SUBSCRIPTION OR PURCHASE, WHETHER DIRECTLY OR INDIRECTLY, TO PERSONS IN SINGAPORE OTHER THAN (I) TO AN INSTITUTIONAL INVESTOR

(AS DEFINED IN SECTION 4A(1)(C) OF THE SFA) (INSTITUTIONAL INVESTOR) PURSUANT TO SECTION 274 OF THE SFA; (II) TO A RELEVANT PERSON (AS DEFINED IN SECTION 275(2) OF THE SFA) (RELEVANT PERSON) PURSUANT TO SECTION 275(1) OF THE SFA, AND IN ACCORDANCE WITH THE CONDITIONS SPECIFIED IN SECTION 275 OF THE SFA; (III) TO ANY PERSON PURSUANT TO THE CONDITIONS OF SECTION 275(1A) OF THE SFA (PRESCRIBED INVESTOR); OR (IV) OTHERWISE PURSUANT TO, AND IN ACCORDANCE WITH THE CONDITIONS OF, ANY OTHER APPLICABLE PROVISIONS OF THE SFA.

UNLESS SUCH BONDS ARE OF THE SAME CLASS AS OTHER BONDS OF THE ISSUER THAT ARE LISTED FOR QUOTATION ON AN APPROVED EXCHANGE (AS DEFINED IN SECTION 2(1) OF THE SFA) (APPROVED EXCHANGE) AND IN RESPECT OF WHICH ANY OFFER INFORMATION STATEMENT, INTRODUCTORY DOCUMENT, SHAREHOLDERS' CIRCULAR FOR A REVERSE TAKE-OVER, DOCUMENT ISSUED FOR THE PURPOSES OF A SCHEME OF ARRANGEMENT, PROSPECTUS, OR ANY OTHER SIMILAR DOCUMENT APPROVED BY AN APPROVED EXCHANGE, WAS ISSUED IN CONNECTION WITH AN OFFER, OR THE LISTING FOR QUOTATION, OF THOSE BONDS, ANY SUBSEQUENT OFFERS IN SINGAPORE OF BONDS ACQUIRED PURSUANT TO AN INITIAL OFFER MADE IN RELIANCE ON AN EXEMPTION UNDER SECTION 274 OF THE SFA OR SECTION 275 OF THE SFA MAY ONLY BE MADE, PURSUANT TO THE REQUIREMENTS OF SECTION 276 OF THE SFA, FOR THE INITIAL SIX MONTH PERIOD AFTER SUCH ACQUISITION, TO PERSONS WHO ARE INSTITUTIONAL INVESTORS, RELEVANT PERSONS, OR PRESCRIBED INVESTORS. ANY TRANSFER AFTER SUCH INITIAL SIX-MONTH PERIOD IN SINGAPORE SHALL BE MADE IN RELIANCE ON ANY APPLICABLE EXEMPTION UNDER SUBDIVISION (4) OF DIVISION 1 OF PART XIII OF THE SFA (OTHER THAN SECTION 280 OF THE SFA).

IN ADDITION TO THE ABOVE, WHERE THE SERIES 2022 BONDS ARE SUBSCRIBED OR PURCHASED UNDER SECTION 275 OF THE SFA BY A RELEVANT PERSON WHICH IS:

(1) A CORPORATION (OTHER THAN A CORPORATION THAT IS AN ACCREDITED INVESTOR (AS DEFINED IN SECTION 4A(1)(A) OF THE SFA) (ACCREDITED INVESTOR)), THE SOLE BUSINESS OF WHICH IS TO HOLD INVESTMENTS AND THE ENTIRE SHARE CAPITAL OF WHICH IS OWNED BY ONE OR MORE INDIVIDUALS, EACH OF WHOM IS AN ACCREDITED INVESTOR; OR

(2) A TRUST (OTHER THAN A TRUST THE TRUSTEE OF WHICH IS AN ACCREDITED INVESTOR) WHOSE SOLE PURPOSE IS TO HOLD INVESTMENTS AND EACH BENEFICIARY OF THE TRUST IS AN INDIVIDUAL WHO IS AN ACCREDITED INVESTOR,

SECURITIES (AS DEFINED IN SECTION 2(1) OF THE SFA) OR SECURITIES-BASED DERIVATIVES CONTRACTS (AS DEFINED IN SECTION 2(1) OF THE SFA) OF THAT CORPORATION OR THE BENEFICIARIES' RIGHTS AND INTEREST (HOWSOEVER DESCRIBED) IN THAT TRUST SHALL NOT BE TRANSFERRED WITHIN SIX MONTHS AFTER THAT CORPORATION OR THAT TRUST HAS ACQUIRED THE SERIES 2022 BONDS PURSUANT TO AN OFFER MADE UNDER SECTION 275 OF THE SFA EXCEPT:

(a) TO INSTITUTIONAL INVESTORS;

(b) TO RELEVANT PERSONS;

(c) WHERE SUCH TRANSFER ARISES FROM AN OFFER MADE ON TERMS THAT SUCH SECURITIES OR SECURITIES-BASED DERIVATIVES CONTRACTS OF THAT CORPORATION OR SUCH BENEFICIARIES' RIGHTS AND INTEREST IN THAT TRUST, THE SUBJECT OF TRANSFER, ARE ACQUIRED AT A CONSIDERATION OF NOT LESS THAN S$200,000 (OR ITS EQUIVALENT IN A FOREIGN CURRENCY) FOR EACH TRANSACTION, PROVIDED THAT THE PERSON ACQUIRING

SECURITIES OR SECURITIES-BASED DERIVATIVES CONTRACTS OF SUCH CORPORATION MUST ACT AS PRINCIPAL;

(d) WHERE NO CONSIDERATION IS OR WILL BE GIVEN FOR THE TRANSFER;

(e) WHERE THE TRANSFER IS BY OPERATION OF LAW; OR

(f) WHERE SUCH BONDS ARE OF THE SAME CLASS AS OTHER BONDS OF THE ISSUER THAT ARE LISTED FOR QUOTATION ON AN APPROVED EXCHANGE AND IN RESPECT OF WHICH ANY OFFER INFORMATION STATEMENT, INTRODUCTORY DOCUMENT, SHAREHOLDERS' CIRCULAR FOR A REVERSE TAKE-OVER, DOCUMENT ISSUED FOR THE PURPOSES OF A SCHEME OF ARRANGEMENT, PROSPECTUS, OR ANY OTHER SIMILAR DOCUMENT APPROVED BY AN APPROVED EXCHANGE, WAS ISSUED IN CONNECTION WITH AN OFFER, OR THE LISTING FOR QUOTATION, OF THOSE BONDS.

AS THE SERIES 2022 BONDS ARE ONLY OFFERED TO PERSONS IN SINGAPORE WHO QUALIFY AS AN ACCREDITED INVESTOR, AN EXPERT INVESTOR (AS DEFINED IN SECTION 4A(1)(B) OF THE SFA), AN INSTITUTIONAL INVESTOR AND/OR ANY OTHER PERSON THAT IS NOT AN INDIVIDUAL, THE ISSUER IS NOT REQUIRED TO DETERMINE THE CLASSIFICATION OF THE SERIES 2022 BONDS PURSUANT TO SECTION 309B OF THE SFA.

NOTHING SET OUT IN THIS NOTICE SHALL BE CONSTRUED AS LEGAL ADVICE AND EACH PROSPECTIVE INVESTOR SHOULD CONSULT ITS OWN LEGAL COUNSEL. THIS NOTICE IS FURTHER SUBJECT TO THE PROVISIONS OF THE SFA AND ITS REGULATIONS, AS THE SAME MAY BE AMENDED OR CONSOLIDATED FROM TIME TO TIME, AND DOES NOT PURPORT TO BE EXHAUSTIVE IN ANY RESPECT.

NOTICE TO PROSPECTIVE INVESTORS IN CANADA

THE SERIES 2022 BONDS MAY BE SOLD ONLY TO PURCHASERS PURCHASING, OR DEEMED TO BE PURCHASING, AS PRINCIPAL THAT ARE ACCREDITED INVESTORS, AS DEFINED IN NATIONAL INSTRUMENT 45-106 PROSPECTUS EXEMPTIONS OR SUBSECTION 73.3(1) OF THE SECURITIES ACT (ONTARIO), AND ARE PERMITTED CLIENTS, AS DEFINED IN NATIONAL INSTRUMENT 31¬103 REGISTRATION REQUIREMENTS, EXEMPTIONS AND ONGOING REGISTRANT OBLIGATIONS. ANY RESALE OF THE SERIES 2022 BONDS MUST BE MADE IN ACCORDANCE WITH AN EXEMPTION FROM, OR IN A TRANSACTION NOT SUBJECT TO, THE PROSPECTUS REQUIREMENTS OF APPLICABLE SECURITIES LAWS.

SECURITIES LEGISLATION IN CERTAIN PROVINCES OR TERRITORIES OF CANADA MAY PROVIDE A PURCHASER WITH REMEDIES FOR RESCISSION OR DAMAGES IF THIS OFFICIAL STATEMENT (INCLUDING ANY AMENDMENT THERETO) CONTAINS A MISREPRESENTATION, PROVIDED THAT THE REMEDIES FOR RESCISSION OR DAMAGES ARE EXERCISED BY THE PURCHASER WITHIN THE TIME LIMIT PRESCRIBED BY THE SECURITIES LEGISLATION OF THE PURCHASER'S PROVINCE OR TERRITORY. THE PURCHASER SHOULD REFER TO ANY APPLICABLE PROVISIONS OF THE SECURITIES LEGISLATION OF THE PURCHASER'S PROVINCE OR TERRITORY FOR PARTICULARS OF THESE RIGHTS OR CONSULT WITH A LEGAL ADVISOR.

PURSUANT TO SECTION 3A.3 (OR, IN THE CASE OF SECURITIES ISSUED OR GUARANTEED BY THE GOVERNMENT OF A NON-CANADIAN JURISDICTION, SECTION 3A.4) OF NATIONAL INSTRUMENT 33-105 UNDERWRITING CONFLICTS (NI 33-105), THE INITIAL PURCHASERS ARE NOT REQUIRED TO COMPLY WITH THE DISCLOSURE REQUIREMENTS OF NI 33-105 REGARDING INITIAL PURCHASERS' CONFLICTS OF INTEREST IN CONNECTION WITH THIS OFFERING.

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PART 1—SUMMARY STATEMENT

This Summary Statement is subject in all respects to more complete information contained in this Official Statement and should not be considered a complete statement of the facts material to making an investment decision. The offering of the Series 2022 Bonds to potential investors is made only by means of the entire Official Statement. Capitalized terms used in this Summary Statement and not defined in this Summary Statement will have the meanings given to such terms elsewhere in this Official Statement.

State Personal Income Tax Revenue Bond Financing Program	Part I of Chapter 383 of the Laws of New York of 2001, as amended from time to time (the "Enabling Act"), provides for the issuance of, and a source of payment for, State Personal Income Tax Revenue Bonds (the "State Personal Income Tax Revenue Bonds") by establishing the Revenue Bond Tax Fund (the "Revenue Bond Tax Fund") held separate and apart from all other moneys of the State in the joint custody of the State Commissioner of Taxation and Finance (the "Commissioner") and the Comptroller of the State (the "State Comptroller"). The Enabling Act authorizes the Dormitory Authority of the State of New York ("DASNY"), the New York State Environmental Facilities Corporation, the New York State Housing Finance Agency, the New York State Thruway Authority (the "Thruway Authority") and the New York State Urban Development Corporation, doing business as Empire State Development ("ESD" and collectively, the "Authorized Issuers") to issue State Personal Income Tax Revenue Bonds for certain Authorized Purposes (as hereinafter defined). All five Authorized Issuers have adopted one or more general resolutions and have executed financing agreements with the Director of the Division of the Budget (the "Director of the Budget") pursuant to the Enabling Act. The financing agreements and the general resolutions for State Personal Income Tax Revenue Bonds issued by the Authorized Issuers have substantially identical terms except for applicable references to, and requirements of, the Authorized Issuer and the Authorized Purposes. References to financing agreements, financing agreement payments and general resolutions contained in this Official Statement mean generically the financing agreements, financing agreement payments and general resolutions of all Authorized Issuers, including DASNY. State Personal Income Tax Revenue Bonds issued by an Authorized Issuer are secured solely by a pledge of (i) the payments made pursuant to a financing agreement entered into by such Authorized Issuer with the Director of the Budget and (ii) certain funds held by the applicable trustee or Authorized Issuer under a general resolution and the investment earnings thereon; which together constitute the pledged property under the applicable general resolution.
Purposes of Issue	The Series 2022 Bonds are being issued for the purpose of financing Authorized Purposes, including (i) financing, refinancing or reimbursing all or a portion of the costs of certain programs and projects within the State, (ii) refunding certain State-supported debt previously issued by DASNY, and (iii) paying certain costs relating to the issuance of the Series 2022 Bonds. For a more complete description of the expected application of proceeds of the Series 2022 Bonds, see "PART 6—APPLICATION OF PROCEEDS" herein and "PART 7—THE REFUNDING PLAN" herein. See also "APPENDIX F—REFUNDED BONDS" for a complete list of bonds to be refunded.

Sources of Payment and Security for State Personal Income Tax Revenue Bonds—Revenue Bond Tax Fund Receipts	State Personal Income Tax Revenue Bonds are payable from financing agreement payments made by the State, subject to annual appropriation. The Revenue Bond Tax Fund receives a statutory allocation of (i) 50 percent of State personal income tax receipts imposed by Article 22 of the New York State Tax Law, excluding refunds owed to taxpayers (the "New York State Personal Income Tax Receipts"), (ii) 50 percent of employer compensation expense program receipts imposed by Article 24 of the New York State Tax Law excluding refunds owed to employers (the "New York State ECEP Receipts"), and, (iii) effective April 1, 2021 (as described below), 50 percent of pass-through entity tax receipts imposed by Article 24-A of the New York State Tax Law, excluding refunds owed to taxpayers (the "New York State PTET Receipts"; and collectively with the New York State Personal Income Tax Receipts and the New York State ECEP Receipts, the "Revenue Bond Tax Fund Receipts"). See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS." Effective April 1, 2021, pursuant to legislative changes, the sources of payment of the State Personal Income Tax Revenue Bonds and the statutory allocation of tax revenues payable to the Revenue Bond Tax Fund were changed to add, as a new source of payment, 50 percent of the New York State PTET Receipts from the New York State Pass-Through Entity Tax Program (the "PTET"). These changes were made as part of the State's continuing response to Federal tax law changes. The PTET establishes an optional tax on the State sourced income of (i) partnerships and (ii) S corporations. Qualifying entities that elect to pay pass-through entity tax will pay a graduated tax on their State sourced ordinary income (and guaranteed payments for partnerships) at the partnership or corporation level and their individual partners, members and shareholders will receive a refundable tax credit equal to the proportionate or pro rata share of taxes paid by the electing entity. Additionally, the PTET legislation includes a resident tax credit that allows reciprocity with other states that have implemented substantially similar taxes, which currently include Connecticut and New Jersey. The New York State Division of the Budget (the "Division of the Budget") expects that the PTET legislation will be revenue neutral for the State over a multi-year basis, although New York State Personal Income Tax Receipts are expected to decrease to the extent that qualifying entities elect to pay pass-through entity tax. Aggregate contributions to the Revenue Bond Tax Fund are expected to be unaffected because 50 percent of net revenues from both New York State Personal Income Tax Receipts and New York State PTET Receipts will be deposited into the Revenue Bond Tax Fund. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program." The State Comptroller is required by the Enabling Act to deposit in the Revenue Bond Tax Fund all of the receipts collected from payroll withholding taxes (the "Withholding Component") until an amount equal to 50 percent of the estimated monthly New York State Personal Income Tax Receipts has been deposited into the Revenue Bond Tax Fund. The State Comptroller is also required by the Enabling Act to deposit in the Revenue Bond Tax Fund all of the receipts from the ECEP until 50 percent of the estimated monthly New York State ECEP Receipts have been deposited into the Revenue Bond Tax Fund, and all of the receipts from the PTET until 50 percent of the estimated monthly New York State PTET Receipts have been deposited into the Revenue Bond Tax Fund. The New York State Personal Income Tax Receipts, the New York State ECEP Receipts, and the New York State PTET Receipts are sometimes collectively referred to herein as the "Revenue Bond Tax Fund Receipts."

Sources of Payment and Security for State Personal Income Tax Revenue Bonds—Revenue Bond Tax Fund Receipts ***(continued)***	New York State Personal Income Tax Receipts, New York State PTET Receipts, New York State ECEP Receipts, and the Revenue Bond Tax Fund Receipts for State Fiscal Years 2019-20 through 2021-22 are as follows (dollars in millions):

State Fiscal Year	**New York State Personal Income Tax Receipts**	**New York State PTET Receipts**	**New York State ECEP Receipts**	**Revenue Bond Tax Fund Receipts**
2019-20	$53,659	N/A	$2	$26,831
2020-21	$54,967	N/A	$3	$27,485
2021-22*	$68,122	$16,710	$13	$42,421

* As estimated in the FY 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions.

For information related to the State see "APPENDIX A—INFORMATION CONCERNING THE STATE OF NEW YORK."

The Series 2022 Bonds are special obligations of DASNY, being secured by a pledge of financing agreement payments to be made by the State Comptroller to the Trustee on behalf of DASNY and certain funds held by the Trustee under DASNY's State Personal Income Tax Revenue Bonds (General Purpose) General Bond Resolution (the "General Resolution").

The Series 2022 Bonds are issued on a parity with all other Bonds which have been or may be issued under the General Resolution. All State Personal Income Tax Revenue Bonds, of which $46.0 billion were outstanding as of February 28, 2022, are on a parity with each other as to payments from the Revenue Bond Tax Fund, subject to annual appropriation by the State.

Financing agreement payments are made from Revenue Bond Tax Fund Receipts (as described herein). The financing agreement payments are to be paid by the State Comptroller to the applicable trustees on behalf of the Authorized Issuers from amounts deposited to the Revenue Bond Tax Fund. Financing agreement payments are to equal amounts necessary to pay the debt service and other cash requirements on all State Personal Income Tax Revenue Bonds. **All payments required by financing agreements entered into by the State are executory only to the extent of the revenues available in the Revenue Bond Tax Fund. The obligation of the State to make financing agreement payments is subject to the State Legislature making annual appropriations for such purpose and such obligation does not constitute or create a debt of the State, nor a contractual obligation in excess of the amounts appropriated therefor. In addition, the State has no continuing legal or moral obligation to appropriate money for payments due under any financing agreement.**

The Enabling Act provides that: (i) no person (including the Authorized Issuers or the holders of State Personal Income Tax Revenue Bonds) shall have any lien on amounts on deposit in the Revenue Bond Tax Fund; (ii) Revenue Bond Tax Fund Receipts, which have been set aside in sufficient amounts to pay when due the financing agreement payments of all Authorized Issuers, shall remain in the Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until they are appropriated and used to make financing

Sources of Payment and Security for State Personal Income Tax Revenue Bonds—Revenue Bond Tax Fund Receipts ***(continued)***	agreement payments; and (iii) nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the Revenue Bond Tax Fund Receipts. For additional information, see "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS" and "PART 4—SOURCES OF REVENUE BOND TAX FUND RECEIPTS." **The Series 2022 Bonds shall not be a debt of the State and the State shall not be liable thereon, nor shall the Series 2022 Bonds be payable out of any funds other than those of DASNY pledged therefor. Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, the premium, if any, or interest on the Series 2022 Bonds. DASNY has no taxing power.** **The Series 2022 Bonds are not secured by any mortgage on, any revenues from, or any other interest in, capital works or purposes authorized to be financed or refinanced with proceeds of the Series 2022 Bonds.**
Set Aside for Purpose of Making Financing Agreement Payments	The Enabling Act, general resolutions and financing agreements provide procedures for setting aside Revenue Bond Tax Fund Receipts designed to ensure that sufficient amounts are available in the Revenue Bond Tax Fund to make financing agreement payments to the applicable trustees on behalf of all Authorized Issuers, subject to annual appropriation by the State Legislature. The Enabling Act requires the Director of the Budget to annually prepare a certificate (which may be amended as necessary or required) which estimates monthly Revenue Bond Tax Fund Receipts anticipated to be deposited to the Revenue Bond Tax Fund and the amount of all set-asides necessary to make all financing agreement payments of all the Authorized Issuers. The Director of the Budget has prepared such certificate for State Fiscal Year 2021-22 and 2022-23. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS."
Availability of General Fund to Satisfy Set-Aside of Revenue Bond Tax Fund Receipts	If at any time the amount of Revenue Bond Tax Fund Receipts set aside, as certified by the Director of the Budget, is insufficient to make all certified financing agreement payments on all State Personal Income Tax Revenue Bonds, the State Comptroller is required by the Enabling Act, without appropriation, to immediately transfer amounts from the General Fund of the State (the "General Fund") to the Revenue Bond Tax Fund sufficient to satisfy the cash requirements of the Authorized Issuers.
Moneys Held in Revenue Bond Tax Fund if State Fails to Appropriate or Pay Required Amounts	In the event that: (i) the State Legislature fails to appropriate all amounts required to make financing agreement payments on State Personal Income Tax Revenue Bonds to all Authorized Issuers or (ii) having been appropriated and set aside pursuant to a certificate of the Director of the Budget, financing agreement payments have not been made when due on any State Personal Income Tax Revenue Bonds, the Enabling Act requires that all of the Revenue Bond Tax Fund Receipts shall continue to be deposited in the Revenue Bond Tax Fund until amounts on deposit in the Revenue Bond Tax Fund equal the greater of 40 percent of the aggregate of the annual Revenue Bond Tax Fund Receipts or twelve billion dollars ($12,000,000,000). Other than to make financing agreement payments from appropriated amounts, the Enabling Act prohibits the transfer of moneys in the Revenue Bond Tax Fund to any other fund or account or the use of such moneys by the State for any other purpose (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until

Moneys Held in Revenue Bond Tax Fund if State Fails to Appropriate or Pay Required Amounts ***(continued)***	such time as the required appropriations and all required financing agreement payments have been made to the trustees, on behalf of each Authorized Issuer, including DASNY. After the required appropriations and financing agreement payments have been made, excess moneys in the Revenue Bond Tax Fund are to be paid over and distributed to the credit of the General Fund. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Moneys Held in the Revenue Bond Tax Fund."
Additional Bonds and Debt Service Coverage	The Enabling Act and each of the general resolutions permit the Authorized Issuers to issue additional State Personal Income Tax Revenue Bonds subject to (a) statutory limitations on the maximum amount of bonds permitted to be issued by Authorized Issuers for particular Authorized Purposes and (b) the additional bonds test described below and included in each general resolution authorizing State Personal Income Tax Revenue Bonds. As provided in the General Resolution, and in each of the general resolutions of the other Authorized Issuers, additional State Personal Income Tax Revenue Bonds may be issued only if the amount of Revenue Bond Tax Fund Receipts for any 12 consecutive calendar months ended not more than six months prior to the date of such calculation, as certified by the Director of the Budget, is at least 2.0 times the maximum Calculated Debt Service on all outstanding State Personal Income Tax Revenue Bonds, the additional State Personal Income Tax Revenue Bonds proposed to be issued and any additional amounts payable with respect to parity reimbursement obligations. In accordance with the additional bonds debt service coverage test described above, Revenue Bond Tax Fund Receipts of approximately $34.1 billion are available to pay financing agreement payments on a pro forma basis, which amount represents approximately 7.6 times the maximum annual Debt Service for all outstanding State Personal Income Tax Revenue Bonds, including the debt service on the Series 2022 Bonds. While additional State Personal Income Tax Revenue Bonds are expected to continue to be issued by Authorized Issuers for Authorized Purposes as noted herein, in no event may any additional State Personal Income Tax Revenue Bonds (other than certain refunding bonds) be issued unless the additional bonds test under the respective general resolution has been satisfied. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Additional Bonds" and "PART 4—SOURCES OF REVENUE BOND TAX FUND RECEIPTS — Projected Debt Service Coverage." As of February 28, 2022, approximately $46.0 billion of State Personal Income Tax Revenue Bonds were outstanding.

Appropriation by State Legislature	The State Legislature is expected to make appropriations annually from amounts on deposit in the Revenue Bond Tax Fund sufficient to pay annual financing agreement payments when due. Revenue Bond Tax Fund Receipts are expected to exceed the amounts necessary to pay financing agreement payments. Such an appropriation has been enacted for State Fiscal Year 2021-22. Pursuant to Article VII Section 16 of the State Constitution, if at any time the State Legislature fails to make an appropriation for State general obligation debt service, the State Comptroller is required to set apart from the first revenues thereafter received, applicable to the General Fund, sums sufficient to pay debt service on such general obligation bonds. In the event that such revenues and other amounts in the General Fund are insufficient to pay State general obligation bondholders, the State may also use amounts on deposit in the Revenue Bond Tax Fund as well as other funds to pay debt service on State general obligation bonds. The Division of the Budget is not aware of any existing circumstances that would cause Revenue Bond Tax Fund Receipts to be used to pay debt service on State general obligation bonds in the future. The Director of the Budget believes that any failure by the State Legislature to make annual appropriations as contemplated would have a serious impact on the ability of the State and the Authorized Issuers to issue State-supported bonds to raise funds in the public credit markets.
Continuing Disclosure	In order to assist the Underwriters of the Series 2022 Bonds in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "SEC"), all Authorized Issuers, the State and each applicable trustee, including the Trustee, have entered into a Master Disclosure Agreement (as hereinafter defined). See "PART 20—CONTINUING DISCLOSURE" and "APPENDIX E—EXECUTED COPY OF MASTER CONTINUING DISCLOSURE AGREEMENT."

DORMITORY AUTHORITY – STATE OF NEW YORK 515 BROADWAY, ALBANY, N.Y. 12207
REUBEN R. McDANIEL, III – PRESIDENT ALFONSO L. CARNEY, JR., ESQ. – CHAIR

OFFICIAL STATEMENT

Relating to

$3,090,070,000
DORMITORY AUTHORITY OF THE STATE OF NEW YORK
STATE PERSONAL INCOME TAX REVENUE BONDS
(GENERAL PURPOSE)

$2,422,335,000
Series 2022A (Tax-Exempt)

$667,735,000
Series 2022B (Federally Taxable)

PART 2—INTRODUCTION

The purpose of this Official Statement, including the cover page, the inside cover pages, the Summary Statement and appendices, is to set forth certain information concerning the State of New York (the "State") and the Dormitory Authority of the State of New York ("DASNY"), a public benefit corporation of the State, in connection with the offering by DASNY of its $2,422,335,000 State Personal Income Tax Revenue Bonds (General Purpose), Series 2022A (Tax-Exempt) (the "Series 2022A Bonds") and $667,735,000 State Personal Income Tax Revenue Bonds (General Purpose), Series 2022B (Federally Taxable) (the "Series 2022B Bonds" and, together with the Series 2022A Bonds, the "Series 2022 Bonds"). The interest rates, maturity dates, principal amounts, and prices or yields of the Series 2022 Bonds being offered hereby are set forth on the inside cover pages of this Official Statement.

This Official Statement also summarizes certain information concerning the provisions of the State Finance Law with respect to the issuance of State Personal Income Tax Revenue Bonds (the "State Personal Income Tax Revenue Bonds"), including the Series 2022 Bonds, and the statutory allocation of 50 percent of the receipts from the New York State Personal Income Tax (the "New York State Personal Income Tax Receipts") imposed by Article 22 of the New York State Tax Law ("Tax Law") which, pursuant to Section 171-a of the Tax Law, are required to be deposited in the Revenue Bond Tax Fund to provide for the payment of State Personal Income Tax Revenue Bonds. New York State Personal Income Tax Receipts exclude refunds owed to taxpayers. In addition, 50 percent of the receipts from the New York State Employer Compensation Expense Program (the "New York State ECEP Receipts") imposed by Article 24 of the Tax Law are required to be deposited in the Revenue Bond Tax Fund to provide for the payment of State Personal Income Tax Revenue Bonds. New York State ECEP Receipts exclude refunds owed to employers. In addition, 50 percent of the receipts (as referred to herein, the "New York State PTET Receipts") from the New York State Pass-through Entity Tax Program ("PTET") imposed by Article 24-A of the Tax Law are required to be deposited in the Revenue Bond Tax Fund to provide for the payment of State Personal Income Tax Revenue Bonds. New York State PTET Receipts exclude refunds owed to taxpayers. The New York State Personal Income Tax Receipts, the New York State ECEP Receipts and the New York State PTET Receipts deposited for the payment of State Personal Income Tax Revenue Bonds are sometimes collectively referred to herein as the "Revenue Bond Tax Fund Receipts." See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — The Revenue Bond Tax Fund" and "— Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program."

The State expects that State Personal Income Tax Revenue Bonds together with the State Sales Tax Revenue Bonds will be the primary financing vehicles for financing State-supported programs over the current financial plan period. State Sales Tax Revenue Bonds are authorized to be issued for certain authorized purposes pursuant to Article 5-F and Article 6 (Section 92-h) of the State Finance Law by DASNY, ESD, and the Thruway Authority.

The Series 2022 Bonds are authorized to be issued pursuant to the Enabling Act and the Dormitory Authority Act, constituting Title 4 of Article 8 of the Public Authorities Law of the State of New York, as amended and supplemented (the "Authority Act"). The Enabling Act, together with the Authority Act, constitute the "Authorizing Legislation."

The Series 2022 Bonds are additionally authorized under DASNY's State Personal Income Tax Revenue Bonds (General Purpose) General Bond Resolution, adopted by DASNY on April 29, 2009 (the "General Resolution"), as supplemented by DASNY's Supplemental Resolutions Authorizing State Personal Income Tax Revenue Bonds (General Purpose), adopted on November 10, 2021 and February 2, 2022 (collectively, the "Series 2022 Supplemental Resolution") (such General Resolution, together with the Series 2022 Supplemental Resolution, being herein, except as the context otherwise indicates, collectively referred to as the "Resolution," and any bonds issued pursuant to the General Resolution, including the Series 2022 Bonds, being herein referred to as the "Bonds").

The Series 2022 Bonds, and any additional series of Bonds which have heretofore been issued or may hereafter be issued under the General Resolution, will be equally and ratably secured thereunder. The Series 2022 Bonds and all other State Personal Income Tax Revenue Bonds which have heretofore been issued or may be issued by an Authorized Issuer are secured by a pledge of (i) the payments made pursuant to one or more financing agreements entered into by such Authorized Issuer with the Director of the Budget and (ii) certain funds held by the applicable trustee or Authorized Issuer under the applicable general resolution and the investment earnings thereon ((i) and (ii) being collectively referred to herein as the "Pledged Property" with respect to each such Authorized Issuer, including DASNY). The financing agreements and the general resolutions for State Personal Income Tax Revenue Bonds adopted by the Authorized Issuers have substantially identical terms except for applicable references to, and requirements of, the Authorized Issuer and the Authorized Purposes. The financing agreement payments are required to be equal to the amounts necessary to pay the debt service and other cash requirements on all State Personal Income Tax Revenue Bonds. The making of financing agreement payments to the Authorized Issuers is subject to annual appropriation by the State Legislature.

References to financing agreements, financing agreement payments and general resolutions contained in this Official Statement mean generically the financing agreements, financing agreement payments and general resolutions of all Authorized Issuers, including DASNY. Descriptions of the provisions of the Enabling Act contained in this Official Statement are of the Enabling Act as it exists on the date of this Official Statement.

All State Personal Income Tax Revenue Bonds are on a parity with each other as to payments from the Revenue Bond Tax Fund, subject to annual appropriation by the State Legislature. As of February 28, 2022, approximately $46.0 billion of State Personal Income Tax Revenue Bonds were outstanding. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Series 2022 Bonds" and "— Additional Bonds."

The Series 2022 Bonds are being issued for the purpose of financing Authorized Purposes, including (i) financing, refinancing or reimbursing all or a portion of the costs of certain programs and projects within the State, (ii) refunding certain State-supported debt previously issued by DASNY, and (iii) paying certain costs relating to the issuance of the Series 2022 Bonds. For a more complete description of the expected application of proceeds of the Series 2022 Bonds, see "PART 6—APPLICATION OF PROCEEDS" herein and "PART 7—THE REFUNDING PLAN" herein. See also "APPENDIX F— REFUNDED BONDS" for a complete list of bonds to be refunded. **The Series 2022 Bonds are not secured by any mortgage on, any revenues from, or any other interest in, capital works or purposes authorized to be financed or refinanced with proceeds of the Series 2022 Bonds**.

Pursuant to the Authorizing Legislation, DASNY and the State entered into a financing agreement dated as of July 1, 2009 (the "Financing Agreement"). See "APPENDIX C—FORM OF FINANCING AGREEMENT." **The Series 2022 Bonds are not secured by the Projects or any interest therein.**

The revenues, facilities, properties and any and all other assets of DASNY of any name and nature, other than the Pledged Property, may not be used for, or, as a result of any court proceeding or otherwise applied to, the payment of State Personal Income Tax Revenue Bonds, any redemption premium therefor or the interest thereon or any other obligations under the Resolution, and under no circumstances shall these be available for such purposes. See "PART 11—DASNY" for a further description of DASNY.

The Series 2022 Bonds shall not be a debt of the State and the State shall not be liable thereon, nor shall the Series 2022 Bonds be payable out of any funds other than those of DASNY pledged therefor. Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on the Series 2022 Bonds. DASNY has no taxing power.

Capitalized terms used herein unless otherwise defined have the same meaning as ascribed to them in the General Resolution. See "APPENDIX B—SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL RESOLUTION."

PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS

The Revenue Bond Tax Fund

The Enabling Act provides a source of payment for State Personal Income Tax Revenue Bonds by establishing the Revenue Bond Tax Fund for the purpose of setting aside Revenue Bond Tax Fund Receipts, sufficient to make financing agreement payments to Authorized Issuers. The Enabling Act establishes the Revenue Bond Tax Fund to be held in the joint custody of the State Comptroller and the Commissioner and requires that all moneys on deposit in the Revenue Bond Tax Fund be held separate and apart from all other moneys in the joint custody of the State Comptroller and the Commissioner. The source of the financing agreement payments is a statutory allocation of 50 percent of the receipts from the New York State Personal Income Tax imposed by Article 22 of the Tax Law, which exclude refunds owed to taxpayers, 50 percent of the receipts from the ECEP imposed by Article 24 of the Tax Law, which exclude refunds owed to employers, and 50 percent of the receipts from the PTET imposed by Article 24-A of the Tax Law, which exclude refunds owed to taxpayers, the aggregate of which, pursuant to Section 171-a of the Tax Law, are deposited in the Revenue Bond Tax Fund. See "PART 4—SOURCES OF REVENUE BOND TAX FUND RECEIPTS — Revenue Bond Tax Fund Receipts."

Financing agreement payments made from amounts set aside in the Revenue Bond Tax Fund are subject to annual appropriation for such purpose by the State Legislature. The Enabling Act provides that: (i) no person (including the Authorized Issuers or the holders of State Personal Income Tax Revenue Bonds) shall have any lien on amounts on deposit in the Revenue Bond Tax Fund; (ii) Revenue Bond Tax Fund Receipts, which have been set aside in sufficient amounts to pay when due the financing agreement payments of all Authorized Issuers, shall remain in the Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until they are appropriated and used to make financing agreement payments; and (iii) nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed by Articles 22, 24 and 24-A of the Tax Law.

Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program

On December 22, 2017, former President Trump signed into law the Tax Cuts and Jobs Act of 2017 (the "TCJA") (H.R. 1, P.L. 115-97), making major changes to the Federal Internal Revenue Code, most of which were effective in tax year 2018. The TCJA made extensive changes to Federal personal income taxes, corporate income taxes, and estate taxes. The State has since enacted legislation, described below to mitigate the negative impact of the TCJA on State taxpayers, which have impacted the State Personal Income Tax Revenue Bond financing program.

To offset the potential reduction in New York State Personal Income Tax Receipts, the Fiscal Year ("FY") 2019 Enacted Budget amended the State Finance Law and the Enabling Act so as to hold harmless the State Personal Income Tax Revenue Bond Financing Program. Accordingly, the enacted legislation provided for:

1. An increase from 25 percent to 50 percent in the statutory allocation of New York State Personal Income Tax Receipts imposed by Article 22 of the Tax Law, which exclude refunds owed to taxpayers, that is required to be deposited in the Revenue Bond Tax Fund to provide for the payment of State Personal Income Tax Revenue Bonds.

2. An increase in the statutory maximum amount of New York State Personal Income Tax Receipts and New York State ECEP Receipts required to be deposited to the aggregate of the annual New York State Personal Income Tax Receipts and New York State ECEP to be the greater of 40 percent of the annual New York State Personal Income Tax Receipts or $12 billion in the event that the State Legislature either fails to appropriate or, once appropriated, fails to pay, amounts sufficient to make financing agreement payments for outstanding New York State Personal Income Tax Revenue Bonds (the "Maximum Revenue Bond Tax Fund Deposit"). Prior to the State legislative changes, the amount required to be deposited was the greater of 25 percent of Revenue Bond Tax Fund Receipts or $6 billion.

Employer Compensation Expense Program (ECEP) / Charitable Gifts Trust Fund. State tax reforms enacted in 2018 to mitigate issues arising from the TCJA included the creation of an optional payroll tax program (ECEP), and establishment of a new State Charitable Gifts Trust Fund. The ECEP and the Charitable Gifts Trust Fund were expected to reduce New York State Personal Income Tax Receipts, to the extent that employers elected to participate in the ECEP and taxpayers made donations to the Charitable Gifts Trust Fund.

The ECEP was created pursuant to Article 24 of the Tax Law and a corresponding amendment to the Enabling Act provide that 50 percent of New York State ECEP Receipts, which exclude refunds owed to employers, be deposited into the Revenue Bond Tax Fund. The ECEP establishes an optional tax on payroll expenses that employers can elect to pay if they have employees that earn over $40,000 annually in the State. Accompanying State legislation created a new Personal Income Tax credit for employees whose wages are subject to the ECEP tax. The credit is calculated using a statutory formula that corresponds in value to the tax imposed by the ECEP. As a result, aggregate receipts deposited to the Revenue Bond Tax Fund are expected to remain substantially the same regardless of the amount of New York State ECEP Receipts. Therefore, from a Revenue Bond Tax Fund perspective, the ECEP was expected to be revenue neutral.

The Charitable Gifts Trust Fund was created to accept gifts for the purposes of improving health care and education in the State. Taxpayers who itemize deductions may claim charitable gifts as a Personal Income Tax deduction, pursuant to statute existing prior to 2018. The State legislation also created a new Personal Income Tax credit equal to 85 percent of the donation amount. Credits based on contributions to the Charitable Gifts Trust Fund are claimed for the tax year following the year in which the donation is made.

Pass-Through Entity Tax. In connection with the FY 2022 Enacted Budget Financial Plan, the State Legislature enacted legislation that provides for an optional pass-through entity tax (the "PTET") on the State sourced income of (i) partnerships and (ii) S corporations. Qualifying entities that elect to pay PTET will pay a tax of up to 10.9 percent on their taxable income at the partnership or corporation level, and their individual partners, members and shareholders will receive a refundable tax credit equal to the proportionate or pro rata share of taxes paid by the electing entity. Additionally, the program includes a resident tax credit that allows reciprocity with other states that have implemented substantially similar taxes, which currently include Connecticut and New Jersey.

The New York State Division of the Budget (the "Division of the Budget") expects that the PTET legislation will be revenue neutral for the State on a multi-year basis; however, because PTET payments will generally be received in the fiscal year prior to credit claiming, the PTET will not be revenue-neutral for the State within each fiscal year and redistribution of total revenue across fiscal years is expected to be significant. To hold harmless the Revenue Bond Tax Fund and to maintain comparable levels of amounts to be deposited into the Revenue Bond Tax Fund for the Bondholders, the State Legislature also enacted legislation that causes 50 percent of receipts from PTET to be deposited into the Revenue Bond Tax Fund. Accordingly, aggregate contributions to the Revenue Bond Tax Fund are expected to be unaffected because 50 percent of both New York State Personal Income Tax Receipts and New York State PTET Receipts will be deposited into the Revenue Bond Tax Fund.

The Fiscal Year 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions includes estimates for PTET receipts and a corresponding decrease in PIT receipts, based on PTET receipts received in December 2021. The overall impact on projected Revenue Bond Tax Fund receipts is that PTET will increase FY 2022 receipts and decrease FY 2023 receipts by a significant amount. Projections are, however, based on limited experience to date, and there can be no assurance that such projections will be realized.

The U.S. Treasury Department and IRS have determined that State and local income taxes imposed on and paid by a partnership or an S corporation on its income, such as the PTET, are allowable as a Federal deduction to taxable income and in November 2020, the IRS released Notice 2020-75 which stated the intention to issue regulations with respect to such pass-through taxes.

Litigation Challenging Certain TCJA Provisions. As described above, the ECEP and Charitable Gifts Trust Fund were developed based on a review of then existing laws, regulations, and precedents. However, subsequent to the enactment of legislation effectuating the ECEP and Charitable Gifts Trust Fund, on June 13, 2019, the IRS adopted final regulations (Treasury Decision 9864) that effectively curtailed further donations to the Charitable Gifts Trust Fund beyond the $93 million in donations the State received in 2018, when the U.S. Treasury and the IRS first published proposed regulatory changes. Virtually no additional donations to the Charitable Gifts Trust Fund have been received by the State after the 2018 tax year.

On July 17, 2019, the State, joined by Connecticut and New Jersey, filed a federal lawsuit challenging Treasury Decision 9864. Among other things, the lawsuit seeks to restore the full federal income tax deduction for charitable contributions, regardless of the amount of any state tax credit provided to taxpayers as a result of contributions made to the Charitable Gifts Trust Fund, in accordance with the precedent since 1917. The federal defendants moved to dismiss the complaint or, in the alternative for summary judgment, on December 23, 2019, and the states responded and filed their own motion for summary judgment on February 28, 2020. Briefing on the motions was completed in July 2020. The district court denied the states' request for oral argument, but a decision on the outstanding motions to dismiss and cross-motions for summary judgment remain pending.

If Treasury Decision 9864 is upheld in Federal court, taxpayer participation in the future will likely be reduced. However, if the legal challenge is successful in restoring the full Federal tax deduction for charitable contributions, donations to the Charitable Gifts Trust Fund in future years could be higher than in 2018. In such event, the donations to the Charitable Gifts Trust Fund would likely pose a risk to the amount of New York State Personal Income Tax Receipts deposited to the Revenue Bond Tax Fund in future years. To address this risk, the FY 2019 Enacted Budget legislative changes (i) increased the amount of New York State Personal Income Tax Receipts deposited to the Revenue Bond Tax Fund from 25 percent to 50 percent (excluding refunds owed to taxpayers), (ii) added, as a new revenue source, the 50 percent statutory allocation of New York State ECEP Receipts (excluding refunds owed to employers), and (iii) increased the Maximum Revenue Bond Tax Fund Deposit.

In addition, the FY 2019 Enacted Budget legislative changes allow taxpayers to claim reimbursement from the State for interest on underpayments of federal tax liability for the 2019, 2020 and 2021 tax years if the underpayments arise from reliance on amendments to State tax law enacted in 2018. To receive reimbursement, taxpayers are required to submit their reimbursement claims to the Department of Taxation and Finance within 60 days of making an interest payment to the IRS. To date, the State has not received any claims for reimbursement of interest on underpayments of Federal tax liability. The FY 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions does not include any estimate of the possible State reimbursement of interest expense by the State.

Series 2022 Bonds

The Series 2022 Bonds are special obligations of DASNY, secured by and payable from financing agreement payments payable by the State Comptroller to U.S. Bank Trust Company, National Association, New York, New York as Trustee and Paying Agent (the "Trustee" or "Paying Agent") on behalf of DASNY in accordance with the terms and provisions of the Financing Agreement, subject to annual appropriation by the State Legislature, and the Funds and accounts established under the General Resolution (other than the Rebate Fund and other Funds as provided in the Resolution). A copy of the Financing Agreement relating to the Series 2022 Bonds is included as "APPENDIX C—FORM OF FINANCING AGREEMENT" hereto. The Series 2022 Bonds are entitled to a lien, created by a pledge under the General Resolution, on the Pledged Property. The Pledged Property with respect to the Series 2022 Bonds consists of (i) the payments made pursuant to the Financing Agreement and (ii) the Funds and accounts established under the General Resolution (other than the Rebate Fund and the Administrative Fund as provided in the Resolution) and the investment earnings thereon.

The Enabling Act and each of the general resolutions permit the Authorized Issuers to issue additional State Personal Income Tax Revenue Bonds subject to statutory limitations on the maximum amount of bonds permitted to be issued by Authorized Issuers for Authorized Purposes and the additional bonds test described herein included in each of the general resolutions authorizing State Personal Income Tax Revenue Bonds. In accordance with the additional bonds test described herein, Revenue Bond Tax Fund Receipts of approximately $34.1 billion are available to pay financing agreement payments on a pro-forma basis, which amount represents approximately 7.6 times the maximum annual Debt Service for all Outstanding State Personal Income Tax Revenue Bonds, including the debt service on the Series 2022 Bonds. It should be noted, however, that if New York State taxpayer donations to the Charitable Gifts Trust Fund approach maximum levels of participation, the aggregate amount of New York State Personal Income Tax Receipts would be materially and adversely affected which, in turn, could result in a material reduction in the debt service coverage on State Personal Income Tax Revenue Bonds. As noted above, however, additional bonds may not be issued unless the additional bonds test under the respective general resolution has been satisfied. See "— Additional Bonds" below and "PART 4—SOURCES OF REVENUE BOND TAX FUND RECEIPTS — Projected Debt Service Coverage."

The revenues, facilities, properties and any and all other assets of DASNY of any name and nature, other than the Pledged Property, may not be used for, or, as a result of any court proceeding, otherwise applied to, the payment of State Personal Income Tax Revenue Bonds, any redemption premium therefor or the interest thereon or any other obligations under the General Resolution, and under no circumstances shall these be available for such purposes. See "PART 11—DASNY" for a further description of DASNY.

Certification of Payments to be Set Aside in Revenue Bond Tax Fund

The Enabling Act, the general resolutions and the financing agreements provide procedures for setting aside amounts from the Revenue Bond Tax Fund Receipts, which are deposited to the Revenue Bond Tax Fund to ensure that sufficient amounts will be available to make financing agreement payments, when due, to the applicable trustees on behalf of DASNY and the other Authorized Issuers.

The Enabling Act, as amended, provides that:

1. No later than October 1 of each year, each Authorized Issuer must submit its State Personal Income Tax Revenue Bond cash requirements (which shall include financing agreement payments) for the following State Fiscal Year and, as required by the financing agreements, each of the subsequent four State Fiscal Years to the Division of the Budget.

2. No later than thirty (30) days after the submission of the Executive Budget in accordance with Article VII of the State Constitution, the Director of the Budget shall prepare a certificate which sets forth an estimate of:

    (a) 50 percent of the amount of the estimated monthly New York State Personal Income Tax Receipts to be deposited in the Revenue Bond Tax Fund pursuant to the Enabling Act during that State Fiscal Year;

    (b) 50 percent of the amount of the estimated monthly New York State ECEP Receipts to be deposited in the Revenue Bond Tax Fund pursuant to the Enabling Act during that State Fiscal Year;

    (c) 50 percent of the amount of the estimated monthly New York State PTET Receipts to be deposited in the Revenue Bond Tax Fund pursuant to the Enabling Act during that State Fiscal Year; and

    (d) the monthly amounts necessary to be set aside in the Revenue Bond Tax Fund to make the financing agreement payments required to meet the cash requirements of the Authorized Issuers.

3. In the case of financing agreement payments due semi-annually, Revenue Bond Tax Fund Receipts shall be set aside monthly until such amount is equal to not less than the financing agreement payments for State Personal Income Tax Revenue Bonds of all Authorized Issuers in the following month as certified by the Director of the Budget.

4. In the case of financing agreement payments due on a more frequent basis, monthly Revenue Bond Tax Fund Receipts shall be set aside monthly until such amount is, in accordance with the certificate of the Director of the Budget, sufficient to pay the required payment on each issue on or before the date such payment is due.

In addition, the general resolutions and the financing agreements require the State Comptroller to set aside, monthly, in the Revenue Bond Tax Fund, amounts such that the combined total of the (i) amounts previously set aside and on deposit in the Revenue Bond Tax Fund and (ii) amount of estimated monthly New York State Personal Income Tax Receipts (excluding refunds owed to taxpayers), estimated monthly New York State ECEP Receipts (excluding refunds owed to employers), and estimated monthly New York State PTET Receipts (excluding refunds owed to taxpayers), required to be deposited to the Revenue Bond Tax Fund as provided in 2(a), 2(b) and 2(c) above, are not less than 125 percent of the financing agreement payments required to be paid by the State Comptroller to the trustees on behalf of the Authorized Issuers in the following month.

The Director of the Budget may amend such certification as shall be necessary, provided that the Director of the Budget shall amend such certification no later than thirty (30) days after the issuance of any State Personal Income Tax Revenue Bonds, including refunding bonds, or after the execution of any interest rate exchange (or "swap") agreements or other financial arrangements which may affect the cash requirements of any Authorized Issuer.

The Enabling Act provides that on or before the twelfth day of each month, the Commissioner shall certify to the State Comptroller the actual Revenue Bond Tax Fund Receipts for the prior month and, in addition, no later than March 31 of each State Fiscal Year, the Commissioner shall certify such amounts relating to the last month of the State Fiscal Year. At such times, the Enabling Act provides that the State Comptroller shall adjust the amount of estimated New York State Personal Income Tax Receipts (from the Withholding Component), the amount of estimated New York State ECEP Receipts and the amount of estimated New York State PTET Receipts deposited to the Revenue Bond Tax Fund to the actual amount certified by the Commissioner.

Set Aside of Revenue Bond Tax Fund Receipts

As provided by the Enabling Act, the general resolutions, the financing agreements, and the certificate of the Director of the Budget, the State Comptroller is required to:

1. Beginning on the first day of each month, deposit all of the daily New York State ECEP Receipts, the daily receipts from the Withholding Component and the daily New York State PTET Receipts to the Revenue Bond Tax Fund until there is on deposit in the Revenue Bond Tax Fund an amount equal to 50 percent of estimated monthly New York State Personal Income Tax Receipts, 50 percent of estimated monthly New York State ECEP Receipts and 50 percent of estimated monthly New York State PTET Receipts.

2. Set aside, monthly, amounts on deposit in the Revenue Bond Tax Fund, such that the combined total of the (i) amounts previously set aside and on deposit in the Revenue Bond Tax Fund, and (ii) amount of estimated monthly Revenue Bond Tax Fund Receipts required to be deposited to the Revenue Bond Tax Fund in such month, are not less than 125 percent of the financing agreement payments required to be paid by the State Comptroller to the trustees on behalf of all the Authorized Issuers in the following month.

The Enabling Act provides that Revenue Bond Tax Fund Receipts which have been set aside in sufficient amounts to pay, when due, the financing agreement payments of all Authorized Issuers shall remain in the Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until they are appropriated and used to make financing agreement payments.

Subject to appropriation by the State Legislature, upon receipt of a request for payment from any Authorized Issuer pursuant to a financing agreement, the State Comptroller shall pay over to the trustee, on behalf of such Authorized Issuer, such amount. In the event that Revenue Bond Tax Fund Receipts are insufficient to meet financing agreement payments on all State Personal Income Tax Revenue Bonds of all the Authorized Issuers as set forth in the certificate of the Director of the Budget, the State Comptroller is required by the Enabling Act, without appropriation, to immediately transfer amounts from the General Fund to the Revenue Bond Tax Fund, the amount of such deficiency. Amounts so transferred to the Revenue Bond Tax

Fund can only be used to pay financing agreement payments (except, if necessary, for payments authorized to be made to the holders of State general obligation debt).

The State Comptroller shall from time to time, but in no event later than the fifteenth day of each month (other than the last month of the fiscal year) and no later than the thirty-first day of the last month of each fiscal year, pay over and distribute to the credit of the General Fund all moneys in the Revenue Bond Tax Fund, if any, in excess of the aggregate amount required to be set aside for the payment of cash requirements as described above.

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Flow of Revenue Bond Tax Fund Receipts

The following chart summarizes the flow of Revenue Bond Tax Fund Receipts.

On or before October 1

Authorized Issuers submit to the Division of the Budget the schedule of anticipated cash requirements (which include financing agreement payments) due with respect to State Personal Income Tax Revenue Bonds for the next State Fiscal Year and for the four subsequent State Fiscal Years

No later than 30 Days after Budget Submission (Mid February)

Director of the Budget submits a certificate to the State Comptroller which estimates for the following State Fiscal Year*:

- 50% of monthly New York State Personal Income Tax Receipts to be deposited in the Revenue Bond Tax Fund
- 50% of monthly New York State ECEP Receipts to be deposited in the Revenue Bond Tax Fund
- 50% of monthly New York State PTET Receipts to be deposited in the Revenue Bond Tax Fund
- Monthly set asides for financing agreement payments and other cash requirements (for outstanding bonds and projected issuances)

Beginning on the First Day of Each Month

100% of daily New York State Personal Income Tax Receipts from the Withholding Component, New York State ECEP Receipts and New York State PTET Receipts flow to the Revenue Bond Tax Fund until 50% of estimated monthly New York State Personal Income Tax Receipts (excluding refunds owed to taxpayers), 50% of the estimated monthly New York State ECEP Receipts (excluding refunds owed to employers) and 50% of the estimated monthly New York State PTET Receipts (excluding refunds owed to taxpayers) have been deposited **

New York State Personal Income Tax Receipts, New York State ECEP Receipts and New York State PTET Receipts, which have been set aside to make financing agreement payments and meet other cash requirements, are required to remain in the Revenue Bond Tax Fund until appropriated and paid to the applicable trustees on behalf of the Authorized Issuers

After the monthly amounts necessary to make financing agreement payments and meet other cash requirements have been set aside, and assuming appropriations have been enacted and any required payments have been made by the State Comptroller, excess moneys in the Revenue Bond Tax Fund flow to the General Fund

12th Day of the following Month

The Commissioner of Taxation and Finance certifies to the State Comptroller 50% of actual New York State Personal Income Tax Receipts, 50% of actual New York State ECEP Receipts, and 50% of actual New York State PTET Receipts for the prior month and the State Comptroller adjusts deposits to the Revenue Bond Tax Fund accordingly

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* The Director of the Budget can amend the certification at any time to more precisely account for a revised Revenue Bond Tax Fund Receipts estimate or actual debt service and other cash requirements, and to the extent necessary, shall do so not later than thirty days after the issuance of any State Personal Income Tax Revenue Bonds.

** The State can certify and set aside Revenue Bond Tax Fund Receipts in excess of the next month's financing agreement payment requirements to ensure amounts previously set aside and on deposit in the Revenue Bond Tax Fund together with 50 percent of estimated monthly New York State Personal Income Tax Receipts, 50 percent of estimated monthly New York State ECEP Receipts and 50 percent of estimated monthly New York State PTET Receipts to be deposited in such month are not less than 125 percent of all financing agreement payments due in the following month, as required by the financing agreements.

Moneys Held in the Revenue Bond Tax Fund

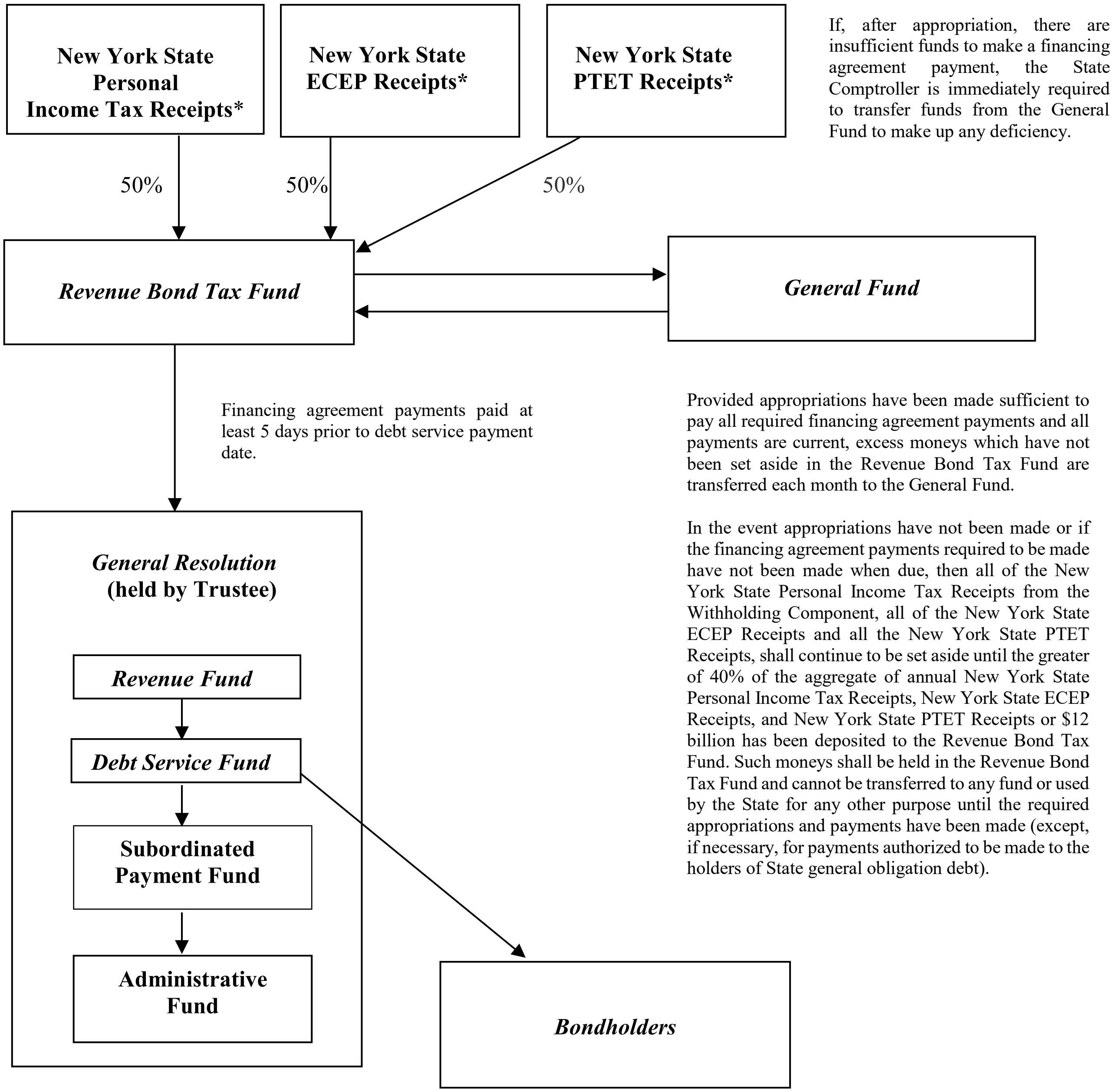
The Enabling Act prohibits the State Comptroller from paying over or distributing any amounts deposited in the Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) other than to DASNY and other Authorized Issuers (which are paid to the applicable trustees on behalf of DASNY and the other Authorized Issuers), unless two requirements are met. First, all payments as certified by the Director of the Budget for a State Fiscal Year must have been appropriated to DASNY and other Authorized Issuers for the payment of financing agreement payments (including debt service) in the full amount specified in the certificate of the Director of the Budget. Second, each certified and appropriated payment for which moneys are required to be set aside as provided in the Enabling Act must have been made to the trustees on behalf of DASNY and other Authorized Issuers when due.

If such appropriations have been made to pay all annual amounts specified in the certificate of the Director of the Budget as being required by DASNY and all other Authorized Issuers for a State Fiscal Year and all such payments to the applicable trustees on behalf of DASNY and all other Authorized Issuers are current, then the State Comptroller is required by the Enabling Act to pay over and distribute to the credit of the General Fund, at least once a month, all amounts in the Revenue Bond Tax Fund, if any, in excess of the aggregate amount required to be set aside. The Enabling Act also requires the State Comptroller to pay to the General Fund all sums remaining in the Revenue Bond Tax Fund on the last day of each State Fiscal Year, but only if the State has appropriated and paid to the applicable trustees on behalf of DASNY and all other Authorized Issuers the amounts necessary for DASNY and all other Authorized Issuers to meet their cash requirements for the current State Fiscal Year and, to the extent certified by the Director of the Budget, set aside any cash requirements required for the next State Fiscal Year.

In the event that (i) the State Legislature fails to appropriate all amounts required to make financing agreement payments on State Personal Income Tax Revenue Bonds to all Authorized Issuers or (ii) having been appropriated and set aside pursuant to a certificate of the Director of the Budget, any financing agreement payments have not been made when due on State Personal Income Tax Revenue Bonds, the Enabling Act, as amended, requires that all of the New York State Personal Income Tax Receipts from the Withholding Component, all of the New York State ECEP Receipts, and all of the New York State PTET Receipts shall continue to be set aside in the Revenue Bond Tax Fund until amounts on deposit in the Revenue Bond Tax Fund equal the greater of 40 percent of the aggregate of annual New York State Personal Income Tax Receipts from the Withholding Component, the New York State ECEP Receipts and the New York State PTET Receipts or twelve billion dollars ($12,000,000,000). Other than to make financing agreement payments from appropriated amounts, the Enabling Act prohibits the transfer of moneys in the Revenue Bond Tax Fund to any other fund or account or use of such moneys by the State for any other purpose (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until such time as the required appropriations and all required financing agreement payments have been made to the trustees on behalf of each Authorized Issuer, including DASNY.

The Enabling Act provides that no person (including the Authorized Issuers or the holders of State Personal Income Tax Revenue Bonds) shall have any lien on moneys on deposit in the Revenue Bond Tax Fund and that the State's agreement to make financing agreement payments shall be executory only to the extent such payments have been appropriated.

Flow of Revenues



* Nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to Article 22, Article 24 and Article 24-A of the Tax Law.

Appropriation by the State Legislature

The State may not expend money without an appropriation, except for the payment of debt service on general obligation bonds or notes issued by the State. An appropriation is an authorization approved by the State Legislature to expend money. The State Constitution requires all appropriations of State funds, including funds in the Revenue Bond Tax Fund, to be approved by the State Legislature at least every two years. In addition, the State Finance Law generally provides that appropriations shall cease to have force and effect, except as to liabilities incurred thereunder, at the close of the State Fiscal Year for which they were enacted and that to the extent of liabilities incurred thereunder, such appropriations shall lapse on the succeeding June 30th or September 15th depending on the nature of the appropriation. See "— Moneys Held in the Revenue Bond Tax Fund" in this section.

DASNY expects that the State Legislature will make an appropriation from amounts on deposit in the Revenue Bond Tax Fund sufficient to pay financing agreement payments when due. Revenue Bond Tax Fund Receipts are expected to exceed the amounts necessary to pay financing agreement payments. In addition, in the event that the State Legislature fails to provide an appropriation, the Enabling Act requires that all of the New York State Personal Income Tax Receipts from the Withholding Component, all of the New York State ECEP Receipts and all of the New York State PTET Receipts shall continue to be deposited in the Revenue Bond Tax Fund until amounts on deposit in the Revenue Bond Tax Fund equal the greater of 40 percent of the aggregate of the annual New York State Personal Income Tax Receipts from the Withholding Component, the New York State ECEP Receipts and the New York State PTET Receipts or twelve billion dollars ($12,000,000,000). The Enabling Act prohibits the transfer of moneys in the Revenue Bond Tax Fund to any other fund or account or the use of such moneys by the State for any other purpose (other than to make financing agreement payments from appropriated amounts, and except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until such time as the required appropriations and all required financing agreement payments have been made to the trustees on behalf of each Authorized Issuer. The State Legislature may not be bound in advance to make an appropriation, and there can be no assurances that the State Legislature will appropriate the necessary funds as anticipated. Nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to Article 22, Article 24 and Article 24-A of the Tax Law.

All payments required by financing agreements entered into by the State shall be executory only to the extent of the revenues available in the Revenue Bond Tax Fund. The obligation of the State to make financing agreement payments is subject to the State Legislature making annual appropriations for such purpose and such obligation does not constitute or create a debt of the State, nor a contractual obligation in excess of the amounts appropriated therefor. In addition, the State has no continuing legal or moral obligation to appropriate money for payments due under any financing agreement.

State Personal Income Tax Revenue Bonds shall not be a debt of the State and the State shall not be liable thereon, nor shall State Personal Income Tax Revenue Bonds be payable out of any funds other than those pledged therefor. Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on State Personal Income Tax Revenue Bonds.

Pursuant to the Enabling Act, Revenue Bond Tax Fund Receipts which have been set aside to pay when due the financing agreement payments of all Authorized Issuers shall remain in the Revenue Bond Tax Fund until they are appropriated and used to make financing agreement payments. However, the Enabling Act also provides that the use of such Revenue Bond Tax Fund Receipts by the State Comptroller is "subject to the rights of holders of debt of the state" (i.e., general obligation bondholders who benefit from the faith and credit pledge of the State). Pursuant to Article VII Section 16 of the State Constitution, if at any time the State Legislature fails to make an appropriation for general obligation debt service, the State Comptroller is required to set apart from the first revenues thereafter received, applicable to the General Fund, sums sufficient to pay debt service on such general obligation debt. In the event that such revenues and other amounts in the General Fund are insufficient to so pay State general obligation bondholders, the State may also use amounts on deposit in the Revenue Bond Tax Fund as well as other funds to pay debt service on State general obligation bonds.

The Division of the Budget is not aware of any existing circumstances that would cause Revenue Bond Tax Fund Receipts to be used to pay debt service on State general obligation bonds in the future. The Director of the Budget believes that any failure by the State Legislature to make annual appropriations as contemplated would have a serious impact on the ability of the State and the Authorized Issuers to issue State-supported bonds to raise funds in the public credit markets.

Additional Bonds

As provided in each general resolution, except as provided in the next paragraph with respect to certain refunding bonds, additional State Personal Income Tax Revenue Bonds may be issued by the related Authorized Issuer, provided that the amount of Revenue Bond Tax Fund Receipts for any 12 consecutive calendar months ended not more than six months prior to the date of such calculation, as certified by the Director of the Budget, is at least 2.0 times the maximum Calculated Debt Service on all Outstanding State Personal Income Tax Revenue Bonds, the State Personal Income Tax Revenue Bonds proposed to be issued, and any additional amounts payable with respect to parity reimbursement obligations.

The General Resolution also provides that additional Bonds may be issued to refund Outstanding Bonds either by meeting the debt service coverage test described above, or, in the alternative, by demonstrating that maximum annual debt service on all Outstanding Bonds will not increase as a result of such refunding.

For additional information, see "APPENDIX B—SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL RESOLUTION — Summary of Certain Provisions of the State Personal Income Tax Revenue Bonds Standard Resolution Provisions — Special Provisions for Additional Bonds" and "— Refunding Bonds."

Parity Reimbursement Obligations

An Authorized Issuer, including DASNY, may incur Parity Reimbursement Obligations (as defined in each respective general resolution, including the General Resolution) pursuant to the terms of its general resolution which, subject to certain exceptions, would be secured by a pledge of, and a lien on, the pledged property on a parity with the lien created by the related general resolution with respect to bonds issued thereunder. A Parity Reimbursement Obligation may be incurred in connection with obtaining a Credit Facility and represents the obligation to repay amounts advanced under the Credit Facility. It may include interest calculated at a rate higher than the interest rate on the related State Personal Income Tax Revenue Bonds and may be secured by a pledge of, and a lien on, pledged property on a parity with the lien created by the general resolution for the State Personal Income Tax Revenue Bonds only to the extent that principal amortization requirements of the Parity Reimbursement Obligation are equal to the amortization requirements for the related State Personal Income Tax Revenue Bonds, without acceleration. See "APPENDIX B—SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL RESOLUTION."

Certain Covenants of the State

Pursuant to the general resolutions, the State pledges and agrees with the holders of State Personal Income Tax Revenue Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations or other obligations issued or incurred thereunder that the State will not in any way impair the rights and remedies of holders of such State Personal Income Tax Revenue Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations or other obligations until such State Personal Income Tax Revenue Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations or other obligations issued or incurred thereunder, together with interest thereon, with interest, if any, on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders are fully met and discharged.

Pursuant to the Enabling Act and the general resolutions, nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to Article 22, Article 24, and Article 24-A of the Tax Law. An Event of Default under the general resolutions would not occur solely as a result of the State exercising its right to amend, repeal, modify or otherwise alter the statutes imposing or relating to such taxes. However, the Director of the Budget believes that any materially adverse amendment, modification or alteration of, or the repeal of, statutes imposing or related to the taxes imposed pursuant to Article 22, Article 24, and Article 24-A of the Tax Law could have a serious impact on the flow of New York Revenue Bond Tax Fund Receipts to the Revenue Bond Tax Fund, the ability of the Authorized Issuers to issue additional State Personal Income Tax Revenue Bonds and the marketability of outstanding State Personal Income Tax Revenue Bonds.

Reservation of State's Right to Substitute Credit

Pursuant to the Enabling Act, the State reserves the right, upon amendment of the State Constitution to permit the issuance of State Revenue Bonds, which may be payable from or secured by revenues that may include the Revenues pledged under the general resolutions, (i) to assume, in whole or in part, State Personal Income Tax Revenue Bonds, (ii) to extinguish the existing lien on the pledged property created under the general resolutions, and (iii) to substitute security for State Personal Income Tax Revenue Bonds, in each case only so long as the assumption, extinguishment and substitution is accomplished in accordance with either of two provisions of the general resolutions. (For these purposes, any State Personal Income Tax Revenue Bonds paid or deemed to have been paid in accordance with the applicable general resolution on or before the date of any assumption, extinguishment and substitution are not to be taken into account in determining compliance with those provisions.) The first provision of the general resolutions is intended to permit an assumption, extinguishment and substitution, without any right of consent of Bondholders or other parties, if certain conditions are satisfied. The second provision of the general resolutions permitting such an assumption, extinguishment and substitution is intended to permit a broader range of changes with the consent of issuers of Credit Facilities and the consent of certain Bondholders. It provides that any such assumption, extinguishment and substitution may be effected if certain conditions are satisfied.

In the event a constitutional amendment becomes a part of the State Constitution, there can be no assurance that the State will exercise its rights of assumption, extinguishment, and substitution with respect to State Personal Income Tax Revenue Bonds. There can be no assurance that DASNY or any other Authorized Issuer would be the issuer of any such State Revenue Bonds upon any such assumption, extinguishment and substitution and, if not DASNY or any other Authorized Issuer, the issuer of such State Revenue Bonds could be the State or another public entity.

See "APPENDIX B—SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL RESOLUTION — Summary of Certain Provisions of the State Personal Income Tax Revenue Bonds Standard Resolution Provisions–Reservation of State Rights of Assumption, Extinguishment and Substitution."

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PART 4—SOURCES OF REVENUE BOND TAX FUND RECEIPTS

General History of the State Personal Income Tax

In 1919, New York State became the seventh state to enact a personal income tax. The present system of conformity to federal tax law with respect to income and deductions was adopted in 1960. The personal income tax is New York's largest source of tax revenue and consistently accounts for more than one-half of all State tax receipts.

The State's personal income tax structure adheres closely to the definitions of adjusted gross income and itemized deductions used for federal personal income tax purposes, with certain modifications, such as: (1) the inclusion of investment income from debt instruments issued by other states and municipalities and the exclusion of income on certain federal obligations; and (2) the exclusion of pension income received by federal, New York State and local government employees, private pension and annuity income up to $20,000 ($40,000 for married couples filing jointly), and any Social Security income and refunds otherwise included in federal adjusted gross income.

Changes in federal tax law from time to time may positively or negatively affect the amount of personal income tax receipts collected by the State. State Tax Law changes may also impact personal income tax receipts by authorizing a wide variety of credits against the personal income tax liability of taxpayers. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program."

Major tax credits include: Empire State Child Credit; Earned Income Tax Credit; Child and Dependent Care Credit; Household Credit; College Tuition Credit; Long-term Care Insurance Credit; Investment Credits; and Empire Zone Credits.

Personal Income Tax Rates

Taxable income equals New York adjusted gross income ("AGI") less deductions and exemptions. The tax provides separate rate schedules for married couples, single individuals and heads of households. For the 2009 through 2011 tax years, the State income tax was imposed at rates ranging from 4.0 percent to 8.97 percent on the taxable income of individuals, estates and trusts. For taxpayers with $100,000 or more of AGI, the savings from graduated marginal tax rates is recaptured through a supplementary mechanism in effect since 1991. Between tax years 2012 and 2017, the tax tables were revised to include additional middle-income brackets with reduced tax rates and a new top bracket, which imposed a tax rate of 8.82 percent. The tax tables were also subject to annual inflation-based adjustment beginning tax year 2013 and ending tax year 2017. Tax rate reductions were applied to the aforementioned middle-income brackets in tax year 2018 as part of a scheduled eight-year phase-in of middle-income tax cuts. Beginning tax year 2021, the former 8.82 percent top rate increased to 9.65 percent and two new high-income brackets were added, including a new top rate of 10.9 percent.

The following tables set forth the current rate schedules for tax years after 2020 and before 2025, for tax years after 2024 and before 2028 and for tax years after 2027. Tax years 2022 through 2024 are the same as the tax year 2021 schedule except that the middle class tax rates are phased-in through 2025. These tables represent current statute and do not reflect the Executive's proposal to accelerate middle class tax cuts (as detailed in the Updated FY 2023 Executive Budget Financial Plan).

New York State Personal Income Tax Rates for Tax Years After 2020 and Before 2025

Married Filing Jointly and Qualified Widow(er)	**Tax**[±]
Taxable Income:	
Not over $17,150	4% of taxable income
Over $17,150 but not over $23,600	$686 plus 4.50% of excess over $17,150
Over $23,600 but not over $27,900	$976 plus 5.25% of excess over $23,600
Over $27,900 but not over $43,000	$1,202 plus 5.90% of excess over $27,900
Over $43,000 but not over $161,550	$2,093 plus 5.97% of excess over $43,000
Over $161,550 but not over $323,200	$9,170 plus 6.33% of excess over $161,550
Over $323,200 but not over $2,155,350	$19,403 plus 6.85% of excess over $323,200
Over $2,155,350 but not over $5,000,000	$144,905 plus 9.65% of excess over $2,155,350
Over $5,000,000 but not over $25,000,000	$419,414 plus 10.3% of excess over $5,000,000
Over $25,000,000	$2,479,414 plus 10.9% of excess over $25,000,000
Single, Married Filing Separately, Estates and Trusts	
Taxable Income:	
Not over $8,500	4% of taxable income
Over $8,500 but not over $11,700	$340 plus 4.50% of excess over $8,500
Over $11,700 but not over $13,900	$484 plus 5.25% of excess over $11,700
Over $13,900 but not over $21,400	$600 plus 5.90% of excess over $13,900
Over $21,400 but not over $80,650	$1,042 plus 5.97% of excess over $21,400
Over $80,650 but not over $215,400	$4,579 plus 6.33% of excess over $80,650
Over $215,400 but not over $1,077,550	$13,109 plus 6.85% of excess over $215,400
Over $1,077,550 but not over $5,000,000	$72,166 plus 9.65% of excess over $1,077,550
Over $5,000,000 but not over $25,000,000	$450,683 plus 10.3% of excess over $5,000,000
Over $25,000,000	$2,510,683 plus 10.9% of excess over $25,000,000
Head of Household	
Taxable Income:	
Not over $12,800	4% of taxable income
Over $12,800 but not over $17,650	$512 plus 4.50% of excess over $12,800
Over $17,650 but not over $20,900	$730 plus 5.25% of excess over $17,650
Over $20,900 but not over $32,200	$901 plus 5.90% of excess over $20,900
Over $32,200 but not over $107,650	$1,568 plus 5.97% of excess over $32,200
Over $107,650 but not over $269,300	$6,072 plus 6.33% of excess over $107,650
Over $269,300 but not over $1,616,450	$16,304 plus 6.85% of excess over $269,300
Over $1,616,450 but not over $5,000,000	$108,804 plus 9.65% of excess over $1,616,450
Over $5,000,000 but not over $25,000,000	$435,097 plus 10.3% of excess over $5,000,000
Over $25,000,000	$2,495,097 plus 10.9% of excess over $25,000,000

± A supplemental income tax recaptures the savings due to graduated marginal tax rates such that, for example, when a taxpayer's AGI exceeds $25,000,000 in tax years 2021 through 2024, all taxable income becomes effectively subject to a flat 10.9 percent tax rate. Furthermore, the marginal tax rates between 5.9 percent and 6.33 percent are gradually phased-in to rates between 5.61 percent and 6.09 percent between tax years 2021 and 2024.

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New York State Personal Income Tax Rates for Tax Years After 2024 and Before 2028

Married Filing Jointly

Taxable Income:	Tax±
Not over $17,150	4% of taxable income
Over $17,150 but not over $23,600	$686 plus 4.50% of excess over $17,150
Over $23,600 but not over $27,900	$976 plus 5.25% of excess over $23,600
Over $27,900 but not over $161,550	$1,202 plus 5.50% of excess over $27,900
Over $161,550 but not over $323,200	$8,553 plus 6.00% of excess over $161,550
Over $323,200 but not over $2,155,350	$18,252 plus 6.85% of excess over $323,200
Over $2,155,350 but not over $5,000,000	$143,754 plus 9.65% of excess over $2,155,350
Over $5,000,000 but not over $25,000,000	$418,263 plus 10.3% of excess over $5,000,000
Over $25,000,000	$2,478,263 plus 10.9% of excess over $25,000,000

Single, Married Filing Separately, Estates and Trusts

Taxable Income:	
Not over $8,500	4% of taxable income
Over $8,500 but not over $11,700	$340 plus 4.50% of excess over $8,500
Over $11,700 but not over $13,900	$484 plus 5.25% of excess over $11,700
Over $13,900 but not over $80,650	$600 plus 5.50% of excess over $13,900
Over $80,650 but not over $215,400	$4,271 plus 6.00% of excess over $80,650
Over $215,400 but not over $1,077,550	$12,356 plus 6.85% of excess over $215,400
Over $1,077,550 but not over $5,000,000	$71,413 plus 9.65% of excess over $1,077,550
Over $5,000,000 but not over $25,000,000	$449,929 plus 10.3% of excess over $5,000,000
Over $25,000,000	$2,509,929 plus 10.9% of excess over $25,000,000

Head of Household

Taxable Income:	
Not over $12,800	4% of taxable income
Over $12,800 but not over $17,650	$512 plus 4.50% of excess over $12,800
Over $17,650 but not over $20,900	$730 plus 5.25% of excess over $17,650
Over $20,900 but not over $107,650	$901 plus 5.50% of excess over $20,900
Over $107,650 but not over $269,300	$5,672 plus 6.00% of excess over $107,650
Over $269,300 but not over $1,616,450	$15,371 plus 6.85% of excess over $269,300
Over $1,616,450 but not over $5,000,000	$107,651 plus 9.65% of excess over $1,616,450
Over $5,000,000 but not over $25,000,000	$434,163 plus 10.3% of excess over $5,000,000
Over $25,000,000	$2,494,163 plus 10.9% of excess over $25,000,000

± A supplemental income tax recaptures the savings due to graduated marginal tax rates such that when a taxpayer's AGI exceeds $25,050,000 in tax years 2025 through 2027, all taxable income becomes effectively subject to a flat 10.9 percent tax rate.

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New York State Personal Income Tax Rates for Tax Years After 2027

Married Filing Jointly	**Tax**[±]
Taxable Income:	
Not over $17,150	4% of taxable income
Over $17,150 but not over $23,600	$686 plus 4.50% of excess over $17,150
Over $23,600 but not over $27,900	$976 plus 5.25% of excess over $23,600
Over $27,900 but not over $161,550	$1,202 plus 5.50% of excess over $27,900
Over $161,550 but not over $323,200	$8,553 plus 6.00% of excess over $161,550
Over $323,200 but not over $2,155,350	$18,252 plus 6.85% of excess over $323,200
Over $2,155,350	$143,754 plus 8.82% of excess over $2,155,350
Single, Married Filing Separately, Estates and Trusts	
Taxable Income:	
Not over $8,500	4% of taxable income
Over $8,500 but not over $11,700	$340 plus 4.50% of excess over $8,500
Over $11,700 but not over $13,900	$484 plus 5.25% of excess over $11,700
Over $13,900 but not over $80,650	$600 plus 5.50% of excess over $13,900
Over $80,650 but not over $215,400	$4,271 plus 6.00% of excess over $80,650
Over $215,400 but not over $1,077,550	$12,356 plus 6.85% of excess over $215,400
Over $1,077,550	$71,413 plus 8.82% of excess over $1,077,550
Head of Household	
Taxable Income:	
Not over $12,800	4% of taxable income
Over $12,800 but not over $17,650	$512 plus 4.50% of excess over $12,800
Over $17,650 but not over $20,900	$730 plus 5.25% of excess over $17,650
Over $20,900 but not over $107,650	$901 plus 5.50% of excess over $20,900
Over $107,650 but not over $269,300	$5,672 plus 6.00% of excess over $107,650
Over $269,300 but not over $1,616,450	$15,371 plus 6.85% of excess over $269,300
Over $1,616,450	$107,651 plus 8.82% of excess over $1,616,450

± A supplemental income tax recaptures the savings due to graduated marginal tax rates such that when a taxpayer's AGI exceeds $2,205,350 for married filing jointly taxpayers for tax years after 2027, all taxable income becomes effectively subject to a flat 8.82 percent tax rate.

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Components of the Personal Income Tax

The components of personal income tax liability include withholding, estimated payments, final returns, delinquencies and refunds. Taxpayers prepay their tax liability through payroll withholding taxes imposed by Section 671 of Article 22 of the Tax Law (the "Withholding Component") and estimated taxes imposed by Section 685 of Article 22 of the Tax Law. The New York State Department of Taxation and Finance collects the personal income tax from employers and individuals and reports the amount collected to the State Comptroller, who deposits collections net of overpayments and administrative costs.

Initiated in 1959, withholding tax is the largest component of income tax collections. New York requires employers to withhold and remit personal income taxes on wages, salaries, bonuses, commissions and similar income. The amount of withholding varies with the rates, deductions and exemptions. Under current law, employers must remit withholding liability within three business days after each payroll once the cumulative amount of liability reaches $700. Certain small businesses and educational and health care organizations may make their withholding remittance within five business days, and employers with less than $700 of withheld tax can remit it on a quarterly basis. Large employers (aggregate tax of more than $100,000 per year) must make timely payment by electronic funds transfer or by certified check.

Employer Compensation Expense Program

The ECEP was enacted in 2018 in response to federal legislation which limited the personal income tax deduction for state and local taxes to $10,000 per taxpayer annually. Businesses are provided the option to participate in the ECEP, and those that elect to participate remit a tax on annual wages paid to each employee in excess of $40,000. The tax rate is 1.5 percent in 2019, 3 percent in 2020, and 5 percent in 2021 and thereafter. The ECEP tax must be paid electronically on the same dates that the electing employer's withholding tax payments are required to be made. An employer that overpays the tax may apply for a refund.

Employers participating in the ECEP in 2019 were required to make an election by December 1, 2018, and participating employers began remittance of taxes on payrolls in January 2019. Likewise, New York State ECEP Receipts to the Revenue Bond Tax Fund also began in January 2019. Employers participating in the ECEP for the 2020 tax year were required to make an election by December 1, 2019, and employers participating in the ECEP for the 2021 tax year were required to make an election by December 1, 2020.

New York State ECEP Receipts are dependent on the extent to which employers elect to participate in the program. In State Fiscal Year 2019-20, the State received $2.0 million of New York State ECEP Receipts, based on the 262 employers that elected to participate in tax year 2019. New York State ECEP Receipts increased to $3.2 million in State Fiscal Year 2020-21, based on 299 participating employers in tax year 2020, and are expected to increase again in to $13 million in State Fiscal Year 2021-22, based on 328 participating employers in tax year 2021. The participation count for tax year 2022 has declined to 287, but substantial uncertainty exists with respect to New York State ECEP Receipts after State Fiscal Year 2021-22 due to its limited and volatile history.

From a Revenue Bond Tax Fund perspective, the ECEP is expected to be revenue neutral. New York State ECEP Receipts collected from participating employers are expected to be offset by a comparable decrease in personal income tax receipts, because employees whose wages are subject to the ECEP may claim a Personal Income Tax credit calculated using a statutory formula that corresponds in value to the ECEP. As a result, aggregate receipts deposited to the Revenue Bond Tax Fund are expected to remain substantially the same regardless of the amount of New York State ECEP Receipts.

Pass-Through Entity Tax Program

As part of the FY 2022 Enacted Budget, the State Legislature enacted legislation that provides for an optional pass-through entity tax on the State sourced income of (i) partnerships and (ii) S corporations. Qualifying entities that elect to pay into PTET will pay a graduated tax on their State sourced ordinary income (and guaranteed payments for partnerships) at the partnership or corporation level and their individual partners, members and shareholders will receive a refundable tax credit equal to the proportionate or pro rata share of taxes paid by the electing entity.

For each taxable year beginning on or after January first, two thousand twenty-one, the PTET schedule is as follows:

If pass-through entity income taxable is:

Not over $2,000,000	6.85% of taxable income
Over $2,000,000 but not over $5,000,000	$137,000 plus 9.65% of the excess over $2,000,000
Over $5,000,000 but not over $25,000,000	$426,500 plus 10.30% of excess over $5,000,000
Over $25,000,000	$2,486,500 plus 10.90% of excess over $25,000,000

The FY 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions includes estimates for PTET receipts and a corresponding decrease in PIT receipts, based on PTET receipts received in December 2021 for tax year 2021 liabilities. The overall effect on projected receipts to the Revenue Bond Tax Fund, to which 50 percent of both PIT and PTET receipts are deposited, is that PTET will significantly increase FY 2022 receipts and significantly decrease FY 2023 receipts. Projections are, however, based on limited experience to date, and there can be no assurance that such projections will be realized. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program."

Revenue Bond Tax Fund Receipts

The Enabling Act provides that 50 percent of the New York State Personal Income Tax Receipts shall be deposited in the Revenue Bond Tax Fund. Such receipts currently exclude refunds paid to taxpayers.

The Enabling Act also provides that 50 percent of the New York State ECEP Receipts shall be deposited in the Revenue Bond Tax Fund. Such receipts currently exclude refunds paid to employers.

Effective April 1, 2021, pursuant to legislative changes, 50 percent of the New York State PTET Receipts, shall be deposited in the Revenue Bond Tax Fund. Such receipts currently exclude refunds paid to taxpayers. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program."

Beginning on the first day of each month, the Enabling Act requires the State Comptroller to deposit in the Revenue Bond Tax Fund all of the receipts from the Withholding Component, all of the New York State ECEP Receipts and all of the New York State PTET Receipts until 50 percent of estimated monthly New York State Personal Income Tax Receipts, 50 percent of estimated monthly New York State ECEP Receipts, and 50 percent of the estimated monthly New York State PTET Receipts respectively, have been deposited into the Revenue Bond Tax Fund.

The following table sets forth certain historical and projected information concerning New York State Personal Income Tax Receipts, the Withholding Component, New York State PTET Receipts, New York State ECEP Receipts and deposits to the Revenue Bond Tax Fund from State Fiscal Years 2012-13 through 2022-23.

For additional information related to the State, see "APPENDIX A—INFORMATION CONCERNING THE STATE OF NEW YORK — Financial Plan Overview — Executive Summary."

NYS Personal Income Tax Receipts and Withholding Component, NYS PTET Receipts NYS ECEP Receipts, and Revenue Bond Tax Fund Receipts State Fiscal Years 2012-13 through 2022-23* (Dollars in Millions)

State Fiscal Year	New York State Personal Income Tax Receipts	Withholding Component	Withholding State Personal Income Tax Receipts	New York State PTET Receipts	New York State ECEP Receipts	Revenue Bond Tax Fund Receipts
2012-13	$40,227	$31,958	79.4%	N/A	N/A	$10,057
2013-14	42,961	33,368	77.7	N/A	N/A	10,740
2014-15	43,710	34,907	79.9	N/A	N/A	10,927
2015-16	47,055	36,549	77.7	N/A	N/A	11,764
2016-17	47,566	37,524	78.9	N/A	N/A	11,891
2017-18	51,501	40,269	78.2	N/A	N/A	12,875
2018-19	48,087	41,084	85.4	N/A	$ 0.1	24,044*
2019-20	53,659	43,118	80.4	N/A	2.0	26,831*
2020-21	54,967	44,218	80.4	N/A	3.2	27,485*
2021-22 (est.)†	68,122	51,495	75.6	$16,710	13.0	42,421*
2022-23 (proj.)†	49,026	51,638	105.3	15,080	13.0	32,058*

* Reflects increased deposits to the Revenue Bond Tax Fund, resulting from FY 2019 Enacted Budget legislation.

† Includes New York State Personal Income Tax Receipts, New York State ECEP Receipts, and New York State PTET Receipts. Reflects the timing of PTET receipts that results in a decrease in PIT receipts, which are estimated to be revenue-neutral to the State on a multi-year basis, but are not estimated to be revenue-neutral to the State within each fiscal year.

For State Fiscal Year 2020-21, New York State Personal Income Tax Receipts totaled approximately $55.0 billion and accounted for approximately 66.7 percent of State tax receipts in all State Funds. The FY 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions projects that total New York State Personal Income Tax Receipts (net of refunds to taxpayers but before deposits to the School Tax Relief (STAR) Fund) will increase by 23.9 percent to approximately $68.1 billion in State Fiscal Year 2021-22. The increase in FY 2021-22 receipts is attributable to the implementation of a high income PIT surcharge, coupled with growth in underlying gross collections. For FY 2022-23, the projected withholding component is higher than PIT receipts due to the influence of PTET. The FY 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions assumes that revenue loss from tax year 2021 PTET credits will be realized entirely through PIT settlement payments, beginning April 2022. Furthermore, there is also the assumption that that revenue loss from tax year 2022 PTET credits will be realized entirely through reduced PIT quarterly estimated payments, also beginning April 2022. Therefore, FY 2022-23 PIT receipts are negatively affected by two full tax years' worth of PTET credits. New York State ECEP Receipts are estimated to total $13 million in State Fiscal Year 2021-22, reflecting the first complete fiscal year of collection based on fully phased-in ECEP tax rate (5 percent).

Total State personal income tax receipts (as distinguished from New York State Personal Income Tax Receipts as defined herein and presented in the table above) estimates are based on the State personal income tax liability estimated by the Division of the Budget for each of the relevant tax years and the patterns of receipts and refunds for each tax year. Such tax year liability estimates are, in turn, based largely on forecasts of State adjusted gross income, with adjustments made for legislative changes (see "— General History of the State Personal Income Tax" above) that will affect each year's tax liability. The level of total State personal income tax receipts is necessarily dependent upon economic and demographic conditions in the State, and therefore there can be no assurance that historical data with respect to total State personal income tax receipts will be indicative of future receipts. Since the institution of the modern income tax in New York in 1960, total personal income tax receipts have fallen seven times on a year-over-year basis, in State Fiscal Years 1964-65, 1971-72, 1977-78, 1990-91, 2002-03, 2009-10 and 2018-19. Total State personal income tax receipts are projected to decline again in State Fiscal Year 2022-23 due to the payment of tax year 2021 PTET credits – following the completion of tax year 2021 PIT final returns – and a reduction of tax year 2022 PIT estimated payments in anticipation of tax year 2022 PTET credits.

For a more detailed discussion of the general economic and financial condition of the State, including the economic impact of the COVID-19 pandemic on the State, and its projection of personal income tax receipts, see "APPENDIX A—INFORMATION CONCERNING THE STATE OF NEW YORK."

The following table shows the pattern of State adjusted gross income growth and personal income tax liability for tax years 2012 through 2021.

NYS Adjusted Gross Income (AGI) and Personal Income Tax Liability 2012 to 2021*

Tax Year	NYS AGI	Percent Change	Personal Income Tax Liability	Percent Change
		($ in millions)		
2012	$714,698	8.7%	$38,017	4.7%
2013	714,046	(0.1)	37,331	(1.8)
2014	776,477	8.7	41,910	12.3
2015	807,775	4.0	43,503	3.8
2016	794,105	(1.7)	41,736	(4.1)
2017	874,568	10.1	48,000	15.0
2018	906,868	3.7	48,712	1.5
2019	930,755	2.6	49,567	1.8
2020 (est.)	961,698	3.3	52,863	6.6
2021 (proj.)	1,092,582	13.6	66,654	26.1

* NYS AGI and personal income tax liability reflect amounts reported on timely filed individual returns, and therefore do not include tax paid by fiduciaries or through audits.

The table indicates that under the State's progressive income tax structure with graduated tax rates, tax liability generally changes at a faster percentage rate than adjusted gross income, absent major law changes or economic events. Since tax year 2012, adjusted gross income has grown in all but two years, with the two annual declines in large part due to strategic income shifting in response to changes, or anticipated changes, to the federal tax code. Consequently, tax liability declined in both of these years, while also growing minimally in tax year 2018 due to the aforementioned strategic income shifting.

The FY 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions estimates that tax year 2020 personal income tax liability totaled $52.9 billion, increasing 6.6 percent from the prior year. Reflecting not only the economic impact of the COVID-19 pandemic, including the extraordinary support to personal incomes provided by the Federal government and the robust recovery of equity markets, but also the effects of new, high-income tax brackets and rates that are effective with the 2021 tax year, personal income tax liability is projected to increase by 26.1 percent to $66.7 billion in tax year 2021.

Debt Service Coverage

The following table sets forth (1) Revenue Bond Tax Fund Receipts for a twelve consecutive calendar month period ended not more than six months prior to the date of such calculation, (2) maximum Calculated Debt Service on the outstanding State Personal Income Tax Revenue Bonds, including the debt service on the Series 2022 Bonds, and (3) resulting debt service coverage. There can be no assurance that actual Revenue Bond Tax Fund Receipts will not be less than the amounts collected during the calculation period, as a result of numerous factors affecting Revenue Bond Tax Fund Receipts that cannot be predicted at this time.

Debt Service Coverage on State Personal Income Tax Revenue Bonds
(Dollars in Thousands)

Revenue Bond Tax Fund Receipts	$34,093,000
Maximum Calculated Debt Service	4,508,924
Debt Service Coverage	7.6x

Projected Debt Service Coverage

Based upon the assumptions used in preparing the following table including assumed State Personal Income Tax Revenue Bond issuances averaging approximately $6.2 billion annually over the next four years, State Personal Income Tax Revenue Bond debt service coverage based only upon the Revenue Bond Tax Fund's receipt of the New York State Personal Income Tax Receipts, New York State ECEP Receipts, and New York State PTET Receipts is expected to decline from 9.5 times in State Fiscal Year 2021-22 to 7.2 times in State Fiscal Year 2024-25, primarily as a result of the anticipated impact of PTET (based on the limited experience with the PTET receipts received in December 2021).

The following table entitled, "Projected Debt Service Coverage on State Personal Income Tax Revenue Bonds" does not reflect any estimate of charitable donations or the impact of such charitable donations on the amount of New York State Personal Income Tax Receipts deposited into the Revenue Bond Tax Fund. As a result, the coverage ratios shown in the table may be materially and adversely affected by such donations.

Projected Debt Service Coverage on State Personal Income Tax Revenue Bonds*
State Fiscal Years 2021-22 through 2024-25
(Dollars in Millions)

	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Projected Revenue Bond Tax Fund Receipts†	$42,421	$32,058	$39,030	$41,117
Projected New State Personal Income Tax Revenue Bonds Issuances	7,530	6,314	5,592	5,438
Projected Total State Personal Income Tax Revenue Bonds Outstanding	46,942	51,389	55,267	58,279
Projected Maximum Annual Debt Service±	4,477	4,956	5,368	5,728
Projected Debt Service Coverage	9.5x	6.5x	7.3x	7.2x

* As of the 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions.

† Includes New York State Personal Income Tax Receipts, New York State ECEP Receipts, and New York State PTET Receipts. Reflects the timing of PTET receipts and subsequent decrease in PIT receipts, which are estimated to be revenue-neutral to the State on a multi-year basis, but are not estimated to be revenue-neutral to the State within each fiscal year.

± The projections of future Revenue Bond Tax Fund Receipts are based on a number of factors and considerations. With respect to donations to the Charitable Gifts Trust Fund, meaningful historical baseline data are not available for incorporation into revenue projections. Accordingly, the information in this table may be subject to greater variability than other projections contained in this Official Statement.

Additional State Personal Income Tax Revenue Bonds may be issued, subject to satisfaction of a 2.0 times debt service coverage test. All State Personal Income Tax Revenue Bonds issued by any Authorized Issuer will be on a parity with each other as to payments from the Revenue Bond Tax Fund, subject to annual appropriation by the State Legislature. See "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Additional Bonds."

Impact of Charitable Gifts Trust Fund on State Personal Income Tax Revenue Bonds

The amount of donations made by New York State taxpayers to the Charitable Gifts Trust Fund is the principal direct risk to the amount of New York State Personal Income Tax Receipts deposited to the Revenue Bond Tax Fund. Donations to the Charitable Gifts Trust Fund could reduce State Personal Income Tax Receipts by nearly one dollar for every dollar donated because donors can claim a Personal Income Tax deduction and a tax credit equal to 85 percent of the donation amount for the tax year following the year in which the donation is made.

Prior to the June 13, 2019 release of Treasury Decision 9864 see, "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS — Legislative Changes to the State Personal Income Tax Revenue Bond Financing Program," the Division of the Budget and the Department of Taxation and Finance have calculated the maximum amount of charitable donations to the Charitable Gifts Trust Fund for tax years 2022 through 2025* to be, on average, in the range of $23 billion annually. The calculation assumes that every resident taxpayer who has an incentive to donate will do so, and such donations will be equal to the total value of each resident taxpayer's state and local tax payments ("SALT"), less the value of the $10,000 Federal SALT deduction limit, up to the value of the taxpayer's total State tax liability. The calculation is dependent on several assumptions concerning the number of itemized filers. It also relies on the Division of the Budget's projections of the level of PTET liability and the associated PTET credits, which serve to reduce Personal Income Tax liability. The calculation assumes that all PTET credits are claimed by taxpayers negatively affected by the $10,000 Federal SALT deduction limit, thereby reducing the maximum amount of charitable donations to the Charitable Gifts Trust Fund on a dollar-for-dollar basis. The calculation also assumes that (a) no further changes in tax law occur and (b) Division of the Budget's projections of the level of State taxpayer liability for the forecast period as set forth in the Financial Plan are materially accurate. The calculation is only intended to serve as a stress test on State Personal Income Tax receipts that may flow to the Revenue Bond Tax Fund under different levels of assumed taxpayer participation. Accordingly, the calculation should not, under any circumstances, be viewed as a projection of likely donations in any future year. Other factors that may influence donation activity include: continued federal limitations on the SALT deduction coupled with statements, actions, or interpretive guidance by the IRS or other governmental actors relating to the deductibility of such donations; the liquidity position, risk tolerance, and knowledge of individual taxpayers; and advice or guidance of tax advisors or other professionals.

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* Under current law, the Federal SALT deduction limit is scheduled to expire on December 31, 2025, thereby rendering the Charitable Gifts Trust Fund an unnecessary tool for realizing unlimited Federal SALT deductibility beginning in Tax Year 2026.

The following table summarizes the calculation of the potential impact of charitable donations on Revenue Bond Tax Fund Receipts under different scenarios of possible taxpayer participation.

Potential Effect of Contributions to the Charitable Gifts Trust Fund on Revenue Bond Tax Fund Receipts State Fiscal Years 2023 Through 2026 (billions of dollars)

	FY 2023	FY 2024	FY 2025	FY 2026
Revenue Bond Tax Fund Receipts, Prior Law	$16.0	$19.5	$20.6	$20.3
Revenue Bond Tax Fund Receipts, Current Law	32.1	39.0	41.1	40.7
Revenue Bond Tax Fund Receipts After Charitable Gifts				
100% Participation	28.9	28.8	30.5	30.1
75% Participation	29.7	31.4	33.2	32.7
50% Participation	30.5	33.9	35.8	35.4
25% Participation	31.3	36.5	38.5	38.0
10% Participation	31.7	38.0	40.1	39.6

NOTE: The calculation of the maximum amount of donations is intended as a stress test on New York State Personal Income Tax Receipts that may flow to the Revenue Bond Tax Fund under certain conditions. It should not under any circumstances be viewed as the likely or projected amount of Charitable Gifts Trust Fund donations in any given year.

ASSUMPTIONS:

1. *Tax Rates, Deductions, and Credits.* Revenue Bond Tax Fund Receipts After Charitable Gifts reflects a State income tax deduction for the tax year that the charitable donation is made, and an 85% State tax credit in the following tax year.
2. *State cap on itemized deductions.* The values within this table are determined without respect to New York State's limitations on itemized deductions and, as a result, likely overestimate the negative effect on Revenue Bond Tax Fund Receipts.
3. *Timing.* The values in this table likely overstate the negative effect of future gifts to the Charitable Gifts Trust Fund on the Revenue Bond Tax Fund by assuming that taxpayers immediately reduce withholding and quarterly estimated tax payments, rather than reconciling through tax returns following the conclusion of the tax year.

In general, assumptions made regarding taxpayer behavior were intended to maximize the calculated impact of charitable giving on personal income tax receipts in each year. After these adjustments and with the inclusion of New York State PTET and ECEP Receipts, Revenue Bond Tax Fund Receipts are projected to remain above the level of receipts that would have been expected under statutes effective prior to April 2018, even assuming a maximum taxpayer participation scenario.

The calculation of the projected maximum amount on the amount of donations is necessarily based on many assumptions that may change materially over time. While the Division of the Budget believes that these factors can be expected to constrain donation activity, there can be no assurance that, under conditions of maximum participation, the amount of annual donations to the Charitable Gifts Trust Fund will not reduce the level of New York State Personal Income Tax Receipts deposited into the Revenue Bond Tax Fund below the levels calculated. Accordingly, although the calculation of a maximum amount reflects the Division of the Budget's and Department of Taxation and Finance's current best judgment and estimates, such amount may be higher.

As of the FY 2023 Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions, the State has received $93 million in charitable gifts that have been deposited to the Charitable Gifts Trust Fund. Donations to the Charitable Gifts Trust Fund will likely reduce New York State Personal Income Tax Receipts by nearly one dollar for every dollar donated. There can be no assurance that, under conditions of maximum participation, the amount of annual charitable gifts will not reduce the level of New York State Personal Income Tax Receipts deposited into the Revenue Bond Tax Fund below the levels projected in February 2018 before State tax reforms were enacted. If that were to occur, it is the Division of the Budget's expectation that changes to the Tax Law would be recommended to further increase the percentage of New York State Personal Income Tax Receipts deposited into the Revenue Bond Tax Fund.

PART 5—DESCRIPTION OF THE SERIES 2022 BONDS

General

The Series 2022 Bonds will bear interest, computed on the basis of a 360-day year and 30-day month, from their date of delivery, payable September 15, 2022 and on each March 15 and September 15 thereafter at the rates set forth on the inside cover pages of this Official Statement. The Series 2022 Bonds will be issued only as fully registered bonds in principal denominations of $5,000 or any integral multiple thereof.

The Record Date for the Series 2022 Bonds shall be the last day of the calendar month preceding such interest payment date. The Series 2022 Bonds will be issued under a book-entry only system, and will be registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), New York, New York, which will act as bond depository for the Series 2022 Bonds. Principal or redemption price of and interest on the Series 2022 Bonds are payable by U.S. Bank Trust Company, National Association, New York, New York, as Trustee and Paying Agent, to Cede & Co., so long as Cede & Co. is the registered owner of the Series 2022 Bonds, as nominee for DTC, which will, in turn, remit such principal and interest to the DTC Participants for subsequent disbursement to the Beneficial Owners. See "PART 8—BOOK-ENTRY ONLY SYSTEM AND GLOBAL CLEARANCE PROCEDURES" below.

Optional Redemption

Series 2022A Bonds

The Series 2022A Bonds maturing on or before March 15, 2032 are not subject to redemption prior to maturity.

The Series 2022A Bonds maturing after March 15, 2032 are subject to redemption prior to maturity on or after March 15, 2032, in any order at the option of DASNY, as a whole or in part at any time, at a redemption price of par, plus accrued interest to the redemption date.

Series 2022B Bonds

The Series 2022B Bonds are subject to optional redemption prior to their stated maturity dates as a whole or in part, in any order, at the option of DASNY, on any Business Day, (i) before March 15, 2032 at the Make-Whole Redemption Price described below, and (ii) on or after March 15, 2032, at a Redemption Price equal to 100% of the principal amount thereof, plus accrued interest to the date of redemption.

The "Make-Whole Redemption Price" is the greater of:

(1) 100% of the principal amount of the Series 2022B Bonds to be redeemed; and

(2) the sum of the present value of the remaining scheduled payments of principal and interest to the maturity date of such Series 2022B Bonds to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date on which such Series 2022B Bonds are to be redeemed, discounted to the date on which such Series 2022B Bonds are to be redeemed on a semi-annual basis, assuming a 360-day year consisting of twelve 30-day months, at the adjusted Treasury Rate (as defined below) plus (i) 5 basis points for the Series 2022B Bonds maturing in 2023; (ii) 10 basis points for the Series 2022B Bonds maturing in years 2024 through 2026, inclusive; (iii) 15 basis points for the Series 2022B Bonds maturing in years 2027 through 2029, inclusive; (iv) 20 basis points for the Series 2022B Bonds maturing in years 2030 through 2032, inclusive; (v) 25 basis points for the Series 2022B Bonds maturing in years 2033 and 2034; and (vi) 30 basis points for the Series 2022B Bonds maturing in years 2035 and 2037, plus accrued and unpaid interest on the Series 2022B Bonds to be redeemed on the redemption date.

The "Treasury Rate" is, as of any redemption date, the yield to maturity as of such redemption date of United States Treasury securities with a constant maturity (as compiled and published in the most recent Federal Reserve Statistical Release H.15 (519) that has become publicly available at least two Business Days, but no more than 60 calendar days, prior to the redemption date (excluding inflation indexed securities) (or, if such Statistical Release is no longer published, any publicly available source of similar market data)) most nearly equal to the period from the redemption date to the maturity date of the Series 2022B Bonds to be redeemed; (taking into account any sinking fund installments for such bonds) provided, however, that if the period from the redemption date to such maturity date is less than one year, the weekly average yield on actually traded United States Treasury securities adjusted to a constant maturity of one year will be used.

Mandatory Redemption

The Series 2022A Bonds maturing on March 15, 2046, March 15, 2049 and March 15, 2052, are subject to mandatory sinking fund redemption, in part, on each of the dates and in the respective principal amounts set forth below, at a redemption price of 100% of the principal amount thereof, plus accrued interest to the date of redemption, from mandatory Sinking Fund Installments which are required to be made in amounts sufficient to redeem the principal amounts of Series 2022A Bonds specified for each of the dates shown in the following table:

Series 2022A Term Bonds
Maturing March 15, 2046

March 15,	Sinking Fund Installment
2044	$80,995,000
2045	85,045,000
2046†	89,295,000

† Stated maturity.

Series 2022A Term Bonds
Maturing March 15, 2049

March 15,	Sinking Fund Installment
2047	$ 93,765,000
2048	97,510,000
2049†	101,415,000

† Stated maturity.

Series 2022A Term Bonds
Maturing March 15, 2052

March 15,	Sinking Fund Installment
2050	$105,470,000
2051	109,160,000
2052†	112,980,000

† Stated maturity.

The Series 2022B Bonds maturing on March 15, 2037 are subject to mandatory sinking fund redemption, in part, on each of the dates and in the respective principal amounts set forth below, at a redemption price of 100% of the principal amount thereof, plus accrued interest to the date of redemption, from mandatory Sinking Fund Installments which are required to be made in amounts sufficient to redeem the principal amounts of Series 2022B Bonds specified for each of the dates shown in the following table:

Series 2022B Term Bonds
Maturing March 15, 2037

March 15,	**Sinking Fund Installment**
2036	$51,845,000
2037†	53,900,000

† Stated maturity.

Selection of Bonds to be Redeemed; Notice of Redemption

In the case of redemptions of the Series 2022A Bonds or Series 2022B Bonds at the option of DASNY, DASNY will select the maturities (and interest rates, if applicable) of the Series 2022A Bonds or Series 2022B Bonds to be redeemed.

Series 2022A Bonds

If less than all of the Series 2022A Bonds of a maturity (and interest rates, if applicable) are to be redeemed, the Trustee shall assign to each Outstanding Series 2022A Bond of such maturity (and interest rates, if applicable) to be redeemed a distinctive number for each unit of the principal amount of such Bond equal to the lowest denomination in which such Series 2022A Bonds are authorized to be issued and shall select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to such Series 2022A Bonds, as many numbers as, at such unit amount equal to the lowest denomination in which such Series 2022A Bonds are authorized to be issued for each number, shall equal the principal amount of such Series 2022A Bonds to be redeemed.

For so long as DTC is the registered owner of the Series 2022A Bonds, procedures with respect to the transmission of notices and the selection of Series 2022A Bonds to be redeemed and the corresponding redemption of Principal, Sinking Fund Installments, if any or Redemption Price, if any, of and interest on the Series 2022A Bonds so held shall be in accordance with arrangements among the Trustee, DASNY and DTC.

Series 2022B Bonds

While the Series 2022B Bonds are held in DTC book-entry only form, in the case of optional redemption of the Series 2022B Bonds, if less than all of the Series 2022B Bonds are to be redeemed, the particular Series 2022B Bonds or portions thereof to be redeemed are to be selected on a “Pro Rata Pass-Through Distribution of Principal” basis in accordance with DTC operational procedures then in effect. Such procedures currently provide for adjustment of the principal by a factor provided by the Trustee. If the Trustee does not provide the necessary information or does not identify the redemption as on a “Pro Rata Pass-Through Distribution of Principal” basis, the Series 2022B Bonds will be selected for redemption in accordance with DTC procedures by lot. DASNY intends that redemption allocations to be made by DTC, the DTC Participants or such other intermediaries that may exist between DASNY and the owners of the Series 2022B Bonds would be made on a “Pro Rata Pass-Through Distribution of Principal” basis as described above. However, DASNY cannot provide any assurance that DTC, the DTC Participants or any other intermediaries will allocate redemptions among the owners on such basis. If operational procedures of DTC (or of any successor depository) do not allow for the redemption of the Series 2022B Bonds on a “Pro Rata Pass-Through Distribution of Principal” basis, the Series 2022B Bonds will be selected for redemption by lot.

If the Series 2022B Bonds are not registered in book-entry form and if fewer than all of a maturity of the Series 2022B Bonds are to be redeemed, the particular Series 2022B Bonds to be redeemed will be selected on a pro rata basis; provided, however, that any such redemption must be performed in a manner that results in all of the remaining outstanding Series 2022B Bonds being in authorized denominations.

Notice of Redemption

Any notice of optional redemption of the Series 2022 Bonds may state that it is conditional upon receipt by the Trustee of money sufficient to pay the Redemption Price of such Series 2022 Bonds or upon the satisfaction of any other condition, or that it may be rescinded upon the occurrence of any other event, and any conditional notice so given may be rescinded at any time before payment of such Redemption Price if any such condition so specified is not satisfied or if any such other event occurs. Under the Resolutions, the Trustee is required to provide (i) notice of any rescission or failure to meet any such condition or other such event as promptly as practicable after the failure of such condition or the occurrence of such other event, and (ii) notice of the Make-Whole Redemption Price as promptly as practicable after its determination.

When the Trustee shall have received notice from DASNY that Series 2022 Bonds are to be redeemed at the option of DASNY, and regardless of any such notice in the case of mandatory sinking fund redemption, the Trustee shall give notice, in the name of DASNY, of the redemption of such Series 2022 Bonds, which notice shall specify the Series 2022 Bonds to be redeemed, the redemption date and the place or places where amounts due upon such redemption will be payable, and, in the case of Series 2022 Bonds to be redeemed in part only, the respective portions of the principal amount thereof to be redeemed, and, if less than all of the Series 2022 Bonds of any like maturity are to be redeemed, the letters and numbers or other distinguishing marks of such Series 2022 Bonds to be redeemed, and if applicable, that such notice is conditional and the conditions that must be satisfied.

Such notice shall further state that on the redemption date there shall become due and payable upon each Series 2022 Bond or portion thereof to be redeemed the Redemption Price thereof, together with interest accrued to the redemption date, and that from and after such date interest thereon shall cease to accrue and be payable on the Series 2022 Bonds or portions thereof to be redeemed.

Notice of any redemption shall be mailed by the Trustee, postage prepaid, no more than forty-five (45) days and no less than thirty (30) days before the redemption date, to the Owners of any Series 2022 Bonds or portions of Series 2022 Bonds, which are to be redeemed, at their last address, if any, appearing upon the registry books.

For a more complete description of the redemption and other provisions relating to the Series 2022A Bonds, see "APPENDIX B—SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL RESOLUTION."

PART 6—APPLICATION OF PROCEEDS

The Series 2022 Bonds are being issued for the purposes of financing Authorized Purposes. Proceeds of the Series 2022 Bonds are expected to be used to (a) finance, refinance or reimburse all or a portion of the costs of programs and projects within the State, including but not limited to (i) capital projects for the City University of New York; (ii) capital projects for the Office of Mental Health, the Office for People with Developmental Disabilities and the Office of Addiction Services and Supports; (iii) capital projects for the State University of New York; (iv) capital projects for the Dedicated Highway and Bridge Trust Fund; (v) transportation projects for the Metropolitan Transportation Authority; (vi) State and municipal facilities grants; (vii) capital projects for housing programs; and (viii) health care grants (collectively, the "Projects"), (b) refund certain outstanding State-supported debt previously issued by DASNY, and (c) pay certain costs relating to the issuance of the Series 2022 Bonds. See “PART 7—THE REFUNDING PLAN” and “APPENDIX F— REFUNDED BONDS” herein.

The Series 2022 Bonds are not secured by any mortgage on, any revenues from, or any other interest in, capital works or purposes authorized to be financed by such application of the proceeds of Series 2022 Bonds.

PART 7—THE REFUNDING PLAN

A portion of the proceeds of the Series 2022 Bonds will be used to refund certain State-supported debt previously issued by DASNY, as more particularly described in “APPENDIX F— REFUNDED BONDS” hereto (collectively, the “Refunded Bonds”).

Simultaneously with the issuance and delivery of the Series 2022 Bonds, a portion of the proceeds of the Series 2022 Bonds will be deposited into separate escrows with the trustee for the respective Refunded Bonds and, together with other available funds, if any, will be sufficient to acquire direct non-callable obligations of the United States of America (the “Defeasance Securities”), the maturing principal of and interest on which will be sufficient, together with any uninvested cash, to pay the principal or redemption price of and interest due on such Refunded Bonds on the respective dates fixed for their redemption (the “Redemption Dates”). See “PART 18—VERIFICATION OF MATHEMATICAL COMPUTATIONS.” At or prior to the time of such deposit, DASNY will provide to the trustee for the respective Refunded Bonds irrevocable instructions to (i) give notices of the defeasance and redemption of the respective Refunded Bonds, as applicable, and (ii) apply the maturing principal of and interest on the Defeasance Securities, together with any uninvested cash held in escrow, to the payment of the principal or redemption price of and interest coming due on the applicable Refunded Bonds on the Redemption Dates.

PART 8—BOOK-ENTRY ONLY SYSTEM AND GLOBAL CLEARANCE PROCEDURES

Book-Entry Only System

The following information concerning DTC and DTC’s book-entry system has been obtained from sources that DASNY believes to be reliable, but DASNY takes no responsibility for the accuracy thereof.

The Depository Trust Company (“DTC”), New York, New York, will act as securities depository for the Series 2022 Bonds. References to the Series 2022 Bonds under this caption “Book-Entry Only System” shall mean all Series 2022 Bonds, the beneficial interests in which are owned in the United States. The Series 2022 Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Series 2022 Bond certificate will be issued for the Series 2022 Bonds of each maturity of each series, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC is a limited purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, as amended. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The DTC Rules applicable to its Direct and Indirect Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of the Series 2022 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the related Series 2022 Bonds on DTC's records. The ownership interest of each actual purchaser of each Series 2022 Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Series 2022 Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Series 2022 Bonds, except in the event that use of the book-entry system for the Series 2022 Bonds is discontinued.

To facilitate subsequent transfers, all Series 2022 Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Series 2022 Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Series 2022 Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Series 2022 Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Redemption notices shall be sent to DTC. If less than all of the Series 2022 Bonds of like series and maturity are being redeemed, DTC's practice is to determine by lot the amount of interest of each Direct Participant in the Series 2022 Bonds of such series and maturity to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Series 2022 Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to DASNY as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Series 2022 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, redemption premium, if any, and interest payments on the Series 2022 Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from DASNY or the Trustee on a payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name", and will be the responsibility of such Participant and not of DTC, the Trustee or DASNY, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal, redemption premium, if any, and interest to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Trustee or DASNY, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DASNY and the Trustee may treat DTC (or its nominee) as the sole and exclusive registered owner of the Series 2022 Bonds registered in its name for the purposes of payment of the principal and redemption premium, if any, of, or interest on, the Series 2022 Bonds, giving any notice permitted or required to be given to registered owners under the Resolutions, registering the transfer of the Series 2022 Bonds, or other action to be taken by registered owners and for all other purposes whatsoever. DASNY and the Trustee shall not have any responsibility or obligation to any Direct or Indirect Participant, any person claiming a beneficial ownership interest in the Series 2022 Bonds under or through DTC or any Direct or Indirect Participant, or any other person which is not shown on the registration books of DASNY (kept by the Trustee) as being a registered owner, with respect to the accuracy of any records maintained by DTC or any Direct or Indirect Participant; the payment by DTC or any Direct or Indirect Participant of any amount in respect of the principal, redemption premium, if any, or interest on the Series 2022 Bonds; any notice which is permitted or required to be given to registered owners thereunder or under the conditions to transfers or exchanges adopted by DASNY; or other action taken by DTC as registered owner. Interest, redemption premium, if any, and principal will be paid by the Trustee to DTC, or its nominee. Disbursement of such payments to the Direct or Indirect Participants is the responsibility of DTC and disbursement of such payments to the Beneficial Owners is the responsibility of the Direct or Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to any series of the Series 2022 Bonds at any time by giving reasonable notice to DASNY or the Trustee. Under such circumstances, in the event that a successor securities depository is not obtained, Series 2022 Bond certificates are required to be printed and delivered.

DASNY may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository) for any series of the Series 2022 Bonds. In that event, Series 2022 Bond certificates will be printed and delivered to DTC.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that DASNY believes to be reliable, but DASNY takes no responsibility for the accuracy thereof.

Each person for whom a Participant acquires an interest in the Series 2022 Bonds, as nominee, may desire to make arrangements with such Participant to receive a credit balance in the records of such Participant, and may desire to make arrangements with such Participant to have all notices of redemption or other communications of DTC, which may affect such persons, to be forwarded in writing by such Participant and to have notification made of all interest payments. NEITHER DASNY NOR THE TRUSTEE WILL HAVE ANY RESPONSIBILITY OR OBLIGATION TO SUCH PARTICIPANTS OR THE PERSONS FOR WHOM THEY ACT AS NOMINEES WITH RESPECT TO THE SERIES 2022 BONDS.

So long as Cede & Co. is the registered owner of the Series 2022 Bonds, as nominee for DTC, references herein to the Bondholders or registered owners of the Series 2022 Bonds (other than under the caption "PART 13—TAX MATTERS" and "PART 20—CONTINUING DISCLOSURE" herein) shall mean Cede & Co., as aforesaid, and shall not mean the Beneficial Owners of the Series 2022 Bonds.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference only relates to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they will be sent by the Trustee to DTC only.

For every transfer and exchange of Series 2022 Bonds, the Beneficial Owner may be charged a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto.

DASNY SHALL NOT HAVE ANY RESPONSIBILITY OR OBLIGATION TO PARTICIPANTS, TO INDIRECT PARTICIPANTS OR TO ANY BENEFICIAL OWNER WITH RESPECT TO: (1) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC, ANY DIRECT PARTICIPANT, OR ANY INDIRECT PARTICIPANT; (2) THE PAYMENT BY DTC OR ANY DIRECT PARTICIPANT OR INDIRECT PARTICIPANT OF ANY AMOUNT WITH RESPECT TO THE PRINCIPAL OF, OR REDEMPTION PREMIUM, IF ANY, OR INTEREST ON, THE SERIES 2022 BONDS; (3) ANY NOTICE WHICH IS PERMITTED OR REQUIRED TO BE GIVEN TO BONDHOLDERS UNDER THE RESOLUTIONS; (4) ANY CONSENT GIVEN BY DTC OR OTHER ACTION TAKEN BY DTC AS A BONDHOLDER; (5) THE SELECTION BY DTC OR ANY DIRECT PARTICIPANT OR INDIRECT PARTICIPANT OF ANY BENEFICIAL OWNERS TO RECEIVE PAYMENT IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE SERIES 2022 BONDS; OR (6) ANY OTHER MATTER.

Global Clearance Procedures

Beneficial interests in the Series 2022 Bonds may be held through DTC, Clearstream Banking, S.A. (Clearstream) or Euroclear Bank SA/NV (Euroclear) as operator of the Euroclear System, directly as a participant or indirectly through organizations that are participants in such system.

The information set out below is subject to any change in or reinterpretation of the rules, regulations and procedures of DTC, Euroclear or Clearstream (DTC, Euroclear and Clearstream together, the "Clearing Systems ") currently in effect. The information in this subsection concerning the Clearing Systems has been obtained from sources believed to be reliable. No representation is made herein by DASNY as to the accuracy, completeness or adequacy of such information or as to the absence of material adverse changes in such information subsequent to the date of this Official Statement. DASNY will not have any responsibility or liability for any aspect of the records relating to, or payments made on account of beneficial ownership interests in the Series 2022 Bonds held through the facilities of any Clearing System or for maintaining, supervising or reviewing any records relating to such beneficial ownership interests.

Euroclear and Clearstream. Euroclear and Clearstream each hold securities for their customers and facilitate the clearance and settlement of securities transactions by electronic book-entry transfer between their respective account holders. Euroclear and Clearstream provide various services including safekeeping, administration, clearance and settlement of internationally traded securities and securities lending and borrowing. Euroclear and Clearstream also deal with domestic securities markets in several countries through established depositary and custodial relationships. Euroclear and Clearstream have established an electronic bridge between their two systems across which their respective participants may settle trades with each other.

Euroclear and Clearstream customers are worldwide financial institutions, including underwriters, securities brokers and dealers, banks, trust companies and clearing corporations. Indirect access to Euroclear and Clearstream is available to other institutions that clear through or maintain a custodial relationship with an account holder of either system, either directly or indirectly.

Clearing and Settlement Procedures. The Series 2022 Bonds sold in offshore transactions will be initially issued to investors through the book-entry facilities of DTC, or Clearstream and Euroclear in Europe if the investors are participants in those systems, or indirectly through organizations that are participants in the systems. For any of such Series 2022 Bonds, the record holder will be DTC's nominee. Clearstream and Euroclear will hold omnibus positions on behalf of their participants through customers' securities accounts in Clearstream's and Euroclear's names on the books of their respective depositories.

The depositories, in turn, will hold positions in customers' securities accounts in the depositories' names on the books of DTC. Because of time zone differences, the securities account of a Clearstream or Euroclear participant as a result of a transaction with a participant, other than a depository holding on behalf of Clearstream or Euroclear, will be credited during the securities settlement processing day, which must be a business day for Clearstream or Euroclear, as the case may be, immediately following the DTC settlement date.

These credits or any transactions in the securities settled during the processing will be reported to the relevant Euroclear participant or Clearstream participant on that business day. Cash received in Clearstream or Euroclear as a result of sales of securities by or through a Clearstream participant or Euroclear participant to a DTC Participant, other than the depository for Clearstream or Euroclear, will be received with value on the DTC settlement date but will be available in the relevant Clearstream or Euroclear cash account only as of the business day following settlement in DTC.

Transfer Procedures. Transfers between participants will occur in accordance with DTC rules. Transfers between Clearstream participants or Euroclear participants will occur in accordance with their respective rules and operating procedures. Cross-market transfers between persons holding directly or indirectly through DTC, on the one hand, and directly or indirectly through Clearstream participants or Euroclear participants, on the other, will be effected in DTC in accordance with DTC rules on behalf of the relevant European international clearing system by the relevant depositories; however, cross-market transactions will require delivery of instructions to the relevant European international clearing system by the counterparty in the system in accordance with its rules and procedures and within its established deadlines in European time.

The relevant European international clearing system will, if the transaction meets its settlement requirements, deliver instructions to its depository to take action to effect final settlement on its behalf by delivering or receiving securities in DTC, and making or receiving payment in accordance with normal procedures for same day funds settlement applicable to DTC. Clearstream participants or Euroclear participants may not deliver instructions directly to the depositories.

DASNY will not impose any fees in respect of holding the Series 2022 Bonds; however, holders of book-entry, interests in the Series 2022 Bonds may incur fees normally payable in respect of the maintenance and operation of accounts in DTC, Euroclear and Clearstream.

Initial Settlement. Interests in the Series 2022 Bonds will be in uncertified book-entry form. Purchasers electing to hold book-entry interests in the Series 2022 Bonds through Euroclear and Clearstream accounts will follow the settlement procedures applicable to conventional Eurobonds. Book-entry interests in the Series 2022 Bonds will be credited to Euroclear and Clearstream participants' securities clearance accounts on the business day following the date of delivery of the Series 2022 Bonds against payment (value as on the date of delivery of the Series 2022 Bonds). DTC participants acting on behalf of purchasers electing to hold book-entry interests in the Series 2022 Bonds through DTC will follow the delivery practices applicable to securities eligible for DTC's Same Day Funds Settlement system. DTC participants' securities accounts will be credited with book-entry interests in the Series 2022 Bonds following confirmation of receipt of payment to DASNY on the date of delivery of the Series 2022 Bonds.

Secondary Market Trading. Secondary market trades in the Series 2022 Bonds will be settled by transfer of title to book-entry interests in Euroclear, Clearstream or DTC, as the case may be. Title to such book-entry interests will pass by registration of the transfer within the records of Euroclear, Clearstream or DTC, as the case may be, in accordance with their respective procedures. Book-entry interests in the Series 2022 Bonds may be transferred within Euroclear and within Clearstream and between Euroclear and Clearstream in accordance with procedures established for these purposes by Euroclear and Clearstream. Book-entry interests in the Series 2022 Bonds may be transferred within DTC in accordance with procedures established for this purpose by DTC. Transfer of book-entry interests in the Series 2022 Bonds between Euroclear or Clearstream and DTC may be effected in accordance with procedures established for this purpose by Euroclear, Clearstream and DTC.

Special Timing Considerations. Investors should be aware that investors will only be able to make and receive deliveries, payments and other communications involving the Series 2022 Bonds through Euroclear or Clearstream on days when those systems are open for business. In addition, because of time-zone differences, there may be complications with completing transactions involving Clearstream and/or Euroclear on the same business day as in the United States. U.S. investors who wish to transfer their interests in the Series 2022 Bonds, or to receive or make a payment or delivery of the Series 2022 Bonds, on a particular day, may find that the transactions will not be performed until the next business day in Luxembourg if Clearstream is used, or Brussels if Euroclear is used.

Clearing Information. DASNY expects that the Series 2022 Bonds will be accepted for clearance through the facilities of Euroclear and Clearstream. The international securities identification numbers and CUSIP numbers for the Series 2022 Bonds are set forth on the inside cover pages of the Official Statement.

General. None of Euroclear, Clearstream or DTC is under any obligation to perform or continue to perform the procedures referred to above, and such procedures may be discontinued at any time.

NEITHER DASNY NOR ANY OF ITS AGENTS WILL HAVE ANY RESPONSIBILITY FOR THE PERFORMANCE BY EUROCLEAR OR CLEARSTREAM OR THEIR RESPECTIVE DIRECT OR INDIRECT PARTICIPANTS OR ACCOUNT HOLDERS OF THEIR RESPECTIVE OBLIGATIONS UNDER THE RULES AND PROCEDURES GOVERNING THEIR OPERATIONS OR THE ARRANGEMENTS REFERRED TO ABOVE.

PART 9—DEBT SERVICE REQUIREMENTS

The following schedule sets forth, for each 12-month period ending March 31 of the years shown, the amounts required for the payment of debt service on the Series 2022 Bonds, for the payment of debt service on other outstanding State Personal Income Tax Revenue Bonds and the aggregate total during each such period.

	Series 2022 Bonds				
12-Month Period Ending March 31	Principal Payments	Interest Payments	Total Debt Service	Other Outstanding NYS Personal Income Tax Revenue Bonds Debt Service(1)(2)(3)(4)	Aggregate Debt Service (1)(3)(4)
2023	$ 50,360,000	$125,032,146	$175,392,146	$ 3,675,580,623	$3,850,972,769
2024	94,335,000	127,169,385	221,504,385	3,562,356,944	3,783,861,329
2025	100,355,000	123,489,913	223,844,913	3,676,238,589	3,900,083,503
2026	112,715,000	119,438,218	232,153,218	4,276,771,139	4,508,924,358
2027	112,210,000	114,731,471	226,941,471	4,060,696,894	4,287,638,366
2028	141,185,000	110,006,533	251,191,533	3,992,847,497	4,244,039,030
2029	133,060,000	103,778,807	236,838,807	3,560,394,498	3,797,233,306
2030	119,980,000	97,926,090	217,906,090	3,287,781,240	3,505,687,330
2031	107,660,000	92,705,268	200,365,268	3,178,296,724	3,378,661,992
2032	91,245,000	88,066,280	179,311,280	3,016,111,245	3,195,422,525
2033	88,765,000	84,224,640	172,989,640	2,792,776,502	2,965,766,143
2034	92,550,000	80,438,066	172,988,066	2,565,594,732	2,738,582,798
2035	96,110,000	76,876,240	172,986,240	2,309,308,008	2,482,294,249
2036	99,885,000	73,107,242	172,992,242	2,154,465,845	2,327,458,088
2037	104,355,000	68,631,961	172,986,961	2,045,697,829	2,218,684,790
2038	109,040,000	63,953,750	172,993,750	1,921,535,995	2,094,529,745
2039	113,395,000	59,592,150	172,987,150	1,827,132,366	2,000,119,516
2040	117,930,000	55,056,350	172,986,350	1,681,662,710	1,854,649,060
2041	122,645,000	50,339,150	172,984,150	1,577,971,450	1,750,955,600
2042	128,775,000	44,206,900	172,981,900	1,488,429,751	1,661,411,651
2043	77,880,000	39,055,900	116,935,900	1,438,775,306	1,555,711,206
2044	80,995,000	35,940,700	116,935,700	1,286,905,150	1,403,840,850
2045	85,045,000	31,890,950	116,935,950	1,222,543,450	1,339,479,400
2046	89,295,000	27,638,700	116,933,700	1,152,921,350	1,269,855,050
2047	93,765,000	23,173,950	116,938,950	1,102,791,250	1,219,730,200
2048	97,510,000	19,423,350	116,933,350	995,070,800	1,112,004,150
2049	101,415,000	15,522,950	116,937,950	853,728,900	970,666,850
2050	105,470,000	11,466,350	116,936,350	649,268,500	766,204,850
2051	109,160,000	7,774,900	116,934,900	191,994,650	308,929,550
2052	112,980,000	3,954,300	116,934,300	86,768,200	203,702,500
2053	–	–	–	86,772,200	86,772,200
2054	–	–	–	86,769,600	86,769,600
2055	–	–	–	86,771,600	86,771,600
2056	–	–	–	86,768,800	86,768,800
2057	–	–	–	86,772,000	86,772,000
2058	–	–	–	86,771,400	86,771,400
2059	–	–	–	86,772,400	86,772,400
Total(3)	**$3,090,070,000**	**$1,974,612,618**	**$5,064,682,618**	**$66,239,816,135**	**$71,304,498,753**

(1) Interest on $74,615,000 principal amount of outstanding State Personal Income Tax Revenue Bonds that bear interest at variable rates is calculated based on an assumed rate of 3.5 percent.

(2) The information set forth under the column captioned "Other Outstanding NYS Personal Income Tax Revenue Bonds Debt Service" reflects debt service on outstanding State Personal Income Tax Revenue Bonds and on State Personal Income Tax Revenue Bonds contractually obligated to be issued and delivered by Authorized Issuers as of the date of this Official Statement. The State expects that Authorized Issuers will be issuing State Personal Income Tax Revenue Bonds from time to time and to the extent that such other State Personal Income Tax Revenue Bonds are either issued or contractually obligated to be issued and delivered pursuant to one or more executed bond purchase agreements or bond awards after the date of this Official Statement, this Official Statement will not be supplemented to reflect such updated information.

(3) Totals may not add due to rounding.

(4) Excludes debt service on the refunded State Personal Income Tax Revenue Bonds.

PART 10—ESTIMATED SOURCES AND USES OF FUNDS

The following table sets forth the estimated sources and uses of funds with respect to the Series 2022 Bonds:

Sources of Funds	**Series 2022A**	**Series 2022B**	**Total**
Principal Amount of Series 2022 Bonds	$2,422,335,000.00	$667,735,000.00	$3,090,070,000.00
Net Original Issue Premium	238,027,850.45	–	238,027,850.45
Total Sources	$2,660,362,850.45	$667,735,000.00	$3,328,097,850.45
Uses of Funds			
Deposit to Series 2022 Bond Proceeds Accounts	$1,448,932,508.05	$638,091,231.01	$2,087,023,739.06
Deposit to Refunding Escrows	1,179,728,807.02	20,880,915.50	1,200,609,722.52
Costs of Issuance*	21,035,155.30	6,115,626.12	27,150,781.42
Underwriters' Discount	10,666,380.08	2,647,227.37	13,313,607.45
Total Uses	$2,660,362,850.45	$667,735,000.00	$3,328,097,850.45

* Includes New York State Bond Issuance Charge.

PART 11—DASNY

Background, Purposes and Powers

DASNY is a body corporate and politic constituting a public benefit corporation. DASNY was created in 1944 to finance and build dormitories at State teachers' colleges to provide housing for the large influx of students returning to college on the G.I. Bill following World War II. Over the years, the State Legislature has expanded DASNY's scope of responsibilities. Today, pursuant to the Authority Act, DASNY is authorized to finance, design, construct or rehabilitate facilities for use by a variety of public and private not-for-profit entities.

DASNY provides financing services to its clients in three major areas: public facilities; not-for-profit healthcare; and independent higher education and other not-for-profit institutions. DASNY issues State-supported debt, including State Personal Income Tax Revenue Bonds and State Sales Tax Revenue Bonds, on behalf of public clients such as the State University of New York, the City University of New York, the Department of Health, the New York State Education Department, the Office of Mental Health, the Office of People with Developmental Disabilities, the Office of Addiction Services and Supports, the Office of General Services, and the Office of General Services of the State on behalf of the Department of Audit and Control. Other public clients for whom DASNY issues debt include Boards of Cooperative Educational Services ("BOCES"), State University of New York, the Workers' Compensation Board, school districts across the State and certain cities and counties that have accessed DASNY for the purpose of providing court facilities. DASNY's private clients include independent colleges and universities, private hospitals, certain private secondary schools, special education schools, facilities for the aged, primary care facilities, libraries, museums, research centers and government-supported voluntary agencies, among others.

To carry out its programs, DASNY is authorized to issue and sell negotiable bonds and notes to finance the construction of facilities for such institutions, to issue bonds or notes to refund outstanding bonds or notes, and to lend funds to such institutions. As of December 31, 2021, DASNY had approximately $59.7 billion aggregate principal amount of bonds and notes outstanding.

DASNY also is authorized to make tax-exempt leases, with its Tax-Exempt Leasing Program (TELP). As part of its operating activities, DASNY also administers a wide variety of grants authorized by the State for economic development, education, and community improvement, which are payable to both public and private grantees from proceeds of State Personal Income Tax Revenue Bonds issued by DASNY.

DASNY is a conduit debt issuer. Under existing law, and assuming continuing compliance with tax law, interest on most bonds and notes issued by DASNY has been determined to be excludable from gross income for federal tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended. All DASNY's outstanding bonds and notes, both fixed and variable rate, are special obligations of DASNY payable solely from payments required to be made by or for the account of the client institution for which the particular special obligations were issued. DASNY has no obligation to pay its special obligations other than from such payments. DASNY has always paid the principal of and interest on all of its obligations on time and in full; however, as a conduit debt issuer, payments on DASNY's special obligations are solely dependent upon payments made by the DASNY client for which the particular special obligations were issued and the security provisions relating thereto.

DASNY also offers a variety of construction services to certain educational, governmental, and not-for-profit institutions in the areas of project planning, design, and construction, monitoring project construction, purchasing of furnishings and equipment for projects, interior design of projects, and designing and managing projects to rehabilitate older facilities.

In connection with the powers described above, DASNY has the general power to acquire real and personal property, give mortgages, make contracts, operate certain facilities and fix and collect rentals or other charges for their use, contract with the holders of its bonds and notes as to such rentals and charges, borrow money, and adopt a program of self-insurance.

DASNY has a staff of approximately 475 employees located in four main offices (Albany, New York City, Buffalo and Rochester) and at approximately 39 field sites across the State.

Governance

DASNY is governed by an eleven-member board. Board members include the Commissioner of Education of the State, the Commissioner of Health of the State, the State Comptroller or one member appointed by him or her who serves until his or her successor is appointed, the Director of the Budget of the State, one member appointed by the Temporary President of the State Senate, one member appointed by the Speaker of the State Assembly, and five members appointed by the Governor, with the advice and consent of the Senate, for terms of three years. The Commissioner of Education of the State, the Commissioner of Health of the State, and the Director of the Budget of the State each may appoint a representative to attend and vote at DASNY meetings. The members of DASNY serve without compensation but are entitled to reimbursement of expenses incurred in the performance of their duties.

The Governor appoints a Chair from the members appointed by him or her and the members of DASNY annually choose the following officers, of which the first two must be members of DASNY: Vice-Chair, Secretary, Treasurer, Assistant Secretaries, and Assistant Treasurers.

The current members of DASNY are as follows:

ALFONSO L. CARNEY, JR., *Chair*, New York.

Alfonso L. Carney, Jr. was reappointed as a Member of DASNY by the Governor on June 19, 2013. Mr. Carney is a principal of Rockwood Partners, LLC, which provides medical consulting services in New York City. He has served as Acting Chief Operating Officer and Corporate Secretary for the Goldman Sachs Foundation in New York where, working with the President of the Foundation, he managed the staff of the Foundation, provided strategic oversight of the administration, communications, and legal affairs teams, and developed select Foundation program initiatives. Mr. Carney has held senior level legal positions with Altria Group Inc., Philip Morris Companies Inc., Philip Morris Management Corporation, Kraft Foods, Inc., and General Foods Corporation. Mr. Carney holds a Bachelor's degree in philosophy from Trinity College and a Juris Doctor degree from the University of Virginia School of Law. His term expired on March 31, 2016 and by law he continues to serve until a successor shall be chosen and qualified.

JOHN B. JOHNSON, JR., *Vice-Chair*, Watertown.

John B. Johnson, Jr. was reappointed as a Member of DASNY by the Governor on June 19, 2013. Mr. Johnson is Chairman of the Board of the Johnson Newspaper Corporation, which publishes the Watertown Daily Times, Batavia Daily News, Malone Telegram, Catskill Daily Mail, Hudson Register Star, Ogdensburg Journal, Massena-Potsdam Courier Observer, seven weekly newspapers, and three shopping newspapers. He holds a Bachelor's degree from Vanderbilt University, and Master's degrees in Journalism and Business Administration from the Columbia University Graduate School of Journalism and Business. Mr. Johnson was awarded an Honorary Doctor of Science degree from Clarkson University. Mr. Johnson's term expired on March 31, 2016 and by law he continues to serve until a successor shall be chosen and qualified.

BERYL L. SNYDER, J.D., *Secretary*, New York.

Beryl L. Snyder was reappointed as a member of DASNY by the Governor on June 19, 2013. Ms. Snyder is a principal in HBJ Investments, LLC, an investment company where her duties include evaluation and analysis of a wide variety of investments in, among other areas: fixed income, equities, alternative investments and early stage companies. She holds a Bachelor of Arts degree in History from Vassar College and a Juris Doctor degree from Rutgers University. Her current term expired on August 31, 2016 and by law she continues to serve until a successor shall be chosen and qualified.

JONATHAN H. GARDNER, ESQ., Buffalo.

Jonathan H. Gardner was appointed as a Member of DASNY by the Governor on June 17, 2014. Mr. Gardner is a partner of the law firm Kavinoky Cook, LLP in Buffalo, New York. His practice areas include corporate and securities law, commercial transactions, private placements, venture capital financing and business combinations representing private and public companies. Mr. Gardner is also an adjunct professor at the University of Buffalo Law School. He holds a Bachelor of Arts degree from Brown University and a Juris Doctor degree from the University of Chicago Law School. Mr. Gardner's term expired on March 31, 2015 and by law he continues to serve until a successor shall be chosen and qualified.

WELLINGTON Z. CHEN, Queens.

Wellington Z. Chen was appointed as a Member of DASNY by the Governor on June 20, 2018. Mr. Chen is the Executive Director of the Chinatown Partnership Development Corporation. In this capacity, he leads the Chinatown Partnership in implementing initiatives in infrastructure, post 9/11 rebuilding and public space improvements in a comprehensive effort to improve the environmental and the business conditions. He is a graduate of the School of Architecture and Environmental Studies at The City College of New York. Mr.

Chen's term expired on March 31, 2020 and by law he continues to serve until a successor shall be chosen and qualified.

JOAN M. SULLIVAN, Slingerlands.

Joan M. Sullivan was appointed as a Member of DASNY by the New York State Comptroller on March 26, 2019. Ms. Sullivan is President of On Wavelength Consulting LLC, a firm that assists governmental entities with development of public procurements and private companies with the preparation of effective responses to government solicitations. She possesses over 40 years of experience working in and for the government of New York State, including an expansive career at the NYS Office of State Comptroller where she last served as Executive Deputy Comptroller before accepting an appointment as Executive Director of The NYS Forum, Inc. Ms. Sullivan holds a Bachelor of Arts degree in Business Administration (Accounting) from Siena College.

GERARD ROMSKI, ESQ., Mount Kisco.

Gerard Romski was reappointed as a Member of DASNY by the Temporary President of the State Senate on May 9, 2016. He is Counsel and Project Executive for "Arverne by the Sea," where he is responsible for advancing and overseeing all facets of "Arverne by the Sea," one of New York City's largest mixed-use developments located in Queens, New York. Mr. Romski is also of counsel to the New York City law firm of Rich, Intelisano & Katz, LLP. Mr. Romski holds a Bachelor of Arts degree from the New York Institute of Technology and a Juris Doctor degree from Brooklyn Law School.

JANICE McKINNIE, Buffalo.

Janice McKinnie was appointed as a Member of DASNY by the Speaker of the Assembly on June 12, 2020. Ms. McKinnie is the Executive Director of True Community Development Corporation where she has led various housing rehabilitation and development projects and has formed strategic alliances with local and regional community groups to promote affordable housing and economic growth within the area of Buffalo. She is also the owner of Developments By JEM, LLC, a construction and project development consulting firm and a NYS certified M/WBE business. Ms. McKinnie is a graduate of the State University College of Buffalo and holds a Master's degree in organizational leadership from Medaille College.

BETTY A. ROSA, *Commissioner of Education of the State of New York*, Bronx; ex-officio.

Dr. Betty A. Rosa was appointed by the Board of Regents to serve as Commissioner of Education and President of the University of the State of New York effective February 8, 2021. Previously, Dr. Rosa assumed the role of Interim Commissioner of Education and President of the University of the State of New York from August 14, 2020 through February 7, 2021. Dr. Rosa had served as a member of the Board of Regents and as Chancellor thereof from March 2016 through August 2020. She started her career with the NYC Department of Education as a paraprofessional and later served as a teacher, assistant principal, principal in the Bronx and, upon appointment, assumed the responsibilities of Superintendent of Community School District 8 then Senior Superintendent of the Bronx. Dr. Rosa is a nationally recognized education leader who has over 30 years of instructional and administrative experience with an expertise in inclusive education, cooperative teaching models, student achievement and policy implementation. She received a B.A. in psychology from the City College of New York and an Ed. M. and Ed. D. in Administration, Planning and Social Policy from Harvard University as well as two other Master of Science in Education degrees, one in Administration and Supervision and the other in Bilingual Education from the City College of New York and Lehman College respectively.

ROBERT F. MUJICA, JR., *Budget Director of the State of New York*, Albany; ex-officio.

Robert F. Mujica Jr. was appointed Director of the Budget by the Governor and began serving on January 14, 2016. He is responsible for the overall development and management of the State's fiscal policy, including overseeing the preparation of budget recommendations for all State agencies and programs, economic and revenue forecasting, tax policy, fiscal planning, capital financing and management of the State's debt portfolio. Prior to his appointment, Mr. Mujica was Chief of Staff to the Temporary President and Majority Leader of the Senate and concurrently served as the Secretary to the Senate Finance Committee. For two decades, he advised various elected and other government officials in New York on State budget, fiscal and policy issues. Mr. Mujica received his Bachelor of Arts degree in Sociology from Brooklyn College at the City University of New York. He received his Master's degree in Government Administration from the University of Pennsylvania and holds a Juris Doctor degree from Albany Law School.

MARY T. BASSETT, MD, MPH., *Commissioner of Health of the State of New York*, Albany; ex-officio.

Mary T. Bassett, MD, MPH., was appointed Commissioner of Health on December 1, 2021. She previously served as Director of the François-Xavier Bagnoud (FXB) Center for Health and Human Rights at Harvard University and FXB Professor of the Practice of Health and Human Rights in the department of Social and Behavioral Sciences at the Harvard T.H. Chan School of Public Health. Prior to that, she served as Commissioner of the New York City Department of Health and Mental Hygiene, Director for the Doris Duke Charitable Foundation's African Health Initiative and Child Well-Being Prevention Program; and as Deputy Commissioner of Health Promotion and Disease Prevention at the New York City Department of Health and Mental Hygiene. Early in her career, Dr. Bassett served on the medical faculty at the University of Zimbabwe and went on to serve as Associate Director of Health Equity at the Rockefeller Foundation's Southern Africa Office. After returning to the United States, she served on the faculty of Columbia University, including as Associate Professor of Clinical Epidemiology in the Mailman School of Public Health. Dr. Bassett received a B.A. in History and Science from Harvard University, an M.D. from Columbia University's College of Physicians and Surgeons, and an M.P.H. from the University of Washington.

The principal staff of DASNY are as follows:

REUBEN R. McDANIEL, III is the President and chief executive officer of DASNY, responsible for the overall management of DASNY's administration and operations. Mr. McDaniel possesses more than 30 years of experience in financial services, including public finance, personal wealth management, corporate finance and private equity. During his career in public finance, he participated in more than $75 billion in tax-exempt bond issuances throughout the country. He has also managed investment portfolios and business assets for a variety of professionals. He previously served as Chair of the Atlanta Board of Education for Public Schools. Mr. McDaniel holds an undergraduate degree in Economics and Mathematics from the University of North Carolina at Charlotte and a Master of Business Administration from the University of Texas at Austin.

PAUL G. KOOPMAN is the Vice President of DASNY and assists the President in the administration and operation of DASNY. Mr. Koopman joined DASNY in 1995 managing the Accounts Payable and Banking and Investment Units followed by management positions in the Construction Division including Managing Senior Director of Construction where he was the primary relationship manager for some of DASNY's largest clients and provided oversight of DASNY's construction administration functions. Most recently, Mr. Koopman served as Managing Director of Executive Initiatives of DASNY where he worked closely with executive staff on policy development, enterprise risk management, and strategic planning. His career in public service began in 1985 with the NYS Division of the Budget, and then continued as Chief Budget Analyst for the New York State Facilities Development Corporation. A graduate of the Rockefeller College of Public Affairs, he holds a Master of Arts degree in Public Administration with a Public Finance concentration, and a Bachelor of Arts degree in Political Science from the State University of New York, University at Albany.

KIMBERLY A. ELLIS is the Chief Financial Officer and Treasurer of DASNY. As Chief Financial Officer and Treasurer, Ms. Ellis is responsible for supervising DASNY's investment program, general accounting, accounts payable, accounts receivable, financial reporting functions, payroll and information services, as well as the development and implementation of financial policies, financial management systems and internal controls for financial reporting. Prior to her appointment to Chief Financial Officer and Treasurer, Ms. Ellis served in numerous senior positions within the Finance Division of DASNY, including as Deputy Financial Officer and Assistant Director of Investments, where she had direct involvement with the management of DASNY's financial operations, including DASNY's overall investment portfolio and the coordination and development of DASNY's annual operating budget and capital plans. Ms. Ellis holds a Bachelor of Science degree in Accounting from the State University of New York at Buffalo.

R. NADINE FONTAINE is General Counsel to DASNY. Ms. Fontaine is responsible for all legal services including legislation, litigation, contract matters, and the legal aspects of all DASNY financings. Ms. Fontaine is licensed to practice law in the States of New York and Connecticut, as well as the United States District Courts for the Southern District of New York, the Eastern District of New York, and the District of Connecticut. She has over twenty-seven years of combined legal experience in the private and public sector. Ms. Fontaine most recently served as First Assistant Counsel to the Governor and, prior thereto, served as Assistant Counsel to the Governor for Economic Development, Public Finance & Procurement and Assistant Counsel for Human Services. She holds a Bachelor of Arts degree from the State University of New York at Stony Brook University and a Juris Doctor degree from Pace University School of.

PORTIA LEE is the Managing Director of Public Finance and Portfolio Monitoring. She is responsible for supervising and directing DASNY bond issuance in the capital markets, implementing and overseeing financing programs, overseeing DASNY's compliance with continuing disclosure requirements and monitoring the financial condition of existing DASNY clients. Ms. Lee previously served as Senior Investment Officer at the New York State Comptroller's Office where she was responsible for assisting in the administration of the long-term fixed income portfolio of the New York State Common Retirement Fund, as well as the short-term portfolio, and the Securities Lending Program. From 1995 to 2005, Ms. Lee worked at Moody's Investors Service where she most recently served as Vice President and Senior Credit Officer in the Public Finance Housing Group. She holds a Bachelor of Arts degree from the State University of New York at Albany.

STEPHEN D. CURRO is the Managing Director of Construction. Mr. Curro is responsible for DASNY's construction groups, including design, project management, resource acquisition, contract administration, interior design, real property, sustainability and engineering, as well as other technical services. Mr. Curro joined DASNY in 2001 as Director of Technical Services, and most recently served as Director of Construction Support Services. He is a registered Professional Engineer in New York and has worked in the construction industry for more than 30 years. He holds a Bachelor of Science in Civil Engineering from the University of Rhode Island, a Master of Engineering in Structural Engineering from Rensselaer Polytechnic Institute and a Master of Business Administration from Rensselaer Polytechnic Institute's Lally School of Management.

CAROLINE V. GRIFFIN is the Chief of Staff of DASNY. She coordinates policy and operations across all of DASNY's business lines and serves as chief advisor on all DASNY operations. In addition, Ms. Griffin directly manages DASNY's work in communications, marketing, and intergovernmental affairs. She previously served in leadership roles for three New York State governors, managing and overseeing government operations and intergovernmental affairs, as well as serving as chief liaison for the governor's office with federal, state and local elected officials. Ms. Griffin holds a Bachelor of Arts degree in Communications from Boston College.

Claims and Litigation

Although certain claims and litigation have been asserted or commenced against DASNY, DASNY believes that such claims and litigation either are covered by insurance or by bonds filed with DASNY, or that DASNY has sufficient funds available or the legal power and ability to seek sufficient funds to meet any such claims or judgments resulting from such matters.

There is not now pending any litigation against DASNY (i) restraining or enjoining the issuance or delivery of the Series 2022 Bonds nor (ii) challenging the validity of the Series 2022 Bonds or the proceedings and authority under which DASNY will issue the Series 2022 Bonds.

Other Matters

New York State Public Authorities Control Board

The New York State Public Authorities Control Board (the "PACB") has authority to approve the financing and construction of any new or reactivated projects proposed by DASNY and certain other public authorities of the State. The PACB approves the proposed new projects only upon its determination that there are commitments of funds sufficient to finance the acquisition and construction of the projects. DASNY obtains the approval of the PACB for the issuance of all its bonds and notes.

Legislation

From time to time, bills are introduced into the State Legislature which, if enacted into law, would affect DASNY and its operations. DASNY is not able to represent whether such bills will be introduced or become law in the future. In addition, the State undertakes periodic studies of public authorities in the State (including DASNY) and their financing programs. Any of such periodic studies could result in proposed legislation which, if adopted, would affect DASNY and its operations.

Environmental Quality Review

DASNY complies with the New York State Environmental Quality Review Act and with the New York State Historic Preservation Act of 1980, and the respective regulations promulgated thereunder to the extent such acts and regulations are applicable.

Independent Auditors

The accounting firm of KPMG LLP audited the financial statements of DASNY for the fiscal year ended March 31, 2021. Copies of the most recent audited financial statements are available upon request at the offices of DASNY.

PART 12—AGREEMENT OF THE STATE

The Authority Act provides that the State pledges and agrees with the holders of DASNY's notes and bonds that the State will not limit or alter the rights vested in DASNY to, among other things, fulfill the terms of any agreements made with the holders of DASNY's notes and bonds or in any way impair the rights and remedies of the holders of such notes and bonds until such notes and bonds and interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of the holders of such notes and bonds are fully met and discharged. The General Resolution includes such pledge to the fullest extent enforceable under applicable federal and State law. Nevertheless, nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to Article 22, Article 24, and Article 24-A of the Tax Law. An Event of Default under the General Resolution would not occur solely as a result of the State exercising its right to amend, repeal, modify or otherwise alter such taxes and fees.

PART 13—TAX MATTERS

Series 2022A Bonds

Federal Income Taxes

The Internal Revenue Code of 1986, as amended (the "Code"), imposes certain requirements that must be met subsequent to the issuance and delivery of the Series 2022A Bonds for interest thereon to be and remain excluded from gross income for Federal income tax purposes. Noncompliance with such requirements could cause the interest on the Series 2022A Bonds to be included in gross income for Federal income tax purposes retroactive to the date of issue of the Series 2022A Bonds. Pursuant to the Resolution and a Tax Certificate as to Arbitrage and the Provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the "Tax Certificate"), DASNY and certain departments, agencies and authorities of the State of New York (the "Departments") have covenanted to comply with the applicable requirements of the Code in order to maintain the exclusion of the interest on the Series 2022A Bonds from gross income for Federal income tax purposes pursuant to Section 103 of the Code. In addition, DASNY and the Departments have made certain representations and certifications in the Resolution, the financing agreements and the Tax Certificate. Nixon Peabody LLP, Co-Bond Counsel, will not independently verify the accuracy of those representations and certifications.

In the opinion of Nixon Peabody LLP, Co-Bond Counsel, under existing law and assuming compliance with the aforementioned covenant, and the accuracy of certain representations and certifications made by DASNY and the Departments described above, interest on the Series 2022A Bonds is excluded from gross income for Federal income tax purposes under Section 103 of the Code. Nixon Peabody LLP, Co-Bond Counsel, is also of the opinion that such interest is not treated as a preference item in calculating the alternative minimum tax imposed under the Code.

State Taxes

Nixon Peabody LLP, Co-Bond Counsel, is also of the opinion that, under existing law, interest on the Series 2022A Bonds is, by virtue of the Authority Act, exempt from personal income taxes imposed by the State of New York or any political subdivision thereof (including The City of New York). Nixon Peabody LLP, Co-Bond Counsel, expresses no opinion as to other State or local tax consequences arising with respect to the Series 2022A Bonds nor as to the taxability of the Series 2022A Bonds or the income therefrom under the laws of any state other than the State of New York.

Original Issue Discount

Nixon Peabody LLP, Co-Bond Counsel, is further of the opinion that the excess of the principal amount of a maturity of the Series 2022A Bonds over the issue price (i.e., the first price at which price a substantial amount of such maturity of the Series 2022A Bonds was sold to the public, excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) (each, a "Discount Bond" and collectively the "Discount Bonds") constitutes original issue discount which is excluded from gross income for federal income tax purposes to the same extent as interest on the Series 2022A Bonds. Further, such original issue discount accrues actuarially on a constant interest rate basis over the term of each Discount Bond and the basis of each Discount Bond acquired at such issue price by an initial purchaser thereof will be increased by the amount of such accrued original issue discount. The accrual of original issue discount may be taken into account as an increase in the amount of tax-exempt income for purposes of determining various other tax consequences of owning the Discount Bonds, even though there will not be a corresponding cash payment. Owners of the Discount Bonds are advised that they should consult with their own advisors with respect to the state and local tax consequences of owning such Discount Bonds.

Original Issue Premium

Series 2022A Bonds sold at prices in excess of their principal amounts are "Premium Bonds." An initial purchaser with an initial adjusted basis in a Premium Bond in excess of its principal amount will have amortizable bond premium which offsets the amount of tax-exempt interest and is not deductible from gross income for federal income tax purposes. The amount of amortizable bond premium for a taxable year is determined actuarially on a constant interest rate basis over the term of each Premium Bond based on the purchaser's yield to maturity (or, in the case of Premium Bonds callable prior to their maturity, over the period to the call date, based on the purchaser's yield to the call date and giving effect to any call premium). For purposes of determining gain or loss on the sale or other disposition of a Premium Bond, an initial purchaser who acquires such obligation with an amortizable bond premium is required to decrease such purchaser's adjusted basis in such Premium Bond annually by the amount of amortizable bond premium for the taxable year. The amortization of bond premium may be taken into account as a reduction in the amount of tax-exempt income for purposes of determining various other tax consequences of owning such Series 2022A Bonds. Owners of the Premium Bonds are advised that they should consult with their own advisors with respect to the state and local tax consequences of owning such Premium Bonds.

Ancillary Tax Matters

Ownership of the Series 2022A Bonds may result in other federal tax consequences to certain taxpayers, including, without limitation, certain S corporations, foreign corporations with branches in the United States, property and casualty insurance companies, individuals receiving Social Security or Railroad Retirement benefits, and individuals seeking to claim the earned income credit. Ownership of the Series 2022A Bonds may also result in other federal tax consequences to taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry the Series 2022A Bonds. Prospective investors are advised to consult their own tax advisors regarding these rules.

Interest paid on tax-exempt obligations such as the Series 2022A Bonds is subject to information reporting to the Internal Revenue Service (the "IRS") in a manner similar to interest paid on taxable obligations. In addition, interest on the Series 2022A Bonds may be subject to backup withholding if such interest is paid to a registered owner that (a) fails to provide certain identifying information (such as the registered owner's taxpayer identification number) in the manner required by the IRS, or (b) has been identified by the IRS as being subject to backup withholding.

Nixon Peabody LLP, Co-Bond Counsel, is not rendering any opinion as to any Federal tax matters other than those described in its opinion attached as part of APPENDIX E. Prospective investors, particularly those who may be subject to special rules described above, are advised to consult their own tax advisors regarding the federal tax consequences of owning and disposing of the Series 2022A Bonds, as well as any tax consequences arising under the laws of any state or other taxing jurisdiction.

Changes in Law and Post Issuance Events

Legislative or administrative actions and court decisions, at either the federal or state level, could have an adverse impact on the potential benefits of the exclusion from gross income of the interest on the Series 2022A Bonds for Federal or state income tax purposes, and thus on the value or marketability of the Series 2022A Bonds. This could result from changes to Federal or state income tax rates, changes in the structure of Federal or state income taxes (including replacement with another type of tax), repeal of the exclusion of the interest on the Series 2022A Bonds from gross income for Federal or state income tax purposes, or otherwise.

It is not possible to predict whether any legislative or administrative actions or court decisions having an adverse impact on the federal or state income tax treatment of holders of the Series 2022A Bonds may occur. Prospective purchasers of the Series 2022A Bonds should consult their own tax advisors regarding the impact of any changes in law on the Series 2022A Bonds.

Nixon Peabody LLP, Co-Bond Counsel, has not undertaken to advise in the future whether any events after the date of issuance and delivery of the Series 2022A Bonds may affect the tax status of interest on the Series 2022A Bonds. Nixon Peabody LLP, Co-Bond Counsel, expresses no opinion as to any Federal, state or local tax law consequences with respect to the Series 2022A Bonds, or the interest thereon, if any action is taken with respect to the Series 2022A Bonds or the proceeds thereof upon the advice or approval of other counsel.

Series 2022B Bonds

The following is a summary of certain anticipated United States federal income tax consequences of the purchase, ownership and disposition of the Series 2022B Bonds. The summary is based upon the provisions of the Code, the Treasury Regulations promulgated thereunder and the judicial and administrative rulings and decisions now in effect, all of which are subject to change. Such authorities may be repealed, revoked, or modified, possibly with retroactive effect, so as to result in United States federal income tax consequences different from those described below. The summary generally addresses Series 2022B Bonds held as capital assets within the meaning of Section 1221 of the Code and does not purport to address all aspects of federal income taxation that may affect particular investors in light of their individual circumstances or certain types of investors subject to special treatment under the federal income tax laws, including but not limited to financial institutions, insurance companies, dealers in securities or currencies, persons holding such Series 2022B Bonds as a hedge against currency risks or as a position in a “straddle,” “hedge,” “constructive sale transaction” or “conversion transaction” for tax purposes, or persons whose functional currency is not the United States dollar. It also does not deal with holders other than original purchasers that acquire Series 2022B Bonds at their initial issue price except where otherwise specifically noted. Potential purchasers of the Series 2022B Bonds should consult their own tax advisors in determining the federal, state, local, foreign and other tax consequences to them of the purchase, holding and disposition of the Series 2022B Bonds.

DASNY has not sought and will not seek any rulings from the Internal Revenue Service with respect to any matter discussed herein. No assurance can be given that the Internal Revenue Service would not assert, or that a court would not sustain, a position contrary to any of the tax characterizations and tax consequences set forth below.

U.S. Holders

As used herein, the term “**U.S. Holder**” means a beneficial owner of Series 2022B Bonds that is (a) an individual citizen or resident of the United States for federal income tax purposes, (b) a corporation, including an entity treated as a corporation for federal income tax purposes, created or organized in or under the laws of the United States or any State thereof (including the District of Columbia), (c) an estate whose income is subject to federal income taxation regardless of its source, or (d) a trust if a court within the United States can exercise primary supervision over the administration of the trust and one or more U.S. persons have the authority to control all substantial decisions of the trust. Notwithstanding clause (d) of the preceding sentence, to the extent provided in Treasury regulations, certain trusts in existence on August 20, 1996, and treated as United States persons prior to that date that elect to continue to be treated as United States persons, also will be U.S. Holders. In addition, if a partnership (or other entity or arrangement treated as a partnership for federal income tax purposes) holds Series 2022B Bonds, the tax treatment of a partner in the partnership generally will depend upon the status of the partner and the activities of the partnership. If a U.S. Holder is a partner in a partnership (or other entity or arrangement treated as a partnership for federal income tax purposes) that holds Series 2022B Bonds, the U.S. Holder is urged to consult its own tax advisor regarding the specific tax consequences of the purchase, ownership and dispositions of the Series 2022B Bonds.

Taxation of Interest Generally

Interest on the Series 2022B Bonds is not excluded from gross income for federal income tax purposes under Section 103 of the Code and so will be fully subject to federal income taxation. Purchasers will be subject to federal income tax accounting rules affecting the timing and/or characterization of payments received with respect to such Series 2022B Bonds. In general, interest paid on the Series 2022B Bonds and recovery of any accrued original issue discount and market discount will be treated as ordinary income to a bondholder, and after adjustment for the foregoing, principal payments will be treated as a return of capital to the extent of the U.S. Holder's adjusted tax basis in the Series 2022B Bonds and capital gain to the extent of any excess received over such basis.

Recognition of Income Generally

Section 451(b) of the Code provides that purchasers using an accrual method of accounting for U.S. federal income tax purposes may be required to include certain amounts in income no later than the time such amounts are reflected on certain financial statements of such purchaser. In this regard, Treasury Regulations provide that, with the exception of certain fees, the rule in section 451(b) will generally not apply to the timing rules for original issue discount and market discount, or to the timing rules for de minimis original issue discount and market discount. Prospective purchasers of the Series 2022B Bonds should consult their own tax advisors regarding any potential applicability of these rules and their impact on the timing of the recognition of income related to the Series 2022B Bonds under the Code.

Original Issue Discount

The following summary is a general discussion of certain federal income tax consequences of the purchase, ownership and disposition of Series 2022B Bonds issued with original issue discount ("Discount Bonds"). A Series 2022B Bond will be treated as having been issued with an original issue discount if the excess of its "stated redemption price at maturity" (defined below) over its issue price (defined as the initial offering price to the public at which a substantial amount of the Series 2022B Bonds of the same maturity have first been sold to the public, excluding bond houses and brokers) equals or exceeds one quarter of one percent of such Series 2022B Bond's stated redemption price at maturity multiplied by the number of complete years to its maturity (or, in the case of an installment obligation, its weighted average maturity).

A Series 2022B Bond's "stated redemption price at maturity" is the total of all payments provided by the Series 2022B Bond that are not payments of "qualified stated interest." Generally, the term "qualified stated interest" includes stated interest that is unconditionally payable in cash or property (other than debt instruments of the issuer) at least annually at a single fixed rate or certain floating rates.

In general, the amount of original issue discount includible in income by the initial holder of a Discount Bond is the sum of the "daily portions" of original issue discount with respect to such Discount Bond for each day during the taxable year in which such holder held such Bond. The daily portion of original issue discount on any Discount Bond is determined by allocating to each day in any "accrual period" a ratable portion of the original issue discount allocable to that accrual period.

An accrual period may be of any length, and may vary in length over the term of a Discount Bond, provided that each accrual period is not longer than one year and each scheduled payment of principal or interest occurs at the end of an accrual period. The amount of original issue discount allocable to each accrual period is equal to the difference between (i) the product of the Discount Bond's adjusted issue price at the beginning of such accrual period and its yield to maturity (determined on the basis of compounding at the close of each accrual period and appropriately adjusted to take into account the length of the particular accrual period) and (ii) the amount of any qualified stated interest payments allocable to such accrual period. The "adjusted issue price" of a Discount Bond at the beginning of any accrual period is the sum of the issue price of the Discount

Bond plus the amount of original issue discount allocable to all prior accrual periods minus the amount of any prior payments on the Discount Bond that were not qualified stated interest payments. Under these rules, holders generally will have to include in income increasingly greater amounts of original issue discount in successive accrual periods.

Holders utilizing the accrual method of accounting may generally, upon election, include in gross income all interest (including stated interest, acquisition discount, original issue discount, de minimis original issue discount, market discount, de minimis market discount, and unstated interest, as adjusted by any amortizable bond premium or acquisition premium) on a Series 2022B Bond by using the constant yield method applicable to original issue discount, subject to certain limitations and exceptions.

Market Discount

A holder who purchases a Series 2022B Bond at a price which includes market discount (i.e., at a purchase price that is less than its adjusted issue price in the hands of an original owner) in excess of a prescribed de minimis amount will be required to recharacterize all or a portion of the gain as ordinary income upon receipt of each scheduled or unscheduled principal payment or upon other disposition. In particular, such holder will generally be required either (a) to allocate each such principal payment to accrued market discount not previously included in income and to recognize ordinary income to that extent and to treat any gain upon sale or other disposition of such a Series 2022B Bond as ordinary income to the extent of any remaining accrued market discount or (b) to elect to include such market discount in income currently as it accrues on all market discount instruments acquired by such holder on or after the first day of the taxable year to which such election applies.

The Code authorizes the Treasury Department to issue regulations providing for the method for accruing market discount on debt instruments the principal of which is payable in more than one installment. Until such time as regulations are issued by the Treasury Department, certain rules described in the legislative history of the Tax Reform Act of 1986 will apply. Under those rules, market discount will be included in income either (a) on a constant interest basis or (b) in proportion to the accrual of stated interest.

A holder of a Series 2022B Bond who acquires such Series 2022B Bond at a market discount also may be required to defer, until the maturity date of such Series 2022B Bond or the earlier disposition in a taxable transaction, the deduction of a portion of the amount of interest that the holder paid or accrued during the taxable year on indebtedness incurred or maintained to purchase or carry a Series 2022B Bond in excess of the aggregate amount of interest (including original issue discount) includable in such holder's gross income for the taxable year with respect to such Series 2022B Bond. The amount of such net interest expense deferred in a taxable year may not exceed the amount of market discount accrued on the Series 2022B Bond for the days during the taxable year on which the holder held the Series 2022B Bond and, in general, would be deductible when such market discount is includable in income. The amount of any remaining deferred deduction is to be taken into account in the taxable year in which the Series 2022B Bond matures or is disposed of in a taxable transaction. In the case of a disposition in which gain or loss is not recognized in whole or in part, any remaining deferred deduction will be allowed to the extent gain is recognized on the disposition. This deferral rule does not apply if the bondholder elects to include such market discount in income currently as described above.

Bond Premium

A holder of a Series 2022B Bond who purchases such Series 2022B Bond at a cost greater than its remaining redemption amount will have amortizable bond premium. If the holder elects to amortize this premium under Section 171 of the Code (which election will apply to all Series 2022B Bonds held by the holder on the first day of the taxable year to which the election applies and to all Series 2022B Bonds thereafter acquired by the holder), such a holder must amortize the premium using constant yield principles based on the holder's yield to maturity. Amortizable bond premium is generally treated as an offset to interest income, and a reduction in basis is required for amortizable bond premium that is applied to reduce interest payments. Purchasers of Series 2022B Bonds who acquire such Series 2022B Bonds at a premium should consult with their own tax advisors with respect to federal, state and local tax consequences of owning such Series 2022B Bonds.

Surtax on Unearned Income

Section 1411 of the Code generally imposes a tax of 3.8% on the “net investment income” of certain individuals, trusts and estates. Among other items, net investment income generally includes gross income from interest and net gain attributable to the disposition of certain property, less certain deductions. U.S. Holders should consult their own tax advisors regarding the possible implications of this provision in their particular circumstances.

Sale or Redemption of Bonds

A bondholder’s adjusted tax basis for a Series 2022B Bond is the price such holder pays for the Series 2022B Bond plus the amount of original issue discount and market discount previously included in income and reduced on account of any payments received on such Series 2022B Bond other than “qualified stated interest” and any amortized bond premium. Gain or loss recognized on a sale, exchange or redemption of a Series 2022B Bond, measured by the difference between the amount realized and the bondholder’s tax basis as so adjusted, will generally give rise to capital gain or loss if the Series 2022B Bond is held as a capital asset (except in the case of Series 2022B Bonds acquired at a market discount, in which case a portion of the gain will be characterized as interest and therefore ordinary income).

If the terms of a Series 2022B Bond are materially modified, in certain circumstances, a new debt obligation would be deemed “reissued”, or created and exchanged for the prior obligation in a taxable transaction. Among the modifications which may be treated as material are those related to the redemption provisions and, in the case of a nonrecourse obligation, those which involve the substitution of collateral. In addition, the defeasance of a Series 2022B Bond under the defeasance provisions of the Resolution could result in a deemed sale or exchange of such Series 2022B Bond.

EACH POTENTIAL HOLDER OF SERIES 2022B BONDS SHOULD CONSULT ITS OWN TAX ADVISOR CONCERNING (1) THE TREATMENT OF GAIN OR LOSS ON SALE, REDEMPTION OR DEFEASANCE OF THE SERIES 2022B BONDS, AND (2) THE CIRCUMSTANCES IN WHICH SERIES 2022B BONDS WOULD BE DEEMED REISSUED AND THE LIKELY EFFECTS, IF ANY, OF SUCH REISSUANCE.

Non-U.S. Holders

The following is a general discussion of certain United States federal income tax consequences resulting from the beneficial ownership of Series 2022B Bonds by a person other than a U.S. Holder, a former United States citizen or resident, or a partnership or entity treated as a partnership for United States federal income tax purposes (a “Non-U.S. Holder”).

Subject to the discussion of backup withholding and the Foreign Account Tax Compliance Act (“FATCA”), payments of principal by DASNY or any of its agents (acting in its capacity as agent) to any Non-U.S. Holder will not be subject to federal withholding tax. In the case of payments of interest to any Non-U.S. Holder, however, federal withholding tax will apply unless the Non-U.S. Holder (1) does not own (actually or constructively) 10 percent or more of the voting equity interests of DASNY, (2) is not a controlled foreign corporation for United States tax purposes that is related to DASNY (directly or indirectly) through stock ownership, and (3) is not a bank receiving interest in the manner described in Section 881(c)(3)(A) of the Code. In addition, either (1) the Non-U.S. Holder must certify on the applicable IRS Form W-8 (series) (or successor form) to DASNY, its agents or paying agents or a broker under penalties of perjury that it is not a U.S. person and must provide its name and address, or (2) a securities clearing organization, bank or other financial institution, that holds customers' securities in the ordinary course of its trade or business and that also holds the Series 2022B Bonds must certify to DASNY or its agent under penalties of perjury that such statement on the applicable IRS Form W-8 (series) (or successor form) has been received from the Non-U.S. Holder by it or by another financial institution and must furnish the interest payor with a copy.

Interest payments may also be exempt from federal withholding tax depending on the terms of an existing Federal Income Tax Treaty, if any, in force between the U.S. and the resident country of the Non-U.S. Holder. The U.S. has entered into an income tax treaty with a limited number of countries. In addition, the terms of each treaty differ in their treatment of interest and original issue discount payments. Non-U.S. Holders are urged to consult their own tax advisor regarding the specific tax consequences of the receipt of interest payments, including original issue discount. A Non-U.S. Holder that does not qualify for exemption from withholding as described above must provide DASNY or its agent with documentation as to his, her, or its identity to avoid the U.S. backup withholding tax on the amount allocable to a Non-U.S. Holder. The documentation may require that the Non-U.S. Holder provide a U.S. tax identification number.

If a Non-U.S. Holder is engaged in a trade or business in the United States and interest on a Series 2022B Bond held by such holder is effectively connected with the conduct of such trade or business, the Non-U.S. Holder, although exempt from the withholding tax discussed above (provided that such holder timely furnishes the required certification to claim such exemption), may be subject to United States federal income tax on such interest in the same manner as if it were a U.S. Holder. In addition, if the Non-U.S. Holder is a foreign corporation, it may be subject to a branch profits tax equal to 30% (subject to a reduced rate under an applicable treaty) of its effectively connected earnings and profits for the taxable year, subject to certain adjustments. For purposes of the branch profits tax, interest on a Series 2022B Bond will be included in the earnings and profits of the holder if the interest is effectively connected with the conduct by the holder of a trade or business in the United States. Such a holder must provide the payor with a properly executed IRS Form W-8ECI (or successor form) to claim an exemption from United States federal withholding tax.

Generally, any capital gain realized on the sale, exchange, retirement or other disposition of a Series 2022B Bond by a Non-U.S. Holder will not be subject to United States federal income or withholding taxes if (1) the gain is not effectively connected with a United States trade or business of the Non-U.S. Holder, and (2) in the case of an individual, the Non-U.S. Holder is not present in the United States for 183 days or more in the taxable year of the sale, exchange, retirement or other disposition, and certain other conditions are met.

For newly issued or reissued obligations, such as the Series 2022B Bonds, FATCA imposes U.S. withholding tax on interest payments and, for dispositions after December 31, 2018, gross proceeds of the sale of the Series 2022B Bonds paid to certain foreign financial institutions (which is broadly defined for this purpose to generally include non-U.S. investment funds) and certain other non-U.S. entities if certain disclosure and due diligence requirements related to U.S. accounts or ownership are not satisfied, unless an exemption applies. An intergovernmental agreement between the United States and an applicable non-U.S. country may modify these requirements. In any event, bondholders or beneficial owners of the Series 2022B Bonds shall have no recourse against DASNY, nor will DASNY be obligated to pay any additional amounts to "gross up" payments to such persons, as a result of any withholding or deduction for, or on account of, any present or future taxes, duties, assessments or government charges with respect to payments in respect of the Series 2022B Bonds. However, it should be noted that on December 13, 2018, the IRS issued Proposed Treasury Regulation Section 1.1473-1(a)(1) which proposes to remove gross proceeds from the definition of "withholdable payment" for this purpose.

Non-U.S. Holders should consult their own tax advisors with respect to the possible applicability of federal withholding and other taxes upon income realized in respect of the Series 2022B Bonds.

Information Reporting and Backup Withholding

For each calendar year in which the Series 2022B Bonds are outstanding, DASNY, its agents or paying agents or a broker is required to provide the IRS with certain information, including a holder's name, address and taxpayer identification number (either the holder's Social Security number or its employer identification number, as the case may be), the aggregate amount of principal and interest paid to that holder during the calendar year and the amount of tax withheld, if any. This obligation, however, does not apply with respect to certain U.S. Holders, including corporations, tax-exempt organizations, qualified pension and profit-sharing trusts, and individual retirement accounts and annuities.

If a U.S. Holder subject to the reporting requirements described above fails to supply its correct taxpayer identification number in the manner required by applicable law or under-reports its tax liability, DASNY, its agents or paying agents or a broker may be required to make "backup" withholding of tax on each payment of interest or principal on the Series 2022B Bonds. This backup withholding is not an additional tax and may be credited against the U.S. Holder's federal income tax liability, provided that the U.S. Holder furnishes the required information to the IRS.

Under current Treasury Regulations, backup withholding and information reporting will not apply to payments of interest made by DASNY, its agents (in their capacity as such) or paying agents or a broker to a Non-U.S. Holder if such holder has provided the required certification that it is not a U.S. person (as set forth in the second paragraph under "Non-U.S. Holders" above), or has otherwise established an exemption (provided that neither DASNY nor its agent has actual knowledge that the holder is a U.S. person or that the conditions of an exemption are not in fact satisfied).

Payments of the proceeds from the sale of a Series 2022B Bond to or through a foreign office of a broker generally will not be subject to information reporting or backup withholding. However, information reporting (but not backup withholding) may apply to those payments if the broker is one of the following: (i) a U.S. person; (ii) a controlled foreign corporation for U.S. tax purposes; (iii) a foreign person 50-percent or more of whose gross income from all sources for the three-year period ending with the close of its taxable year preceding the payment was effectively connected with a United States trade or business; or (iv) a foreign partnership with certain connections to the United States.

Payment of the proceeds from a sale of a Series 2022B Bond to or through the United States office of a broker is subject to information reporting and backup withholding unless the holder or beneficial owner certifies as to its taxpayer identification number or otherwise establishes an exemption from information reporting and backup withholding.

The preceding federal income tax discussion is included for general information only and may not be applicable depending upon a holder's particular situation. Holders should consult their tax advisors with respect to the tax consequences to them of the purchase, ownership and disposition of the Series 2022B Bonds, including the tax consequences under federal, state, local, foreign and other tax laws and the possible effects of changes in those tax laws.

State Taxes

Nixon Peabody LLP, Co-Bond Counsel, is also of the opinion that, under existing law, interest on the Series 2022B Bonds is, by virtue of the Authority Act, exempt from personal income taxes imposed by the State of New York or any political subdivision thereof (including The City of New York). Nixon Peabody LLP, Co-Bond Counsel, expresses no opinion as to other State or local tax consequences arising with respect to the Series 2022B Bonds nor as to the taxability of the Series 2022B Bonds or the income therefrom under the laws of any state other than the State of New York.

Changes in Law and Post Issuance Events

Legislative or administrative actions and court decisions, at either the federal or state level, could have an impact on the inclusion in gross income of interest on the Series 2022B Bonds for federal or state income tax purposes, and thus on the value or marketability of the Series 2022B Bonds. This could result from changes to federal or state income tax rates, changes in the structure of federal or state income taxes (including replacement with another type of tax), or otherwise. It is not possible to predict whether any such legislative or administrative actions or court decisions will occur or have an adverse impact on the federal or state income tax treatment of holders of the Series 2022B Bonds. Prospective purchasers of the Series 2022B Bonds should consult their own tax advisors regarding the impact of any change in law or proposed change in law on the Series 2022B Bonds.

IN ALL EVENTS, ALL INVESTORS SHOULD CONSULT THEIR OWN TAX ADVISORS IN DETERMINING THE FEDERAL, STATE, LOCAL, FOREIGN AND OTHER TAX CONSEQUENCES TO THEM OF THE PURCHASE, OWNERSHIP AND DISPOSITION OF THE SERIES 2022B BONDS.

ERISA Considerations

The Employee Retirement Income Security Act of 1974, as amended ("ERISA"), imposes certain fiduciary obligations and prohibited transaction restrictions on employee pension and welfare benefit plans subject to Title I of ERISA ("ERISA Plans"). Section 4975 of the Code imposes essentially the same prohibited transaction restrictions on tax-qualified retirement plans described in Section 401(a) and 403(a) of the Code, which are exempt from tax under Section 501(a) of the Code, other than governmental and church plans as defined herein ("Qualified Retirement Plans"), and on Individual Retirement Accounts ("IRAs") described in Section 408(b) of the Code (collectively, "Tax-Favored Plans"). Certain employee benefit plans such as governmental plans (as defined in Section 3(32) of ERISA) ("Governmental Plans"), and, if no election has been made under Section 410(d) of the Code, church plans (as defined in Section 3(33) of ERISA) ("Church Plans"), are not subject to ERISA requirements. Additionally, such Governmental Plans and Church Plans are not subject to the requirements of Section 4975 of the Code but may be subject to applicable federal, state or local law ("Similar Laws") which is, to a material extent, similar to the foregoing provisions of ERISA or the Code. Accordingly, assets of such plans may be invested in the Series 2022 Bonds without regard to the ERISA and Code considerations described below, subject to the provisions of Similar Laws.

In addition to the imposition of general fiduciary obligations, including those of investment prudence and diversification and the requirement that a plan's investment be made in accordance with the documents governing the plan, Section 406 of ERISA and Section 4975 of the Code prohibit a broad range of transactions involving assets of ERISA Plans and Tax-Favored Plans and entities whose underlying assets include plan assets by reason of ERISA Plans or Tax-Favored Plans investing in such entities (collectively, "Benefit Plans") and persons who have certain specified relationships to the Benefit Plans ("Parties In Interest" or "Disqualified Persons"), unless a statutory or administrative exemption is available. The definitions of "Party in Interest" and "Disqualified Person" are expansive. While other entities may be encompassed by these definitions, they include, most notably: (1) fiduciary with respect to a plan; (2) a person providing services to a plan; (3) an employer or employee organization any of whose employees or members are covered by the plan; and (4) the owner of an IRA. Certain Parties in Interest (or Disqualified Persons) that participate in a prohibited transaction may be subject to a penalty (or an excise tax) imposed pursuant to Section 502(i) of ERISA (or Section 4975 of the Code) unless a statutory or administrative exemption is available. Without an exemption an IRA owner may disqualify his or her IRA.

Certain transactions involving the purchase, holding or transfer of the Series 2022 Bonds might be deemed to constitute prohibited transactions under ERISA and Section 4975 of the Code if assets of DASNY or the Departments were deemed to be assets of a Benefit Plan. Under final regulations issued by the United States Department of Labor (the "Plan Assets Regulation"), the assets of DASNY or the Departments would be treated as plan assets of a Benefit Plan for the purposes of ERISA and Section 4975 of the Code only if the Benefit Plan acquires an "equity interest" in DASNY or the Departments and none of the exceptions contained in the Plan Assets Regulation is applicable. An equity interest is defined under the Plan Assets Regulation as an interest in an entity other than an instrument which is treated as indebtedness under applicable local law and which has no substantial equity features. Although there is little guidance on this matter, it appears that the Series 2022 Bonds should be treated as debt without substantial equity features for purposes of the Plan Assets Regulation. This determination is based upon the traditional debt features of the Series 2022 Bonds, including the reasonable expectation of purchasers of Series 2022 Bonds that the Series 2022 Bonds will be repaid when due, traditional default remedies, as well as the absence of conversion rights, warrants and other typical equity features.

However, without regard to whether the Series 2022 Bonds are treated as an equity interest for such purposes, though, the acquisition or holding of Series 2022 Bonds by or on behalf of a Benefit Plan could be considered to give rise to a prohibited transaction if DASNY, the Departments, the Underwriters or the Trustee, or any of their respective affiliates, is or becomes a Party in Interest or a Disqualified Person with respect to such Benefit Plan.

Most notably, ERISA and the Code generally prohibit the lending of money or other extension of credit between an ERISA Plan or Tax-Favored Plan and a Party in Interest or a Disqualified Person, and the acquisition of any of the Series 2022 Bonds by a Benefit Plan would involve the lending of money or extension of credit by the Benefit Plan. In such a case, however, certain exemptions from the prohibited transaction rules could be applicable depending on the type and circumstances of the plan fiduciary making the decision to acquire a Series 2022 Bond. Included among these exemptions are: Prohibited Transaction Class Exemption ("PTCE") 96-23, regarding transactions effected by certain "in-house asset managers"; PTCE 90-1, regarding investments by insurance company pooled separate accounts; PTCE 95-60, regarding transactions effected by "insurance company general accounts"; PTCE 91-38, regarding investments by bank collective investment funds; and PTCE 84-14, regarding transactions effected by "qualified professional asset managers." Further, the statutory exemption in Section 408(b)(17) of ERISA and Section 4975(d)(20) of the Code provides for an exemption for transactions involving "adequate consideration" with persons who are Parties in Interest or Disqualified Persons solely by reason of their (or their affiliate's) status as a service provider to the Benefit Plan involved and none of whom is a fiduciary with respect to the Benefit Plan assets involved (or an affiliate of such a fiduciary). There can be no assurance that any class or other exemption will be available with respect to any particular transaction involving the Series 2022 Bonds, or that, if available, the exemption would cover all possible prohibited transactions.

By acquiring a Series 2022 Bond (or interest therein), each purchaser and transferee (and if the purchaser or transferee is a Plan, its fiduciary) is deemed to represent and warrant that either (i) it is not acquiring the Series 2022 Bond (or interest therein) with the assets of a Benefit Plan, Governmental Plan or Church Plan; or (ii) the acquisition and holding of the Series 2022 Bond (or interest therein) will not give rise to a nonexempt prohibited transaction under Section 406 of ERISA or Section 4975 of the Code or Similar Laws. A purchaser or transferee who acquires Series 2022 Bonds with assets of a Benefit Plan represents that such purchaser or transferee has considered the fiduciary requirements of ERISA, the Code or Similar Laws and has consulted with counsel with regard to the purchase or transfer.

Because DASNY, the Departments, the Underwriters, Trustee or any of their respective affiliates may receive certain benefits in connection with the sale of the Series 2022 Bonds, the purchase of the Series 2022 Bonds using plan assets of a Benefit Plan over which any of such parties has investment authority or provides investment advice for a direct or indirect fee may be deemed to be a violation of the prohibited transaction rules of ERISA or Section 4975 of the Code or Similar Laws for which no exemption may be available. Accordingly, any investor considering a purchase of Series 2022 Bonds using plan assets of a Benefit Plan should consult with its counsel if DASNY, the Departments, the Underwriters, the Trustee or any of their respective affiliates has investment authority or provides investment advice for a direct or indirect fee with respect to such assets or is an employer maintaining or contributing to the Benefit Plan.

Any ERISA Plan fiduciary considering whether to purchase the Series 2022 Bonds on behalf of an ERISA Plan should consult with its counsel regarding the applicability of the fiduciary responsibility and prohibited transaction provisions of ERISA and Section 4975 of the Code to such investment and the availability of any of the exemptions referred to above. Persons responsible for investing the assets of Tax-Favored Plans that are not ERISA Plans should seek similar counsel with respect to the prohibited transaction provisions of the Code and the applicability of Similar Laws.

PART 14—LITIGATION

There is no litigation or other proceeding pending or, to the knowledge of DASNY, threatened in any court, agency or other administrative body (either State or federal) restraining or enjoining the issuance, sale or delivery of the Series 2022 Bonds, or in any way questioning or affecting (i) the proceedings under which the Series 2022 Bonds are to be issued, (ii) the pledge effected under the General Resolution, or (iii) the validity of any provision of the Authorizing Legislation, the Series 2022 Bonds, the General Resolution or the Financing Agreement. See "APPENDIX A—INFORMATION CONCERNING THE STATE OF NEW YORK" under the heading "Litigation" for a description of certain litigation relating to the State generally.

PART 15—CERTAIN LEGAL MATTERS

Certain legal matters incident to the authorization, issuance, sale and delivery of the Series 2022 Bonds are subject to the approval of Nixon Peabody LLP, New York, New York, and Bryant Rabbino LLP, New York, New York, Co-Bond Counsel to DASNY, and to certain other conditions. The approving opinions of Co-Bond Counsel will be delivered with the Series 2022 Bonds. The proposed forms of such opinions are included in this Official Statement as "APPENDIX D—PROPOSED FORMS OF CO-BOND COUNSEL OPINIONS."

Certain legal matters will be passed on for the Underwriters by their co-counsel, Harris Beach PLLC, New York, New York and the Law Offices of Joseph C. Reid, P.A., New York, New York.

PART 16—UNDERWRITING

J.P. Morgan Securities, LLC, on behalf of the Underwriters of the Series 2022A Bonds (the "Series 2022A Underwriters"), and Siebert Williams Shank & Co., LLC, on behalf of the Underwriters of the Series 2022B Bonds (the "Series 2022B Underwriters" and collectively with the Series 2022A Underwriters, the "Underwriters"), have each agreed, respectively, subject to the terms of a separate Contract of Purchase with DASNY relating to the Series 2022A Bonds (the "Series 2022A Contract of Purchase") and the Series 2022B Bonds (the "Series 2022B Contract of Purchase" and collectively the "Series 2022 Contracts of Purchase"), to purchase the Series 2022A Bonds and the Series 2022B Bonds from DASNY. The Series 2022 Contracts of Purchase provide collectively, in part, that subject to certain conditions, the Series 2022A Underwriters will purchase the Series 2022A Bonds from DASNY at a purchase price of $2,649,696,470.37 (representing the principal amount of the Series 2022A Bonds, plus a net original issue premium of $238,027,850.45 and less an underwriters' discount of $10,666,380.08), and the Series 2022B Underwriters will purchase the Series 2022B Bonds at a purchase price of $665,087,772.63, (representing the principal amount of the Series 2022B Bonds, less an underwriters' discount of $2,647,227.37) and, in the case of the Series 2022A Underwriters, will make a public offering of the Series 2022A Bonds at prices that are not in excess of the public offering price or prices (or less than the yields) stated on the inside cover pages of this Official Statement. The Series 2022A Underwriters will be obligated to purchase all of the Series 2022A Bonds if any Series 2022A Bonds are purchased and the Series 2022B Underwriters will be obligated to purchase all of the Series 2022B Bonds if any Series 2022B Bonds are purchased. The Series 2022 Bonds may be offered and sold to certain dealers (including the Underwriters) at prices lower than such public offering prices, and such public offering prices may be changed, from time to time, by the Underwriters.

The following paragraphs have been provided by the Underwriters:

The Underwriters and their respective affiliates are full service financial institutions engaged in various activities, which may include securities trading, commercial and investment banking, financial advisory, investment management, principal investment, hedging, financing and brokerage activities. Certain of the Underwriters and their respective affiliates have, from time to time, performed, and may in the future perform various investment banking services for DASNY, for which they received or will receive customary fees and expenses.

In the ordinary course of their various business activities, the Underwriters and their respective affiliates may make or hold a broad array of investments and actively trade debt and equity securities (or related derivative securities) and financial instruments (which may include bank loans and/or credit default swaps) for their own account for the accounts of their customers and may at any time hold long and short positions in such securities and instruments. Such investment and securities activities may involve securities and instruments of DASNY. In addition, to the extent an Underwriter or an affiliate thereof holds any of the Refunded Bonds, such Underwriter or affiliate, as applicable, would receive a portion of the proceeds from the issuance of the Series 2022 Bonds contemplated herein in connection with the refunding of the Refunded Bonds.

In addition, certain of the Underwriters may have entered into distribution agreements with other broker-dealers (that have not been designated by DASNY as Underwriters) for the distribution of the offered bonds at the original issue prices. Such agreements generally provide that the relevant Underwriter will share a portion of its underwriting compensation or selling concession with such broker-dealers.

PART 17—LEGALITY OF INVESTMENT

Under New York State law, the Series 2022 Bonds are securities in which all public officers and bodies of the State and all municipalities and municipal subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, administrators, guardians, executors, trustees, committees, conservators and other fiduciaries in the State may properly and legally invest funds in their control. However, enabling legislation or bond resolutions of individual authorities and public benefit corporations of the State may limit the investment of funds of such authorities and corporations in the Series 2022 Bonds.

PART 18—VERIFICATION OF MATHEMATICAL COMPUTATIONS

Samuel Klein and Company, Certified Public Accountants (the "Verification Agent"), upon the issuance of the Series 2022 Bonds, shall issue a report indicating that the Verification Agent has verified the arithmetic accuracy of (a) the mathematical computations of the adequacy of the cash and the maturing principal amounts of, and the interest on, the Defeasance Securities to pay the principal or redemption price of, and the interest on, the Refunded Bonds on the Redemption Dates, and (b) certain calculations relating to the Refunded Bonds and the Series 2022 Bonds. See "PART 7—THE REFUNDING PLAN."

PART 19—RATINGS

The Series 2022 Bonds are rated "AA+" by S&P Global Ratings and "AA+" by Fitch Ratings. Each rating reflects only the view of the rating agency issuing such rating and an explanation of the significance of such rating may be obtained from the rating agency furnishing the same. There is no assurance that such credit ratings will continue for any given period of time or that either or both will not be revised downward or withdrawn entirely by either or both of such rating agencies, if, in the judgment of either or both of them, circumstances so warrant. Any such downward revision or withdrawal of such rating or ratings may have an adverse effect on the market price of the Series 2022 Bonds. A securities rating is not a recommendation to buy, sell or hold securities and may be subject to revision or withdrawal at any time.

PART 20—CONTINUING DISCLOSURE

In order to assist the Underwriters of the Series 2022 Bonds to comply with Rule 15c2-12 ("Rule 15c2-12") promulgated by the Securities and Exchange Commission (the "SEC") under the Securities Exchange Act of 1934, as amended, each of the Authorized Issuers, the State, and each of the trustees under the general resolutions have entered into a written agreement, dated as of May 1, 2002, and amended and restated as of July 1, 2009, as of December 1, 2010 and as of June 10, 2019 (the "Master Disclosure Agreement") for the benefit of all holders of State Personal Income Tax Revenue Bonds, including the holders of the Series 2022 Bonds. The parties to the Master Disclosure Agreement have agreed to provide continuing disclosure of certain financial and operating data concerning the State and the sources of the Revenue Bond Tax Fund Receipts (collectively, the "Annual Information") in accordance with the requirements of Rule 15c2-12 and as described in the Master Disclosure Agreement. The Division of the Budget will electronically file with the Municipal Securities Rulemaking Board (the "MSRB") through its Electronic Municipal Market Access ("EMMA") System on or before 120 days after the end of each State fiscal year, commencing, for the Series 2022 Bonds, with the fiscal year ending March 31, 2022. An executed copy of the Master Disclosure Agreement is attached hereto as "APPENDIX E—EXECUTED COPY OF MASTER CONTINUING DISCLOSURE AGREEMENT."

The State Comptroller is required by existing law to issue audited annual financial statements of the State, prepared in accordance with accounting principles generally accepted in the United States of America ("GAAP"), within 120 days after the close of the State Fiscal Year, and the State will undertake to electronically file with the MSRB, the State's annual financial statements prepared in accordance with GAAP and audited by an independent firm of certified public accountants in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, provided, however, that if audited financial statements are not then available, unaudited financial statements shall be filed no later than 120 days after the end of the State's fiscal year and such audited statements shall be electronically filed with the MSRB, if and when such statements are available. In addition, the Authorized Issuers have agreed in the Master Disclosure Agreement to electronically file with the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of any of the sixteen (16) events described in the Master Disclosure Agreement, notice of any such events.

If any party to the Master Disclosure Agreement fails to comply with any provisions thereof, then each of the other parties to the Master Disclosure Agreement and, as a direct or third party beneficiary, as the case may be, any holder of State Personal Income Tax Revenue Bonds, including the holders of the Series 2022 Bonds, may enforce, for the equal benefit and protection of all holders similarly situated, by mandamus or other suit or proceeding at law or in equity, the Master Disclosure Agreement against such party and any of its officers, agents and employees, and may compel such party or any such officers, agents or employees to perform and carry out their duties thereunder. The parties to the Master Disclosure Agreement, however, are not obligated to enforce the obligations of the others. The sole and exclusive remedy for breach or default under the Master Disclosure Agreement to provide the continuing disclosure described above is an action to compel specific performance of the obligations of the State and/or the applicable Authorized Issuer contained therein, and no person or other entity, including any holder of State Personal Income Tax Revenue Bonds, including the holders of the Series 2022 Bonds, may recover monetary damages thereunder under any circumstances. Any holder or beneficial owner of State Personal Income Tax Revenue Bonds, including the holders of Series 2022

Bonds, may enforce the Master Disclosure Agreement to the equal and proportionate benefit of all holders and beneficial owners similarly situated to the extent provided in the Master Disclosure Agreement. A breach or default under the Master Disclosure Agreement shall not constitute an Event of Default under the general resolutions. In addition, if all or any part of Rule 15c2-12 ceases to be in effect for any reason, then the information required to be provided under the Master Disclosure Agreement, insofar as the provision of Rule 15c2-12 no longer in effect required the provision of such information, shall no longer be required to be provided. The obligations of the State under the Master Disclosure Agreement may be terminated if the State ceases to be an obligated person as defined in Rule 15c2-12.

The State has not in the previous five years failed to comply, in any material respect, with the Master Disclosure Agreement or any other previous undertakings or agreements pursuant to Rule 15c2-12 in relation to State Personal Income Tax Revenue Bonds. Pursuant to the terms of the Master Disclosure Agreement, DASNY, as conduit issuer of State Personal Income Tax Revenue Bonds, has agreed in such agreement to provide notices of certain events as described in such agreement and has complied with such contractual undertaking in all material respects.

The Master Disclosure Agreement contains a general description of the type of financial information and operating data that will be provided; the descriptions are not intended to state more than general categories of financial information and operating data; and if an undertaking calls for information that no longer can be generated because the operations to which it is related have been materially changed or discontinued, a statement to that effect will be provided. As a result, it is not anticipated that it often will be necessary to amend the information undertakings. The Master Disclosure Agreement, however, may be amended or modified without Bondholders' consent under certain circumstances set forth therein.

PART 21—MISCELLANEOUS

Certain information concerning the State (which is either included in or appended to this Official Statement) has been furnished or reviewed and authorized for use by DASNY by such sources as described in this Official Statement. While DASNY believes that these sources are reliable, DASNY has not independently verified this information and does not guarantee the accuracy or completeness of the information furnished by the respective sources.

The State provided the information relating to the State, in "APPENDIX A—INFORMATION CONCERNING THE STATE OF NEW YORK."

The Director of the Budget is to certify that the statements and information appearing (a) under the headings (i) "PART 1—SUMMARY STATEMENT" (except under the subcaption "Purposes of Issue" and except for the seventh, eleventh (last sentence only) and twelfth paragraphs under the subcaption "Sources of Payment and Security for State Personal Income Tax Revenue Bonds — Revenue Bond Tax Fund Receipts", as to which no representation is made), (ii) "PART 2—INTRODUCTION" (the second, third, fourth, sixth, seventh, eighth, tenth, and twelfth (other than the last sentence thereof) paragraphs only), (iii) "PART 3—SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS," (iv) "PART 4—SOURCES OF REVENUE BOND TAX FUND RECEIPTS," (v) "PART 9—DEBT SERVICE REQUIREMENTS" as to the column "Other Outstanding NYS Personal Income Tax Revenue Bonds Debt Service," and (vi) "PART 20—CONTINUING DISCLOSURE" (the first sentence of the fourth paragraph only), and (b) in the "Annual Information Statement of the State of New York", including any updates or supplements, included in "APPENDIX A—INFORMATION CONCERNING THE STATE OF NEW YORK" to this Official Statement are true, correct and complete in all material respects, and that no facts have come to his attention that would lead him to believe that such statements and information contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements and information, in light of the circumstances under which they were made, not misleading, provided, however, that while the information and statements contained under such headings and in "APPENDIX A—INFORMATION

CONCERNING THE STATE OF NEW YORK" which were obtained from sources other than the State are not certified as to truth, correctness or completeness, such statements and information have been obtained from sources that he believes to be reliable and he has no reason to believe that such statements and information contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements and information, in light of the circumstances under which they were made, not misleading; provided, further, however, that with regard to the statements and information in "APPENDIX A—INFORMATION CONCERNING THE STATE OF NEW YORK" hereto under the caption "Litigation", such statements and information as to legal matters are given to the best of his information and belief, having made such inquiries as he deemed appropriate at the offices of the Department of Law of the State, without any further independent investigation. The certification is to apply both as of the date of this Official Statement and as of the date of delivery of the Series 2022 Bonds.

Public Resources Advisory Group has acted as financial advisor to the Division of the Budget in connection with the sale and issuance of the Series 2022 Bonds.

The references herein to the Authority Act, the Enabling Act, other laws of the State, the General Resolution and the Financing Agreement are brief outlines of certain provisions thereof. Such outlines do not purport to be complete and reference should be made to each for a full and complete statement of its provisions. The agreements of DASNY with the registered Owners of the Series 2022 Bonds are fully set forth in the General Resolution (including any supplemental resolutions thereto), and neither any advertisement of the Series 2022 Bonds nor this Official Statement is to be construed as a contract with the purchasers of the Series 2022 Bonds. So far as any statements are made in this Official Statement involving matters of opinion, forecasts or estimates, whether or not expressly stated, are intended merely as expressions of opinion, forecasts or estimates and not as representations of fact. Copies of the documents mentioned in this paragraph are available for review at the corporate headquarters of DASNY located at 515 Broadway, Albany, New York 12207.

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The execution and delivery of this Official Statement by an Authorized Officer have been duly authorized by DASNY.

DORMITORY AUTHORITY
OF THE STATE OF NEW YORK

By: *   /s/ Reuben R. McDaniel, III   *
Authorized Officer

APPENDIX A

INFORMATION CONCERNING THE STATE OF NEW YORK

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APPENDIX A

INFORMATION CONCERNING THE STATE OF NEW YORK

The State Legislature is not legally obligated to appropriate amounts for the payment of principal of, sinking fund installments, if any, or interest on the obligations to which this Official Statement relates. For information about the sources of payment of such obligations, the foregoing Official Statement to which this Appendix A is attached should be read in its entirety. The continued willingness and ability of the State, however, to make the appropriations and otherwise provide for the payments contemplated in the foregoing Official Statement, and the market for and market prices of the obligations, may depend in part upon the financial condition of the State.

Appendix A contains the Annual Information Statement of the State of New York ("Annual Information Statement" or "AIS"), as updated or supplemented to the date specified therein. The State intends to update and supplement that Annual Information Statement as described therein. It has been supplied by the State to provide information about the financial condition of the State in the Official Statements of all issuers, including public authorities of the State, that may depend in whole or in part on State appropriations as sources of payment of their respective bonds, notes or other obligations.

The AIS set forth in this Appendix A is dated June 8, 2021. It was updated on March 7, 2022. The AIS was filed with the Municipal Securities Rulemaking Board (MSRB) through its Electronic Municipal Market Access (EMMA) system. An electronic copy of this AIS can be accessed through the EMMA system at www.emma.msrb.org. An official copy of the AIS may be obtained by contacting the Division of the Budget, State Capitol, Albany, NY 12224, Tel: (518) 473-8705. An informational copy of the AIS is available on the Internet at http://www.budget.ny.gov.

The Basic Financial Statements and Other Supplementary Information for the State fiscal year ended March 31, 2021 were prepared by the State Comptroller in accordance with accounting principles generally accepted in the United States of America and independently audited in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. The Basic Financial Statements and Other Supplementary Information were issued on July 29, 2021 and have been referred to or set forth thereafter in appendices of information concerning the State in Preliminary Official Statements and Official Statements of the State and certain of its public authorities. The Basic Financial Statements and Other Supplementary Information, which are included in the Comprehensive Annual Financial Report, may be obtained by contacting the Office of the State Comptroller, 110 State Street, Albany, NY 12236 Tel: (518) 474-4015.

The Annual Information Statement of the State of New York (including any and all updates and supplements thereto) may not be included in an Official Statement or included by reference in an Official Statement without the express written authorization of the State of New York, Division of the Budget, State Capitol, Albany, NY 12224.

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UPDATE TO
ANNUAL INFORMATION STATEMENT
STATE OF NEW YORK

March 7, 2022

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INTRODUCTION

This third quarterly update to the Annual Information Statement (the "AIS Update") is dated March 7, 2022 and contains information only through that date. This AIS Update constitutes the official disclosure regarding the financial position of the State of New York (the “State”) and updates the Annual Information Statement dated June 8, 2021 (the "AIS"). This AIS Update should be read in its entirety, together with the AIS.

In this AIS Update, readers will find:

1. Information on the State’s current financial projections, including summaries and extracts from the Governor’s Executive Budget Financial Plan for FY 2023, as amended (the “Updated Financial Plan” or “Updated Executive Budget Financial Plan”) issued by the Division of the Budget (DOB) in February 2022. The Updated Financial Plan (which is available on the DOB website, www.budget.ny.gov) includes a summary of third quarter operating results for FY 2022 (quarter ended December 31, 2021) and updates to the State’s official financial projections for FY 2022 through FY 2025.[1] Except for the specific revisions described in these extracts, the projections (and the assumptions upon which they are based) in the Updated Financial Plan are consistent with the projections set forth in the FY 2022 Enacted Budget Financial Plan (the “Enacted Budget Financial Plan”) reflected in the AIS. DOB next expects to update the State’s multi-year financial projections with the FY 2023 Enacted Budget Financial Plan.
2. A discussion of issues and risks that may affect the State's financial projections during FY 2022 or in future fiscal years is provided under the heading “Other Matters Affecting the Financial Plan”.
3. Information on other subjects relevant to the State’s finances, including summaries of: (a) the Generally Accepted Accounting Principles (GAAP)-basis results for the prior three fiscal years, (b) the State’s debt and other financing activities, and (c) activities of public authorities and localities.
4. Updated information regarding the State Retirement System.
5. The status of significant litigation that has the potential to adversely affect the State’s finances.
6. Financial Plan tables that summarize actual General Fund receipts and disbursements for fiscal year 2021 and projected receipts and disbursements for fiscal years 2022 through 2025 on a General Fund, State Operating Funds and All Governmental Funds basis.

DOB is responsible for preparing the State’s Financial Plan and presenting the information that appears in this AIS Update on behalf of the State. In preparing this AIS Update, DOB has also relied on information drawn from other sources, including the Office of the State Comptroller (OSC). In particular, information contained in the section entitled “State Retirement System” has been furnished by OSC, while information relating to matters described in the section entitled “Litigation” has been furnished by the State Office of the Attorney General. DOB has not undertaken any independent verification of the information contained in these sections of this AIS Update.

[1] The State fiscal year is identified by the calendar year in which it ends. For example, fiscal year 2022 (“FY 2022”) is the fiscal year that began on April 1, 2021 and will end on March 31, 2022.

During the fiscal year, the Governor, the State Comptroller, State legislators, and others may issue statements or reports that contain predictions, projections, or other information relating to the State's financial position or condition, including potential operating results for the current fiscal year and projected budget gaps for future fiscal years, that may vary materially from the information provided in this AIS Update. Investors and other market participants should, however, refer to this AIS Update, as updated or supplemented, for the most current official information regarding the financial position of the State.

Factors affecting the State’s financial condition are numerous and complex. This AIS Update contains “forward-looking statements” relating to future results and economic performance as defined in the Private Securities Litigation Reform Act of 1995. Since many factors may materially affect fiscal and economic conditions in the State, the forecasts, projections, and estimates should not be regarded as a representation that results will not vary. The forward-looking statements contained herein are based on the State's expectations at the time they were prepared and are necessarily dependent upon assumptions, estimates, calculations, and data that it believes are reasonable as of the date made, but that may be incorrect, incomplete or imprecise or not reflective of actual results. Forecasts, projections, and estimates are not intended as representations of fact or guarantees of results. The words “expects,” “forecasts,” “projects,” “intends,” “anticipates,” “estimates,” “calculates,” “assumes” and analogous expressions are intended to identify forward-looking statements. Any such statements inherently are subject to a variety of risks and uncertainties that could cause actual results to differ materially and adversely from projections. Such risks and uncertainties include, but are not limited to, general economic and business conditions; natural calamities; foreign hostilities or wars; domestic or foreign terrorism; changes in political, social, economic and environmental conditions, including climate change and extreme weather events; epidemics or pandemics; cybersecurity events; impediments to the implementation of gap-closing actions; regulatory initiatives and compliance with governmental regulations; litigation; Federal tax law changes; actions by the Federal government to reduce or disallow expected aid, including Federal aid authorized or appropriated by Congress, but subject to sequestration, administrative actions, or other actions that would reduce aid to the State; and various other events, conditions and circumstances. Many of these risks and uncertainties are beyond the control of the State. These forward-looking statements are based on the State's expectations as of the date of this AIS Update.

In addition to regularly scheduled quarterly updates to the AIS, the State may issue AIS supplements or other disclosure notices to the AIS as events warrant. The State intends to announce publicly whenever an update or a supplement is issued. The State may choose to incorporate by reference all or a portion of the AIS, as updated or supplemented, in Official Statements or related disclosure documents for State or State supported debt issuances. The State has filed this AIS Update with the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access (EMMA) system. An electronic copy of this AIS Update can be accessed through EMMA at www.emma.msrb.org. An official copy of this AIS Update may be obtained by contacting the New York State Division of the Budget, State Capitol, Albany, NY 12224, Tel: (518) 474-2302.

OSC issued the State's Basic Financial Statements for FY 2021 and the Comptroller's Annual Report to the Legislature on State Funds Cash Basis of Accounting on July 29, 2021 in accordance with the annual statutory deadline. Copies of this report may be obtained by contacting the Office of the State Comptroller, 110 State Street, Albany, NY 12236 and on its website at www.osc.state.ny.us. The Basic Financial Statements for FY 2021 can also be accessed through EMMA at www.emma.msrb.org.

Usage Notice

This AIS Update has been prepared and made available by the State pursuant to its contractual undertakings under various continuing disclosure agreements (CDAs) entered into by the State in connection with financings of the State, as well as certain issuers, including public authorities of the State, that may depend in whole or in part on State appropriations as sources of payments of their respective bonds, notes or other obligations.

This AIS Update is available in electronic form on the DOB website at www.budget.ny.gov. Such availability does not imply that there have been no changes in the financial position of the State subsequent to the posting of this information. Maintenance of this AIS Update on the DOB website, or on the EMMA website, is not intended as a republication of the information herein on any date subsequent to its release date. No incorporation by reference or republication of any information contained on any website is intended or shall be deemed to have occurred as a result of the inclusion of any website address in this AIS Update.

Neither this AIS Update nor any portion thereof may be: (i) included in a preliminary official statement, official statement, or other offering document, or incorporated by reference therein, unless DOB has expressly consented thereto following a written request to the State of New York, Division of the Budget, State Capitol, Albany, NY 12224, or (ii) considered to be continuing disclosure in connection with any offering unless a CDA relating to the offered series of bonds or notes has been executed by DOB. Any such use, or incorporation by reference, of this AIS Update or any portion thereof in a preliminary official statement, official statement, or other offering document or continuing disclosure filing without such consent and agreement by DOB is unauthorized and the State expressly disclaims any responsibility with respect to the inclusion, intended use, and updating of this AIS Update if so misused.

BUDGETARY AND ACCOUNTING PRACTICES

Significant Budgetary and Accounting Practices

Unless clearly noted otherwise, all financial information is presented on a cash basis of accounting.[2]

The State accounts for receipts and disbursements by the fund in which the activity takes place (such as the General Fund), and the broad category or purpose of that activity (such as State Operations). The Financial Plan tables present State projections and actuals by fund and category.

Fund types of the State include: the General Fund; State Special Revenue Funds, which receive certain dedicated taxes, fees, and other revenues used for specified purposes; Federal Special Revenue Funds, which receive certain Federal grants; State and Federal Capital Projects Funds, which account for costs incurred in the construction, maintenance, and rehabilitation of roads, bridges, prisons, university facilities, and other infrastructure projects; and Debt Service Funds, which account for the payment of principal, interest, and related expenses for debt issued by the State and on the State's behalf by its public authorities.

The State's **General Fund** receives most State taxes and all income not earmarked for a specified program or activity. State law requires the Governor to submit, and the Legislature to enact, a General Fund Budget that is balanced on a cash basis of accounting. The State Constitution and State Finance Law do not provide a precise definition of budget balance. In practice, the General Fund is considered balanced if sufficient resources are, or are expected to be, available during the fiscal year for the State to: (a) make all planned payments, including Personal Income Tax (PIT) refunds, without the issuance of deficit notes or bonds, or extraordinary cash management actions; (b) restore the balances in the Tax Stabilization Reserve Fund and the Rainy Day Reserve Fund (collectively, the "Rainy Day Reserves") to levels at or above those on deposit when the fiscal year began; and (c) maintain other reserves, as required by law. For purposes of calculating budget balance, the General Fund includes transfers to and from other funds.

The General Fund is the sole financing source for the School Tax Relief (STAR) fund and is typically the financing source of last resort for the State's other major funds, including the Health Care Reform Act (HCRA) funds, the Dedicated Highway and Bridge Trust Fund (DHBTF), and the Lottery Fund. Therefore, General Fund projections account for any estimated funding shortfalls in these funds. Since the General Fund is required by law to be balanced, the focus of the State's budgetary and gap-closing discussion in the Financial Plan is generally weighted toward the General Fund.

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[2] State Finance Law also requires DOB to prepare a pro forma Financial Plan using, to the extent practicable, Generally Accepted Accounting Principles (GAAP). The GAAP-basis Financial Plan is informational only. DOB does not use it as a benchmark for planning or managing State finances during the fiscal year and does not update it on a quarterly basis. The GAAP-basis Financial Plan follows, to the extent practicable, the accrual methodologies and fund accounting rules applied by the Office of the State Comptroller (OSC) in preparation of the audited Basic Financial Statements, but there can be no assurance that the pro forma GAAP financial plan conforms to all GAAP principles.

At times, DOB will informally designate unrestricted balances in the General Fund for specific policy goals (e.g., reserve for economic uncertainties; reserve for timing of payments). These amounts are typically, but not uniformly, identified with the phrase "reserved for." These unrestricted amounts are not held in distinct accounts within the General Fund and may be used for other purposes.

Projections for future years may show budget gaps or budget surpluses in the General Fund. Budget gaps represent the difference between: (a) the projected General Fund disbursements, including transfers to other funds, needed to maintain current service levels and specific commitments, and (b) the projected level of resources, including transfers from other funds, to pay for these disbursements. The General Fund projections are based on many assumptions and are developed by DOB in conjunction with other State agencies. Some projections are based on specific, known information (e.g., a statutory requirement to increase payments to a prescribed level), while others are based on more uncertain or speculative information (e.g., the pace at which a new program will enroll recipients). In general, the multi-year projections assume that money appropriated in one fiscal year will continue to be appropriated in future years, even for programs that were not created in permanent law and that the State has no obligation to fund. Funding levels for nearly all State programs are reviewed annually in the context of the current and projected fiscal positions of the State.

State Operating Funds is a broader measure of spending on operations (as distinct from capital purposes) that is funded with State resources. It includes financial activity in the General Fund, as well as State-funded Special Revenue Funds and Debt Service Funds (spending from Capital Projects Funds and Federal Funds is excluded). As significant financial activity occurs in funds outside the General Fund, the State Operating Funds perspective is, in DOB's view, a more comprehensive measure of operations funded with State resources (e.g., taxes, assessments, fees and tuition). The State Operating Funds perspective eliminates certain distortions in operating activities that may be caused by, among other things, the State's complex fund structure and the transfer of money between funds. For example, the State funds its share of the Medicaid program from both the General Fund and State Special Revenue Funds. The State Operating Funds perspective captures Medicaid disbursements from both fund types, giving a more complete accounting of State-funded Medicaid disbursements. Accordingly, projections often emphasize the State Operating Funds perspective.

The Financial Plan projections reflect certain actions that have affected, or are intended to affect, the amount of annual spending reported on a State Operating Funds basis. Such actions include but are not limited to: (a) payment of certain operating costs using available resources outside the State Operating Funds basis of reporting; and (b) reclassification as Enterprise Funds of certain activities in which goods or services are provided to the public for a fee. If these or other transactions are not executed or reported in a manner consistent with DOB's interpretation of the legislation and legislative intent, annual spending growth in State Operating Funds would be higher than projections.

The State also reports disbursements and receipts activity for **All Governmental Funds** (All Funds), which includes spending from Capital Projects Funds and Federal Funds, in addition to State Operating Funds. The All Funds basis is the most comprehensive view of the cash-basis financial operations of the State.

Differences may occur from time to time between DOB and OSC's financial reports in presentation and reporting of receipts and disbursements. For example, DOB may reflect a net expenditure amount while OSC may report the gross expenditure. Any such differences in reporting between DOB and OSC could result in differences in the presentation and reporting for total receipts and disbursements under different fund perspectives (e.g., State Operating Funds and All Funds).

As of the FY 2022 Enacted Budget, the State changed certain Financial Plan and AIS terminology to align with fiscal publications released by the State Comptroller. Previously, the State used the term “results” in the Financial Plan and AIS to mean year-end actual but unaudited performance data for the most recently completed fiscal year. While year-end cash results could be adjusted during the audit of the State’s Financial Statements prepared under Generally Accepted Accounting Principles contained in the Comprehensive Annual Financial Report, which must be released within 120 days after the end of the State Fiscal Year, revisions are not common. In prior updates to the Financial Plan and AIS released after the issuance of the Comprehensive Annual Financial Report, the term “results” reflected audited year-end performance data for the most recently completed fiscal year. Beginning with the FY 2022 Enacted Budget Financial Plan and the AIS released on June 8, 2021, the term “actuals” replaces “results”, but the meaning remains the same relative to the issuance of the Comprehensive Annual Financial Report. The FY 2021 Comprehensive Annual Financial Report was issued on July 29, 2021; as such, the term “actuals” as referenced in this AIS Update indicates audited results.

FINANCIAL PLAN OVERVIEW

The following table provides certain Financial Plan information for FY 2021 through FY 2023.

FINANCIAL PLAN AT-A-GLANCE: KEY MEASURES (millions of dollars)	FY 2021 Actuals	FY 2022 Current Estimate	FY 2023 Executive Proposal
State Operating Funds Disbursements			
Size of Budget	$104,207	$115,226	$118,907
Annual Growth	2.0%	10.6%	3.2%
Other Disbursement Measures			
General Fund (Including Transfers)[1]	$74,095	$90,694	$95,551
Annual Growth	-4.4%	22.4%	5.4%
Capital Budget (Federal and State)	$12,331	$15,434	$18,566
Annual Growth	2.8%	25.2%	20.3%
Federal Operating Aid	$70,049	$82,266	$78,996
Annual Growth	19.1%	17.4%	-4.0%
All Funds	$186,587	$212,926	$216,469
Annual Growth	7.9%	14.1%	1.7%
Inflation (CPI)	1.2%	5.9%	3.6%
All Funds Receipts			
Taxes[2]	$82,376	$101,161	$108,730
Annual Growth	-0.6%	22.8%	7.5%
Miscellaneous Receipts	$30,772	$26,017	$27,514
Annual Growth	4.4%	-15.5%	5.8%
Federal Receipts (Operating and Capital)	$78,152	$99,960	$84,444
Annual Growth	20.1%	27.9%	-15.5%
Total All Funds Receipts[2]	$191,300	$227,138	$220,688
Annual Growth	7.8%	18.7%	-2.8%
General Fund Cash Balance	$9,161	$30,513	$27,674
Rainy Day Reserves	$2,476	$3,351	$4,271
Economic Uncertainties	$1,490	$5,598	$9,732
Extraordinary Monetary Settlements	$2,083	$2,035	$1,741
Timing of PTET/PIT Credits	$0	$16,710	$7,660
Reserve for Pandemic Assistance	$0	$2,000	$2,000
All Other Reserves/Fund Balances	$3,112	$819	$2,270
Debt			
Debt Service as % All Funds Receipts[2]	4.6%	3.6%	2.7%
State-Related Debt Outstanding	$58,881	$62,880	$69,270
Debt Outstanding as % Personal Income	4.1%	4.1%	4.6%

1 Includes planned transfer of Extraordinary Monetary Settlements from the General Fund to other funds for designated purposes.

2 Excludes the impact of the Pass Through Entity Tax program which is expected to have no net Financial Plan impact across fiscal years.

Summary

Update to Financial Estimates

In the Mid-Year Update to the Financial Plan ("Mid-Year Update"), the Governor committed to bringing the balance of the State's principal reserves (the rainy-day reserves and reserve for economic uncertainties) to 15 percent of projected State Operating Funds spending by FY 2025. At the time, it was noted that the State's relatively low level of reserves left it vulnerable to the financial shocks that periodically upend State finances. Net of these planned reserves, the Mid-Year Update showed balanced General Fund operations through FY 2025, the last year published in the Financial Plan, with no surpluses or budget gaps in any year. This was the first time that DOB has published a multi-year Financial Plan with no budget gaps in any year.

Forecast revisions (the "baselevel forecast") since the Mid-Year Update have created new projected surpluses. On the strength of collections experience to date, the estimates for tax receipts have been increased by an average of $4.9 billion annually compared to the Mid-Year forecast. Through December 2021, the State's General Fund tax receipts (excluding Pass-Through Entity Tax (PTET) collections) were $10 billion (17 percent) higher than the estimate in the Enacted Budget Financial Plan and $2.7 billion (4.6 percent) over the estimate in the Mid-Year Update. Expense estimates have been reduced, as well, with significant savings in School Aid based on revised school district claims provided at the November 2021 database update, pensions, debt service, and payroll (the latter from the use of CRF to fund eligible payroll expenses). Pandemic-response measures partly offset the current-year savings but are expected to be reimbursed by the Federal government in future years of the Financial Plan.

The baselevel forecast revisions leave surpluses of $5.0 billion in FY 2022, $6.5 billion in FY 2023, $5.4 billion in FY 2024, and $5.5 billion in FY 2025. The surpluses for FY 2026 and FY 2027, which are projected for the first time in the FY 2023 Executive Budget, are comparatively lower at $3 billion and $4.1 billion, respectively. This mainly reflects the final spend-down of American Rescue Plan Act of 2021 (ARP) recovery aid in FY 2025.

The following table shows the baselevel forecast revisions to the Mid-Year estimates before Executive Budget proposals.

FY 2023 EXECUTIVE BUDGET FINANCIAL PLAN GENERAL FUND REVISIONS TO MID-YEAR ESTIMATES (millions of dollars)	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
MID-YEAR UPDATE SURPLUS/(GAP) ESTIMATE	**0**	**0**	**0**	**0**
Receipts Revisions	**4,585**	**4,997**	**4,641**	**5,190**
Tax Receipts	4,605	5,031	4,665	5,189
Other Receipts/Other Transfers	(20)	(34)	(24)	1
Disbursements Revisions	**398**	**1,517**	**722**	**344**
Local Assistance	70	1,466	81	(246)
Agency Operations	311	32	676	642
Transfers To Other Funds	17	19	(35)	(52)
UPDATED "BASE" BUDGET SURPLUS/(GAP) ESTIMATE	**4,983**	**6,514**	**5,363**	**5,534**

Notes: "Tax Receipts" excludes the impact of the Pass Through Entity Tax Program; table excludes any Financial Plan transactions that have no net impact within the year but change amounts reported within Financial Plan categories. Debt service changes that affect the amount of tax receipts to the General Fund are shown in "Other Receipts/Other Transfers" line.

The updated financial estimates make it possible both to maintain responsible reserve deposits and fund new commitments intended to address the unique and complex problems caused (or exacerbated) by the COVID-19 pandemic.

The current year surplus is expected to be reserved for future pandemic assistance and to provide one-time tax relief for individuals and businesses, and bonus payments to healthcare and direct care workers.

Consensus Revenue Forecast

On March 1, 2022, the Director of the Budget and all secretaries of the Senate Finance Committee and Assembly Ways and Means Committee issued a joint report containing a consensus forecast for the economy and projections of certain receipts for the current and ensuing fiscal years. In the consensus forecast report, the parties forecasted that total cumulative receipts over the two-year period (FYs 2022 and 2023) would exceed the Executive Budget forecast by an amount in the range of $800 million to $1.2 billion. All parties agreed that there remain multiple and elevated risks to the economic outlook, including changes to domestic fiscal/monetary policies, recurrent waves of the coronavirus, and worldwide uncertainties. Note that the consensus forecast is not reflected in the tables, values or narrative discussion throughout this AIS Update. Any revisions to the receipts forecast from the consensus forecast process will be taken into consideration for the FY 2023 Enacted Budget Financial Plan.

FY 2023 Executive Budget Financial Plan

The Governor submitted the FY 2023 Executive Budget, as amended, to the Legislature on February 17, 2022. The Executive Budget Financial Plan provides for balanced operations in each year of the Financial Plan. Spending growth is estimated at 3.2 percent.

The Executive Budget proposes initiatives considered essential to maintaining the State's recovery. These include: tax relief for individuals and small businesses; investments to improve health care access, quality, and affordability; wage increases for workers in the health, mental health, and social services sectors; rate increases for service providers; and funding increases for a range of other essential services.

In addition, State operations funding is increased to meet critical service needs and restore service capacity to pre-pandemic levels. Lastly, new capital commitments proposed in the budget are funded not only with bonds but with a significant level of cash resources, ensuring the State's debt burden remains affordable.

The following table summarizes the impact of the Executive proposals on General Fund operations, starting with the updated "base" estimates. It is followed by a summary of the significant actions with an emphasis on the projected fiscal impact for FY 2023.

FY 2023 EXECUTIVE BUDGET FINANCIAL PLAN
(millions of dollars)

	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
UPDATED "BASE" BUDGET SURPLUS/(GAP) ESTIMATE	**6,514**	**5,363**	**5,534**	**2,966**	**4,070**
Receipts	**(2,562)**	**(1,057)**	**(461)**	**382**	**815**
Tax Receipts	(2,583)	(1,153)	(559)	(261)	(238)
Homeowner Tax Rebate Credit	(2,200)	0	0	0	0
Middle Class Tax Cut Acceleration	(162)	(615)	(360)	(44)	0
Small Business Tax Relief Credit	(100)	(100)	(100)	(100)	(100)
Small Business Tax Relief Credit for COVID-19	0	(250)	0	0	0
Extend the NYC Musical & Theatrical Credit	0	(100)	0	0	0
All Other	(121)	(88)	(99)	(117)	(138)
Payment of Future Debt Service Costs	0	0	0	500	1,000
Other Receipts/Transfers	21	96	98	143	53
Disbursements	**(4,918)**	**(5,272)**	**(5,649)**	**(4,208)**	**(4,885)**
Local Assistance	(2,823)	(1,587)	(2,255)	(3,101)	(3,922)
Education	(233)	(284)	(285)	(280)	(282)
Medicaid[1]	(585)	370	(42)	(763)	(1,593)
eFMAP Extension through June 30, 2022	746	0	0	0	0
Healthcare/Direct Care Worker Bonus	(1,135)	0	0	0	0
Public Health/Aging[1]	(237)	(238)	(239)	(239)	(238)
Human Services/Mental Hygiene COLA	(256)	(256)	(256)	(256)	(256)
Mental Hygiene [1]	(323)	(345)	(302)	(292)	(282)
Social Welfare[1]	(167)	(221)	(614)	(758)	(758)
Economic Development	(186)	(136)	(79)	(79)	(79)
Higher Education	(236)	(280)	(242)	(237)	(237)
Public Safety	(89)	(89)	(89)	(89)	(89)
All Other	(122)	(108)	(107)	(108)	(108)
Agency Operations, including GSCs	(37)	(636)	(641)	(667)	(690)
Healthcare/Direct Care Worker Bonus	(121)	0	0	0	0
Executive Agencies	147	(474)	(475)	(494)	(512)
Non-Executive Agencies	(108)	(113)	(118)	(123)	(128)
Fringe Benefits/Fixed Costs	45	(49)	(48)	(50)	(50)
Transfers to Other Funds	(2,058)	(3,049)	(2,753)	(440)	(273)
Capital Projects/PAYGO Capital	(1,339)	(2,372)	(2,535)	(287)	(99)
SUNY Operating	(103)	(100)	(83)	(83)	(83)
Health Care Transformation	(500)	(500)	0	0	0
All Other	(116)	(77)	(135)	(70)	(91)
Use of/(Deposit to) Reserves	**966**	**966**	**576**	**860**	**0**
Extraordinary Monetary Settlements	0	(1)	1	0	0
Debt Management	1,000	1,000	1,000	860	0
Economic Uncertainties	(34)	(33)	(425)	0	0
EXECUTIVE BUDGET SURPLUS/(GAP) ESTIMATE	**0**	**0**	**0**	**0**	**0**

[1] Excludes Healthcare/Direct Care Worker Bonus Pay and Human Services COLA which are shown separately.

Receipts

Tax Receipts. The Executive Budget proposes the following tax actions:

- **Homeowner Tax Rebate Credit.** The proposed rebate program will provide low- and middle-income homeowners, as well as senior homeowners, with a rebate in the fall of 2022 to offset property taxes at a one-time State cost of $2.2 billion.

- **Middle-Class Tax Credit Acceleration.** The Executive Budget accelerates the phase-in of the middle-class tax cut, which began in 2018 and was scheduled to fully phase in over eight years by 2025. The lower tax rates will now be fully phased in by 2023 which decreases tax receipts by $162 million in FY 2023.

- **Small Business Tax Relief Credit.** The Executive Budget provides recurring tax relief to businesses through a revision to the income exclusion and expands the benefit to include pass-through entities with less than $1.5 million in NY-source gross income.

- **Small Business Tax Relief Credit for COVID-19 Expenses.** A new, one-time, capped refundable tax relief program will provide relief to businesses for eligible capital expenses.

- **NYC Musical and Theatrical Tax Credit Extension**. The initial application deadline is extended to June 30, 2023 and the cap is doubled from $100 million to $200 million to provide one-time aid to eligible productions and revitalize tourism in New York City.

- **Other Tax Actions.** The Executive Budget increases and extends existing tax credits, including credits for low income housing, clean energy, youth employment, and hiring veterans. It also proposes new tax credits to farmers to support and sustain food production. Other new tax actions include the imposition of sales tax on vacation rentals, as well as certain enforcement initiatives and reforms.

Prepayments of future debt service costs are increased by $1.5 billion in FY 2022, to a total of $2.9 billion. The increase will reduce costs in FY 2026 and later.

Other Receipts/Transfers. Debt service costs are revised to reflect the cost of funding Executive Budget capital adds and initiatives, partially offset by savings from paying cash for capital projects that would otherwise have been funded with more costly taxable debt. In addition, the State expects to receive $100 million over three years (FY 2022 through 2024) from Mashreqbank, PSC ("Mashreqbank" or the "Bank") in penalties pursuant to a Consent Order entered into with the New York State Department of Financial Services (DFS). The Executive Budget adds these funds to the Reserve for Economic Uncertainties, consistent with other recent settlements. The Executive Budget also includes reductions to certain planned transfers due to the availability of revenues in other funds that have been earmarked to support new investments.

Disbursements

Local Assistance

Education. The Executive Budget recommends $31.2 billion in State aid to schools for school year (SY) 2023, an increase of $2.1 billion (7.1 percent). Including Federal prekindergarten expansion grants, schools will receive $31.3 billion. This growth primarily reflects a $1.6 billion (8.1 percent) Foundation Aid increase, including a 3 percent minimum annual increase to fully funded districts that would otherwise not receive a Foundation Aid increase under current law. Growth in School Aid largely reflects the second year of the three year phase-in of full funding of the current Foundation Aid formula and assumed growth in expense-based aids.

The Executive Budget also includes authorization for a cost-of-living adjustment (COLA) of 11 percent for SY 2023 special education provider tuition rates that will be partially reimbursed by the State, and increases funding for various education grants programs, including Public Broadcasting, Independent Living Centers and Public Libraries.

Medicaid. The Executive Budget proposes basing the Global Cap index on the five-year rolling average of Centers for Medicare & Medicaid Services (CMS) annual projections of health care spending. The CMS projections account for enrollment, including specific populations, such as the aging or disabled populations. The new index would account for enrollment and population changes, which are significant drivers of costs, and supports additional Medicaid spending growth of $366 million in FY 2023, growing to $3.1 billion in FY 2027. The total Global Cap spending growth in FY 2023 is estimated at $966 million using the new index ($366 million above the existing cap). The increase in the allowable spending growth, another quarter of the Enhanced Federal Medical Assistance Percentage (eFMAP), and savings actions are sufficient to fund forecasted growth and new investments.

The Executive Budget proposes several investments in health care, including a restoration of the 1.5 percent across-the-board (ATB) reduction to fee-for-service providers implemented in the FY 2021 Enacted Budget, as well as an increase of 1 percent to all provider reimbursement rates. The increased rates recognize growth in service costs and will provide flexibility to respond to market needs and compete in the labor market to attract qualified workers. Increased funding is also proposed for hospitals, nursing homes, health professional schools, and other organizations as they seek to build the health workforce. Other investments include increased aid to safety-net hospitals to support urgent operating needs and address pandemic-related impacts, additional funding for nursing homes to adhere to minimum staffing requirements, increased reimbursement rates to promote primary care, children's behavioral health services investments, increases to orthotics and prosthetics rates, and funding to improve the quality of health care. The Financial Plan reserves $1 billion of additional resources to further support multi-year investments in healthcare transformation and sustainability efforts.

The FY 2023 Executive Budget proposes Medicaid savings actions including the maximization of Federal resources to provide enhanced pregnancy coverage and postpartum care; utilization of the temporary 10 percent increase to the Federal Medical Assistance Percentage (FMAP) for specific Medicaid Home and Community-Based Services (HCBS) to support workforce investments, capacity increases, and digital infrastructure; imposition of new procurement quality requirements for managed care contracts; elimination of the ability for providers to prescribe pharmaceutical drugs for purposes outside of the clinical criteria; and leveraging additional Federal resources for prenatal coverage through the Children's Health Insurance Program.

eFMAP Extension. On January 14, 2022, the Federal government extended the public health emergency through April 16, 2022, which will authorize the eFMAP provisions through June 2022. Accordingly, the Executive Budget Financial Plan assumes an additional $746 million in new resources, increasing the projected benefit in FY 2023 to nearly $1 billion. In total, the benefit in FY 2022 is nearly $3 billion, unchanged from the Mid-Year Update. The savings from eFMAP are partly offset by increased costs associated with Federal enrollment and program restructuring prohibitions.

Healthcare/Direct Care Worker Bonus. The State will provide healthcare workers earning less than $125,000 a bonus payment of up to $3,000 to incentivize the recruitment and retention of qualified healthcare and direct care professionals. The amount of the bonus will be based on hours worked and length of time in service. Direct Care State employees will also receive bonuses. The total State cost is estimated at $1.3 billion ($1.1 billion for non-State employees; $121 million for State employees).

Public Health/Aging. The FY 2023 Executive Budget adds funding for public health programs including Nourish New York; investment in local health department systems through enhanced reimbursement through the General Public Health Work (GPHW) program for counties including New York City, and emergency management services; opioid overdose and harm reduction programs.

Human Services/Mental Hygiene Cost-of-Living Increase. Funding is included to support a 5.4 percent cost-of-living increase for human services workers.

Mental Hygiene. The Executive Budget increases funding for mental health residential programs to assist providers with housing cost increases and establishes new teams of mental health professionals performing Critical Time Intervention (CTI) directly with homeless individuals to ensure access to services and housing. Additional funding is included in the Executive Budget to invest in OMH residential programs and establish CTI teams of mental health professionals to direct homeless individuals to services and housing. The Executive Budget also provides funding to implement a 988 crisis hotline, enhance crisis response services for children and families, and reinvest recoupments from managed care organizations for behavioral health services. In addition, prevention, treatment, and recovery efforts to reduce the opioid epidemic's toll are being funded outside of the General Fund. Monies to support increased housing costs and develop new housing opportunities for people with developmental disabilities are also included.

Social Welfare. The Executive Budget provides funding to ensure continuity in the level of child care subsidies when the three-year rates established by the Federal government are reset in October 2022, expands eligibility for child care subsidies to more families, and increase wages for child care workers. Other significant proposals include new investments in adoption subsidies through modernization of the rate methodology, expanding the Healthy Families New York (HFNY) Home Visiting program through the use of Adoption Delinking funds, supporting the homeowner protection program, and creating an Eviction Prevention Legal Assistance Program to provide legal representation to tenants involved in eviction cases outside of New York City.

Economic Development. Proposed funding increases and new investments include one-time grants from Economic Development Funds for workforce development grants to facilitate job creation and/or retention; creating a state teacher residency program to provide matching funding for local districts to create two-year residency programs for graduate-level teacher candidates; expanding alternative teacher certification programs to make it easier and more appealing for professionals in other careers to become teachers; funding for the World University Games, and standardizing and centralizing venture competitions designed to connect startups with investors and help new innovation-sector businesses access funding.

Higher Education. The Executive Budget proposes expanding the Tuition Assistance Program (TAP) for part-time students in degree programs and community college students enrolled part-time in high-demand workforce credential programs; granting incarcerated individuals' access to TAP; accelerating the FY 2022 Enacted Budget TAP Gap funding plan at the City University of New York (CUNY) Senior College campuses; investing in full-time faculty at CUNY; establishing child care centers on State University of New York (SUNY) and CUNY campuses; and increasing funding for higher education opportunity programs and training centers.

Public Safety. Proposed funding increases will support initiatives to reduce gun violence including gun-tracing efforts, improving crime data collection, violence interrupter programs such as the SNUG street outreach program, intervention programs including job training and community engagement, and pretrial services.

All Other Local Assistance. The Executive Budget includes funding increases for various programs administered by the Department of Agriculture and Markets, the Liberty Defense program, the Office for the New Americans, transit aid, and local government assistance.

Agency Operations

Executive Agencies. The growth in executive agency budgets reflects efforts to address recruitment and retention challenges with mental hygiene direct care and clinical staff, expand Child and Adolescent Needs & Strengths (CANS) assessments to improve service delivery, replace outdated technology, and address increases in the cost of administering the Medicaid program. Funding is also provided, as needed, to restore operating capacity to pre-pandemic levels.

Agencies are expected to continue to seek and implement efficiency improvements in all aspects of operations and service delivery. Specifically, this includes reduced excess capacity in the prison systems from prior fiscal year closures.

The Financial Plan continues to assume that the Federal government will fully fund the State's direct pandemic response costs, but timing differences between State outlays and FEMA reimbursements will occur. In addition, COVID expenses related to the purchase of test kits for local governments and schools are assumed to be fully eligible for FEMA reimbursement.

Non-Executive Agencies. The Executive Budget reflects budget requests submitted by the Legislature and Judiciary. The Judiciary requested increases in annual operating spending to fund expected hiring, increased health insurance premium payments, three planned Court Officer Academy classes, and the addition of 14 new Supreme Court Judgeships as authorized by Chapter 188 of the Laws of 2021. Spending increases for the Legislature, OSC, and Department of Law mainly reflect projected increases in personal service and technology costs.

Fringe Benefits/Fixed Costs. Pension estimates reflect the planned payment of the full FY 2023 Employees' Retirement System (ERS)/Police and Fire Retirement System (PFRS) pension bills in May 2022.

The Executive Budget also proposes, for the fifth consecutive year, lowering the interest charged on judgments against the State from as high as 9 percent (currently authorized) to a fair-market-based interest rate. The current rate was established in 1982 when interest rates were at 12 percent, to avoid unnecessary taxpayer costs. The recommended rate is in line with the interest rate applied to judgments in Federal courts and would ensure that neither side in a lawsuit will be disadvantaged by an interest rate above or below what otherwise could be earned while cases are being adjudicated.

<u>Transfer to Other Funds</u>

Capital Projects. The FY 2023 Executive Budget proposes using $6 billion of cash resources for pay-as-you-go (PAYGO) capital spending over the Financial Plan period to reduce debt service costs, ensure the State stays within the debt limit, and allow for a larger DOT capital plan. The PAYGO will be targeted to primarily avoid higher cost taxable debt issuances. The increases are offset in part by using the Reserve for Debt Management that was previously set aside for this purpose. Other investments include projects to address health and safety at nonpublic school buildings, implement zero emission light utility State vehicles by 2035, and various economic development projects.

SUNY Operations. The FY 2023 Executive Budget increases the State's subsidy payments to fund additional full-time faculty, offset lost revenue via the tuition assistance program and fund various initiatives, including child care centers at all campuses.

Health Care Transformation. The Financial Plan reserves $1 billion of additional resources to further support multi-year investments in healthcare transformation and sustainability.

Other Transfers. The FY 2023 Executive Budget increases transfers to the DHBTF to support the DOT five-year capital plan, recruitment incentives for licensed drivers, and ongoing highway maintenance, as well as the criminal justice improvement account.

In addition, the Financial Plan sets aside $2 billion of the current year surplus for pandemic relief assistance.

Other Financial Plan Highlights

Principal Reserves

The State has three principal reserves to address operating risks: the Tax Stabilization Reserve[3], the Rainy Day Reserve[4], and amounts informally reserved for economic uncertainties. The first two, which are known collectively as the "Rainy Day Reserves," have specific statutory limits on how much can be deposited annually and specific conditions on when they can be used. The reserve for economic uncertainties is an informal designation of General Fund resources that was initiated in FY 2020 and is not subject to any statutory limitation as to size or restriction as to use. Together, these funds provide a prudent buffer against financial risks.

The FY 2023 Executive Budget maintains the commitment to leverage the increase in tax receipts to grow the balance of principal reserves annually to reach a target level of 15 percent of spending by FY 2025 and proposes amendments to the Rainy Day Reserve statute to allow for the increased deposits and balance limitations. The following table summarizes the planned increases to principal reserves.

FY 2023 EXECUTIVE BUDGET
"PRINCIPAL" RESERVES
(millions of dollars)

	FY 2022	FY 2023	FY 2024	FY 2025
Planned Deposits	**4,983**	**5,054**	**2,448**	**2,925**
Rainy Day Reserves	875	920	915	950
Economic Uncertainties	4,108	4,134	1,533	1,975
Balance At Year-End	**8,949**	**14,003**	**16,451**	**19,376**
Rainy Day Reserves	3,351	4,271	5,186	6,136
Economic Uncertainties	5,598	9,732	11,265	13,240
Estimated SOF Spending	**115,226**	**118,907**	**123,412**	**128,911**
Principal Reserves % SOF	*7.8%*	*11.8%*	*13.3%*	*15.0%*

3 The Tax Stabilization Reserve was created pursuant to State law to provide a reserve to finance a cash-basis operating deficit in the General Fund at the end of the fiscal year, and to make temporary loans to the General Fund during the year. Annual deposits may not exceed 0.2 percent of General Fund spending, and the balance may not exceed 2 percent of General Fund spending. These amounts may be borrowed by the General Fund temporarily and repaid within the same fiscal year. They may also be borrowed to cover an operating deficit at year end, but these loans must be repaid within six years in no fewer than three annual installments.

4 The Rainy Day Reserve was created pursuant to State law to account for funds set aside for use during economic downturns or in response to a catastrophic event, as defined in the law. The economic downturn clause is triggered after five consecutive months of decline in the State's composite index of business cycle indicators. The reserve may have a maximum balance equal to 5 percent of projected General Fund spending during the fiscal year immediately following the then-current fiscal year.

PTET – Financial Plan Impact

The U.S. Department of the Treasury (Treasury) and the Internal Revenue Service (IRS) have determined that State and local income taxes imposed on and paid by a partnership or an S corporation on its income, such as the PTET, are allowable as a Federal deduction to taxable income. In November 2020, the IRS released Notice 2020-75, which announced that the Treasury and IRS intend to issue clarifying regulations with respect to such pass-through taxes.

As part of the State's continuing response to Federal tax law changes, legislation was enacted in FY 2022 to allow an optional PTET on the New York-sourced income of partnerships and S corporations. Qualifying entities that elect to pay PTET will pay a tax of up to 10.9 percent on their taxable income at the partnership or corporation level, and their individual partners, members and shareholders will receive a refundable tax credit equal to the proportionate or pro rata share of taxes paid by the electing entity. Additionally, the program includes a resident tax credit that allows for reciprocity with other states that have implemented substantially similar taxes, which currently include Connecticut and New Jersey.

The Financial Plan did not previously include an estimate for PTET receipts or the corresponding decrease in PIT receipts as the number of electing entities and tax amounts paid were not known until late 2021.

In December 2021, entities began making PTET payments that were recorded as business taxes and totaled an estimated $10.2 billion.[5] DOB expects the accompanying tax credits will impact PIT receipts beginning in April 2022, and will have the effect of decreasing PIT collections. DOB expects that the PTET will, on a multi-year basis, be revenue neutral for the State. However, because PTET payments will generally be received in the fiscal year prior to credit claiming, the PTET will not be revenue-neutral to the State within each fiscal year. The FY 2023 Executive Budget Financial Plan now includes an estimate for PTET business taxes and the corresponding decrease in PIT receipts. Additionally, it reserves PTET collected in FY 2022 for purposes of offsetting the decrease in PIT receipts expected in FY 2023. It is expected that the tax benefit accompanying the PTET program will end in 2025. Therefore, the estimates in the Financial Plan reflect the likelihood that entities cease to participate in the later years of the Financial Plan.

[5] PTET is received by the Department of Taxation and Finance (DTF) in the first instance and then processed and recorded as a State receipt by OSC. Through December 31, 2021, DTF receipts totaled $11 billion and recorded receipts reported in the Comptroller's Monthly Report on State Funds Cash Basis of Accounting totaled $10.2 billion.

PTET is expected to reduce FY 2023 PIT collections by $24 billion, and reduce all funds receipts by a net amount of $9 billion, due to timing. PIT credits may be claimed on the April tax return in the following fiscal year as a refund, or they can be reflected sooner through reductions in current estimated payments. In 2021, taxpayers could not reduce their current estimated PIT payments for PTET, because enrollment in the PTET was not completed until late 2021, but going forward some taxpayers are expected to choose this option. FY 2023 PIT is expected to be reduced by credits for both the full amount of 2021 PTET collections (through extensions and refunds) and a portion of 2022 PTET collections (through reductions in current estimated PIT payments).

The table below displays the impact of the PTET program on the General Fund. The PTET estimates are excluded from certain tabular presentations in the Financial Plan due to the size of the impact on specific financial plan categories and because the Financial Plan impact is neutral on a multi-year basis. Tables that exclude PTET are noted.

FY 2023 EXECUTIVE BUDGET FINANCIAL PLAN
GENERAL FUND IMPACT OF THE PASS THROUGH ENTITY TAX
SAVINGS/(COSTS)
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
General Fund Impact	**0**	**0**	**0**	**0**	**0**	**0**
Tax Receipts[1]	16,710	(9,050)	473	500	(4,183)	(4,450)
PIT Credits	0	(24,130)	(15,567)	(16,500)	(17,533)	(4,450)
PTET Collections (Business Taxes)	16,710	15,080	16,040	17,000	13,350	0
Use of/(Deposit to) Reserve for PTET Refunds	(16,710)	9,050	(473)	(500)	4,183	4,450

[1] The impact of the PTET on Revenue Bond Tax Fund (RBTF) receipts is 50 percent of the impact on total Tax Receipts.

Use of Federal Relief Funds

Established in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the Coronavirus Relief Fund (CRF) provided funding for states and local governments to respond to the COVID-19 pandemic. In April 2020, the State received $5.1 billion to fund eligible costs incurred through December 31, 2021. To date, the State has used all but $119 million, which DOB expects will be expended by the end of FY 2022 pursuant to guidelines established by the U.S. Department of the Treasury. Eligible costs that the State has charged to the CRF include payroll expenses, including fringe benefits, primarily for public health and safety employees, medical equipment and supplies, interest on short term financing, support for programs to address food insecurity, technology enhancements for remote work, and other pandemic response costs.

On May 18, 2021, the State received $12.75 billion in Federal aid authorized in the ARP to offset revenue loss, ensure the continuation of essential services and assistance provided by government, and assist with the public health emergency response and recovery efforts. These funds are expected to be transferred to State Funds over multiple years to support eligible uses and spending.

The Treasury's interim guidance provided broad categories of eligible use including revenue replacement, which permits the use of funds up to the amount of the calculated revenue loss, as prescribed by the Treasury, for government services; support of pandemic recovery initiatives aimed at addressing the impact on public health as well as economic harms to households, small businesses, nonprofits, and impacted industries such as restaurants and tourism; providing premium pay for eligible workers performing essential work; and investment in water, sewer, and broadband infrastructure.

The State calculated and submitted its application of revenue loss for approval on August 31, 2021 in accordance with the Treasury guidelines. To date, the Treasury has not provided a response to the State submission. DOB is in the process of reviewing the final guidance issued by the Treasury on January 6, 2022.

State Operating Funds – Summary of Annual Spending Change

STATE OPERATING FUNDS DISBURSEMENTS
FY 2022 TO FY 2023
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Annual Change $	Annual Change %
LOCAL ASSISTANCE	**76,895**	**82,908**	**6,013**	**7.8%**
School Aid (School Year Basis)	29,111	31,178	2,067	7.1%
STAR	1,939	1,831	(108)	-5.6%
DOH Medicaid[1]	24,976	26,555	1,579	6.3%
Temporary eFMAP Increase	(2,984)	(995)	1,989	66.7%
Mental Hygiene (Gross)[2]	4,420	5,430	1,010	22.9%
Mental Hygiene - DOH Global Cap Adjustment[2]	307	521	214	69.7%
Transportation	3,797	4,590	793	20.9%
Social Services	2,999	3,171	172	5.7%
Higher Education	2,736	2,999	263	9.6%
Other Education	2,404	2,500	96	4.0%
Excluded Workers Fund	2,100	0	(2,100)	-100.0%
Emergency Rental Assistance	250	0	(250)	-100.0%
Small Business Grants	825	0	(825)	-100.0%
Healthcare/Direct Care Worker Bonus	0	1,135	1,135	0.0%
All Other[3]	4,015	3,993	(22)	-0.5%
STATE OPERATIONS/GENERAL STATE CHARGES	**30,002**	**30,387**	**385**	**1.3%**
State Operations	20,741	20,198	(543)	-2.6%
Executive Agencies	11,657	11,683	26	0.2%
University Systems	6,463	6,579	116	1.8%
Elected Officials	2,686	2,736	50	1.9%
Fund Eligible Expenses from CRF	(1,065)	0	1,065	100.0%
FEMA Eligible Costs/(Reimbursement)	1,000	(800)	(1,800)	-180.0%
General State Charges	9,261	10,189	928	10.0%
Pension Contribution	2,525	2,369	(156)	-6.2%
Health Insurance	4,696	5,155	459	9.8%
Fund Eligible Expenses from CRF	(618)	0	618	100.0%
Other Fringe Benefits/Fixed Costs	2,658	2,665	7	0.3%
DEBT SERVICE	**8,329**	**5,612**	**(2,717)**	**-32.6%**
CAPITAL PROJECTS	**0**	**0**	**0**	**0.0%**
TOTAL STATE OPERATING FUNDS	**115,226**	**118,907**	**3,681**	**3.2%**
Capital Projects (State and Federal Funds)	**15,434**	**18,566**	**3,132**	**20.3%**
Federal Operating Aid	**82,266**	**78,996**	**(3,270)**	**-4.0%**
TOTAL ALL GOVERNMENTAL FUNDS	**212,926**	**216,469**	**3,543**	**1.7%**

[1] Total State share Medicaid funding is reported prior to the spending offset from the application of Master Settlement Agreement (MSA) payments, which are deposited directly to a Medicaid Escrow Fund to cover a portion of the State's takeover of Medicaid costs for counties and New York City. The value of this offset is reported in "All Other" local assistance disbursements.

[2] Adjustments in Fiscal Years 2022 and 2023 reflect OPWDD-related local share expenses that will be funded outside of the DOH Global Cap through use of additional Financial Plan resources.

[3] "All Other" includes spending for: certain recovery initiatives, various other functions; reclassifications between financial plan categories; a reconciliation between school year and State fiscal year spending for School Aid; and MSA payments deposited directly to a Medicaid Escrow Fund, which reduces reported disbursements.

State Operating Funds encompass the General Fund and a wide range of State activities funded from revenue sources outside the General Fund, including dedicated tax revenues, tuition, income, fees, and assessments. Activities funded with these dedicated revenue sources often have no direct bearing on the State's ability to maintain a balanced budget in the General Fund, but nonetheless are captured in State Operating Funds.

Local Assistance

Local assistance spending includes payments to local governments, school districts, health care providers, managed care organizations, and other entities, as well as financial assistance to, or on behalf of, individuals, families, and not-for-profit organizations. Local assistance comprises roughly two-thirds of State Operating Funds spending. School Aid and Medicaid account for more than half of local assistance spending.

Spending for School Aid in SY 2023 is estimated at $31.2 billion, excluding Federal prekindergarten expansion grants, representing an annual increase of nearly $2.1 billion (7.1 percent). This annual growth is largely driven by a $1.6 billion (8.1 percent) increase in Foundation Aid, representing the second year of the three-year phase-in of the Foundation Aid formula.

STAR program spending is affected by the continuing conversion of benefit payments from a real property tax exemption to a PIT credit. The level of reported STAR disbursements will continue to decrease as STAR beneficiaries move to the PIT credit program.

The Department of Health (DOH) Medicaid spending, excluding eFMAP, is estimated at $26.6 billion in FY 2023, an annual increase of 6.3 percent. Costs under the Global Cap are projected to increase by $966 million, consistent with the proposed growth index. Costs outside the Global Cap, which include minimum wage increases for health care providers and financial relief to counties and New York City associated with full coverage of the local share of spending growth, are projected to increase by $613 million. These increases exclude adjustments for expenses related to the Office for People with Developmental Disabilities (OPWDD) that will be funded outside of the DOH Global Cap through the use of additional Financial Plan resources.

The Federal government has provided a 6.2 percentage point increase to the FMAP rate since the start of the COVID-19 public health emergency in January 2020. The Updated Executive Budget Financial Plan assumes the continuation of eFMAP through June 30, 2022. The higher FMAP is expected to provide State share savings of nearly $3 billion in FY 2022 and $995 million in FY 2023. This is offset in part by the restrictions required to receive eFMAP.

In Mental Hygiene, the Executive Budget provides increased funding for one-time bonus payments, a 5.4 percent COLA, investments for housing programs, expansion of the Dwyer peer-to-peer program serving veterans, and targeted investments to ensure adequate access to services and supports to ensure individuals with developmental disabilities, mental illness and addiction have appropriate access to care.

Funding for transportation is projected to increase by $793 million in FY 2023. Projected increases in operating aid to the Metropolitan Transportation Authority (MTA) and other transit systems are funded mainly by stronger dedicated receipts collections, for an additional $653 million to the MTA, $114 million for non-MTA downstate transit systems, and $26 million for upstate systems.

Social Services spending is expected to grow by $172 million, or 5.7 percent, from FY 2022 to FY 2023. Public assistance is expected to grow due to a modest anticipated increase in public assistance caseloads as well as proposed measures to address the "benefits cliff" and eliminating the 45-day waiting period for prospective Safety Net Assistance recipients before they can receive program benefits. Child care spending is projected to grow due to maintaining child care subsidies when the rates are scheduled to reset in October 2022, expanding child care eligibility subsidy, higher adoption subsidies, expanding the HFNY Home Visiting program, and funding a 5.4 percent increase for the Human Services COLA.

Higher education spending is projected to increase by 9.6 percent in FY 2023, primarily reflecting the costs associated with expanded eligibility requirements for part-time enrollees in TAP and increased operating support for CUNY Senior Colleges.

Higher spending for other education programs largely reflects increased State support for special education programs related to approval of a 4 percent COLA for provider tuition rates for SY 2022 and an 11 percent increase for SY 2023.

State Operations/General State Charges (GSCs)

Operating costs for State agencies include salaries, wages, fringe benefits, and Non-Personal Service (NPS) costs (e.g., supplies, utilities) and comprise more than a quarter of State Operating Funds spending.

Operational spending for executive agencies is affected by pandemic response and recovery efforts, including: the timing of Federal reimbursement; offsets of expenses across fiscal years; the payment of general salary increases that were scheduled to go into effect on April 1, 2020 and were delayed until FY 2022; and the payment of salary increases pursuant to existing contracts.

Pursuant to guidelines established by the Treasury, the State charged roughly $1.7 billion in eligible costs to the Federal CRF in FY 2022. This includes payroll costs and fringe benefits for public health and safety employees and other eligible pandemic response costs. Certain pandemic response expenses incurred in FY 2021 and 2022, including COVID test kits, Personal Protective Equipment (PPE), durable medical equipment, costs to build out field hospital facilities, testing, and vaccination activities are expected to be reimbursed by FEMA. DOB expects reimbursement over several years based on past claims experience. State agencies are expected to continue to incur costs to respond to the COVID-19 pandemic in FY 2022, which are expected to be funded with Federal FEMA resources.

University systems spending growth in FY 2023 reflects the acceleration of the FY 2022 Enacted Budget TAP Gap funding plan at SUNY State Operated campuses, new funding to hire more full-time faculty, an increase for higher education opportunity programs, and a proposal to establish child care centers on every SUNY campus.

The operating costs for independent offices (Attorney General, Comptroller, Judiciary, and Legislature) are also impacted by the payment of general salary increases that were scheduled to go into effect on April 1, 2020 and were delayed until FY 2022.

GSCs spending, excluding pandemic-related reimbursement, is projected to increase by 3.1 percent in FY 2023. The growth is mainly driven by rising health insurance costs due to medical inflation and an expected increase in utilization following delayed medical visits and procedures during the pandemic. The decline in pension costs from FY 2022 reflects a reduction in the employer contribution rates set by the State Comptroller after realizing the entire benefit of the FY 2021 record-setting investment return of 33.55 percent in the valuation of assets available to pay retirement benefits. Additionally, savings are achieved by paying the entirety of the State's FY 2023 ERS/PFRS bill in May 2022 and the payment of all outstanding Judiciary pension amortizations in FY 2022.

Debt Service

Debt service consists of principal, interest, and related expenses paid on State-supported debt. Debt service expenses are projected to decline from FY 2022 to FY 2023 due to the impact of prepayments executed in FY 2021 and planned in FY 2022.

The table below provides a summary of the impact of actual and planned prepayments.

STATE-SUPPORTED DEBT SERVICE (millions of dollars)							
	FY 2021 [1]	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**	**FY 2027**
Base Debt Service	**10,514**	**6,528**	**6,687**	**7,159**	**7,615**	**8,018**	**8,527**
Total Prepayment Adjustment	**3,147**	**1,801**	**(1,075)**	**(1,125)**	**(1,265)**	**(500)**	**(1,000)**
FY 2021 Prepayment [2]	3,147	(1,065)	(700)	(700)	(700)	0	0
FY 2022 Prepayment (FY22 Enacted Add)		1,366	(375)	(425)	(565)	0	0
FY 2022 Prepayment (FY23 Executive Add)		1,500	0	0	0	(500)	(1,000)
Executive Budget State Debt Service	**13,661**	**8,329**	**5,612**	**6,034**	**6,350**	**7,518**	**7,527**

[1] FY 2021 includes debt service on PIT Notes and is adjusted for FY 2020 prepayments.

[2] Multi-year impact of prepayments do not offset due to savings the State received from defeasing bonds.

General Fund Financial Plan

General Fund receipts are affected by the deposit of dedicated taxes in other funds for debt service and other purposes, the transfer of balances between funds of the State, and other factors. Two significant factors affect reported General Fund tax receipts that are unrelated to actual collections. First, changes in debt service on State-supported revenue bonds affect General Fund tax receipts. The State utilizes bonding programs where tax receipts are deposited into dedicated debt service funds (outside the General Fund) and used to make debt service payments. After satisfying debt service requirements for these bonding programs, the balance is transferred to the General Fund. Second, the STAR program is funded from PIT receipts, with changes in the State supported cost of the program affecting reported PIT receipts.

In addition, General Fund receipts are also affected by the following factors that affect reporting and annual changes beginning in FY 2021.

- **Short-Term Financing.** In FY 2021, the State issued short-term PIT notes to manage the impact of the April 15, 2020 tax filing extension on monthly cash flows. The note proceeds were recorded as a miscellaneous receipt and the notes were repaid in full by the end of FY 2021. For the General Fund, the proceeds increased miscellaneous receipts and the repayment reduced PIT receipts. This transaction had no impact on operations or total receipts but does distort the annual change for both miscellaneous receipts and tax receipts. The tables and discussions herein adjust for this distortion in FY 2021 by subtracting the note proceeds from miscellaneous receipts and adding them to PIT receipts.

- **Pass-Through Entity Tax.** The tables and discussions below show the impact of PTET on business taxes and PIT receipts distinctly, which are removed from total tax receipts to adjust for this distortion. See "PTET - Financial Plan Impact" for a complete discussion.

General Fund disbursements are affected by the level of financing sources available in other funds, transfers of balances between funds of the State, and other factors that may change annually. Projected spending also reflects DOB's cautious estimates of disbursements, a practice that provides a cushion for potential receipts shortfalls and unanticipated costs.

For a more comprehensive discussion of the State's projections for tax receipts, miscellaneous receipts, disbursements, and transfers, presented on a State Funds and All Funds basis, see “State Financial Plan Multi-Year Projections” herein.

Updated FY 2022 Financial Plan

The following table summarizes the projected annual change in General Fund receipts, disbursements, and fund balances from FY 2021 actual results to FY 2022 revised projections.

GENERAL FUND FINANCIAL PLAN
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Annual Change Dollar	Annual Change Percent
Opening Fund Balance	**8,944**	**9,161**	**217**	**2.4%**
Total Receipts	**74,312**	**112,046**	**37,734**	**50.8%**
Taxes[1,2]	69,052	85,886	16,834	24.4%
PTET: Business Taxes	0	16,710	16,710	0.0%
Miscellaneous Receipts[2]	3,015	1,839	(1,176)	-39.0%
Federal Receipts (Non-Tax Transfers)	0	4,500	4,500	0.0%
Non-Tax Transfers from Other Funds	2,245	3,111	866	38.6%
Total Disbursements	**74,095**	**90,694**	**16,599**	**22.4%**
Local Assistance	48,981	61,215	12,234	25.0%
State Operations	17,136	21,773	4,637	27.1%
Transfers to Other Funds	7,978	7,706	(272)	-3.4%
Net Change in Operations	**217**	**21,352**	**21,135**	**9739.6%**
Closing Fund Balance	**9,161**	**30,513**	**21,352**	**233.1%**
Statutory Reserves:				
Rainy Day Reserves	2,476	3,351	875	
Community Projects	30	23	(7)	
Contingency Reserve	21	21	0	
Fund Balance Reserved for:				
Labor Settlements/Agency Operations	0	275	275	
Economic Uncertainties	1,490	5,598	4,108	
Debt Management	500	500	0	
Reserve for Pandemic Assistance	0	2,000	2,000	
Undesignated Fund Balance	2,561	0	(2,561)	
Subtotal Excluding Settlements/PTET Program	**7,078**	**11,768**	**4,690**	
Extraordinary Monetary Settlements	2,083	2,035	(48)	
Timing of PTET/PIT Credits	0	16,710	16,710	

[1] Includes the transfer of tax receipts from other funds after debt service.

[2] The issuance and repayment of notes in FY 2021 increased miscellaneous receipts by $4.5 billion and reduced PIT receipts by $4.5 billion. The FY 2021 miscellaneous receipts and PIT receipts have been adjusted to exclude this accounting anomaly (i.e., $4.5 billion is subtracted from miscellaneous receipts and added to PIT receipts).

Receipts

General Fund receipts, including transfers from other funds, are estimated to total $112.0 billion in FY 2022, an increase of $37.7 billion (50.8 percent) from FY 2021. Excluding PTET receipts and the expected transfer of $4.5 billion of the $12.75 billion in Federal ARP recovery aid, total receipts are projected to increase by $16.5 billion (18.2 percent) from FY 2021.

Tax receipts, excluding PTET, but including transfers after payment of debt service, are estimated to total $85.9 billion in FY 2022, an increase of $16.8 billion from FY 2021. The increase reflects an improved revenue outlook and new revenue from the high-income PIT surcharge and business tax increases enacted in FY 2022.

PIT receipts, net of transfers, are estimated to total $58.7 billion in FY 2022, an increase of $10.2 billion from FY 2021. The increase reflects the improved economic forecast and the enacted tax increases, which are partly offset by the actual and planned prepayments, in FY 2021 and FY 2022, of PIT debt service due in FY 2022 through FY 2027. These transactions reduce reported PIT receipts in the fiscal year in which the payments are made and increase PIT receipts in the fiscal years in which the debt service was originally scheduled to be paid. Debt prepayments reduce General Fund PIT receipts by $3.1 billion in FY 2021 and $1.8 billion in FY 2022 and an increase of receipts by $1.1 billion in FY 2023, $1.1 billion in FY 2024, $1.3 billion in FY 2025, $500 million in FY 2026, and $1.5 billion in FY 2027. In addition, the Executive Budget permanently increases the cap on PIT refunds paid before the end of the fiscal year to $3 billion (previously $2.25 billion).

Consumption/use tax receipts, including transfers after payment of debt service on Sales Tax Revenue Bonds, are estimated to total $16.4 billion in FY 2022, an increase of $4.7 billion (39.6 percent) from FY 2021. Base sales tax growth is estimated at 21.3 percent in FY 2022 as the economy continues to recover from the COVID-19 induced economic downturn.

Business tax receipts, excluding PTET, are estimated at $8.2 billion in FY 2022, an increase of $1.7 billion (27.1 percent) from FY 2021. The increase is primarily attributable to an increase in Corporate Franchise Tax (CFT) gross receipts due to the economic recovery from the COVID-19 induced economic downturn and the recently enacted temporary increase in the business income and capital base rates.

Other tax receipts, including transfers after payment of debt service on Clean Water/Clean Air (CW/CA) Bonds, are expected to total $2.6 billion in FY 2022, an increase of $268 million from FY 2021. This is primarily due to a strong recovery by the real estate market, particularly in New York City.

Miscellaneous receipts are estimated to decline by $1.2 billion in FY 2022 from FY 2021. The reduction is due to one-time FY 2021 receipts including Extraordinary Monetary Settlements ($567 million), and Distressed Provider Assistance Fund receipts, which offsets State payments made to distressed providers ($250 million) and is now being deposited to the HCRA fund, as well as lower projected resources available from abandoned property, motor vehicle fees, and certain other fees.

Non-tax transfers from other funds are estimated to total $1.8 billion in FY 2022, an increase of $866 million from FY 2021. The increase is mainly attributable to projected increases in transfers from the Dedicated Highway and Bridge Trust Fund, Tribal State Compact Account, Mental Health Services Fund and Health Care Transformation Fund, as well as an increase to the transaction risk reserve.

Disbursements

General Fund disbursements, including transfers to other funds, are expected to total nearly $90.7 billion in FY 2022, an increase of $16.6 billion (22.4 percent) from FY 2021. Spending in FY 2022 includes over $3 billion for time-limited recovery initiatives, a substantial School Aid increase ($1.7 billion), as well as growth in Medicaid ($1.9 billion), and Mental Hygiene ($2.8 billion). In addition, several actions taken in FY 2021 lowered reported spending in that year. These included the temporary withholding of payments that were authorized for release in FY 2021 but not paid until FY 2022; higher State share Medicaid savings from retroactive eFMAP processing in FY 2021; and the deferral of social security taxes from FY 2021 to FY 2022 and FY 2023, as permitted under the CARES Act. General Fund spending in both FY 2021 and FY 2022 has been reduced by charging eligible expenses to the CRF, the balance of which is fully committed, and almost entirely disbursed.

Local assistance spending is estimated at $61.2 billion in FY 2022, an increase of $12.2 billion from FY 2021, including over $3 billion in recovery initiatives. General Fund spending for education and health care represents most of the local assistance spending. General Fund support for these programs is affected by the level of financing sources (i.e., HCRA and lottery/gaming receipts) available in other funds, as well as the impact of eFMAP which temporarily lowers State spending and increases the Federal share of Medicaid costs. School Aid growth is driven by an increase in Foundation Aid and expense-based aids, as well as the full restoration of the $1.1 billion Pandemic Adjustment State aid reduction implemented in SY 2021. Medicaid spending is projected to grow due to the statutory Global Cap growth index ($580 million), funding for health care minimum wage ($370 million), and a decline in the number of months eFMAP will be available, shifting approximately $435 million in Medicaid costs from Federal to State funding sources in FY 2022. Mental hygiene growth is attributable to a reduction in the program spending reported under the Medicaid Global cap which has no impact on mental hygiene service delivery or operations.

Agency operation costs, including fringe benefits, are expected to total $21.8 billion in FY 2022, an increase of $4.7 billion from FY 2021. The growth is due to the purchase of COVID test kits ($1 billion); a reduction in the amount of personnel expenses for public health and public safety employees funded from the CRF in FY 2022; deferral of $674 million in Social Security taxes from FY 2021 to FY 2022 and FY 2023; and payment of deferred general salary increases and retroactive PEF salary payments in FY 2022. These increases are offset by the impact of the retirement of the State's outstanding pension amortizations.

General Fund transfers to Other Funds are projected to total $7.7 billion in FY 2022, a decrease of $272 million from FY 2021. Transfers for capital projects are projected to increase by $78 million, reflecting the timing of projects funded from monetary settlements and bond reimbursements, and an increase in planned PAYGO capital spending. Transfers for other purposes are projected to decline by $470 million, mainly due to non-recurring transfers for School Aid in FY 2021 to offset lower lottery receipts. These decreases are partly offset by growth in transfers to support debt service ($13 million) and SUNY ($107 million).

FY 2022 Closing Balance

DOB projects the State will end FY 2022 with a General Fund cash balance of $30.5 billion, an increase of $21.4 billion from FY 2021. The reserve of $16.7 billion in FY 2022 refunds/credits through the PTET program accounts for more than three quarters of the increase. The remaining $4.6 billion increase reflects nearly $5 billion in planned deposits to the State's principal reserves, $2 billion to fund future pandemic relief initiatives, and $275 million set aside for labor settlements and operational needs. The planned use in FY 2022 of $2.6 billion in undesignated fund balance carried over from FY 2021 partly offsets the reserve increase. These undesignated funds reflect the use of surplus tax revenues from FY 2021 as part of the consensus revenue agreement for FY 2022 ($1 billion) and support the payment of certain local aid payments that had been withheld as a contingency in FY 2021 ($275 million), the first deposit to the Retiree Health Insurance Trust Fund ($320 million), and other timing related operational needs. Changes in other balances are based on expected activity.

FY 2023 Executive Budget Financial Plan

The following table summarizes the projected annual change in General Fund receipts, disbursements, and fund balances from FY 2022 to FY 2023.

GENERAL FUND FINANCIAL PLAN (millions of dollars)				
			Annual Change	
	FY 2022 Projected	FY 2023 Projected	Dollar	Percent
Opening Fund Balance	**9,161**	**30,513**	**21,352**	**233.1%**
Total Receipts	**112,046**	**92,712**	**(19,334)**	**-17.3%**
Taxes	85,886	95,658	9,772	11.4%
PTET: PIT Credits	0	(24,130)	(24,130)	0.0%
PTET: Business Taxes	16,710	15,080	(1,630)	-9.8%
Miscellaneous Receipts	1,839	1,789	(50)	-2.7%
Federal Receipts (Non-Tax Transfers)	4,500	2,350	(2,150)	-47.8%
Non-Tax Transfers from Other Funds	3,111	1,965	(1,146)	-36.8%
Total Disbursements	**90,694**	**95,551**	**4,857**	**5.4%**
Local Assistance	61,215	64,932	3,717	6.1%
State Operations	21,773	21,648	(125)	-0.6%
Transfers to Other Funds	7,706	8,971	1,265	16.4%
Net Change in Operations	**21,352**	**(2,839)**	**(24,191)**	**-113.3%**
Closing Fund Balance	**30,513**	**27,674**	**(2,839)**	**-9.3%**
Statutory Reserves:				
Rainy Day Reserves	3,351	4,271	920	
Community Projects	23	19	(4)	
Contingency Reserve	21	21	0	
Fund Balance Reserved for:				
Labor Settlements/Agency Operations	275	875	600	
Economic Uncertainties	5,598	9,732	4,134	
Debt Management	500	1,355	855	
Reserve for Pandemic Assistance	2,000	2,000		
Subtotal Excluding Settlements	**11,768**	**18,273**	**6,505**	
Extraordinary Monetary Settlements	2,035	1,741	(294)	
Timing of PTET/PIT Credits	16,710	7,660	(9,050)	

Receipts

General Fund receipts, including transfers from other funds, are estimated to total $92.7 billion in FY 2023, a decrease of $19.3 billion (17.3 percent) from FY 2022. Excluding the impact of the PTET program and the expected transfer of a portion of the $12.75 billion in Federal ARP recovery aid, total receipts are projected to increase by $8.5 billion (9.4 percent) from FY 2022.

In FY 2022, the State expects to collect $16.7 billion in PTET payments through business tax receipts that will be offset by lower PIT receipts expected in FY 2023. The same timing variation is expected in FY 2023 for business tax collections that will be offset by lower PIT receipts in the following fiscal year, resulting in a year over year decline of $25.8 billion. This program is not expected to impact operations over the multi-year Financial Plan period but does distort the annual change for business and PIT receipts. See "PTET - Financial Plan Impact."

Tax receipts, excluding the impact of PTET, but including transfers after payment of debt service, are estimated to total $95.7 billion in FY 2023, an increase of $9.8 billion (11.4 percent) from FY 2022. The increase reflects an improved revenue outlook and new revenue from the high-income PIT surcharge and business tax increases enacted in FY 2022.

PIT receipts, excluding PTET and net of transfers, are estimated to total $67.5 billion in FY 2023, an increase of $8.8 billion (15 percent) from FY 2022. The increase reflects the improved economic forecast and the enacted tax actions. Excluding the impact of debt prepayments described above, PIT receipts growth in FY 2022 compared to the prior year is 9.8 percent.

Consumption/use tax receipts, including transfers after payment of debt service on Sales Tax Revenue Bonds, are estimated to total $16.3 billion in FY 2023, a decrease of $115 million (0.7 percent) from FY 2022. This decline reflects a surge in consumption in FY 2022 following the economic impact of the shutdown in the early months of the pandemic. Base sales tax growth is estimated at 5.5 percent in FY 2023 as the economy continues to recover from the COVID-19 economic downturn.

Business tax receipts, excluding PTET, are estimated at $9.6 billion in FY 2023, an increase of $1.4 billion (17.3 percent) from FY 2022. The increase is primarily attributable to an increase in Corporate Franchise Tax (CFT) gross receipts due to the recently enacted temporary increase in the business income and capital base rates.

Other tax receipts, including transfers after payment of debt service on Clean Water/Clean Air (CW/CA) Bonds, are expected to total $2.3 billion in FY 2023, a decrease of $326 million from FY 2022. This is primarily due to a decline in the real estate transfer tax due to a leveling off following several record-high monthly collections amounts in FY 2022.

Miscellaneous receipts are projected to decline modestly from 2022. Non-tax transfers are estimated to total $2.0 billion in FY 2023, a decrease of $1.1 billion from FY 2022. The change is mainly attributable a reduction in transfers from the Health Care Transformation, mental health services, and Tribal State Compact Funds.

Disbursements

General Fund disbursements, including transfers to other funds, are expected to total $95.6 billion in FY 2023, an increase of $4.9 billion (5.4 percent) from FY 2022. The annual change in spending is impacted by the expected expiration of the eFMAP that temporarily lowers State spending and increases the Federal share of Medicaid costs ($2 billion), as well as one-time recovery initiatives and several transactions that were or are expected to be executed in FY 2022 that temporarily lower spending. These transactions include funding $1.5 billion of certain eligible health and public safety payroll costs from the CRF and the payment of prior year salary increases.

Local assistance spending is estimated at $64.9 billion in FY 2023, an increase of $3.7 billion from FY 2022. General Fund spending for education and health care represents a majority of the local assistance spending. General Fund support for these programs is affected by the level of financing sources (i.e., HCRA and lottery/gaming receipts) available in other funds, as well as the impact of eFMAP that temporarily lowers State spending and increases the Federal share of Medicaid costs. School Aid is estimated to increase by $814 million on a fiscal year basis, primarily driven by an increase in Foundation Aid. Medicaid spending is projected to grow by $3.5 billion of which $2 billion is due to the decline in the State benefit from eFMAP. These increases are partially offset by the payment of various one-time recovery initiatives in FY 2021, the largest being $2.1 billion for the Excluded Workers Program.

General Fund agency operations costs, including fringe benefits, are expected to total $21.6 billion in FY 2023, a decrease of $125 million from FY 2022. The annual change is driven by several nonrecurring transactions processed in FY 2022, including the funding of $1.5 billion of eligible payroll costs from the CRF, purchase of COVID test kits, and the payment of retroactive salary increases. In addition, operational cost increases projected in FY 2023 reflect rising energy and commodity prices and planned general salary increases.

General Fund transfers to Other Funds are projected to total $9.0 billion in FY 2023, an increase of $1.3 billion from FY 2022 mainly attributable to transfers for capital projects reflecting an increase in planned Pay-As-You-Go (PAYGO) capital spending and increased transfers to the Health Care Transformation Fund.

FY 2023 Closing Balance

DOB projects the State will end FY 2023 with a General Fund cash balance of $27.7 billion, a decrease of $2.8 billion from FY 2022. The decline reflects the planned use of the PTET/PIT Credits reserve to offset the net decline in tax receipts ($9.1 billion) that is partly offset by planned deposits totaling $5 billion to the State’s principal reserves, $600 million to the reserve for labor settlements and agency operations, and $855 million to the debt management reserve.

Cash Flow

State Finance Law authorizes the General Fund to borrow money temporarily from available funds held in the Short-Term Investment Pool (STIP). Loans to the General Fund are limited to four months from the start of the fiscal year and must be repaid in full by fiscal year-end. The resources that can be borrowed by the General Fund are limited to available balances in STIP, as determined by the State Comptroller. Available balances include money in the State's governmental funds and a relatively small amount of other money belonging to the State, held in internal service and enterprise funds, as well as certain agency funds. Several accounts in Debt Service Funds and Capital Projects Funds that are part of All Governmental Funds are excluded from the balances deemed available in STIP. These excluded funds consist of bond proceeds and money obligated for debt service payments.

The Enacted Budget authorized short-term financing for liquidity purposes during FY 2022. In doing so, it provides a tool to help the State manage cashflow, if needed, and more effectively deploy resources as the State continues to respond to the pandemic. Specifically, the authorization allowed for the issuance of up to $3 billion of PIT revenue anticipation notes that had to be issued before the end of December 2021 and mature no later than March 31, 2022. It also allows up to $2 billion in line of credit facilities, which are limited to 1 year in duration and may be drawn through March 31, 2022, subject to available appropriation. Neither authorization allows borrowed amounts to be extended or refinanced beyond their initial maturity. The Updated Executive Budget Financial Plan does not assume short-term financing for liquidity purposes during FY 2022. DOB evaluates cash results regularly and may adjust the use of notes and/or the line of credit based on liquidity needs, market considerations, and other factors.

The State continues to reserve money on a quarterly basis for debt service payments financed with General Fund resources. Money to pay debt service on bonds secured by dedicated receipts, including PIT bonds and Sales Tax Revenue bonds, continues to be set aside as required by law and bond covenants.

FY 2023 PROJECTED MONTH-END CASH BALANCES (millions of dollars)	General Fund	Other Funds	All Funds
April 2022	32,850	19,429	52,279
May 2022	26,631	18,928	45,559
June 2022	29,604	20,976	50,580
July 2022	29,909	20,898	50,807
August 2022	29,337	20,692	50,029
September 2022	32,780	18,817	51,597
October 2022	30,868	19,353	50,221
November 2022	28,041	18,280	46,321
December 2022	31,534	19,114	50,648
January 2023	32,299	19,437	51,736
February 2023	29,362	20,645	50,007
March 2023	27,674	17,440	45,114

OTHER MATTERS AFFECTING THE FINANCIAL PLAN

General

This section is intended to provide readers with information on certain financial risks, pressures, processes, and recent or new developments that may not be described, or described in detail, elsewhere in the Updated Financial Plan. The emphasis is on risks to the Updated Financial Plan, but the section includes other information intended to provide context for understanding the State's financial operations more broadly.

The Updated Financial Plan is subject to economic, social, financial, political, public health, and environmental risks and uncertainties, many of which are outside the ability of the State to predict or control. DOB asserts that the projections of receipts and disbursements in the Updated Financial Plan are based on reasonable assumptions at the time they were prepared and provide no assurance that results will not differ materially and adversely from these projections.

The Updated Financial Plan is based on numerous assumptions including the condition of the State and national economies, and the collection of economically sensitive tax receipts in the amounts projected. Uncertainties and risks that may affect economic and receipts forecasts include, but are not limited to, national and international events; inflation; consumer confidence; commodity prices; major terrorist events, hostilities or war; climate change and extreme weather events; severe epidemic or pandemic events; cybersecurity threats; Federal funding laws and regulations; financial sector compensation; monetary policy affecting interest rates and the financial markets; credit rating agency actions; financial and real estate market developments which may adversely affect bonus income and capital gains realizations; technology industry developments and employment; effect of household debt on consumer spending and State tax collections; and outcomes of litigation and other claims affecting the State.

Litigation against the State may include, among other things, potential challenges to the constitutionality of various actions. The State may also be affected by adverse decisions that are the result of various lawsuits. Such adverse decisions may not meet the materiality threshold to warrant a description herein but, in the aggregate, could still adversely affect the Updated Financial Plan.

The Updated Financial Plan is subject to various uncertainties and contingencies including, but not limited to, wage and benefit increases for State employees that exceed projected annual costs; changes in the size of the State's workforce; realization of the projected rate of return for pension fund asset assumptions with respect to wages for State employees affecting the State's required pension fund contributions; the willingness and ability of the Federal government to provide the aid projected in the Updated Financial Plan; the ability of the State to implement cost reduction initiatives, including reductions in State agency operations, and the success with which the State controls expenditures; unanticipated growth in Medicaid program costs; and the ability of the State and its public authorities to issue securities successfully in public credit markets. Some of these issues are described in more detail herein. The projections and assumptions contained in the Updated Financial Plan are subject to revisions which may result in substantial changes. No assurance can be given that these estimates and projections, which depend in part upon actions the State expects to be taken but which are not within the State's control, will be realized.

DOB routinely executes cash management actions to manage the State's large and complex budget. These actions are intended to improve the State's cash flow, manage resources within and across State fiscal years, adhere to spending targets, and better position the State to address unanticipated costs, including economic downturns, revenue deterioration, and unplanned expenditures. In recent years, the State has prepaid certain payments, subject to available resources, to maintain budget flexibility.

Potential Long-Term Risks to the Financial Plan from COVID-19 Pandemic

Important State revenue sources, including personal income, consumption, and business tax collections, may be adversely affected by the long-term impact of COVID-19 on a range of activities and behaviors, including commuting patterns, remote working and education, business activity, social gatherings, tourism, public transportation, and aviation. It is not possible to assess or forecast the effects of such changes at this time.

For example, the COVID-19 pandemic has led to changes in the behavior of resident and non-resident taxpayers. Consistent with the growth in remote work arrangements, many residents and non-residents are no longer commuting into New York and instead are working remotely from home offices. However, under long-standing State policy, a non-resident working from home pays New York income taxes on wages from a New York employer unless that employer has established the non-resident's home office as a bona fide office of the employer.

The COVID-19 pandemic has also led some New York residents to shelter in locations outside of the State. In addition, some taxpayers who previously resided in New York have permanently relocated outside of the State during the pandemic.

There can be no assurance that COVID-19 variants, such as the Delta and Omicron variants, as well as potential future viral mutations, will not slow and impede elements of the State's recovery. State officials continue to closely monitor global COVID-19 impacts and emerging Federal guidance.

Forecast Risks and Uncertainties

There can be no assurance that the State's financial position will not change materially and adversely from current projections. If this were to occur, the State would be required to take additional gap-closing actions. Such actions may include, but are not limited to, reductions in State agency operations; delays or reductions in payments to local governments or other recipients of State aid; delays in or suspension of capital maintenance and construction; extraordinary financing of operating expenses; and use of non-recurring resources. In some cases, the ability of the State to implement such actions requires the approval of the Legislature and cannot be implemented solely by the Governor.

The Updated Executive Budget Financial Plan forecast assumes various transactions will occur as planned including, but not limited to, receipt of certain payments from public authorities; receipt of revenue sharing payments under the Tribal-State Compacts; receipt of Federal COVID-19 emergency assistance and other Federal aid as projected; receipt of miscellaneous revenues at the levels set forth in the Updated Executive Budget Financial Plan; and achievement of cost-saving measures including, but not limited to, transfer of available fund balances to the General Fund at levels currently projected and Federal approvals necessary to implement the Medicaid savings actions. Such assumptions, if they were not to materialize, could adversely impact the Updated Executive Budget Financial Plan in the current year or future years, or both.

The Updated Executive Budget Financial Plan also includes actions that affect spending reported on a State Operating Funds basis, including accounting and reporting changes. If these actions are not implemented or reported as planned, the annual spending change in State Operating Funds would increase above current estimates.

In developing the Updated Executive Budget Financial Plan, DOB attempts to mitigate financial risks from receipts volatility, litigation, and unexpected costs, with an emphasis on the General Fund. It does this by, among other things, exercising caution when calculating total General Fund disbursements and managing the accumulation of financial resources that can be used to offset new costs. Such resources include, but are not limited to, fund balances that are not needed each year, reimbursement for capital advances, acceleration of tax refunds above the level budgeted each year, and prepayment of expenses. There can be no assurance that such financial resources will be enough to address risks that may materialize in a given fiscal year.

Statutory Growth Caps for School Aid and Medicaid

Beginning in FY 2012, the State enacted legislation intended to limit the year-to-year growth in the State's two largest local assistance programs, School Aid and Medicaid.

School Aid

In FY 2012, the State enacted a School Aid growth cap that was intended to limit the growth in School Aid to the annual growth in State Personal Income, as calculated in the Personal Income Growth Index (PIGI). Beginning in FY 2021, the statutory PIGI for School Aid was amended to limit School Aid increases to no more than the average annual income growth over a ten-year period. This change reduces volatility in allowable growth and aligns the School Aid cap with the statutory Medicaid cap. Prior to FY 2021, the PIGI generally relied on a one-year change in personal income.

The authorized School Aid increases exceeded the indexed levels in FYs 2014 through 2019, were within the indexed levels in FYs 2020 and 2021, and again exceeded the indexed level in FY 2022. The proposed increase in School Aid for SY 2023 of $2.1 billion (7.1 percent) is well above the indexed PIGI rate of 4.5 percent. This proposed $2.1 billion increase includes a $1.6 billion increase in Foundation Aid as part of the three-year phase-in of the formula and a 3 percent "due minimum" increase for districts whose annual Foundation Aid[6] levels exceed their full funding level targets. In SY 2024, projected School Aid growth largely reflects the final year of the three-year phase-in of full funding of Foundation Aid. In SY 2025 and beyond, School Aid is projected to increase in line with the rate allowed under the personal income growth cap.

Medicaid

Approximately 85 percent of DOH State Funds Medicaid spending growth is subject to the Global Cap. The Global Cap is currently calculated using the ten-year rolling average of the medical component of the Consumer Price Index for all urban consumers (CPI) and thus allows for growth attributable to increasing costs, though not increasing utilization. Beginning in FY 2023, the Global Cap metric is amended to align with the 5-year rolling average of health care spending, using projections from the CMS Actuary. This change will accommodate growth in factors not currently indexed under the Global Cap and is more reflective of recent trends.

The statutory provisions of the Global Cap grant the Commissioner of Health (the "Commissioner") certain powers to limit Medicaid disbursements to the level authorized by the Global Cap and allow for flexibility in adjusting Medicaid projections to meet unanticipated costs resulting from a disaster. The Commissioner's powers are intended to limit the annual growth rate to the levels set by the Global Cap for the then-current fiscal year, through actions which may include reducing

[6] Foundation Aid is formula-based, unrestricted aid provided to school districts. It is the largest aid category within School Aid and is projected to total $21.4 billion in SY 2023. The Foundation Aid formula consists of four components: a State-specified expected expenditure per pupil to which the State and districts will contribute, a State-specified expected minimum local contribution per pupil, the number of aid-eligible pupil units in the district, and additional adjustments based on phase-in factors and minimum or maximum increases.

reimbursement rates to providers. These actions may be dependent upon timely Federal approvals and other elements of the program that govern implementation. Additional State share Medicaid spending, outside of the Global Cap, includes State costs for the takeover of Medicaid growth from local governments and reimbursement to providers for increased minimum wage costs. It should be further noted that General Fund Medicaid spending remains sensitive to revenue performance in the State's HCRA fund that finances approximately one-quarter of DOH State-share Medicaid costs.

Since the enactment of the Global Cap, the portion of State Funds Medicaid spending subject to the Global Cap has remained at or below indexed levels. However, in certain fiscal years, DOH has taken management actions, including adjustments to the timing of Medicaid payments consistent with contractual terms, as described below, to ensure compliance with the Global Cap.

Global Cap Imbalance and Medicaid Redesign Team II (MRT II) Solutions

At the close of FY 2019, DOH deferred, for three business days into FY 2020, the final cycle payment to Medicaid Managed Care Organizations, as well as other payments. The FY 2019 deferral had a State-share value of $1.7 billion and was paid from available funds in the General Fund in April 2019, consistent with contractual obligations. Absent the deferral and any other actions, Medicaid spending under the Global Cap would have exceeded the statutorily indexed rate for FY 2019 and the State would have used available General Fund resources to fund the payments in FY 2019. The deferral had no impact on provider services and the spending above the Global Cap was attributable to growth in managed care and long-term managed care enrollment and utilization costs above initial projections, as well as timing of certain savings actions and offsets not processed by the end of FY 2019.

Following the deferral of FY 2019 Medicaid payments to ensure compliance with the allowable indexed growth, DOB recognized that a structural imbalance existed within the Global Cap based on a review of price and utilization trends, and other factors.[7] A structural imbalance in this case meant that estimated expense growth in State-share Medicaid subject to the Global Cap, absent measures to control costs, was growing faster than allowed under the Global Cap spending growth index.

[7] Factors that place upward pressure on State-share Medicaid spending include but are not limited to: reimbursement to providers for the cost of the increase in the minimum wage; phase-out of enhanced Federal funding; and increased enrollment and costs in managed long-term care.

DOB estimated that, absent actions to control costs, State-share Medicaid spending subject to the Global Cap would have exceeded the indexed growth amount in the range of $3 billion to $4 billion annually, inclusive of the recurring $1.7 billion Managed Care payment restructuring initially executed at the end of FY 2019. In response to the estimated Global Cap imbalance, the State formed the MRT II as part of the FY 2021 Enacted Budget with the objective of restoring financial sustainability to the Medicaid program. The FY 2021 Enacted Budget included $2.2 billion in MRT II savings initiatives to address the Medicaid imbalance, including identifying efficiencies in the Managed Care and Managed Long-Term Care programs, as well as administrative reforms.

To date, over two-thirds of the $2.2 billion in savings actions have been implemented, with the remaining savings actions pending due to ongoing litigation, and Federal government approval of Federal maintenance-of-effort requirements associated with the Families First Coronavirus Response Act (FFCRA), COVID-19 and ARP HCBS eFMAP provisions. The Updated Executive Budget Financial Plan assumes the remaining MRT II savings will be implemented in FY 2023, aside from those actions limited to the maintenance of effort requirements associated with the recent Federal Public Health Emergency extension, which extends the eFMAP benefit through June 30, 2022, and will be implemented in FY 2024.

On August 25, 2021, CMS informed DOH that the State's initial HCBS spending plan meets the requirements set forth in guidance established by CMS, and thus, the State has received partial approval. The State therefore qualifies for a temporary 10 percentage point increase to the FMAP for certain Medicaid expenditures for HCBS under Section 9817 of the ARP. The increased FMAP is available for qualifying expenditures made between April 1, 2021, and March 31, 2022. On January 31, 2022, CMS provided additional approval for 37 proposals. On February 15, 2022, the State submitted the second quarterly update and will continue to submit quarterly updates as required. The State is working with CMS to achieve full approval of the submitted plan; however, CMS has not yet provided guidance related to the HCBS eFMAP which may restrict or delay the implementation of certain MRT II savings actions.

Public Health Insurance Programs/Public Assistance

Historically, the State has experienced growth in Medicaid enrollment and public assistance caseloads during economic downturns due mainly to increases in unemployment. Many people who were laid off or otherwise experienced a decrease in family income in 2020 and 2021 due to the COVID-19 pandemic became qualifying enrollees and began to participate in public health insurance programs such as Medicaid, the Essential Plan (EP), and Child Health Plus (CHP). Participants in these programs remain eligible for coverage for 12 continuous months regardless of changes in employment or income levels that may otherwise make them ineligible. Estimated costs for increased enrollment to date are budgeted in the Updated Executive Budget Financial Plan through FY 2024.

Likewise, the rise in unemployment and decrease in family income during the pandemic have resulted in increased public assistance caseloads, particularly in New York City. In addition to existing family and safety net assistance programs, the Executive Budget includes a recurring State-funded rent supplement program to assist individuals and families.

Federal Impacts to the Financial Plan

Overview

The Federal government influences the economy and budget of New York State through grants, direct spending on its own programs such as Medicare and Social Security, and through Federal tax policy. Federal policymakers may place conditions on grants, mandate certain state actions, preempt State laws, change State and Local Tax (SALT) bases and taxpayer behavior through tax policies, and influence industries through regulatory action. Federal resources support vital services such as health care, education, transportation, as well as severe weather and emergency response and recovery. Any changes to Federal policy or funding levels could have a materially adverse impact on the Updated Executive Budget Financial Plan.

Federal funding is a significant component of New York's budget representing more than one-third of All Funds spending. Routine Federal aid supports programs for vulnerable populations and those living at or near the poverty level. Such programs include Medicaid, Temporary Assistance for Needy Families (TANF), Elementary and Secondary Education Act (ESEA) Title I grants, and Individuals with Disabilities Education Act (IDEA) grants. Other Federal resources are directed at infrastructure and public protection.

In response to the COVID-19 public health emergency, the Federal government has taken legislative, administrative, and Federal Reserve actions intended to stabilize financial markets, extend aid to large and small businesses, health care providers, and individuals, and reimburse governments for the direct costs of pandemic response. The Federal government enacted several laws between March 2020 and March 2021 to provide financial assistance to State and local governments, schools, hospitals, transit systems, businesses, families and individuals for COVID-19 pandemic response and recovery. The State also received additional Federal aid in the form of enhanced Unemployment Insurance funding, which is reported under Proprietary and Fiduciary Funds and is excluded from All Governmental Funds. A summary of the Federal legislation is provided later in this section.

Total Federal Funds spending for all purposes, inclusive of both capital and operating spending, is expected to total $81.4 billion in FY 2023 and includes $7.8 billion in spending related to pandemic assistance. Federal Funds spending in FY 2023 is estimated to decrease by $2.8 billion from FY 2022 driven by the expenditure of one-time pandemic assistance funds including the CRF, emergency rental assistance and education funding, as well as reduction in eFMAP. Federal Funds spending is summarized in the chart below.

FEDERAL FUNDS DISBURSEMENTS
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
DISBURSEMENTS						
Medicaid	43,593	48,057	44,786	46,056	48,623	47,674
Health	8,424	8,912	10,245	9,764	10,197	10,568
Social Welfare	6,309	5,443	4,990	4,698	4,701	4,702
Education	3,859	3,857	3,857	3,857	3,857	3,857
Public Protection	3,972	2,727	1,297	1,290	1,292	1,295
Transportation	1,663	1,757	2,091	2,292	2,421	2,484
All Other[1]	1,510	1,419	1,372	1,332	1,313	1,314
Pandemic Assistance[2]	14,815	9,275	4,235	1,958	849	69
Education ARP Act Funds	1,629	2,938	2,459	1,739	715	0
eFMAP, including local passthrough	3,629	1,209	0	0	0	0
HCBS eFMAP	815	1,433	0	0	0	0
Coronavirus Relief Fund	2,317	0	0	0	0	0
Education Supplemental Appropriations Act	1,558	1,484	1,357	0	0	0
Lost Wages Assistance	19	0	0	0	0	0
Emergency Rental Assistance Program	2,280	146	0	0	0	0
Education CARES Act Funds	1,011	12	0	0	0	0
SUNY State Operated Campuses Federal Stimulus	816	0	0	0	0	0
FEMA Reimbursement of Eligible Pandemic Expenses	0	800	200	0	0	0
Coronavirus Local Fiscal Recovery Fund Non-Entitlement Pass Through	387	387	0	0	0	0
Homeowner Relief and Protection Program	128	412	0	0	0	0
Home Energy Assistance Program	224	335	0	0	0	0
Coronavirus Capital Projects Fund	0	69	69	69	69	69
FHWA Surface Transportation Block Grant	2	50	150	150	65	0
Total Disbursements	**84,145**	**81,447**	**72,874**	**71,248**	**73,254**	**71,963**

[1] All Other includes housing and homeless services, economic development, mental hygiene, parks, environment, higher education, and general government areas.

[2] Pandemic Assistance excludes $12.8 billion in State aid provided through the American Rescue Plan Act, as this funding is reflected as a receipt to Federal Funds and transfer to the General Fund.

- **Medicaid/Health.** Funding shared by the Federal government helps support health care costs for more than nine million New Yorkers, including more than two million children. Medicaid is the single largest category of Federal funding. The Federal government also provides support for several health programs administered by DOH, including the Essential Plan (EP), which provides health care coverage for low-income individuals who do not qualify for Medicaid or CHP.

- **Social Welfare.** Funding provides assistance for several programs managed by the Office of Temporary and Disability Assistance (OTDA), including TANF-funded public assistance benefits and the Flexible Fund for Family Services, Home Energy Assistance Program (HEAP), Supplemental Nutrition Assistance Program (SNAP), and Child Support. Support from the Federal government also supports programs managed by the Office of Children and Family Services (OCFS), including Child Care, Child Welfare Services, Adult Protective & Domestic Violence Services, Foster Care, and Adoption Subsidies.

- **Education.** Funding supports K-12 education, special education and Higher Education. Like Medicaid and the social welfare programs, significant portions of Federal education funding are directed toward vulnerable New Yorkers, such as students in schools with high poverty levels, students with disabilities, and higher education students that qualify for programs such as Pell grants and Work-Study.

- **Public Protection.** Federal funding supports various programs and operations of the State Police, the Department of Corrections and Community Supervision (DOCCS), the Office of Victim Services, the Division of Homeland Security and Emergency Services (DHSES), and the Division of Military and Naval Affairs (DMNA). Federal funds are also passed on to municipalities to support a variety of public safety programs.

- **Transportation.** Federal resources support infrastructure investments in highway and transit systems throughout the State, including funding participation in ongoing transportation capital plans. The recently enacted Infrastructure Investment and Jobs Act (P.L. 117-58) will increase Federal funds for transportation capital costs significantly.

- **All Other Funding.** Other programs supported by Federal resources include housing, economic development, mental hygiene, parks and environmental conservation, and general government uses.

Pandemic Assistance

- **Education ARP Funds.** The ARP granted additional education funding for Elementary and Secondary School Emergency Relief (ESSER) and Emergency Assistance for Nonpublic Schools (EANS) programs, as well as funding for homeless education, IDEA, library services and the arts.

- **eFMAP.** In response to the COVID-19 pandemic, the Federal government increased its share of Medicaid funding (eFMAP) by 6.2 percent for each calendar quarter occurring during the public health emergency. The enhanced funding began January 1, 2020 and is currently expected to continue through June 2022, providing over $3.6 billion in additional Federal resources in FY 2022 that are anticipated to reduce State and local government costs by approximately $3.0 billion and $600 million, respectively. Due to the timing of reconciliations, March FY 2022 eFMAP State and Local share offsets will be realized in FY 2023. An additional quarter of eFMAP has been assumed in FY 2023 as a result of the extension of the Public Health Emergency (PHE) increasing the projected FY 2023 benefit to $1.2 billion.

- **HCBS eFMAP.** The ARP also provided a temporary 10 percentage point increase to the FMAP for certain Medicaid HCBS through March 31, 2022. CMS guidelines require the use of additional funding to supplement existing State funding, not supplant existing resources. The State is estimated to receive $2.2 billion in enhanced FMAP for HCBS expenditures across health and mental hygiene programs.

- **CRF.** Established in the CARES Act, the CRF provided funding for states and local governments to respond to the COVID-19 pandemic. The State received $5.1 billion in FY 2021 to fund eligible costs incurred through December 31, 2021. These funds have been used in FY 2021 and FY 2022 for eligible payroll costs ($4.4 billion), primarily for public health and safety employees, as well as other pandemic response costs incurred by the State (roughly $600 million). DOB expects to charge additional eligible costs incurred by the State for pandemic response efforts and will fully expend the CRF balance in FY 2022.

- **Education Supplemental Appropriations Act.** As part of the CRRSA Act, additional funding for education was provided through the ESSER Fund and the GEER Fund, including dedicated GEER funds to support pandemic-related services and assistance to nonpublic schools through the EANS program.

- **Lost Wages Assistance (LWA) Program.** This program provided grants to eligible claimants that were unemployed or partially unemployed due to the pandemic. This consisted of a supplemental payment of $300 per week through December 27, 2020 or when funding limits were reached, which occurred on September 6, 2020, in addition to their unemployment benefits.

- **Emergency Rental Assistance Program.** The CRRSA Act established the Emergency Rental Assistance program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. The ARP provided additional funding for the program.

- **Education CARES Act Funds.** Additional education support provided through the CARES Act included funding to school districts and charter schools.

- **SUNY State-Operated Campuses Federal Stimulus Spending.** Funding provided through various Federal stimulus bills resulted in greater Federal spending projections for SUNY State-Operated campuses.

- **FEMA Reimbursement of Eligible Pandemic Expenses.** The State has applied for FEMA reimbursement for expenses incurred to date related to emergency protective measures due to the COVID-19 pandemic. The Updated Executive Budget Financial Plan assumes reimbursement of $800 million in FY 2023, and $200 million in FY 2024. However, there is no assurance that FEMA will approve claims for the State to receive reimbursement in the amounts or State fiscal years as projected in the Updated Executive Budget Financial Plan.

- **Coronavirus Local Fiscal Recovery Fund Non-Entitlement Pass-Through.** The ARP requires states to pass-through the allocations to non-entitlement cities, towns, and villages. The State distributed $387 million to local governments in FY 2022 and is expected to distribute an additional $387 million to local governments in FY 2023, for a total of $774 million overall.

- **Homeowner Relief and Protection Program.** This program provides services to ensure that homeowners experiencing economic hardships associated with the pandemic can stay in their homes.

- **Home Energy Assistance Program.** The ARP provided supplemental funding to the existing Home Energy Assistance program that helps low-income households pay the cost of heating, cooling, and weatherizing their homes.

- **Coronavirus Capital Projects Fund.** The ARP created the Coronavirus Capital Projects Fund to provide funding to carry out critical capital projects that directly enable work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency. The State has been allocated $346 million for the program.

- **Federal Highway Administration (FHWA) Surface Transportation Block Grant.** This emergency funding was provided under the CRRSA Act to address COVID-19 impacts related to Highway Infrastructure Programs.

Federal Coronavirus Response Legislation and Action

The Federal government enacted the following legislation in response to the ongoing COVID-19 pandemic. The table below summarizes the Federal pandemic assistance available to New York State, including direct recipients of Federal aid such as individuals, hospitals, businesses, transit authorities including the MTA, and school districts, along with the funds expected to flow through the State's Updated Executive Budget Financial Plan.

A large portion of the Federal pandemic assistance flows directly to various recipients (e.g., tax rebates to individuals, and loans or grants to large and small businesses) and is thus excluded from the State's Updated Executive Budget Financial Plan. In addition, on May 18, 2021, the State received $12.75 billion in Federal aid authorized in the ARP to offset revenue loss, ensure the continuation of essential services and assistance provided by government, and assist in the public health emergency response and recovery efforts. These funds are expected to be transferred to State Funds over multiple years to support eligible uses and spending. Thus, the spending of the ARP aid to the State does not appear in Federal Funds.

FEDERAL PANDEMIC ASSISTANCE LEGISLATION AND ACTION
(millions of dollars)

Bill/Source	Total Funds Available	Funding Flowing through the Financial Plan
CARES Act	140,584	8,220
Families First Coronavirus Response Act (FFCRA)	88,692	9,268
American Rescue Plan (ARP) Act of 2021	84,148	18,903
Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act	24,858	7,102
FEMA Lost Wage Assistance	4,120	4,120
Paycheck Protection Program and Health Care Enhancement Act	1,555	0
Coronavirus Preparedness and Response Supplemental Appropriations Act	66	0
Total	**344,023**	**47,613**

- **The CARES Act** provides aid for Federal agencies, individuals, businesses, states, and localities, as well as $100 billion for hospitals and health care providers, to respond to the COVID-19 pandemic.

  Assistance to states through the CARES Act is generally restricted to specific purposes and includes the CRF ($5.1 billion State allocation) and the Education Stabilization Fund ($1.2 billion State allocation). Pursuant to U.S. Treasury eligibility guidelines, CRF funds may be used for eligible expenses incurred, including payroll expenses for public health and safety employees, through December 31, 2021.

- **FFCRA** provides aid through paid sick leave, free testing, expanded food assistance and unemployment benefits, protections for health care workers, and increased Medicaid funding through the emergency 6.2 percent increase to the Medicaid eFMAP during the public health emergency in response to the COVID-19 pandemic.

- **The ARP Act of 2021** provides aid for Federal agencies, individuals, businesses, states and localities, and others, to respond to the COVID-19 pandemic. The ARP has provided the State with $12.75 billion in general aid ("recovery aid") and $18.9 billion in categorical aid for schools, universities, childcare, housing, and other purposes. The ARP also provides $10 billion in recovery aid to localities in New York State and an estimated $6.4 billion directly to the MTA. The State aid provided through the ARP is included in the Updated Executive Budget Financial Plan as a transfer of Federal aid to the General Fund. Finally, the ARP established a Capital Projects Fund to provide funding to states, territories, and Tribal governments to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency. The State has also been allocated $346 million from the Coronavirus Capital Projects Fund.

- **The CRRSA Act of 2021** provides funding for education, testing, tracing, vaccine distribution, unemployment assistance, small business programs, and housing.

- **FEMA Lost Wages** provided grants to eligible claimants that were unemployed or partially unemployed due to the pandemic.

- **The Paycheck Protection Program (PPP) and Health Care Enhancement Act** provides funding for small business programs, and healthcare programs, including $75 billion for hospitals, health care providers, and testing and tracing activities.

- **The Coronavirus Preparedness and Response Supplemental Appropriations Act (CPRSA) of 2020** provides emergency funding to respond to the COVID-19 pandemic, including support for vaccine development, the Public Health Emergency Preparedness program, and small businesses.

In addition, the pandemic has resulted in a significant increase in individuals filing for unemployment benefits. Such benefits are paid from the Unemployment Insurance (UI) Trust Fund, which is supported by employer contributions. In the event that there are insufficient resources in the UI Trust Fund to pay benefits, as became the case starting in May 2020, the UI Trust Fund may borrow from the Federal government for this purpose. As of December 31, 2021, the UI Trust Fund's Federal loan balance for the State was approximately $9.3 billion. The balance in the UI Trust Fund is expected to be repaid by employers through UI contribution rates.

Federal Infrastructure Investment and Jobs Act (IIJA)

In November 2021, Congress passed, and the President signed, the $1.2 trillion Infrastructure Investment and Jobs Act, including approximately $550 billion in new spending on transportation, water and energy, broadband and natural resources.

The IIJA is expected to provide the State with an additional $4.6 billion in highway and bridge program aid over the life of the Federal Aid Highway program reauthorization, as well as significant off-budget funds available across the State for transit, rail, airport, water, and energy grid infrastructure. The annual levels of funds to the State from the IIJA are subject to Federal budget and appropriation action in each year.

Federal Risks

The amount and composition of Federal funds received by the State have changed over time because of legislative and regulatory actions at the Federal level and will likely continue to change over the Financial Plan period. The Updated Executive Budget Financial Plan may also be adversely affected by other Federal government actions including audits, disallowances, and changes to Federal participation rates or other Medicaid rules. Any reductions in Federal aid could have a materially adverse impact on the Updated Executive Budget Financial Plan. Notable areas with potential for change include health care and human services.

The State has submitted subsequent waiver extension requests to continue its Medicaid Redesign and healthcare delivery system transformation efforts. The CMS has approved, through at least March 31, 2022, a 1115 Medicaid waiver extension that preserves the State's Medicaid Managed Care Programs, Children's HCBS, and self-direction of personal care services. Subsequently, on August 24, 2021, DOH submitted a 1115 waiver amendment concept paper to CMS. This concept paper proposes a framework for substantial new Federal funding over five years to invest in an array of multi-faceted and related initiatives that would change the way the Medicaid program integrates and pays for social care and health care in the State. This comprehensive initiative, if accepted by CMS as proposed, would also lay the groundwork for reducing long standing racial, disability-related, and socioeconomic health care disparities, increasing health equity through measurable improvement of clinical outcomes and keeping overall Medicaid program expenditures budget neutral to the Federal government.

The concept paper is non-binding and does not represent an official waiver submission but is a required step of the waiver approval process. CMS is reviewing the concept paper and is in the process of offering DOH guidance for modifications prior to the formal waiver amendment submission. This step is necessary to ensure the State's waiver request will align with Federal objectives and requirements. New feedback or guidance from CMS will be reflected in future Financial Plan updates.

Federal Debt Limit

Legislation increasing the debt limit by $2.5 trillion was enacted December 16, 2021 (P.L. 117-73). Under this latest increase in the Federal debt limit, the Federal government is expected to be able to operate until early 2023. Congress would need to act to increase or suspend the debt limit before then to avoid delaying payments and/or defaulting on debt obligations.

A Federal government default on payments, particularly for a prolonged period, could have a materially adverse effect on national and state economies, financial markets, and intergovernmental aid payments. Specific effects on the Updated Executive Budget Financial Plan resulting from a future Federal government default are unknown and impossible to predict. However, data from past economic downturns suggests that the State's revenue loss could be substantial if there was an economic downturn due to a Federal default.

A payment default by the Federal government may also adversely affect the municipal bond market. Municipal issuers, including the State and its public authorities and localities, could face higher borrowing costs and impaired access to capital markets. This would jeopardize planned capital investments in transportation infrastructure, higher education facilities, hazardous waste remediation, environmental projects, and economic development projects. Additionally, the market for and market value of outstanding municipal obligations, including municipal obligations of the State and its public authorities, could be adversely affected.

Federal Tax Law Changes

The Tax Cuts and Jobs Act of 2017 (TCJA) made major changes to the Federal Internal Revenue Code, most of which were effective in tax year 2018. The TCJA made extensive changes to Federal personal income taxes, corporate income taxes, and estate taxes.

The State's income tax system interacts with the Federal system. Changes to the Federal tax code have significant flow-through effects on State tax burdens and concomitantly on State tax receipts. One key impact of the TCJA on New York State taxpayers is the $10,000 limit on the deductibility of SALT payments, which represents a large increase in the State's effective tax rate relative to historical experience and may adversely affect New York State's economic competitiveness.

Moreover, the TCJA contains numerous provisions that may adversely affect residential real estate prices in New York State and elsewhere, of which the SALT deduction limit is the most significant. A loss of wealth associated with a decline in home prices could have a significant impact on household spending in the State through the wealth effect, whereby consumers perceive the rise and fall of the value of an asset, such as a home, as a corresponding increase or decline in income, causing them to alter their spending practices. Reductions in household spending by New York residents, if they were to occur, would be expected to result in lower sales for the State's businesses which, in turn, would cause further reductions in economic activity and employment. Lastly, falling home prices could result in homeowners delaying the sale of their homes. The combined impact of lower home prices and fewer sales transactions could result in lower real estate transfer tax collections.

The TCJA changes may intensify migration pressures and the drag on the value of home prices, thereby posing risks to the State's tax base and current Updated Executive Budget Financial Plan projections.

State Response to Federal Tax Law Changes

PTET. As part of the State's continuing response to Federal tax law changes and in connection with the Enacted Budget, the State Legislature enacted an optional PTET on the New York-sourced income of partnerships and S corporations. Qualifying entities that elect to pay PTET will pay a tax of up to 10.9 percent on their taxable income at the partnership or corporation level, and their individual partners, members and shareholders will receive a refundable tax credit equal to the proportionate or pro rata share of taxes paid by the electing entity. Additionally, the program includes a resident tax credit that allows for reciprocity with other states that have implemented substantially similar taxes, which currently include Connecticut and New Jersey.

DOB expects that, on a multi-year basis, the PTET will be revenue neutral for the State as individual taxpayers claim credits against their PIT liabilities that reflect PTET payments made at the entity level. However, because PTET payments will generally be received in the fiscal year prior to credit claiming, the PTET will not be revenue-neutral for the State within each fiscal year.

The Updated Executive Budget Financial Plan includes estimates for PTET receipts and the corresponding decrease in PIT receipts, based on PTET receipts received in December 2021 for tax year 2021 liabilities. The overall effect on projected receipts to the Revenue Bond Tax Fund, to which 50 percent of both PIT and PTET receipts are deposited, is that PTET will increase FY 2022 receipts and decrease FY 2023 receipts by a significant amount. See the "Financial Plan Overview – PTET – Financial Plan Impact" herein for a table summarizing projected PTET receipts and the associated change in projected PIT collections. Projections are based on limited experience of taxpayer behavior to date, and there can be no assurance that such projections will be realized.

The U.S. Treasury Department and the IRS have determined that State and local income taxes imposed on and paid by a partnership or an S corporation on its income, such as the PTET, are allowable as a Federal deduction to taxable income. In November 2020, the IRS released Notice 2020-75, which announced that the Treasury and IRS intend to issue clarifying regulations with respect to such pass-through taxes. The IRS has not yet issued such proposed regulations.

Employer Compensation Expense Program (ECEP) / Charitable Gifts Trust Fund. Other State tax reforms enacted in tax year 2018 to mitigate issues arising from the TCJA included decoupling many State tax provisions from the Federal changes, creation of an optional payroll tax program (ECEP), and establishment of a new State Charitable Gifts Trust Fund.

The ECEP authorizes electing employers to be subject to a 5 percent State tax on all annual payroll expenses in excess of $40,000 per employee, which was phased in over three years beginning on January 1, 2019 as follows: 1.5 percent in tax year 2019, 3 percent in tax year 2020, and 5 percent in tax year 2021 and thereafter. Employers must elect to participate in the ECEP for the upcoming tax year by December 1 of the preceding calendar year. For tax year 2019, 262 employers elected to participate in the ECEP and remitted $1.5 million. The number of participating employers increased to 299 for tax year 2020 and to 328 for tax year 2021.

The ECEP is intended to mitigate the tax burden for employees affected by the SALT deduction limit. While the TCJA limits deductibility for individuals, it does not cap deductibility for ordinary and necessary business expenses paid or incurred by employers in carrying on a trade or business. The ECEP is expected to be State revenue-neutral, with any decrease in New York State PIT receipts expected to be offset by a comparable increase in ECEP revenue.

The Charitable Gifts Trust Fund was established in tax year 2018 to accept gifts for the purposes of funding health care and education in New York State. Taxpayers who itemize deductions were able to claim these charitable contributions as deductions on their Federal and State income tax returns. Any taxpayer who donates may also claim a State tax credit equal to 85 percent of the donation amount for the tax year after the donation is made. However, after enactment of this program, the IRS issued regulations that impaired the ability of taxpayers to deduct donations to the Charitable Gifts Trust Fund from Federal taxable income while receiving State tax credits for such donations.

Through FY 2021, the State received $93 million in charitable gifts deposited to the Charitable Gifts Trust Fund for healthcare and education ($58 million and $35 million, respectively). Charitable Gifts to date have been appropriated and used for the authorized purposes.

As part of State tax reforms enacted in 2018, taxpayers may claim reimbursement from the State for interest on underpayments of Federal tax liability for the 2019, 2020 and 2021 tax years, if the underpayments arise from reliance on the 2018 amendments to State Tax Law. To receive reimbursement, taxpayers are required to submit their reimbursement claims to DTF within 60 days of making an interest payment to the IRS. To date, the State has not received any claims for reimbursement of interest on underpayments of Federal tax liability.

The Updated Executive Budget Financial Plan does not include any estimate of the magnitude of the possible interest expense to the State. Any such interest expense would depend on several factors including the rate of participation in the ECEP; magnitude of donations to the Charitable Gifts Trust Fund; amount of time between the due date of the Federal return and the date any IRS underpayment determination is issued; Federal interest rate applied; aggregate amount of Federal tax underpayments attributable to reliance on the 2018 amendments to State Tax Law; and frequency at which taxpayers submit timely reimbursement claims to the State.

Litigation Challenging TCJA Provisions. On July 17, 2018, the State, joined by Connecticut, Maryland, and New Jersey, filed a lawsuit to protect New York taxpayers from the Federal limit on the SALT deduction. On September 30, 2019, the U.S. District Court for the Southern District of New York found that the states failed to allege a valid legal claim that the SALT limit unconstitutionally encroaches on states' sovereign authority to determine their own taxation and fiscal policies. The State, in conjunction with Connecticut, Maryland, and New Jersey, filed a notice of appeal to the U.S. Court of Appeals for the Second Circuit, and on October 5, 2021, the Second Circuit affirmed the district court's ruling. On January 3, 2022, the State, joined by Connecticut, Maryland, and New Jersey, petitioned the Supreme Court of the U.S. for a writ of certiorari to review the Second Circuit's decision.

On June 13, 2019, the IRS issued final regulations (Treasury Decision 9864) that provided final rules and additional guidance with respect to the availability of Federal income tax deductions for charitable contributions when a taxpayer receives or expects to receive a State or local tax credit for such charitable contributions. These regulations require a taxpayer to reduce the Federal charitable contribution deduction by the amount of any State tax credit received due to such charitable contribution. This rule does not apply if the value of the State tax credit does not exceed 15 percent of the charitable contribution. Regulations were made retroactive to August 27, 2018 (the date on which the U.S. Treasury Department and IRS first published proposed regulatory changes).

On July 17, 2019, New York State, joined by Connecticut and New Jersey, filed a Federal lawsuit in the United States District Court for the Southern District of New York challenging these charitable contribution regulations. Among other things, the lawsuit seeks to restore the full Federal income tax deduction for charitable contributions, regardless of the amount of any State tax credit provided to taxpayers as a result of contributions made to the Charitable Gifts Trust Fund, in accordance with precedent since 1917. The Federal defendants moved to dismiss the complaint, or alternatively for summary judgment, on December 23, 2019. The states responded and filed their own motion for summary judgment on February 28, 2020. Briefing on the motions was completed in July 2020. The district court denied the states' request for oral argument on March 16, 2021, but a decision on the outstanding motions to dismiss, and cross-motions for summary judgment, remains pending.

Climate Change Adaptation

Overview

Climate change poses significant long-term threats to physical, biological, and economic systems in New York and around the world. Potential hazards and risks related to climate change for the State include, among other things, rising sea levels, increased coastal flooding and related erosion hazards, intensifying storms, and more extreme heat. The potential effects of climate change could adversely impact the Updated Executive Budget Financial Plan in current or future years. To mitigate and manage these impacts, significant long-term planning and investments by the Federal government, State, municipalities, and public utilities are expected to be needed to adapt existing infrastructure to climate change risks.

In August 2021, the Intergovernmental Panel on Climate Change of the United Nations (IPCC) reported that 1.5°C of warming is likely to occur by 2040 under all emissions scenarios considered and that the 1.5°C benchmark will be exceeded by 2100 unless deep reductions in greenhouse gas emissions occur in the coming decades. Human-induced climate change is already affecting many weather extremes in every region across the globe. Further warming to 1.5°C is expected to increase the risk of adverse outcomes, including extreme weather events and coastal flooding. The risk of severe impacts increases further at higher temperatures.

Consequences of Climate Change

Storms affecting the State, including Hurricane Ida (September 2021), Superstorm Sandy (October 2012), Tropical Storm Lee (September 2011), and Hurricane Irene (August 2011), have demonstrated vulnerabilities in the State's infrastructure (including mass transit systems, power transmission and distribution systems, and other critical lifelines) to extreme weather driven events, including coastal flooding caused by storm surges and flash floods from rainfall.

The State continues to recover from damage sustained during these powerful storms. Hurricane Irene disrupted power and caused extensive flooding in various counties. Tropical Storm Lee caused flooding in additional counties and, in some cases, exacerbated damage caused by Hurricane Irene two weeks earlier. Superstorm Sandy struck the East Coast, causing widespread infrastructure damage and economic losses to the greater New York region. Hurricane Ida caused severe flooding in the New York metropolitan area. The frequency and intensity of these storms present economic and financial risks to the State. Reimbursement claims for costs of the immediate response, recovery, and future mitigation efforts continue, largely supported by Federal funds. In January 2013, the Federal government approved approximately $60 billion in nationwide Federal disaster aid in response to Superstorm Sandy for general recovery, rebuilding, and mitigation activity in New York and other states. The State and its localities have committed $28.9 billion to repairing impacted homes and businesses, restoring community services, and mitigating future storm risks.

Key financial market participants are acknowledging climate change risks. In February 2021, the Federal Reserve Board created a new Supervision Climate Committee within its Supervision and Regulation Division to better understand the potential implications of climate change for financial institutions, infrastructure, and markets. Rating agencies are incorporating Environmental, Social, and Governance (ESG) factors into credit ratings for the State and other issuers. In November 2017, Moody's Investors Service issued guidance to state and local governments that climate change is forecast to heighten exposure to economic losses, placing potential pressure on credit ratings. The Moody's report identified rising sea levels and their effect on coastal infrastructure as the primary climate risks for the northeastern United States, including New York State. These risks are heightened by population and critical infrastructure concentration in coastal counties. In June 2021, Moody’s assigned New York State an environmental issuer profile score of E-3 (moderately negative), below the nationwide median score of E-2 (neutral to low). The E-3 score reflected Moody’s assessment that the State faces moderately negative exposure to physical climate risks, especially hurricanes and sea level rise, which could cause significant economic disruption and pose risks to the State’s economy and tax base. Climate change risks increasingly fall within the maximum maturity term of current outstanding bonds of the State, its public authorities, and municipalities. State bonds may generally be issued with a term of up to 30 years under State statute.

State Response to Climate Change

The State is participating in efforts to reduce greenhouse gas emissions to mitigate the risk of severe impacts from climate change. The State's Climate Leadership and Community Protection Act of 2019 (CLCPA) set the State on a path toward developing regulations to reduce statewide greenhouse gas emissions to 40 percent below the 1990 level by 2030, and 85 percent below the 1990 level by 2050. The CLCPA established the Climate Action Council (the Council), which was charged with developing a draft scoping plan for achieving the goals set forth in the CLCPA. The Council released the draft scoping plan for public comment on January 1, 2022, with comments due within 120 days. In support of this commitment, a new law was passed in 2021 requiring new off-road vehicles and equipment sold in New York to be zero-emissions by 2035, and new medium-duty and heavy-duty vehicles by 2045. The law also requires the development of a zero-emissions vehicle development strategy by 2023, which will be led by the New York State Energy Research and Development Authority to expedite the implementation of the State policies and programs necessary to achieve the law's new goals. The CLCPA also required the Department of Environmental Conservation (DEC) to issue a sector-specific report on emissions, which was issued in 2021, and to develop rules and regulations for greenhouse gas limits by the end of 2023, including legally enforceable emissions limits and performance standards. As part of this target, the State plans to generate a minimum of 70 percent of electricity from renewable sources by 2030 and to fully transition its electricity sector away from carbon emissions by 2040. The CLCPA requires the New York Public Service Commission (PSC), which regulates public utilities, to establish a program to transition the energy sector on this timeline. Accordingly, the PSC adopted an order in October 2020 amending the Clean Energy Standard to reflect CLCPA targets. The State is a member of the Regional Greenhouse Gas Initiative (RGGI) and has used a cap-and-trade mechanism to regulate carbon dioxide emissions from electric power plants operating within the State since 2008.

Extraordinary Monetary Settlements

Beginning in FY 2015, the State began receiving Extraordinary Monetary Settlements for violations of State laws by major financial institutions and other entities. The State separately tracks these one-time resources and uses them for non-recurring expenditures. These receipts are listed by firm and amount in the table below.

SUMMARY OF RECEIPTS OF EXTRAORDINARY MONETARY SETTLEMENTS BETWEEN REGULATORS AND FINANCIAL INSTITUTIONS (millions of dollars)

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Total
Extraordinary Monetary Settlements	4,942	3,605	1,317	805	1,186	895	600	33	33	34	13,450
Aetna Insurance Company	0	0	0	0	2	0	0	0	0	0	2
Agricultural Bank of China	0	0	215	0	0	0	0	0	0	0	215
American International Group, Inc.	35	0	0	0	0	0	0	0	0	0	35
Athene Life Insurance	0	0	0	0	15	0	45	0	0	0	60
AXA Equitable Life Insurance Company	20	0	0	0	0	0	0	0	0	0	20
Bank Hapoalim	0	0	0	0	0	0	220	0	0	0	220
Bank Leumi	130	0	0	0	0	0	0	0	0	0	130
Bank of America	300	0	0	0	0	0	0	0	0	0	300
Bank of America Merrill Lynch	0	0	0	0	42	0	0	0	0	0	42
Bank of Korea	0	0	0	0	0	0	35	0	0	0	35
Bank of Tokyo Mitsubishi	315	0	0	0	0	0	0	0	0	0	315
Barclays	0	670	0	0	15	0	0	0	0	0	685
BNP Paribas	2,243	1,348	0	350	0	0	0	0	0	0	3,941
Chubb	0	0	0	0	1	0	0	0	0	0	1
Cigna	0	0	0	2	0	0	0	0	0	0	2
Citigroup (State Share)	92	0	0	0	0	0	0	0	0	0	92
Commerzbank	610	82	0	0	0	0	0	0	0	0	692
Conduent Education Services	0	0	0	0	1	0	0	0	0	0	1
Credit Agricole	0	459	0	0	0	0	0	0	0	0	459
Credit Suisse AG	715	30	0	135	0	0	0	0	0	0	880
Deutsche Bank	0	800	444	0	205	0	150	0	0	0	1,599
FedEx	0	0	0	0	26	0	0	0	0	0	26
Goldman Sachs	0	50	190	0	55	0	150	0	0	0	445
Google/YouTube	0	0	0	0	0	34	0	0	0	0	34
Habib Bank	0	0	0	225	0	0	0	0	0	0	225
Intesa SanPaolo	0	0	235	0	0	0	0	0	0	0	235
Lockton Affinity	0	0	0	0	7	0	0	0	0	0	7
Mashreqbank	0	0	0	0	40	0	0	33	33	34	140
Mega Bank	0	0	180	0	0	0	0	0	0	0	180
MetLife Parties	50	0	0	0	20	0	0	0	0	0	70
Morgan Stanley	0	150	0	0	0	0	0	0	0	0	150
MUFG Bank	0	0	0	0	0	33	0	0	0	0	33
Nationstar Mortgage	0	0	0	0	5	0	0	0	0	0	5
New Day	0	1	0	0	0	0	0	0	0	0	1
Ocwen Financial	100	0	0	0	0	0	0	0	0	0	100
Oscar Insurance Company	0	0	0	0	1	0	0	0	0	0	1
PHH Mortgage	0	0	28	0	0	0	0	0	0	0	28
PricewaterhouseCoopers LLP	25	0	0	0	0	0	0	0	0	0	25
Promontory	0	15	0	0	0	0	0	0	0	0	15
RBS Financial Products Inc.	0	0	0	0	100	0	0	0	0	0	100
Société Générale SA	0	0	0	0	498	0	0	0	0	0	498
Standard Chartered Bank	300	0	0	0	40	322	0	0	0	0	662
Unicredit	0	0	0	0	0	506	0	0	0	0	506
UBS	0	0	0	0	41	0	0	0	0	0	41
Volkswagen	0	0	32	33	0	0	0	0	0	0	65
Wells Fargo	0	0	0	0	65	0	0	0	0	0	65
Western Union	0	0	0	60	0	0	0	0	0	0	60
William Penn	0	0	0	0	6	0	0	0	0	0	6
Other Settlements	7	0	(7)	0	1	0	0	0	0	0	1

The table below summarizes past and planned uses of the Extraordinary Monetary Settlements received to date.

GENERAL FUND SUMMARY OF RECEIPTS AND USE/TRANSFER OF FUNDS FROM EXTRAORDINARY MONETARY SETTLEMENTS BETWEEN REGULATORS AND FINANCIAL INSTITUTIONS (millions of dollars)

	FYs 2015 - 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Total
Opening Settlement Balance in General Fund	**0**	**4,194**	**2,610**	**2,083**	**2,035**	**1,741**	**915**	**357**	**0**	**0**
Receipt of Extraordinary Monetary Settlements	**11,855**	**895**	**600**	**33**	**33**	**34**	**0**	**0**	**0**	**13,450**
Use/Transfer of Funds	**7,661**	**2,479**	**1,127**	**81**	**327**	**860**	**558**	**357**	**0**	**13,450**
Capital Purposes:	**4,134**	**1,345**	**527**	**48**	**194**	**827**	**558**	**357**	**0**	**7,990**
Dedicated Infrastructure Investment Fund	3,374	939	330	526	676	584	524	357	0	7,310
Environmental Protection Fund	120	0	0	0	0	0	0	0	0	120
Mass Transit	70	3	3	3	3	3	0	0	0	85
Healthcare	24	132	11	19	15	15	9	0	0	225
Clean Water Grants	0	0	0	0	0	225	25	0	0	250
Javits Center Expansion	546	271	183	0	0	0	0	0	0	1,000
Bond Proceed Receipts for Javits Center Expansion	0	0	0	(500)	(500)	0	0	0	0	(1,000)
Other Purposes:	**3,122**	**6**	**0**	**0**	**100**	**0**	**0**	**0**	**0**	**3,228**
Audit Disallowance - Federal Settlement	850	0	0	0	0	0	0	0	0	850
CSX Litigation Payment	76	0	0	0	0	0	0	0	0	76
Financial Plan - General Fund Operating Purposes	1,807	0	0	0	100	0	0	0	0	1,907
Mass Transit Operating	10	0	0	0	0	0	0	0	0	10
MTA Operating Aid	194	0	0	0	0	0	0	0	0	194
Department of Law - Litigation Services Operations	180	6	0	0	0	0	0	0	0	186
OASAS Chemical Dependence Program	5	0	0	0	0	0	0	0	0	5
Reservation of Funds:	**405**	**1,128**	**600**	**33**	**33**	**33**	**0**	**0**	**0**	**2,232**
Rainy Day Reserves	250	238	0	0	0	0	0	0	0	488
Reserve for Economic Uncertainties	0	890	600	33	33	33	0	0	0	1,589
Reserve for Retroactive Labor Agreements	155	0	0	0	0	0	0	0	0	155
Closing Settlement Balance in General Fund	**4,194**	**2,610**	**2,083**	**2,035**	**1,741**	**915**	**357**	**0**	**0**	**0**

In addition to settlement receipts reported in the tables above, the State received $35 million pursuant to a February 2022 Consent Order with the National Bank of Pakistan following compliance deficiencies by the bank.

Effective April 1, 2019, DOB no longer classifies or distinctly identifies any settlement receipt less than $25 million as an Extraordinary Monetary Settlement. Settlement receipts below the threshold are deposited to the General Fund and utilized for general operations consistent with past practice prior to the extraordinary levels that began in FY 2015. Extraordinary Monetary Settlements also do not refer to the opioid settlement funds discussed under the following heading.

Opioid Settlement Fund

The Attorney General (AG) and/or the Department of Financial Services (DFS) reached significant opioid related settlements with several corporations for their roles in helping fuel the opioid epidemic.

- Johnson & Johnson (J&J), the parent company of Janssen Pharmaceuticals, Inc., is expected to pay the State and its subdivisions up to $230 million. The settlement established a multi-year payout structure of up to ten years commencing in 2021.

- On September 17, 2021, a Bankruptcy Court in the Southern District of New York entered an Order confirming a plan, including provisions releasing and barring further litigation against Purdue Pharma's executives and directors. Pursuant to that plan, the owners of Purdue Pharma, the Sackler family, were to pay the State and its subdivisions at least $200 million as part of a $4.5 billion bankruptcy plan over a nine-year period commencing in 2022. The settlement between the State and Purdue Pharma would shut down Purdue Pharma, prevent the Sackler family from participating in the opioids business prospectively, and establish a substantial document repository of 30 million plus documents. Following an appeal, on December 16, 2021, the U.S. District Court for the Southern District of New York vacated the confirmation of Purdue's plan. In re: Purdue Pharma L.P., Case No. 21-cv-07532-CM (S.D.N.Y. Dec. 16, 2021). The District Court held that the law does not allow a bankruptcy plan to give releases to individuals who are not bankrupt. The Debtors subsequently filed an appeal to the Second Circuit. Additional significant developments relating to the Sackler and Purdue defendants are anticipated.

- Drug distributors McKesson Corporation, Cardinal Health Inc., and Amerisource Bergen Drug Corporation will pay the State and its subdivisions up to $1.0 billion over 18 years and develop a monitoring mechanism to collect and analyze opioid drug distribution. Settlement payments are expected to start before the end of 2021 and continue over the next 17 years.

- Drug manufacturer Endo Health Solutions (Endo) settled for $50 million with New York State (AG only) and the counties of Nassau and Suffolk, divided $22.3 million to the State and $27.7 million split evenly between Nassau and Suffolk Counties. Of the portion payable to the State, $11.96 million will be distributed to subdivisions (excluding Nassau and Suffolk) and $10.34 million will be deposited to the newly created New York State Opioid Settlement Fund (Opioid Settlement Fund). Additionally, if Endo files for bankruptcy or a global settlement is reached between the company and a larger group of plaintiffs, neither the State nor Nassau or Suffolk Counties will be precluded from receiving any appropriate share that they would be entitled to under such a bankruptcy or global settlement.

- Allergan Finance, LLC and its affiliates will pay the State and its subdivisions up to $200 million. This payment is expected by mid-2022 if certain conditions are met, and over $150 million of these funds will be dedicated to opioid abatement. The settlement between the State and Allergan Finance, LLC and its affiliates also prevents them from participating in the opioid business.

The Updated Executive Budget Financial Plan will be updated pending confirmation on the timing and value of the settlements the State will receive. At this time, DOB expects that the State's share of the resources will be deposited into the Opioid Settlement Fund. Pursuant to Chapter 190 of the Laws of 2021, the Opioid Settlement Fund will consist of funds received by the State as the result of a settlement or judgment against opioid manufacturers, distributors, dispensers, consultants or resellers. Money within the Opioid Settlement Fund will be used to supplement funding for substance use disorder prevention, treatment, recovery, and harm reduction services or programs. Money in the Opioid Settlement Fund must be kept separate and not commingled with any other funds and may only be expended following an appropriation and consistent with Chapter 190 and the terms of any applicable statewide opioid settlement agreement.

Current Labor Negotiations and Agreements (Current Contract Period)

The State recently reached agreements with the Police Benevolent Association of New York State (PBANYS) and the District Council 37 (Local 1359 Rent Regulation Service Employees) which have been ratified by the respective memberships.

The four-year agreement with PBANYS provides a retroactive 2 percent annual base salary increase in Fiscal Years 2020, 2021 and 2022, respectively, and a 2 percent base salary increase for FY 2023.

The two-year agreement with District Council 37 (Local 1359 Rent Regulation Service Employees) provides a retroactive 2 percent base salary increase for Fiscal Year 2022 and a 2 percent base salary increase for FY 2023.

The State continues to negotiate with the unions whose contracts have expired, including the Civil Service Employees Association (CSEA) and the Council-82 Security Supervisors Unit. Once agreements are finalized, any additional spending will be reflected in future Financial Plan updates. There can be no assurance that amounts informally reserved in the Financial Plan for labor settlements and agency operations will be sufficient to fund the cost of future labor contracts.

UNION LABOR CONTRACTS

	Contract Period	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024 - FY 2027
NYSTPBA	FY 2019 - FY 2023	2%	2%	1.5%	1.5%	2%	2%	2%	2%	2%	TBD
NYSPIA	FY 2019 - FY 2023	2%	2%	1.5%	1.5%	2%	2%	2%	2%	2%	TBD
NYSCOPBA	FY 2017 - FY 2023	2%	2%	2%	2%	2%	2%	2%	2%	2%	TBD
PEF	FY 2020 - FY 2023	2%	2%	2%	2%	2%	2%	2%	2%	2%	TBD
GSEU	AY 2020 - AY 2023	2%	2%	2%	2%	2%	2%	2%	2%	2%	TBD
CUNY	AY 2018 - AY 2023	2.5%	2%	2%	1.5%	2%	2%	2%	2%	2%	TBD
UUP	AY 2017 - AY 2022	2%	2%	2%	2%	2%	2%	2%	2%	TBD	TBD
CSEA	FY 2017 - FY 2021	2%	2%	2%	2%	2%	2%	2%	TBD	TBD	TBD
DC-37	FY 2022 - FY 2023	2%	2%	2%	2%	2%	2%	2%	2%	2%	TBD
PBANYS	FY 2020 - FY 2023	2%	2%	2%	2%	2%	2%	2%	2%	2%	TBD
Council 82	FY 2010 - FY 2016	2%	2%	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

The Judiciary’s contracts with all 12 unions represented within its workforce have expired. This includes contracts with the CSEA, the New York State Supreme Court Officers Association, the New York State Court Officers Association, and the Court Clerks Association, and eight other unions.

Pension Contributions[8]

Overview

The State makes annual contributions to the New York State and Local Retirement System (NYSLRS) for employees in the New York State and Local Employees' Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS). This section discusses contributions from the State, including the Judiciary, to the NYSLRS, which account for the majority of the State's pension costs.[9] All projections are based on estimated market returns and numerous actuarial assumptions which, if unrealized, could adversely and materially affect these projections.

New York State Retirement and Social Security Law (RSSL) Section 11 directs the actuary for NYSLRS to provide regular reports on the Systems' experience and to propose assumptions and methods for the actuarial valuations. Employer contribution rates for NYSLRS are determined based on investment performance in the Common Retirement Fund and actuarial assumptions recommended by the Retirement System's Actuary and approved by the State Comptroller. Pension estimates are based on the actuarial report issued in August 2021.

On August 25, 2021, the Comptroller announced reductions in employer contribution rates for both ERS and PFRS which will impact payments in FY 2023. This reduction was primarily accomplished by realizing the entire benefit of the FY 2021 investment return of 33.55 percent in the valuation of assets available to pay retirement benefits, rather than the perennial approach of "asset smoothing" the return over a five year period to guard against volatility in investment returns. This action -- termed "the market-restart" -- offset the Comptroller's simultaneous action of lowering the long-term assumed rate of return on investments from 6.8 percent to 5.9 percent, which, in and of itself, would have resulted in a substantive increase in the FY 2023 employer contribution rates.

As a result of the Comptroller's actions, the estimated average employer contribution rate for ERS will be lowered from 16.2 percent to 11.6 percent of payroll, and the estimated average employer contribution rate for PFRS will be reduced from 28.3 percent to 27 percent of payroll. Employers who have previously participated in the Contribution Stabilization Program, including the State, are required to contribute at the higher graded (amortization) rate of 14.1 percent for ERS (see "Contribution Stabilization Program" below).

The Updated Executive Budget Financial Plan reflects the actuarial changes approved by the Comptroller, including a revised ERS/PFRS pension estimate of $2.1 billion for FY 2023 based on the December 2021 estimate provided by the Actuary. Approximately $67 million in pension

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[8] The information contained under this heading was prepared solely by DOB and reflects the budgetary aspects of pension amortization. The information that appears later in this AIS Update under the section entitled "State Retirement System" was furnished solely by OSC.

[9] The State's aggregate pension costs also include State employees in the Teachers' Retirement System (TRS) for both the SUNY and the State Education Department (SED), the Optional Retirement Program (ORP) for both SUNY and SED, and the New York State Voluntary Defined Contribution Plan (VDC).

interest savings is expected to be achieved by paying the entirety of the State's FY 2023 ERS/PFRS bill in May 2022.

This estimate also reflects the payoff of all prior year amortization balances. The ERS (non-Judiciary) and PFRS portion was fully repaid in March 2021, and the Judiciary portion was fully repaid in October 2021. Collectively, this reduced the FY 2023 cost by $331 million from prior estimates. The total payoff of outstanding prior-year amortization balances was $1 billion, resulting in interest savings of roughly $76 million over the Financial Plan period.

The Comptroller does not forecast pension liability estimates for the later years of the Financial Plan. Thus, estimates for FY 2024 and beyond are developed by DOB. DOB's forecast assumes growth in the salary base consistent with collective bargaining agreements and a lower rate of return compared to the current assumed rate of return by NYSLRS.

The pension liability also reflects changes to military service credit provisions found in Section 1000 of the RSSL enacted during the 2016 legislative session (Chapter 41 of the Laws of 2016). All veterans who are members of NYSLRS may, upon application, receive extra service credit for up to three years of military duty if such veterans (a) were honorably discharged, (b) have achieved five years of credited service in a public retirement system, and (c) have agreed to pay the employee share of such additional pension credit. Costs to the State for employees in the ERS are incurred at the time each member purchases credit, as documented by OSC at the end of each calendar year. Additionally, Section 25 of the RSSL requires the State to pay the ERS employer contributions associated with this credit on behalf of local governments, with the option to amortize these costs. ERS costs were $19 million in FY 2022 and are estimated to be $15 million annually over the Financial Plan period. Costs for employees in PFRS are distributed across PFRS employers and billed on a two-year lag (e.g., FY 2017 costs were first billed in FY 2019).

Contribution Stabilization Program

Under legislation enacted in August 2010, the State and local governments may amortize (defer paying) a portion of their annual pension costs. Amortization temporarily reduces the pension costs that must be paid by public employers in a given fiscal year but results in higher costs overall when repaid with interest.

The full amount of each amortization must be repaid within ten years at a fixed interest rate determined by OSC. The State and local governments are required to begin repayment on new amortizations in the fiscal year immediately following the year in which the amortization was initiated.

The portion of an employer's annual pension costs that may be amortized is determined by comparing the employer's amortization-eligible contributions as a percentage of employee salaries (i.e., the normal rate) to a system-wide amortization threshold (i.e., the graded rate). Graded rates are determined for ERS and PFRS according to a statutory formula, and generally move toward their system's average normal rate by up to one percentage point per year. When an employer's normal rate is greater than the system-wide graded rate, the employer can elect to amortize the difference. However, when the normal rate of an employer that previously amortized is less than the system-wide graded rate, the employer is required to pay the graded rate. Additional contributions are first used to pay off existing amortizations and are then deposited into a reserve account to offset future increases in contribution rates. Chapter 48 of the Laws of 2017 changed the graded rate computation to provide an employer-specific graded rate based on the employer's own tier and plan demographics.

Neither the State nor the Judiciary have amortized pension costs since FY 2016. As of year-end FY 2021, the State paid the pension amortization liability in full. The Judiciary paid its pension amortization liability in full in October 2021. The excess contribution amounts in FY 2023 of $281.9 million ($242 million State / $39.9 million Judiciary) and FY 2024 of $145.5 million ($123.8 million State / $21.7 million Judiciary) will be placed in the ERS pension reserve fund to offset any future increases in contribution rates. The following table reflects projected pension contributions and historical amortizations exclusively for Executive branch and Judiciary employers participating in ERS and PFRS.

EMPLOYEE RETIREMENT SYSTEM AND POLICE AND FIRE RETIREMENT SYSTEM
IMPACTS OF AMORTIZATION ON PENSION CONTRIBUTIONS
(millions of dollars)

	Statewide Pension Payments[1]					Rates for Determining (Amortization Amount) / Excess Contributions			
Fiscal Year	Normal Costs[2]	(Amortization Amount) / Excess Contributions	Repayment of Amortization	Total Statewide Pension Payments	Interest Rate on Amortization Amount (%)[3]	System Average Normal Rate[4]		Amortization Threshold (Graded Rate)	
						ERS (%)	PFRS (%)	ERS (%)	PFRS (%)
2011	1,543.2	(249.6)	0.0	1,293.6	5.00	11.5	18.1	9.5	17.5
2012	2,037.5	(562.8)	32.3	1,507.0	3.75	15.9	21.6	10.5	18.5
2013	2,077.9	(778.5)	100.9	1,400.3	3.00	18.5	25.7	11.5	19.5
2014	2,633.6	(937.0)	192.1	1,888.7	3.67	20.5	28.9	12.5	20.5
2015	2,328.8	(713.1)	305.7	1,921.4	3.15	19.7	27.5	13.5	21.5
2016	1,972.1	(356.2)	390.0	2,005.9	3.21	17.7	24.7	14.5	22.5
2017	1,789.0	0.0	432.2	2,221.2	2.33	15.1	24.3	15.1	23.5
2018	1,788.7	0.0	432.2	2,220.9	2.84	14.9	24.3	14.9	24.3
2019	1,770.2	0.0	432.2	2,202.4	3.64	14.4	23.5	14.4	23.5
2020	1,782.2	0.0	432.2	2,214.4	2.55	14.2	23.5	14.2	23.5
2021[5]	1,827.2	0.0	1,350.3	3,177.5	1.33	14.1	24.4	14.1	24.4
2022[6] Est.	2,126.6	0.0	151.3	2,277.9	1.76	15.8	28.3	15.1	25.4
2023 Est.	1,832.8	281.9	0.0	2,114.7	TBD	11.4	27.0	14.1	26.4
Projected by DOB[7]									
2024	2,260.1	145.5	0.0	2,405.6	TBD	11.9	28.2	13.1	27.4
2025	3,127.6	0.0	0.0	3,127.6	TBD	13.6	30.5	13.6	28.4
2026	3,936.8	0.0	0.0	3,936.8	TBD	16.4	32.8	14.6	29.4
2027	4,794.6	0.0	0.0	4,794.6	TBD	20.3	35.0	15.6	30.4

[1] Pension Contribution values in this table do not include pension costs related to the ORP, VDC, and TRS for SUNY and SED, whereas the projected pension costs in other Financial Plan tables include such pension disbursements.

[2] Normal costs include payments from amortizations prior to FY 2011, which ended in FY 2016 as a result of early repayments.

[3] Interest rates are determined by the Comptroller based on the market rate of return on comparable taxed fixed income investments (e.g., Ten-Year Treasuries). The interest rate is fixed for the duration of the ten-year repayment period.

[4] The system average normal rate represents system-wide amortization-eligible costs (i.e. normal and administrative costs, as well as the cost of certain employer options) as a percentage of the system's total salary base. The normal rate does not include the following costs, which are not eligible for amortization: Group Life Insurance Plan (GLIP) contributions, deficiency contributions, previous amortizations, incentive costs, costs of new legislation in some cases, and prior-year adjustments. "(Amortization Amount) / Excess Contributions" are calculated for each employer in the system using employer-specific normal rates, which may differ from the system average.

[5] Includes $918.1 million in prior year (non-Judiciary) amortization balances under the Contribution Stabilization Program. The prepayment eliminates the State's repayment obligations through FY 2026, and results in roughly $65 million interest savings over the financial plan period.

[6] The Judiciary paid off their entire prior year amortization balance in FY 2022 eliminating their repayment obligation through FY 2026 resulting in approximately $8.4 million in interest savings over the financial plan period.

[7] Outyear projections are prepared by DOB. The retirement system does not prepare, or make available, outyear projections of pension costs.

The "Normal Costs" column shows the State's underlying pension cost in each fiscal year before the effects of the Contribution Stabilization Program. The "(Amortization Amount)/Excess Contributions" column shows amounts amortized or the excess contributions paid into the pension reserve account. The "Repayment of Amortization" column provides the amount paid in principal and interest towards the outstanding balance on prior-year amortizations. The "Total Statewide Pension Payments" column provides the State's actual or planned pension contribution, including amortization. The "Interest Rate on Amortization Amount (%)" column provides the interest rate at which the State will repay the amortized contribution, as determined by OSC. The remaining columns provide information on the normal rate and graded rate, which are used to determine the maximum allowed "(Amortized)" amount or the mandatory "Excess Contributions" amount for a given fiscal year.

Social Security

The CARES Act allowed employers, including the State, to defer the deposit and payment of the employer's share of Social Security taxes through December 2020, and for the deferral to be repaid, interest free, in two equal installments no later than December 31, 2022. The Executive and the Judiciary deferred $556 million and $69 million, respectively, in 2020. The first installment of the Executive's deferment was paid in November 2021, with the second repayment scheduled in December 2022. The Judiciary's deferment was repaid in full in June 2021. The Updated Executive Budget Financial Plan includes the repayments of these deferred social security taxes.

Other Post-Employment Benefits (OPEB)

State employees become eligible for post-employment benefits (e.g., health insurance) if they reach retirement while working for the State; are enrolled in either the New York State Health Insurance Program (NYSHIP) or the NYSHIP opt-out program at the time they reach retirement; and have the required years of eligible service. The cost of providing post-retirement health insurance is shared between the State and the retired employee. Contributions are established by law and may be amended by the Legislature. The State pays its share of costs on a PAYGO basis as required by law.

The State Comptroller adopted Governmental Accounting Standards Board Statement (GASBS) 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions, for the State's Basic Financial Statements for FY 2019. GASBS 75, which replaces GASBS 45 and GASBS 57, addresses accounting and financial reporting for OPEB that is provided to the employees of state and local governmental employers. GASBS 75 establishes standards for recognizing and measuring liabilities and expenses/expenditures, as well as identifying the methods and assumptions required to be used to project benefit payments, discount projected benefit payments to their actuarial determined present value, and attribute that present value to periods of employee service. Specifically, GASBS 75 now requires that the full liability be recognized.

The State's total OPEB liability equals the employer's share of the actuarial determined present value of projected benefit payments attributed to past periods of employee service. The total OPEB obligation less any OPEB assets set aside in an OPEB trust or similar arrangement represents the net OPEB obligation.

As reported in the State's Basic Financial Statements for FY 2021, the total ending OPEB liability for FY 2021 was $75.8 billion ($60.3 billion for the State and $15.5 billion for SUNY). The total OPEB liability as of March 31, 2021 was measured as of March 31, 2020 and was determined using an actuarial valuation as of April 1, 2019, with update procedures used to roll forward the total OPEB liability to March 2020. The total beginning OPEB liability for FY 2021 was $63.9 billion ($51.1 billion for the State and $12.8 billion for SUNY). The total OPEB liability was calculated using the Entry Age Normal cost method. The discount rate is based on the Bond Buyer 20-year general obligation municipal bond index rate on March 31 (3.79 percent in FY 2020 and 2.84 percent in FY 2021). The total OPEB liability increased by $11.9 billion (18.6 percent) during FY 2021 primarily due to the reduction in the discount rate and updated medical trend assumptions based on current anticipation of future costs, and projected claim costs were updated based on the recent claims experience for the Preferred Provider Organization (PPO) plan and premium rates for the Health Maintenance Organization (HMO) plan.

The contribution requirements of NYSHIP members and the State are established by, and may be amended by, the Legislature. The State is not required to provide funding above the PAYGO amount necessary to provide current benefits to retirees. The State continues to fund these costs, along with all other employee health care expenses, on a PAYGO basis, meaning the State pays these costs as they become due.

The Retiree Health Benefit Trust Fund (RHBTF) was created in FY 2018 as a qualified trust under GASBS 75 and is authorized to reserve money for the payment of health benefits of retired employees and their dependents. Unlike State pensions, which are pre-funded, future retiree health care cost is unfunded, meaning no money is set aside to pay these future expenses. The State pays these expenses each year as they come due. Under current law, the State may deposit into the RHBTF, in any given fiscal year, up to 0.5 percent of total then-current unfunded actuarial accrued OPEB liability ($75.8 billion on March 31, 2021). The Executive Budget recommends increasing the maximum allowable deposit from 0.5 percent of the OPEB liability to 1.5 percent of the outstanding OPEB liability. The Updated Executive Budget Financial Plan includes deposits of $320 million in each of FY 2022 and FY 2023 and $375 million annually thereafter, fiscal conditions permitting. These deposits, which were allocated in prior Financial Plan updates, would be the first deposits to the RHBTF.

GASBS 75 is not expected to alter the Updated Executive Budget Financial Plan cash PAYGO projections for health insurance costs. DOB's methodology for forecasting these costs over a multi-year period already incorporates factors and considerations consistent with the new actuarial methods and calculations required by the GASB Statement.

Cybersecurity

New York State government, like many other large public and private entities, relies on a large and complex technology environment to conduct its operations. As a recipient and provider of personal, private, or sensitive information, the State and its authorities, agencies and public benefit corporations, as well as its political subdivisions (including counties, cities, towns, villages and school districts) face multiple cyber threats involving, among others, hacking, viruses, malware and other electronic attacks on computer and other sensitive digital networks and systems. Entities or individuals may attempt to gain unauthorized access to the State's digital systems for the purposes of misappropriating assets or information or causing operational disruption and damage. In addition, the tactics used in malicious attacks to obtain unauthorized access to digital networks and systems change frequently and are often not recognized until launched against a target. Accordingly, the State may be unable to fully anticipate these techniques or implement adequate preventative measures.

To mitigate the risk of business operations impact and/or damage from cyber incidents or cyber-attacks, the State invests in multiple forms of cybersecurity and operational controls. The State's Chief Information Security Office (CISO) within the State's Office of Information Technology Services (ITS) maintains comprehensive policies and standards, programs, and services relating to the security of State government networks, and annually assesses the maturity of State agencies' cyber posture through the Nationwide Cyber Security Review. In addition, the CISO maintains the New York State Cyber Command Center team, which provides a security operations center, digital forensics capabilities, and cyber incident reporting and response. CISO distributes real-time advisories and alerts, provides managed security services, and implements statewide information, security awareness and training.

Occasionally, intrusions into State digital systems have been detected but they have generally been contained. While cybersecurity procedures and controls are routinely reviewed and tested, there can be no assurance that such security and operational control measures will be completely successful at guarding against future cyber threats and attacks. The results of any successful attacks could adversely impact business operations and/or damage State digital networks and systems, or State and local infrastructure, and the costs of remediation could be substantial.

The State has also adopted regulations designed to protect the financial services industry from cyberattacks. Banks, insurance companies and other covered entities regulated by DFS are, unless eligible for limited exemptions, required to: (a) maintain a cybersecurity program, (b) create written cybersecurity policies and perform risk assessments, (c) designate a CISO with responsibility to oversee the cybersecurity program, (d) annually certify compliance with the cybersecurity regulations, and (e) report to DFS cybersecurity events that have a reasonable likelihood of materially harming any substantial part of the entity's normal operation(s) or for which notice is required to any government body, self-regulatory agency, or supervisory body.

Financial Condition of New York State Localities

The State's localities rely in part on State aid to balance their budgets and meet their cash requirements. As such, unanticipated financial need among localities can adversely affect the State's Updated Executive Budget Financial Plan projections. The wide-ranging economic, health, and social disruptions caused by COVID-19 have adversely affected the City of New York and surrounding localities. Localities outside New York City, including cities and counties, have also experienced financial problems, and have been allocated additional State assistance during the last several State fiscal years. In 2013, the Financial Restructuring Board for Local Governments was created to aid distressed local governments. The Restructuring Board performs comprehensive reviews and provides grants and loans on the condition of implementing recommended efficiency initiatives. For additional details on the Restructuring Board, please visit www.frb.ny.gov.

Metropolitan Transportation Authority

The MTA operates public transportation in the New York City metropolitan area, including subways, buses, commuter rail, and tolled vehicle crossings. The services provided by MTA and its operating agencies are integral to the economy of New York City and the surrounding metropolitan region, as well as to the economy of the State. MTA operations are funded mainly from fare and toll revenue, dedicated taxes, and subsidies from the State and New York City.

MTA Capital Plans also rely on significant direct contributions from the State and New York City. The State is directly contributing $9.1 billion to the MTA's 2015-19 Capital Plan and $3 billion to the MTA's 2020-24 Capital Plan. These State commitment levels represent substantial increases from the funding levels for prior MTA Capital Plans (2010-2014: $770 million; 2005-2009: $1.45 billion). In addition, a substantial amount of new funding to the MTA was authorized in the FY 2020 Enacted Budget as part of a comprehensive reform plan expected to generate an estimated $25 billion in financing for the MTA's 2020-2024 Capital Plan.

The pandemic caused severe declines in MTA ridership and traffic in 2020, and ridership remains significantly below pre-pandemic levels. To offset operating losses to MTA's Financial Plan from the estimated fare, toll, and dedicated revenue loss attributable to COVID-19, the MTA received significant Federal operating aid from the CARES Act ($4 billion) and CRRSA Act ($4.1 billion), and expects to receive significant Federal operating aid from the ARP (estimated $6.4 billion). The MTA also borrowed $2.9 billion through the Federal Reserve's Municipal Liquidity Facility (MLF).

If financial impacts of the COVID-19 pandemic on the MTA’s operating budget extend after the Federal funds are fully spent, and without additional Federal aid, the MTA may need to consider additional actions to balance its future budgets. If additional resources are provided by the State, either through additional subsidies or new revenues, it could have a material and adverse impact on the State's Updated Executive Budget Financial Plan.

The State has taken action to address MTA financing issues that arose during the pandemic. Specifically, the pandemic adversely affected credit ratings on MTA Transportation Revenue Bonds, MTA's primary credit program, which increased the cost of borrowing for the MTA. As a result, the State has issued PIT revenue bonds since the start of FY 2021 to fund $4.3 billion of the State’s portion of the MTA’s 2015-19 Capital Plan. Previously, the Updated Executive Budget Financial Plan assumed that the projects would be bonded by the MTA but funded by the State through additional operating aid to the MTA. The Updated Executive Budget Financial Plan now assumes the State will fund its direct contributions to the MTA 2015-19 and 2020-24 Capital Plans through PIT and Sales Tax revenue bonds.

Bond Market and Credit Ratings

Successful implementation of the Updated Executive Budget Financial Plan is dependent on the State's ability to market bonds. The State finances much of its capital spending, in the first instance, from the General Fund or STIP, which it then reimburses with proceeds from the sale of bonds. An inability of the State to sell bonds or notes at the level or on the timetable it expects could have a material and adverse impact on the State’s financial position and the implementation of its Capital Plan. The success of projected public sales of municipal bonds is subject to prevailing market conditions and related ratings issued by national credit rating agencies, among other factors. The outbreak of COVID-19 in the United States temporarily disrupted the municipal bond market in 2020. In addition, future developments in the financial markets, including possible changes in Federal tax law relating to the taxation of interest on municipal bonds, may affect the market for outstanding State-supported and State-related debt.

The major rating agencies -- Fitch, Kroll, Moody’s, and S&P Global Ratings -- have assigned the State general credit ratings of AA+, AA+, Aa2, and AA+, respectively. The rating agencies have started to recognize the State's economic recovery from the COVID-19 pandemic, which affected the State's credit outlook. On June 11, 2021, both Fitch and S&P changed the State’s credit outlook from “negative” to “stable", based on the State's fiscal and economic progress and receipt of substantial ARP Federal aid. On December 21, 2021, Kroll reaffirmed the State's AA+ rating with a stable outlook, stating that "the breadth of New York's economic resource base is expected to contribute to continued revenue recovery in the post-pandemic environment." On October 1, 2020, Moody’s downgraded the State’s credit rating from Aa1 to Aa2, citing the lasting economic consequences of the pandemic on the State, New York City, and the MTA. On June 24, 2021, Moody's changed the State's credit outlook from "stable" to "positive" due to the improvement in State resources, which includes Federal aid.

Debt Reform Act Limit

The Debt Reform Act of 2000 ("Debt Reform Act") restricts the issuance of State-supported debt funding to capital purposes only and limits the maximum term of bonds to 30 years. The Act limits the amount of new State-supported debt to 4 percent of State personal income, and new State-supported debt service costs to 5 percent of All Funds receipts. The restrictions apply to State-supported debt issued after April 1, 2000. DOB, as administrator of the Debt Reform Act, determined that the State complied with the statutory caps in the most recent calculation period (FY 2021).

The FY 2023 Executive Budget reinstates the provisions of the Debt Reform Act for State-supported debt issued in FY 2023 and beyond. One limited exception to the Debt Reform Act remains for issuances undertaken by the State for MTA capital projects which may be issued with maximum maturities longer than 30 years. This change allows bonds to be issued over the full useful life of the assets being financed, subject to Federal tax law limitations, and it is consistent with the rules that would have been in effect if the projects had been directly financed by the MTA.

Previously, the State had enacted legislation that suspended certain provisions of the Debt Reform Act for FY 2021 and FY 2022 bond issuances as part of the State response to the COVID-19 pandemic. Accordingly, any State-supported debt issued in FY 2021 and FY 2022 is not limited to capital purposes and is not counted towards the statutory caps on debt outstanding and debt service. Current projections anticipate that State-supported debt outstanding and State-supported debt service will continue to remain below the limits imposed by the Debt Reform Act, in part reflecting the statutory suspension of the debt caps during FY 2021 and FY 2022.

Based on the most recent personal income and debt outstanding forecasts, the available debt capacity under the debt outstanding cap is expected to fluctuate from $19.2 billion in FY 2022 to a low point of $673 million in FY 2027. This calculation excludes all State-supported debt issuances in FY 2021 and FY 2022 but includes the estimated impact of the COVID-19 pandemic on personal income calculations and of funding increased capital commitment levels with State bonds after FY 2022. The debt service on State-supported debt issued after April 1, 2000 and subject to the statutory cap is projected at $4.8 billion in FY 2022, or roughly $7.3 billion below the statutory debt service limit.

DEBT OUTSTANDING SUBJECT TO CAP (millions of dollars)								TOTAL STATE-SUPPORTED DEBT (millions of dollars)	
Year	Personal Income	Cap %	Cap $	Debt Outstanding Included in Cap [1]	$ Remaining Capacity	Debt as a % of PI	% Remaining Capacity	Debt Outstanding Excluded from Cap	Total State-Supported Debt Outstanding
FY 2022	$1,526,548	4.00%	61,062	41,852	19,210	2.74%	1.26%	20,998	62,850
FY 2023	$1,513,167	4.00%	60,527	49,065	11,462	3.24%	0.76%	20,205	69,270
FY 2024	$1,579,282	4.00%	63,171	55,804	7,367	3.53%	0.47%	19,513	75,317
FY 2025	$1,650,570	4.00%	66,023	61,669	4,354	3.74%	0.26%	18,576	80,245
FY 2026	$1,722,801	4.00%	68,912	66,615	2,297	3.87%	0.13%	17,705	84,320
FY 2027	$1,797,471	4.00%	71,899	71,226	673	3.96%	0.04%	16,914	88,140

DEBT SERVICE SUBJECT TO CAP (millions of dollars)								TOTAL STATE-SUPPORTED DEBT SERVICE (millions of dollars)	
Year	All Funds Receipts	Cap %	Cap $	Debt Service Included in Cap [1]	$ Remaining Capacity	DS as a % of Revenue	% Remaining Capacity	Debt Service Excluded from Cap	Total State-Supported Debt Service [2]
FY 2022	$243,848	5.00%	12,192	4,845	7,347	1.99%	3.01%	1,682	6,527
FY 2023	$211,638	5.00%	10,582	4,252	6,330	2.01%	2.99%	2,435	6,687
FY 2024	$214,843	5.00%	10,742	4,864	5,878	2.26%	2.74%	2,296	7,160
FY 2025	$216,483	5.00%	10,824	5,400	5,424	2.49%	2.51%	2,216	7,616
FY 2026	$220,339	5.00%	11,017	6,575	4,442	2.98%	2.02%	1,443	8,018
FY 2027	$224,961	5.00%	11,248	7,151	4,097	3.18%	1.82%	1,376	8,527

[1] Does not include debt issued prior to April 1, 2000. Does not include debt issued in FY 2021 and FY 2022 because the debt caps were temporarily suspended in response to the COVID-19 pandemic, pursuant to Chapter 56 of the Laws of 2020 and Chapter 59 of the Laws of 2021.

[2] Total State-supported debt service is adjusted for prepayments.

The State uses personal income estimates published by the Federal government, specifically the Bureau of Economic Analysis (BEA), to calculate the cap on debt outstanding, as required by statute. The BEA revises these estimates on a quarterly basis and such revisions can be significant. For Federal reporting purposes, BEA reassigns income from the state where it was earned to the state in which a person resides, for situations where a person lives and earns income in different states (the "residency adjustment"). The BEA residency adjustment has the effect of reducing reported New York State personal income because income earned in New York by non-residents regularly exceeds income earned in other states by New York residents. The State taxes all personal income earned in New York, regardless of place of residency.

Executive Budget – Debt Cap Changes

In the FY 2023 Executive Budget, the State proposed new bond-financed capital commitments that would add $10 billion in new debt over the five-year Capital Plan period. The capital spending increases are partially offset by a proposed $6 billion of new capital PAYGO and adjustments to bond sale assumptions, which reduce projected debt issuances. The cash PAYGO will be used to fund capital projects in lieu of issuing debt, primarily higher cost taxable debt.

Changes in the State's available debt capacity reflect personal income forecast adjustments, debt amortizations, and bond sale results. The debt capacity reflects the suspension of the Debt Reform Act for FY 2021 and FY 2022 issuances in response to the COVID-19 pandemic, as discussed previously. The State may adjust capital spending priorities and debt financing practices from time to time to preserve available debt capacity and stay within the statutory limits, as events warrant.

DEBT OUTSTANDING SUBJECT TO CAP [1]
REMAINING CAPACITY SUMMARY
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected
Mid-Year Update	**18,138**	**10,487**	**6,314**	**3,283**	**2,439**
Personal Income Forecast Update	1,060	1,316	1,419	1,507	1,595
Capital Adds	0	(1,625)	(3,991)	(6,515)	(8,056)
Capital PAYGO - Issuances Offset ($6 Billion)	0	1,200	3,300	5,500	5,300
Bond Sale Adjustments	12	84	325	579	1,019
Executive Budget as Amended	**19,210**	**11,462**	**7,367**	**4,354**	**2,297**

[1] Does not include debt issued in FY 2021 and FY 2022 because the debt cap was temporarily suspended in response to the COVID-19 pandemic, pursuant to Chapter 56 of the Laws of 2020 and Chapter 59 of the Laws of 2021.

SUNY Downstate Hospital and the Long Island College Hospital (LICH)

In May 2011, the New York State Supreme Court issued an order that approved the transfer of real property and other assets of LICH to a New York State not-for-profit corporation ("Holdings"), the sole member of which is SUNY. After such transfer, Holdings leased the LICH hospital facility to SUNY University Hospital at Brooklyn. In 2012, DASNY issued tax exempt State PIT Revenue Bonds to refund approximately $120 million in outstanding debt originally incurred by LICH and assumed by Holdings.

Pursuant to a court-approved settlement in 2014, SUNY, together with Holdings, issued a request for proposals (RFP) seeking a qualified party to provide or arrange to provide health care services at LICH and to purchase the LICH property.

In accordance with the settlement, Holdings has entered into a purchase and sale agreement with (a) the Fortis Property Group (FPG) Cobble Hill Acquisitions, LLC (the "Purchaser"), an affiliate of Fortis Property Group, LLC ("Fortis") (also party to the agreement), which proposes to purchase the LICH property, and (b) New York University (NYU) Hospitals Center (now "NYU Langone"), which proposes to provide both interim and long-term health care services. The Fortis affiliate plans to develop a mixed-use project. The agreement was approved by the Offices of the Attorney General and the State Comptroller, and the sale of all or substantially all of the assets of Holdings was approved by the State Supreme Court in Kings County. The initial closing was held as of September 1, 2015, and on September 3, 2015 sale proceeds of approximately $120 million were transferred to the trustee for the PIT Bonds, which were paid and legally defeased from such proceeds. Titles to 17 of the 20 properties were conveyed to the special purpose entities formed by the Purchaser to hold title.

The second closing occurred on March 13, 2020 (the New Medical Site (NMS) Closing) and title to the NMS portion of the LICH property was conveyed to NYU Langone.

The third and final closing is anticipated to occur within 36 months after the NMS Closing (i.e., by March 13, 2023). At the final closing, title to the two remaining portions of the LICH properties will be conveyed to special purpose entities of Fortis, and Holdings will receive the balance of the purchase price, $120 million less the remaining down payment. The final closing is conditioned upon completion of the New Medical Building by NYU Langone, and relocation of the emergency department to the New Medical Building.

Fortis provided a $7 million down payment to secure the final closing. This down payment was utilized to cover unforeseen expenses. Holdings had routinely paid utility costs and other expenses and, in turn, billed Fortis according to contractual obligations. Fortis stopped paying invoices and rent that was due. After negotiations with Fortis to reimburse these expenses, Fortis satisfied all outstanding debts due and the $7 million down payment was replenished. Holdings is prepared to use all available legal remedies to ensure that Fortis remains current on future invoices.

There can be no assurance that the resolution of legal, financial, and regulatory issues surrounding LICH, including the payment of outstanding liabilities, will not have a materially adverse impact on SUNY.

STATE FINANCIAL PLAN MULTI-YEAR PROJECTIONS

Introduction

This section presents the State's multi-year Updated Executive Budget Financial Plan projections for receipts and disbursements, reflecting the impact of FY 2022 actuals and forecast revisions in FY 2023 through FY 2027, with an emphasis on FY 2023 projections, which reflect the impact of the Updated Executive Budget Financial Plan.

The State's cash-basis budgeting system, complex fund structure, and practice of earmarking certain tax receipts for specific purposes complicate the discussion of the State's receipts and disbursements projections. Therefore, to minimize the distortions caused by these factors and, equally important, to highlight relevant aspects of the projections, DOB has adopted the following approaches in summarizing the projections:

Receipts. The detailed discussion of tax receipts covers projections for both the General Fund and State Funds (including capital projects). The State Funds perspective reflects estimated tax receipts before distribution to various funds and accounts, including tax receipts dedicated to Capital Projects Funds (which fall outside the General Fund and State Operating Funds accounting perspectives). DOB believes this presentation provides a clearer picture of projected receipts, trends, and forecast assumptions, by factoring out the distorting effects of earmarking tax receipts for specific purposes.

Disbursements. Roughly 30 percent of projected State-financed spending for operating purposes (excluding transfers) is accounted for outside the General Fund, concentrated primarily in the areas of health care, School Aid, higher education, and transportation. To provide a clear picture of spending commitments, the multi-year projections and growth rates are presented, where appropriate, on both a General Fund and State Operating Funds basis.

In evaluating the State's multi-year operating forecast, the reliability of the estimates and projections in the later years of the Updated Executive Budget Financial Plan are typically subject to more substantial revision than those in the current year and first "outyear". Accordingly, in terms of outyear projections, the first "outyear," FY 2024, is the most relevant from a planning perspective. In addition, the reliability of all projections is further complicated by the impacts of the COVID-19 pandemic, given the uncertainty as to its duration and the pace of a sustained recovery.

Differences may occur from time to time between DOB and OSC's financial reports in presentation and reporting of receipts and disbursements. For example, DOB may reflect a net expenditure while OSC may report the gross expenditure. Any such differences in reporting between DOB and OSC could result in differences in the presentation and reporting of receipts and disbursements for discrete funds, as well as differences in the presentation and reporting for total receipts and disbursements under different fund perspectives (e.g., State Operating Funds and All Governmental Funds).

The following tables present the Updated Executive Budget Financial Plan multi-year projections for the General Fund and State Operating Funds, as well as a reconciliation between State Operating Funds projections and General Fund budget gaps. The Updated Executive Budget Financial Plan continues to assume that all direct COVID-19 pandemic costs incurred by agencies will be fully covered with Federal aid, and thus are not included in the following tables. Such costs may include, but are not limited to, a wide range of pandemic control activities that could be needed to address a potential increase in COVID-19 cases and the safe, timely distribution of vaccines. The tables are followed by a summary of multi-year receipts and disbursements forecasts.

General Fund Projections

GENERAL FUND PROJECTIONS
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
RECEIPTS						
Taxes (After Debt Service)	102,596	86,608	99,522	103,980	102,408	107,563
Miscellaneous Receipts	1,839	1,789	1,834	1,863	1,899	1,935
Federal Receipts	4,500	2,350	2,250	3,645	0	0
Other Transfers	3,111	1,965	1,786	1,860	1,825	1,825
Total Receipts	**112,046**	**92,712**	**105,392**	**111,348**	**106,132**	**111,323**
DISBURSEMENTS						
Local Assistance	61,215	64,932	69,964	74,171	77,304	80,463
School Aid (SFY)	24,814	25,628	29,079	30,767	32,087	33,487
Medicaid	15,728	19,242	20,827	22,186	23,766	25,481
All Other	20,673	20,062	20,058	21,218	21,451	21,495
State Operations	13,618	12,618	12,913	13,196	13,796	13,904
Personal Service	9,487	10,055	10,119	10,193	10,289	10,358
Non-Personal Service	4,131	2,563	2,794	3,003	3,507	3,546
General State Charges	8,155	9,030	9,542	10,738	12,048	13,445
Transfers to Other Funds	7,706	8,971	9,800	9,503	6,934	6,511
Debt Service	339	329	356	416	447	484
Capital Projects	4,618	5,271	6,092	6,226	3,642	3,168
SUNY Operations	1,336	1,460	1,480	1,479	1,479	1,479
All Other	1,413	1,911	1,872	1,382	1,366	1,380
Total Disbursements	**90,694**	**95,551**	**102,219**	**107,608**	**110,082**	**114,323**
Use (Reservation) of Fund Balance:	**(21,352)**	**2,839**	**(3,173)**	**(3,740)**	**3,950**	**3,000**
Community Projects	7	4	3	0	0	0
Timing of PTET/PIT Credits	(16,710)	9,050	(473)	(500)	4,183	4,450
Reserve for Pandemic Assistance	(2,000)	0	0	0	0	0
Undesignated Fund Balance	2,561	0	0	0	0	0
Tax Stabilization Reserve	(175)	(120)	0	0	0	0
Rainy Day Reserves	(700)	(800)	(915)	(950)	0	0
Economic Uncertainties	(4,108)	(4,134)	(1,533)	(1,975)	0	0
Debt Management	0	(855)	(81)	576	860	0
Labor Settlements/Agency Operations	(275)	(600)	(1,000)	(1,450)	(1,450)	(1,450)
Extraordinary Monetary Settlements[1]	48	294	826	559	357	0
BUDGET SURPLUS/(GAP) PROJECTIONS	**0**	**0**	**0**	**0**	**0**	**0**

[1] Reflects transfers of Extraordinary Monetary Settlement funds from the General Fund to the Dedicated Infrastructure Investment Fund, the Environmental Protection Fund, and the Capital Projects Fund.

State Operating Funds Projections

STATE OPERATING FUNDS DISBURSEMENTS
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
RECEIPTS						
Taxes	116,559	98,204	111,343	115,955	115,624	120,944
Miscellaneous Receipts/Federal Grants	18,082	17,659	16,229	15,894	16,769	17,351
Total Receipts	**134,641**	**115,863**	**127,572**	**131,849**	**132,393**	**138,295**
DISBURSEMENTS						
Local Assistance	76,895	82,908	86,241	89,873	93,699	97,308
School Aid (School Year Basis)[1]	29,111	31,178	34,139	35,435	36,863	38,357
DOH Medicaid[2]	21,992	25,560	27,030	28,437	29,974	31,640
Transportation	3,797	4,590	4,788	4,790	4,791	4,793
STAR	1,939	1,831	1,723	1,616	1,568	1,541
Higher Education	2,746	2,999	3,196	3,327	3,384	3,398
Social Services	3,274	3,273	3,528	3,996	4,129	4,178
Mental Hygiene[3]	4,727	7,084	5,202	5,483	5,688	5,895
All Other[4]	9,309	6,393	6,635	6,789	7,302	7,506
State Operations	20,741	20,198	20,411	20,751	21,433	21,628
Personal Service	14,301	15,063	15,103	15,221	15,359	15,470
Non-Personal Service	6,440	5,135	5,308	5,530	6,074	6,158
General State Charges	9,261	10,189	10,726	11,937	13,263	14,679
Pension Contribution	2,525	2,369	2,667	3,394	4,210	5,074
Health Insurance	5,016	5,475	5,910	6,320	6,763	7,240
All Other	1,720	2,345	2,149	2,223	2,290	2,365
Debt Service	8,329	5,612	6,034	6,350	7,518	7,527
Capital Projects	0	0	0	0	0	0
Total Disbursements	**115,226**	**118,907**	**123,412**	**128,911**	**135,913**	**141,142**
Net Other Financing Sources/(Uses)	2,608	(46)	(944)	431	(698)	(181)
RECONCILIATION TO GENERAL FUND GAP						
Designated Fund Balances:	(22,023)	3,090	(3,216)	(3,369)	4,218	3,028
General Fund	(21,352)	2,839	(3,173)	(3,740)	3,950	3,000
Special Revenue Funds	(666)	251	(31)	382	295	62
Debt Service Funds	(5)	0	(12)	(11)	(27)	(34)
GENERAL FUND BUDGET SURPLUS/(GAP)	**0**	**0**	**0**	**0**	**0**	**0**

1 Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years, such as $103.4 million of FY 2022 Federal prekindergarten expansion grants that appear on the School Aid run.

2 Total State share Medicaid funding is reported prior to the spending offset from the application of Master Settlement Agreement (MSA) payments, which are deposited directly to a Medicaid Escrow Fund to cover a portion of the State's takeover of Medicaid costs for counties and New York City. The value of the offset is reported in "All Other" local assistance disbursements. Spending is offset by the benefit of eFMAP of 6.2 percent.

3 Multi-year estimates exclude a portion of spending reported under the Medicaid Global Cap that has no impact on mental hygiene service delivery or operations.

4 All Other includes education, parks, environment, economic development, and public safety, as well as the MSA payment offset, and a reconciliation between school year and State fiscal year spending on School Aid.

Economic Outlook

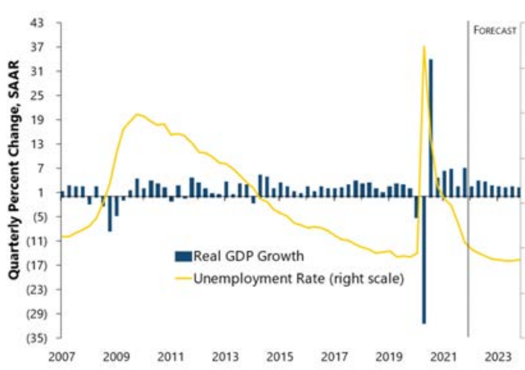
The U.S. Economy

The nation's economic recovery continues at a healthy pace after surpassing its pre-recession peak in the second quarter of 2021. According to the advance estimate released by the Bureau of Economic Analysis (BEA), U.S. real Gross Domestic Product (GDP) increased at an annual rate of 6.9 percent in the fourth quarter of 2021, accelerating from growth of 2.3 percent in the third quarter. Annual growth is estimated by the BEA at 5.7 percent in 2021, representing a strong rebound from a decline of 3.4 percent in 2020.

Meanwhile, the U.S. economy seems to be doing more with less. The recovery in national output was achieved with a labor force that, as of December 2021, remained 2.3 million, or 1.4 percent, below its February 2020 level. Coming into the new year, however, the national labor market made progress with 1.4 million civilians entering the labor force in January 2022 alone, despite the Omicron variant of COVID-19 surging across the nation. The civilian unemployment rate edged up by 0.1 percentage point to 4.0 percent in the same month. As of January 2022, total nonfarm employment rose to 2.9 million below its pre-pandemic peak, with 1.8 million of these job losses coming from the leisure and hospitality sector.

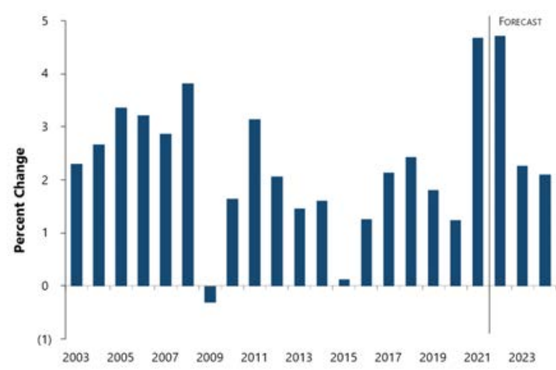
Economy-wide labor shortages have led to heightened rates of wage growth. Average hourly earnings amongst all private industries rose 5.7 percent in January 2022 on a year-over-year basis, and even faster in some lower-pay sectors where worker shortages are more prevalent. However, average wage growth barely kept up with consumer price inflation in general. Driven by a combination of labor shortages, supply-chain disruptions, rebounding energy prices, strong housing market demand, and excess consumer demand supported by Federal fiscal stimulus, the consumer price index (CPI) grew 4.7 percent in 2021, the highest annual average rate of inflation since 1991. In January 2022, inflation showed few signs of slowing, with a 0.6 percent month-over-month rise in headline and core CPI. Moreover, headline inflation was pushed up to 7.5 percent year-over-year — the strongest 12-month growth since February 1982.

Real GDP Growth and Unemployment Rate



Source: Haver Analytics/BEA, BLS; DOB staff estimates.

Consumer Price Index (CPI)



Source: Haver Analytics/BLS; DOB staff estimates.

U.S. Economic Forecast

DOB's U.S. economic forecast incorporates the advance estimate of 2021 fourth-quarter GDP, the December 2021 personal income and outlays estimates, the December 2021 CPI report, and the initial estimate of January 2022 employment. Compared to the initial Executive Budget forecast released in January 2022, this update projects weaker real output growth for 2022, but higher price inflation and stronger wage growth.

U.S. ECONOMIC INDICATORS (Calendar Year Growth)			
	CY 2021 Actual	CY 2022 Estimated	CY 2023 Forecast
Real U.S. Gross Domestic Product	5.7	3.9	2.6
Consumer Price Index (CPI)	4.7	4.7	2.3
Personal Income	7.3	1.6	4.7
Nonfarm Employment	2.8	3.6	1.9
Civilian Unemployment Rate	5.4	3.7	3.5

Source: Haver Analytics; DOB staff estimates.

Real GDP is projected to grow 3.9 percent in 2022, 0.4 percentage point weaker than the initial Executive Budget forecast, mainly driven by softened consumer spending on services, which is vulnerable to the Omicron wave of COVID infections. Stronger growth in exports, residential, nonresidential and inventory investment are offset by weaker consumption, government spending and investment, and stronger import growth.

COVID-related absenteeism had little impact on job gains in January 2022, other than temporarily suppressed weekly hours worked. As infections have dropped sharply since peaking in mid-January, DOB estimates that total nonfarm employment will grow 3.6 percent in 2022, following growth of 2.8 percent in 2021, representing a 0.1 percentage point upward revision from the initial Executive Budget forecast. The level of nonfarm employment is expected to surpass its first quarter of 2020 level by the fourth quarter of 2022, unchanged from the initial Executive Budget forecast. The unemployment rate is projected to continue declining to 3.7 percent on average in 2022 and 3.5 percent in 2023.

With slightly stronger employment growth expected and a significantly higher average wage, DOB's projection for total wage growth is revised up by 0.7 percentage point to 8.1 percent in 2022, only slightly below 2021's growth of 9.1 percent. Personal income growth for 2022 is revised up accordingly to 1.6 percent, 0.5 percentage point higher than the initial Executive Budget forecast.

Based on stronger-than-expected inflation in January 2022 and crude oil price hovering around $90 per barrel in early February, DOB's projection for headline inflation is revised up to 4.7 percent on an annual average basis in 2022, notably higher than the initial Executive Budget forecast of 4.1 percent. The Federal Open Market Committee (FOMC) announced at its January 2022 meeting that it will soon raise the target range for the Federal funds rate, citing the strong labor market and inflation well above 2 percent. DOB thus anticipates rate hikes on a slightly accelerated schedule, raising the Federal funds target rate four times before the end of the year and bringing its target rate above 1.8 percent by the end of 2023.

DOB's forecast assumes that the worst of the public health emergency from the pandemic is behind the nation and that any further virus outbreaks will be localized, not resulting in widespread lockdowns. However, the stock market showed exceptional volatility in January 2022, with the S&P 500 price index retreating nearly 300 points during the month. The January 2022 equity price decline came amid the Omicron infection surge, soaring energy prices, higher inflation in general, and the heightened anticipation of a federal funds rate hike in March 2022. In February 2022, Russia's invasion of Ukraine has further propelled energy prices upward and stock prices downward, but with only modest downside risk to the U.S. economy at this time. However, a drawn-out conflict between Russia and Western nations presents a less likely but more significant downside risk to the U.S. economy. On the upside, a quicker resolution of supply-chain instability domestically and abroad could contribute to stronger growth and lower than expected inflation. Additionally, the passage of any further fiscal stimulus represents an upside potential to the forecast.

The New York State Economy

The New York State labor market has made significant gains since the initial job losses at the onset of the pandemic in March and April 2020. According to Current Employment Statistics (CES) employment data for December 2021, the State labor market regained 378,200 jobs in 2021, following a recovery of 870,900 jobs between May 2020 and December 2020. In total, as of December 2021, the State has recovered 63.0 percent of its pandemic-related job losses. Despite these significant gains, the State continues to trail the nation, which has recovered 84.8 percent of its pandemic-related job losses during the same period.

However, economic headwinds stemming from virus variants and reluctance among many workers to return to the office or re-enter the workforce have slowed the recovery pace. Moreover, U.S. Census Bureau 2021 population estimates reveal a bigger than expected population decline for the State. As a result, the State employment growth was revised down by 0.2 percentage point compared to the initial Executive Budget forecast to an increase of 5.4 percent in 2022. The State's employment level is currently projected to surpass its pre-pandemic level in 2024, significantly behind that of the nation, which is expected to occur in late 2022.

NEW YORK STATE ECONOMIC INDICATORS (State Fiscal Year Growth)			
	FY 2021 Actual	FY 2022 Estimated	FY 2023 Forecast
Personal Income*	8.6	1.5	1.2
Wages	(2.0)	12.1	3.0
Nonfarm Employment	(12.6)	7.2	4.3

Source: Moody's Analytics; New York State Department of Labor; DOB staff estimates.
* Personal income is constructed by using QCEW wages and BEA non-wage income.

Projected State wages were revised up by 0.7 percentage point to a growth of 12.1 percent in FY 2022. Continued strength in the equity market combined with solid withholding gains in the fourth quarter of 2021 led to stronger than expected wage growth in that quarter, as well as a more substantial bonus season. An ongoing tight labor market and upward inflationary pressures led to an upward revision to growth in nonbonus average wages. These coinciding gains by bonus and nonbonus wages resulted in an upward revision of wages in FY 2022. However, FY 2023 total wages were revised down by 0.2 percentage point to an increase of 3.0 percent, primarily due to changes in the employment outlook, as well as a modest downward revision to bonuses.

New York State personal income growth was revised up by 0.5 percentage point to an increase of 1.5 percent in FY 2022, mainly due to the upward revisions in wages. However, despite the downward revisions to employment and wages in FY 2023, State personal income growth was revised up by 0.1 percentage point due to the more-than-offsetting upward revision to nonwage income — especially the property and transfer income components.

New York State faces the near-term downside risk of prolonged supply-chain disruptions, leading to further intermittent shortages and continued upward pressure on prices. Compounding matters, inflation remains a significant risk independent of any potential supply chain woes, as higher energy prices and ongoing labor shortages could hit production costs and pass-through into consumer prices. In addition, overly aggressive monetary tightening by the Federal Reserve to thwart this inflationary momentum represents a downside risk that could hinder the economic recovery. Increased volatility in the equity market, or, worse, an outright correction, could bring about unexpected layoffs, more modest bonuses, and slower wage growth. Likewise, the persistence of telework, relocation of urban workers outside of New York, and continued decline in State population pose long-run risks to employment and wages. Finally, New York State and the nation remain vulnerable to the COVID-19 virus in terms of the possible emergence of COVID-19 variants and consumers' reluctance to return to pre-pandemic norms — especially spending patterns in service-oriented industries.

On the upside, a more rapid return to pre-pandemic consumer norms could result in a sooner-than-expected return to pre-pandemic economic conditions. In turn, this shift could propel more robust national and global growth through higher output and employment. Finally, any additional fiscal stimulus could result in higher-than-expected income growth and employment.

Receipts

Financial Plan receipts results and projections include a variety of taxes, fees and assessments, charges for State-provided services, Federal grants, and other miscellaneous receipts. Multi-year receipts estimates are prepared by DOB with the assistance of DTF and other agencies which collect State receipts and are premised on economic analysis and forecasts.

Overall base growth (i.e., growth not due to law changes) in tax receipts is dependent on many factors. In general, base tax receipts growth rates are determined by economic changes including, but not limited to, changes in interest rates, prices, wages, employment, nonwage income, capital gains realizations, taxable consumption, corporate profits, household net worth, real estate prices and gasoline prices. Federal law changes can influence taxpayer behavior, which often alters base tax receipts. State taxes account for approximately half of total All Funds receipts.

Projections of Federal receipts generally correspond to the anticipated spending levels of a variety of programs supported by Federal aid including Medicaid, public assistance, mental hygiene, education, public health, and other activities.

Where noted, certain tables in the following section display General Fund tax receipts that exclude amounts transferred to the General Fund in excess of amounts needed for certain debt service obligations (e.g., PIT receipts in excess of the amount transferred for debt service on revenue bonds).

Overview of the Receipts Forecast

All Funds receipts in FY 2022 are projected to total $243.8 billion, a 27.5 percent ($52.5 billion) increase from FY 2021 results. FY 2023 State tax receipts are projected to decrease $32.2 billion (13.2 percent) from FY 2022 results as Federal receipts return to pre-COVID-19 levels. A summary of the annual changes of each tax category is provided below.

ALL FUNDS RECEIPTS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
Personal Income Tax	54,967	68,122	23.9%	49,026	-28.0%	62,012	26.5%	65,225	5.2%	67,952	4.2%	85,200	25.4%
Consumption/Use Taxes	16,117	19,258	19.5%	20,207	4.9%	20,578	1.8%	20,988	2.0%	21,499	2.4%	22,079	2.7%
Business Taxes	8,792	27,719	215.3%	27,870	0.5%	27,552	-1.1%	28,406	3.1%	24,701	-13.0%	12,048	-51.2%
Other Taxes	2,500	2,772	10.9%	2,577	-7.0%	2,705	5.0%	2,838	4.9%	2,976	4.9%	3,116	4.7%
Total State Taxes	**82,376**	**117,871**	**43.1%**	**99,680**	**-15.4%**	**112,847**	**13.2%**	**117,457**	**4.1%**	**117,128**	**-0.3%**	**122,443**	**4.5%**
Miscellaneous Receipts	30,772	26,017	-15.5%	27,514	5.8%	26,331	-4.3%	25,028	-4.9%	27,190	8.6%	27,669	1.8%
Federal Receipts	78,152	99,960	27.9%	84,444	-15.5%	75,665	-10.4%	73,999	-2.2%	76,022	2.7%	74,850	-1.5%
Total All Funds Receipts	**191,300**	**243,848**	**27.5%**	**211,638**	**-13.2%**	**214,843**	**1.5%**	**216,484**	**0.8%**	**220,340**	**1.8%**	**224,962**	**2.1%**

Personal Income Tax

FY 2022 All Funds PIT receipts are estimated to have experienced robust growth, reflecting a combination of strong wage growth, implementation of a high income PIT surcharge, as well as strong non-wage income growth.

PERSONAL INCOME TAX (millions of dollars)													
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
STATE/ALL FUNDS	**54,967**	**68,122**	**23.9%**	**49,026**	**-28.0%**	**62,012**	**26.5%**	**65,225**	**5.2%**	**67,952**	**4.2%**	**84,754**	**24.7%**
Gross Collections	65,531	79,355	21.1%	68,237	-14.0%	76,285	11.8%	80,593	5.6%	84,376	4.7%	102,544	21.5%
Refunds (Incl. State/City Offset)	(10,564)	(11,233)	-6.3%	(19,211)	-71.0%	(14,273)	25.7%	(15,368)	-7.7%	(16,424)	-6.9%	(17,790)	-8.3%
GENERAL FUND[1]	**25,456**	**32,125**	**26.2%**	**22,683**	**-29.4%**	**29,288**	**29.1%**	**31,000**	**5.8%**	**32,407**	**4.5%**	**40,836**	**26.0%**
Gross Collections	65,531	79,355	21.1%	68,237	-14.0%	76,285	11.8%	80,593	5.6%	84,376	4.7%	102,544	21.5%
Refunds (Incl. State/City Offset)	(10,564)	(11,233)	-6.3%	(19,211)	-71.0%	(14,273)	25.7%	(15,368)	-7.7%	(16,424)	-6.9%	(17,790)	-8.3%
STAR	(2,027)	(1,939)	4.3%	(1,831)	5.6%	(1,723)	5.9%	(1,616)	6.2%	(1,568)	3.0%	(1,541)	1.7%
RBTF	(27,484)	(34,058)	-23.9%	(24,512)	28.0%	(31,001)	-26.5%	(32,609)	-5.2%	(33,977)	-4.2%	(42,377)	-24.7%

[1] Excludes Transfers.

The following table summarizes, by component, actual receipts for FY 2021 and forecast amounts through FY 2027.

ALL FUNDS PERSONAL INCOME TAX FISCAL YEAR COLLECTION COMPONENTS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Receipts							
Withholding	44,218	51,495	51,638	53,608	56,418	59,214	62,119
Estimated Payments	16,441	21,995	10,402	16,937	18,280	19,121	34,186
Current Year	10,930	14,458	4,444	4,370	4,301	4,342	18,526
Prior Year[1]	5,511	7,537	5,958	12,567	13,979	14,779	15,660
Final Returns	3,572	4,382	4,664	4,130	4,231	4,321	4,467
Current Year	402	331	346	367	385	404	424
Prior Year[1]	3,170	4,051	4,318	3,763	3,846	3,917	4,043
Delinquent	1,300	1,483	1,533	1,610	1,664	1,720	1,772
Gross Receipts	65,531	79,355	68,237	76,285	80,593	84,376	102,544
Refunds							
Prior Year[1]	6,048	5,489	11,040	7,989	8,762	9,565	10,449
Previous Year	544	794	725	757	796	834	870
Current Year[1]	2,187	3,000	3,000	3,000	3,000	3,000	3,000
Advanced Credit Payment	593	651	3,022	978	1,134	1,294	1,452
State/City Offset[1]	1,192	1,299	1,424	1,549	1,676	1,731	2,019
Total Refunds	10,564	11,233	19,211	14,273	15,368	16,424	17,790
Net Receipts	**54,967**	**68,122**	**49,026**	**62,012**	**65,225**	**67,952**	**84,754**

[1]These components, collectively, are known as the "settlement" on the prior year's tax liability.

FY 2022 withholding is estimated to be higher compared to FY 2021, reflecting a combination of wage growth and the implementation of a high-income PIT surcharge. Estimated payments for Tax Year 2021 are expected to increase due to the surcharge coupled with growth in nonwage income. Extension payments (i.e., prior year estimated) for Tax Year 2020 increased as well, also driven by nonwage income growth. Delinquent collections and final return payments are also projected to increase.

Total refunds are projected to increase, with increases in the January to March 2022 administrative refund cap, advanced credit payments attributable to Tax Year 2021, the State-City offset, and refunds related to tax years prior to 2020 offset by a decline in Tax Year 2020 refunds. General Fund PIT receipts are net of deposits to the STAR Fund, which provides property tax relief, and the Revenue Bond Tax Fund (RBTF), which supports debt service payments on State PIT revenue bonds. The FY 2022 STAR transfer is expected to decline slightly. PIT RBTF receipts are statutorily set to 50 percent of net PIT receipts, and FY 2022 RBTF receipts therefore reflect the increase in All Funds receipts noted above. FY 2022 General Fund PIT receipts are expected to increase due to these changes.

The FY 2023 All Funds PIT receipts are projected to decrease, with underlying growth in gross collections eclipsed by the impact of the PTET, which will be realized through declines in Tax Year 2022 estimated payments and Tax Year 2021 extension payments, coupled with an increase in Tax Year 2021 refunds as a result of the refundable credit. The increase in FY 2023 total refunds will be exacerbated by advanced credit payments attributable to Tax Year 2022, resulting from the implementation of a property tax relief credit.

The FY 2023 STAR transfer is expected to decline. The FY 2023 RBTF is projected to decrease based on the decrease in FY 2023 All Funds receipts. General Fund PIT receipts for FY 2023 are also expected to decrease, driven by changes to All Funds receipts, the STAR transfer, and RBTF receipts.

All Funds PIT receipts for FY 2024 are projected to increase from FY 2023 projections. Gross PIT receipts are projected to increase as well, reflecting projected increases in withholding and extension payments, partially offset by a projected decrease in final returns. Total refunds are also expected to decrease.

General Fund PIT receipts for FY 2024 are expected to increase, reflecting an increase in All Funds PIT receipts coupled with a further decrease in the STAR transfer, partially offset by an increase in RBTF receipts.

All Funds PIT receipts and General Fund PIT receipts are both expected to increase in FY 2025 reflecting normal baseline growth in income and associated tax liability.

Consumption/Use Taxes

CONSUMPTION/USE TAXES (millions of dollars)	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
STATE/ALL FUNDS	16,117	19,258	19.5%	20,207	4.9%	20,578	1.8%	20,988	2.0%	21,499	2.4%	22,079	2.7%
Sales Tax	14,145	17,226	21.8%	18,137	5.3%	18,498	2.0%	18,885	2.1%	19,341	2.4%	19,861	2.7%
Cigarette and Tobacco Taxes	1,006	964	-4.2%	944	-2.1%	907	-3.9%	864	-4.7%	828	-4.2%	793	-4.2%
Vapor Excise Tax	32	27	-15.6%	27	0.0%	27	0.0%	27	0.0%	27	0.0%	27	0.0%
Motor Fuel Tax	425	485	14.1%	485	0.0%	485	0.0%	484	-0.2%	484	0.0%	481	-0.6%
Highway Use Tax	135	144	6.7%	144	0.0%	146	1.4%	148	1.4%	149	0.7%	150	0.7%
Alcoholic Beverage Taxes	271	274	1.1%	277	1.1%	279	0.7%	282	1.1%	284	0.7%	287	1.1%
Opioid Excise Tax	30	26	-13.3%	26	0.0%	26	0.0%	26	0.0%	26	0.0%	26	0.0%
Medical Cannabis Excise Tax	9	13	44.4%	13	0.0%	13	0.0%	13	0.0%	13	0.0%	13	0.0%
Adult Use Cannabis Tax	0	0	0.0%	56	0.0%	95	69.6%	158	66.3%	245	55.1%	339	38.4%
Auto Rental Tax[1]	64	99	54.7%	98	-1.0%	102	4.1%	101	-1.0%	102	1.0%	102	0.0%
GENERAL FUND[2]	7,250	4,627	-36.2%	6,948	50.2%	9,261	33.3%	9,434	1.9%	9,641	2.2%	9,878	2.5%
Sales Tax	6,639	4,034	-39.2%	6,342	57.2%	8,662	36.6%	8,843	2.1%	9,056	2.4%	9,299	2.7%
Cigarette and Tobacco Taxes	310	293	-5.5%	303	3.4%	294	-3.0%	283	-3.7%	275	-2.8%	266	-3.3%
Alcoholic Beverage Taxes	271	274	1.1%	277	1.1%	279	0.7%	282	1.1%	284	0.7%	287	1.1%
Opioid Excise Tax	30	26	-13.3%	26	0.0%	26	0.0%	26	0.0%	26	0.0%	26	0.0%

[1]No longer includes receipts remitted directly to the MTA without an appropriation beginning in FY 2020.

[2]Excludes Transfers.

All Funds consumption/use tax receipts for FY 2022 are estimated to increase significantly from FY 2021 results due to a bounce back in economic activity from the previous year. Sales tax receipts are estimated to increase due to a significant increase in taxable consumption (i.e., estimated sales tax base increase of 21.3 percent). Vapor excise tax receipts are estimated to decrease from FY 2021 due to the first full year impact of the ban on flavored vapor products other than tobacco flavored products. Cigarette and tobacco tax collections are estimated to decrease, reflecting a continued trend decline in taxable cigarette consumption. Highway use tax (HUT) collections are estimated to increase, reflecting a recovery in demand from the trucking sector. Motor fuel tax receipts are estimated to increase due to a recovery in both gasoline and diesel consumption. Auto rental tax receipts are estimated to increase, mainly due to the ongoing recovery of the travel industry. Opioid excise tax receipts are expected to decrease due to a continued shift towards the sale of less expensive and lower taxed opioids into the State.

For FY 2022 and the first half of FY 2023, 25 percent of the sales tax receipts will be deposited into the Local Government Assistance Tax Fund until the termination of the Fund on October 1, 2022 pursuant to statute. In addition, the portion deposited into the Sales Tax Revenue Bond Fund will increase to 50 percent (previously 25 percent) and the portion deposited to the General Fund will be reduced from 50 to 25 percent. These funds are intended to support debt service payments on bonds issued under State's sales tax revenue bond programs, respectively. Excess receipts above the debt service requirements are subsequently transferred to the General Fund.

General Fund consumption/use tax receipts for FY 2022 are estimated to decrease, largely due to the statutory decrease in the General Fund distribution (from 50 percent to 25 percent).

All Funds consumption/use tax receipts for FY 2023 are projected to moderately increase primarily due to a projected increase in sales tax receipts (projected sales tax base growth of 5.5 percent). Auto rental tax receipts are estimated to slightly decrease from FY 2022, due to an anticipated shift away from auto rental consumption towards an alternative mode of transportation, the recently enacted peer-to-peer car sharing program. Legislation enacted in March 2021 to regulate and tax adult-use cannabis products is expected to generate $40 million in license fees and $16 million in partial-year receipts from the State's THC-based and retail excise taxes on the sale of adult-use cannabis products. These increases are partially offset by a continued decline in taxable cigarette consumption.

Effective for the second half of FY 2023 and annually thereafter, the portion of sales tax receipts that was initially deposited to the Local Government Assistance Tax Fund (25 percent) will be eliminated on the statutory termination date, while the portion deposited into the Sales Tax Revenue Bond Fund will remain at 50 percent (increased from 25 percent to 50 percent in FY 2022) and the portion deposited in the General Fund will revert to 50 percent.

FY 2023 General Fund consumption/use tax receipts are projected to significantly increase, mainly due to the statutory elimination of the Local Government Assistance Tax Fund distribution for the second half of the fiscal year.

All Funds consumption/use tax receipts for FY 2024 are projected to increase, largely reflecting a projected increase in sales tax receipts and the first full year of adult-use cannabis tax receipts as the market continues to mature, partially offset by a continued decline in taxable cigarette consumption.

FY 2024 General Fund consumption/use tax receipts are projected to significantly increase, mainly due to the statutory elimination of the Local Government Assistance Tax Fund distribution for the entire fiscal year.

FY 2025 All Funds consumption/use tax receipts are projected to increase compared to the prior year, largely reflecting moderate growth in the sales tax base and the continued ramp-up of adult-use cannabis tax receipts as the market matures, which is slightly offset by a continued decline in taxable cigarette consumption. Similarly, General Fund consumption/use tax receipts are projected to increase in FY 2025 primarily due to the All Funds tax trends noted above.

Business Taxes

BUSINESS TAXES (millions of dollars)	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
STATE/ALL FUNDS	**8,792**	**27,719**	**215.3%**	**27,870**	**0.5%**	**27,552**	**-1.1%**	**28,406**	**3.1%**	**24,701**	**-13.0%**	**12,048**	**-51.2%**
Corporate Franchise Tax	4,954	7,013	41.6%	8,697	24.0%	7,444	-14.4%	7,155	-3.9%	7,019	-1.9%	7,601	8.3%
Corporation and Utilities Tax	550	529	-3.8%	570	7.8%	518	-9.1%	594	14.7%	583	-1.9%	588	0.9%
Insurance Tax	2,190	2,281	4.2%	2,358	3.4%	2,426	2.9%	2,535	4.5%	2,629	3.7%	2,744	4.4%
Bank Tax	156	151	-3.2%	84	-44.4%	0	-100.0%	0	0.0%	0	0.0%	0	0.0%
Pass-Through-Entity Tax	0	16,710	0.0%	15,080	-9.8%	16,040	6.4%	17,000	6.0%	13,350	-21.5%	0	-100.0%
Petroleum Business Tax	942	1,035	9.9%	1,081	4.4%	1,124	4.0%	1,122	-0.2%	1,120	-0.2%	1,115	-0.4%
GENERAL FUND[1]	**6,420**	**16,514**	**157.2%**	**17,112**	**3.6%**	**16,390**	**-4.2%**	**16,826**	**2.7%**	**14,931**	**-11.3%**	**8,809**	**-41.0%**
Corporate Franchise Tax	3,890	5,577	43.4%	6,954	24.7%	5,808	-16.5%	5,607	-3.5%	5,462	-2.6%	5,910	8.2%
Corporation and Utilities Tax	417	401	-3.8%	420	4.7%	375	-10.7%	438	16.8%	430	-1.8%	434	0.9%
Insurance Tax	1,976	2,056	4.0%	2,128	3.5%	2,187	2.8%	2,281	4.3%	2,364	3.6%	2,465	4.3%
Bank Tax	137	125	-8.8%	70	-44.0%	0	-100.0%	0	0.0%	0	0.0%	0	0.0%
Pass-Through-Entity Tax	0	8,355	0.0%	7,540	-9.8%	8,020	6.4%	8,500	6.0%	6,675	-21.5%	0	-100.0%
Petroleum Business Tax	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%

[1] Excludes Transfers.

FY 2022 All Funds business tax receipts are estimated to significantly increase over FY 2021 actuals, driven predominantly by the first year of collections of the pass through entity tax (PTET), but also due to an increase in gross receipts from the corporate franchise tax (CFT) due to upward revisions in corporate profit growth in 2021 as well as the recently enacted temporary increase in the business income and capital base rates. PTET receipts are recorded in business taxes, but DOB expects the accompanying tax credits to impact PIT receipts. DOB expects that the PTET will be revenue neutral for the State, however, the PTET will not be revenue neutral within each fiscal year because PTET payments are generally received in the fiscal year prior to PIT credit claims.

All Funds CFT receipts are estimated to increase the most of all business taxes in FY 2022, reflecting stronger than expected collections throughout 2021. In addition, an upward revision in corporate profits growth supports the higher collections seen recently. The FY 2022 Enacted Budget included legislation that increased the business income tax rate to 7.25 percent for taxpayers with business income above $5 million and increased the capital base rate, previously set to be completely phased out, to 0.1875 percent (with several exceptions for certain taxpayers including corporate small businesses and qualified manufacturers). These rate increases are in effect for Tax Years 2021 through 2023. Audit receipts are estimated to decrease moderately as fewer large cases are expected to materialize compared to FY 2021. Refunds are estimated to increase and possibly include refunds from the Restaurant Return-To-Work Tax Credit that was included in the FY 2022 Enacted Budget.

All Funds CUT receipts for FY 2022 are estimated to decrease over the prior fiscal year, driven primarily by a further weakening of collections from the telecommunication sector and weaker audit collections, both of which offset a delay of the expected decrease in gross receipts due to the Utility COVID-19 Debt Relief Credit that was included in the FY 2022 Enacted Budget. DOB now expects the timing of the COVID-19 Debt Relief Credit to occur in FY 2024. Audit receipts and refunds are estimated to decrease significantly from FY 2021 levels.

All Funds Insurance tax receipts for FY 2022 are estimated to increase due to projected increases in corporate profits and insurance tax premiums that drive increases in gross receipts, following a decline in FY 2021 gross receipts compared to FY 2020. Audits and refunds paid are expected to increase significantly compared to FY 2021.

The FY 2022 Enacted Budget included a new voluntary pass through entity tax (PTET) designed to mitigate the impact of the cap on SALT deductions enacted with the 2017 Tax Cuts and Jobs Act. Pass-through entities can deduct this tax at the Federal level, thereby allowing partners of partnerships and shareholders of S corporations to receive the benefit of a full deduction for SALT paid before income is passed through to them. A credit will be allowed against regular State income tax to offset the new PTET. This proposal aligns with similar legislation in Connecticut and New Jersey, enabling individuals affected by the SALT cap to use IRS-allowed business deductibility to mitigate its impacts. Finally, the proposed amendments provide that 50 percent of receipts from the new tax will be deposited into the RBTF. All Funds PTET collections for FY 2022, which is the first year of collections and includes the entirety of Tax Year 2021 collections and the first estimated payment for Tax Year 2022, are estimated to be $16.7 billion. As noted, DOB expects PTET will be revenue neutral for the State, however, the PTET will not be revenue neutral within each fiscal year because PTET payments are generally received in the fiscal year prior to PIT credit claims.

Receipts from the repealed bank tax (all from prior liability periods) in FY 2022 are estimated to decrease somewhat, primarily due to lower gross receipts. An estimated increase in audits based on large cases expected to close this fiscal year and lower refunds partially offsets the reduced gross receipts. Petroleum Business Tax (PBT) receipts are estimated to significantly increase from FY 2021 results, primarily due to a strong recovery in gasoline consumption and a moderate increase in diesel consumption, coupled with the impact of a 5 percent decline in the PBT rate index effective January 1, 2021, paired with a 5 percent increase in the PBT rate index effective January 1, 2022.

General Fund business tax receipts for FY 2022 are estimated to increase due to the first year of PTET receipts in addition to the trends in CFT and insurance tax receipts described above.

General Fund and All Funds business tax receipts for FY 2023 are projected to slightly increase, primarily reflecting an increase in gross receipts from CFT due to underlying economics as well as the temporary tax rate increase previously described and its first impact on prepayments in March 2023. A projected decline in bank tax receipts is offset by increases in CUT, CFT, insurance tax, and PBT receipts. PTET collections are also projected to decrease somewhat since FY 2022 collections contain more than a full year of collections due to timing.

General Fund and All Funds business tax receipts for FY 2024 are projected to decline in CFT and CUT, while PTET, PBT and insurance tax receipts are projected to increase.

General Fund and All Funds business tax receipts for FY 2025 reflect projected trends in corporate profits, taxable insurance premiums, electric utility consumption and prices, consumption of taxable telecommunications services, and automobile fuel consumption and prices. Receipts are expected to increase due to PTET while partially offset due to the expiration of the temporary CFT tax rate increase.

Other Taxes

OTHER TAXES (millions of dollars)	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
STATE/ALL FUNDS	**2,500**	**2,772**	**10.9%**	**2,577**	**-7.0%**	**2,705**	**5.0%**	**2,838**	**4.9%**	**2,976**	**4.9%**	**3,116**	**4.7%**
Estate Tax	1,538	1,271	-17.4%	1,266	-0.4%	1,328	4.9%	1,390	4.7%	1,454	4.6%	1,521	4.6%
Real Estate Transfer Tax	949	1,473	55.2%	1,282	-13.0%	1,347	5.1%	1,417	5.2%	1,491	5.2%	1,580	6.0%
Employer Compensation Expense Program	3	13	333.3%	14	7.7%	15	7.1%	16	6.7%	16	0.0%	0	-100.0%
Pari-Mutuel Taxes	10	13	30.0%	13	0.0%	13	0.0%	13	0.0%	13	0.0%	13	0.0%
All Other Taxes	0	2	0.0%	2	0.0%	2	0.0%	2	0.0%	2	0.0%	2	0.0%
GENERAL FUND[1]	**1,549**	**1,293**	**-16.5%**	**1,288**	**-0.4%**	**1,350**	**4.8%**	**1,413**	**4.7%**	**1,477**	**4.5%**	**1,536**	**4.0%**
Estate Tax	1,538	1,271	-17.4%	1,266	-0.4%	1,328	4.9%	1,390	4.7%	1,454	4.6%	1,521	4.6%
Employer Compensation Expense Program	1	6	500.0%	7	16.7%	7	0.0%	8	14.3%	8	0.0%	0	-100.0%
Pari-Mutuel Taxes	10	13	30.0%	13	0.0%	13	0.0%	13	0.0%	13	0.0%	13	0.0%
All Other Taxes	0	2	0.0%	2	0.0%	2	0.0%	2	0.0%	2	0.0%	2	0.0%

[1]Excludes Transfers.

All Funds other tax receipts for FY 2022 are estimated to increase from FY 2021 results, primarily due to the real estate market experiencing a strong recovery, particularly in New York City. The estimated increase in real estate transfer tax receipts is somewhat offset by an estimated decrease in estate tax receipts related to the atypically large number of super-large estate tax receipts (payments greater than $25 million) received in FY 2021.

General Fund other tax receipts for FY 2022 are estimated to decrease, mainly due to the estimated decrease in estate tax receipts noted above.

All Funds other tax receipts for FY 2023 are projected to decrease, primarily due to a projected decrease in real estate transfer tax receipts primarily caused by the expectation that record high monthly collection amounts in FY 2022 driven by the booming real estate market in NYC do not continue at those levels. All Funds other tax receipts in the outyears are projected to increase, largely due to increases in both estate tax and real estate transfer tax receipts, reflecting projected growth in household net worth, housing starts, and housing prices.

General Fund other tax receipts for FY 2023 are projected to remain roughly level primarily due to an atypically high number of super-large payments received in FY 2022, offset by growth in household net worth in FY 2023. General Fund other tax receipts for the outyears are projected to increase, resulting from projected increases in estate tax receipts, reflecting projected growth in household net worth.

Miscellaneous Receipts

All Funds miscellaneous receipts include moneys received from HCRA financing sources, SUNY tuition and patient income, lottery and gaming receipts for education, assessments on regulated industries, Tribal-State Compact receipts, Extraordinary Monetary Settlements, and a variety of fees. As such, miscellaneous receipts are driven in part by year-to-year variations in health care surcharges and other HCRA resources, bond proceeds, tuition income revenue and other miscellaneous receipts.

MISCELLANEOUS RECEIPTS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
ALL FUNDS	**30,772**	**26,017**	**-15.5%**	**27,514**	**5.8%**	**26,331**	**-4.3%**	**25,028**	**-4.9%**	**27,190**	**8.6%**	**27,669**	**1.8%**
General Fund	7,515	1,839	-75.5%	1,789	-2.7%	1,834	2.5%	1,863	1.6%	1,899	1.9%	1,935	1.9%
Special Revenue Funds	17,375	15,806	-9.0%	15,516	-1.8%	14,169	-8.7%	13,798	-2.6%	14,650	6.2%	15,196	3.7%
Capital Projects Funds	5,481	8,001	46.0%	9,827	22.8%	9,936	1.1%	8,971	-9.7%	10,254	14.3%	10,151	-1.0%
Debt Service Funds	401	371	-7.5%	382	3.0%	392	2.6%	396	1.0%	387	-2.3%	387	0.0%

All Funds miscellaneous receipts in FY 2022 are projected to decrease from FY 2021 results, driven by the one-time receipt in FY 2021 of $4.5 billion in PIT note proceeds in response to the COVID-19 pandemic, conservative estimation of non-general fund revenues, and partially offset by the projected increase of bond proceeds receipts that are expected to grow, primarily due to the increase in bond-eligible capital spending in FY 2022.

All Funds miscellaneous receipts are projected to increase in FY 2023, mainly reflecting growth in bond proceeds driven by higher bond-eligible capital spending and the timing of bond reimbursements. In later years of the Financial Plan period, receipts remain relatively flat.

Consistent with past practice, the aggregate receipts projections (i.e., the sum of all projected receipts by individual agencies) in State Special Revenue Funds are centrally adjusted downward to reflect aggregate trends and patterns observed between estimated and actual results over time.

Federal Grants

FEDERAL GRANTS (millions of dollars)														
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
ALL FUNDS	**78,152**	**99,960**	**27.9%**	**84,444**	**-15.5%**	**75,665**	**-10.4%**	**73,999**	**-2.2%**	**76,022**	**2.7%**	**74,850**	**-1.5%**
General Fund	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Special Revenue Funds	76,124	97,621	28.2%	81,922	-16.1%	72,741	-11.2%	70,889	-2.5%	72,876	2.8%	71,707	-1.6%
Capital Projects Funds	1,954	2,267	16.0%	2,452	8.2%	2,857	16.5%	3,048	6.7%	3,088	1.3%	3,085	-0.1%
Debt Service Funds	74	72	-2.7%	70	-2.8%	67	-4.3%	62	-7.5%	58	-6.5%	58	0.0%

Aid from the Federal government helps to pay for a variety of programs including Medicaid, public assistance, mental hygiene, School Aid, public health, transportation, and other activities. Annual changes to Federal grants generally correspond to changes in Federally reimbursed spending. Accordingly, DOB typically projects Federal reimbursements will be received in the State fiscal year in which spending occurs, but due to the variable timing of Federal grant receipts, actual results often differ from projections.

Growth in All Funds Federal grants projections primarily reflect the receipt of Federal aid pursuant to the ARP which provides the State with $12.75 billion in general aid, received in May 2021, as well as $17.2 billion in categorical aid for schools, universities, childcare, housing, and other purposes expected to be received over the multi-year period. Other sources of growth include Federal Medicaid spending related to Federal health care transformation initiatives, a temporary increase in the FMAP, funding from the CRF, and funding for the LWA program partly offset by the projected phase-down of Federal disaster assistance.

Under the Biden administration and the current Congress, many of the policies that drive Federal aid may be subject to change. At this time, it is not possible to assess the potential fiscal impact of future policies that may be proposed and adopted. If Federal funding to the State were reduced, this could have a materially adverse impact on the Updated Executive Budget Financial Plan.

Disbursements

The multi-year disbursements projections consider various factors, including statutorily indexed rates, agency staffing levels, program caseloads, inflation, and funding formulas contained in State and Federal law. Factors that affect spending estimates vary by program. For example, public assistance spending is based primarily on anticipated caseloads that are estimated by analyzing historical trends and projected economic conditions. Projections also account for the timing of payments, since not all the amounts appropriated are disbursed in the same fiscal year. Consistent with past practice, the aggregate receipts and spending projections (i.e., the sum of all projected receipts and spending by individual agencies) in State Special Revenue Funds are centrally adjusted downward to reflect aggregate spending trends and patterns observed between estimated and actual results over time.

Local Assistance Grants

Local assistance spending includes payments to local governments, school districts, health care providers, and other entities, as well as financial assistance to, or on behalf of, individuals, families, and not-for-profit organizations who provide services to individuals. School Aid and health care spending account for the majority of State Operating Funds local assistance spending. Local assistance spending represents approximately two-thirds of total State Operating Funds spending.

Certain factors considered when preparing spending projections for the State's major local assistance programs and activities are summarized below. The impact of COVID-19 on unemployment and family income triggered an increase to the public assistance caseload, particularly in New York City.

FORECAST FOR SELECTED PROGRAM MEASURES AFFECTING OPERATING ACTIVITIES
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
HEALTH CARE[1]						
Medicaid - Individuals Covered	7,560,153	6,550,614	6,121,622	6,110,784	6,110,784	6,110,784
Essential Plan - Individuals Covered	1,037,196	1,071,185	1,249,830	1,239,404	1,239,404	1,239,404
Child Health Plus - Individuals Covered	407,267	442,728	495,399	500,012	500,012	500,012
State Takeover of County/NYC Costs[2]	$4,818	$5,179	$5,550	$5,933	$6,327	$6,732
CY 2005 Local Medicaid Cap	$3,353	$3,531	$3,720	$3,919	$4,132	$4,354
FY 2013 Local Takeover Costs	$1,465	$1,648	$1,830	$2,014	$2,195	$2,378
EDUCATION						
School Aid (School Year-Basis Funding)[3]	$29,111	$31,178	$34,139	$35,435	$36,863	$38,357
HIGHER EDUCATION						
Public Higher Education Enrollment (FTEs)	484,830	484,830	TBD	TBD	TBD	TBD
Tuition Assistance Program (Recipients)	200,096	250,000	TBD	TBD	TBD	TBD
PUBLIC ASSISTANCE						
Family Assistance Program (Families)	163,146	162,124	162,593	163,206	163,818	164,217
Safety Net Program (Families)	107,981	107,777	108,301	108,733	108,990	109,060
Safety Net Program (Singles)	198,797	202,539	208,758	217,097	226,798	235,876
MENTAL HYGIENE						
OMH Community Beds	48,542	50,233	51,648	51,680	51,930	52,180
OPWDD Community Beds	42,878	43,124	43,261	43,398	43,536	43,675
OASAS Community Beds	13,372	13,764	13,804	13,854	13,954	14,004
Total	104,792	107,121	108,713	108,932	109,420	109,859

1 Enrollment in public health insurance programs is subject to risks related to the COVID-19 pandemic.

2 Reflects the total State cost of taking over the local share of Medicaid growth, which was initially capped at approximately 3 percent annually, then fully transferred to the State as of calendar year 2015. A portion of the State takeover costs are funded from Master Settlement Agreement resources.

3 Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years, such as $103.4 million of FY 2022 Federal prekindergarten expansion grants that appear on the School Aid run.

Education

School Aid

School Aid supports elementary and secondary education for New York pupils enrolled in the State's 673 major school districts. State aid is provided to districts based on statutory aid formulas and through reimbursement of categorical expenses, such as prekindergarten programs, education of homeless children, and bilingual education. State funding for schools assists districts in meeting locally defined needs, such as the construction of school facilities and the education of students with disabilities.

School Year (July 1 — June 30)

The Financial Plan includes $31.2 billion for School Aid in SY 2023, exclusive of FY 2022 Federal prekindergarten expansion grants, representing an annual increase of approximately $2.1 billion (7.1 percent). This annual increase includes a $1.6 billion (8.1 percent) increase in Foundation Aid. The growth in Foundation Aid includes a minimum 3 percent annual increase to districts that would otherwise not receive a Foundation Aid increase under current law, as well as a $471 million increase in expense-based reimbursement programs such as Transportation and Boards of Cooperative Education Services (BOCES) Aid.

In both SY 2023 and SY 2024, growth in School Aid largely reflects the final two years of the three-year phase-in of full funding of the current Foundation Aid formula and assumed growth in expense-based aids. SY 2024 projections, as part of the estimated cost to fully fund the Foundation Aid formula, reflect upward inflationary pressures included in the revised DOB CPI forecast. For SY 2025 through SY 2027, current projections of growth in School Aid reflect the projected ten-year average growth in State personal income (PIGI).

SCHOOL AID - SCHOOL YEAR BASIS (JULY 1 - JUNE 30)[1]
(millions of dollars)

	SY 2022	SY 2023	Change	SY 2024	Change	SY 2025	Change	SY 2026	Change	SY 2027	Change
Total	29,111	31,178	2,067	34,139	2,961	35,435	1,296	36,863	1,428	38,357	1,494
			7.1%		9.5%		3.8%		4.0%		4.1%

[1] Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years, such as $103.4 million of FY 2022 Federal prekindergarten expansion grants that appear on the School Aid run.

In addition to State School Aid, public schools received $13.0 billion of Federal ESSER and GEER funds allocated by CRRSA and ARP. This funding, available for use over multiple years, will continue to help schools safely operate with in-person instruction, address learning loss, and respond to students' academic, social, and emotional needs resulting from the disruptions of the COVID-19 pandemic. Most of these funds ($12.2 billion) are allocated to school districts and charter schools, largely in proportion to their Federal Title I award, and allow for broad local discretion over the funds' use. A total of $629 million of these funds are allocated to school districts as targeted grants to address learning loss from the shutdown of in-person learning through activities such as summer enrichment and comprehensive after-school programs. The remaining $210 million is allocated for the expansion of full-day prekindergarten programs for four-year-old children; prekindergarten grants the State will gradually take over and fully fund beginning in SY 2025.

State Fiscal Year

The State finances School Aid from the General Fund, commercial gaming receipts, Cannabis sales, Mobile Sports Wagering receipts, and Lottery Fund receipts, including revenues from VLTs. Commercial gaming, Lottery, Mobile Sports Wagering and Cannabis receipts are accounted for and disbursed from dedicated accounts. The amount of School Aid spending financed by Mobile Sports Wagering receipts is expected to increase in FY 2023 as the market progresses toward maturity.

Because the State fiscal year begins on April 1 and the school year begins on July 1, the State typically pays approximately 70 percent of the annual school year commitment during the initial State fiscal year and the remaining 30 percent in the first three months of the following State fiscal year. The table below summarizes the projected sources of School Aid spending on a State fiscal year basis.

SCHOOL AID - STATE FISCAL YEAR BASIS[1]
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**28,305**	**30,153**	**6.5%**	**33,218**	**10.2%**	**34,944**	**5.2%**	**36,306**	**3.9%**	**37,782**	**4.1%**
General Fund Local Assistance	24,674	25,488	3.3%	28,939	13.5%	30,627	5.8%	31,947	4.3%	33,347	4.4%
Medicaid	140	140	0.0%	140	0.0%	140	0.0%	140	0.0%	140	0.0%
Lottery Aid	2,505	2,653	5.9%	2,552	-3.8%	2,552	0.0%	2,552	0.0%	2,552	0.0%
VLT Lottery Aid	755	1,237	63.8%	991	-19.9%	989	-0.2%	989	0.0%	989	0.0%
Commercial Gaming	133	139	4.5%	133	-4.3%	133	0.0%	133	0.0%	166	24.8%
Mobile Sports	98	496	406.1%	454	-8.5%	482	6.2%	498	3.3%	507	1.8%
Cannabis Revenue	0	0	0.0%	9	0.0%	21	133.3%	47	123.8%	81	72.3%

[1] Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years.

Other Education Funding

The State provides funding and support for various other education-related programs. These include special education services; programs administered by the Office of Prekindergarten through Grade 12 Education; cultural education; higher and professional education programs; and adult career and continuing education services.

OTHER EDUCATION FUNDING (millions of dollars)	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**2,404**	**2,500**	**4.0%**	**2,640**	**5.6%**	**2,807**	**6.3%**	**2,929**	**4.3%**	**3,053**	**4.2%**
Special Education	1,376	1,424	3.5%	1,535	7.8%	1,630	6.2%	1,707	4.7%	1,783	4.5%
All Other Education	1,028	1,076	4.7%	1,105	2.7%	1,177	6.5%	1,222	3.8%	1,270	3.9%

The State helps fund special education services for approximately 500,000 students with disabilities, from ages 3 to 21. Major programs under the Office of Prekindergarten through Grade 12 address specialized student needs or reimburse school districts for education-related services, including the school breakfast and lunch programs, after-school programs, and other educational grant programs. Cultural education includes aid for operating expenses of the major cultural institutions, State Archives, State Library, and State Museum, as well as support for the Office of Educational Television and Public Broadcasting. Higher and professional education programs monitor the quality and availability of post-secondary education programs, and license and regulate over 50 professions. Adult career and continuing education services focus on the education and employment needs of the State's adult citizens, ensuring that such individuals have access to a one-stop source for all their employment needs, and are made aware of the full range of services available in other agencies.

Special Education costs are expected to increase from FY 2022 levels due to approval of a 4 percent COLA to provider tuition rates for SY 2022 and an 11 percent increase for SY 2023. These increased tuition costs will be paid in the first instance by school districts and counties and partially reimbursed by the State starting in the following year. Outyear spending increases are attributable to projected enrollment and cost growth.

The projected spending increase for All Other Education Programs in FY 2023 is largely attributable to increased costs to reimburse school districts for charter school supplemental tuition and increased funding for public libraries, public broadcasting, independent living centers, and opportunity programs, off-set by the discontinuation of certain one-time grant and aid programs and the temporary pause on payments for school district prior year aid claims. Projected spending increases in FY 2024 and FY 2025 are primarily due to anticipated increases in reimbursement to nonpublic schools for science, technology, engineering, and math (STEM) instruction, charter school supplemental tuition payments paid as reimbursement to school districts, payments to New York City for charter school facilities aid, and the restoration of funding for payment of school districts' prior year aid claims in FY 2025.

School Tax Relief Program

The STAR program provides school tax relief to taxpayers by exempting the first $30,000 of every eligible homeowner's property value from the local school tax levy. Senior citizens with incomes below $92,000 will receive a $74,900 exemption in FY 2023.

Spending on STAR property tax exemptions reflects reimbursements made to school districts to offset the reduction in the amount of property tax revenue collected from homeowners. Since FY 2017, the STAR exemption program has been gradually transitioned from a spending program to an advance refundable PIT credit program. As a result, first-time homebuyers and homeowners who move receive a refundable PIT credit instead of a property tax exemption. This transition did not change the value of the STAR benefit received by homeowners. Since FY 2020, homeowners who receive a property tax exemption will not see an increase in their STAR benefit (details below).

The STAR program also includes a credit for income-eligible resident New York City taxpayers. The New York City PIT rate reduction was converted into a State PIT tax credit starting with tax year 2017. As of FY 2019, New York City STAR payments are no longer a component of State Operating Funds spending. This change has no impact on the value of the STAR benefit received by taxpayers.

SCHOOL TAX RELIEF (STAR)
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STAR PROGRAM	**1,939**	**1,831**	**-5.6%**	**1,723**	**-5.9%**	**1,616**	**-6.2%**	**1,568**	**-3.0%**	**1,541**	**-1.7%**
Gross Program Costs	3,331	3,425	2.8%	3,491	1.9%	3,567	2.2%	3,709	4.0%	3,862	4.1%
Personal Income Tax Credit	(1,392)	(1,594)	-14.5%	(1,768)	-10.9%	(1,951)	-10.4%	(2,141)	-9.7%	(2,321)	-8.4%
Basic Exemption	1,101	1,020	-7.4%	962	-5.7%	878	-8.7%	849	-3.3%	834	-1.8%
Gross Program Costs	1,639	1,706	4.1%	1,768	3.6%	1,827	3.3%	1,936	6.0%	2,055	6.1%
Personal Income Tax Credit	(538)	(686)	-27.5%	(806)	-17.5%	(949)	-17.7%	(1,087)	-14.5%	(1,221)	-12.3%
Enhanced (Senior) Exemption	838	811	-3.2%	761	-6.2%	738	-3.0%	719	-2.6%	707	-1.7%
Gross Program Costs	951	947	-0.4%	934	-1.4%	923	-1.2%	926	0.3%	937	1.2%
Personal Income Tax Credit	(113)	(136)	-20.4%	(173)	-27.2%	(185)	-6.9%	(207)	-11.9%	(230)	-11.1%
New York City PIT	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Gross Program Costs	741	772	4.2%	789	2.2%	817	3.5%	847	3.7%	870	2.7%
Personal Income Tax Credit	(741)	(772)	-4.2%	(789)	-2.2%	(817)	-3.5%	(847)	-3.7%	(870)	-2.7%

Starting in FY 2020, all homeowners with incomes above $250,000 were transitioned from the basic exemption benefit program to the advance credit program. Additionally, the zero percent growth cap on the STAR exemption benefit that was included in the FY 2020 Enacted Budget remains in effect. The decline in reported disbursements on STAR exemptions in FYs 2023 through 2025 can be attributed to these actions. By moving taxpayers to the credit program, the State can more efficiently administer the program while strengthening its ability to prevent abuse. The move from the basic exemption to the credit program does not reduce the value of the benefit received by homeowners.

The FY 2023 Executive Budget makes minor administrative changes to the STAR program. Namely, the Department of Taxation and Finance would be permitted to send STAR benefits directly to STAR Exemption beneficiaries under the program's "Good Cause" provisions when such applications are approved. This change, as well as other technical amendments, has no impact on STAR program costs.

Higher Education

Local assistance for higher education spending includes funding for CUNY, SUNY, and the Higher Education Services Corporation (HESC).

HIGHER EDUCATION
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**2,746**	**2,999**	**9.2%**	**3,196**	**6.6%**	**3,327**	**4.1%**	**3,384**	**1.7%**	**3,398**	**0.4%**
City University	**1,655**	**1,804**	**9.0%**	**1,870**	**3.7%**	**1,909**	**2.1%**	**1,946**	**1.9%**	**1,955**	**0.5%**
Senior Colleges	1,415	1,565	10.6%	1,631	4.2%	1,670	2.4%	1,707	2.2%	1,716	0.5%
Community College	240	239	-0.4%	239	0.0%	239	0.0%	239	0.0%	239	0.0%
Higher Education Services	**648**	**741**	**14.4%**	**877**	**18.4%**	**969**	**10.5%**	**989**	**2.1%**	**994**	**0.5%**
Tuition Assistance Program	564	663	17.6%	774	16.7%	870	12.4%	894	2.8%	899	0.6%
Scholarships/Awards	72	66	-8.3%	91	37.9%	87	-4.4%	83	-4.6%	83	0.0%
Aid for Part-Time Study	12	12	0.0%	12	0.0%	12	0.0%	12	0.0%	12	0.0%
State University	**443**	**454**	**2.5%**	**449**	**-1.1%**	**449**	**0.0%**	**449**	**0.0%**	**449**	**0.0%**
Community College	438	449	2.5%	444	-1.1%	444	0.0%	444	0.0%	444	0.0%
Other/Cornell	5	5	0.0%	5	0.0%	5	0.0%	5	0.0%	5	0.0%

SUNY and CUNY operate 47 four-year colleges and graduate schools with a total enrollment of nearly 390,000 full- and part-time students. SUNY and CUNY also operate 37 community colleges, serving approximately 260,000 students. State funds support a significant portion of SUNY and CUNY operations. In addition to the spending reflected in the above table, the State provides annual subsidies of approximately $1.1 billion for SUNY campus operations through a General Fund transfer and $2 billion to fully support fringe benefit costs of SUNY employees at State-operated campuses. The State is also projected to pay $1.3 billion in FY 2023 for debt service on bond financed capital projects at SUNY and CUNY. In FY 2023, an estimated $320 million in student financial aid support will be transferred from HESC to SUNY. This is the result of an accounting change first implemented in FY 2020 to reflect certain financial aid payments from HESC to SUNY as transfers instead of disbursements.

HESC is New York State's student financial aid agency. HESC oversees State-funded financial aid programs, including the Excelsior Scholarship, the Tuition Assistance Program (TAP), and 26 other scholarship and loan forgiveness programs. Together, these programs provide financial aid to approximately 300,000 students. HESC also partners with OSC in administering the College Choice Tuition Savings program.

Higher education spending is projected to increase by $253 million, or 9.2 percent, from FY 2022 to FY 2023. This spending increase largely reflects an increase in General Fund operating support to CUNY Senior Colleges to fully fund tuition credits provided to TAP recipients, funding to hire additional full-time faculty, a 10 percent increase in support for higher education opportunity programs and training centers, and an expansion of TAP for part-time students who are enrolled in degree programs and students enrolled part-time in high-demand workforce credential programs at community colleges.

Health Care

DOH works with local health departments and social services departments, including New York City, to coordinate and administer statewide health insurance programs and activities. Local assistance for health care-related spending includes Medicaid, statewide public health programs and a variety of mental hygiene programs. Most government-financed health care programs are included under DOH, however, several programs are also supported through multi-agency efforts.

In addition to State funding, DOH also engages in federally supported initiatives, including Medicaid redesign, public health, and COVID-19 pandemic response efforts. For more information on the MRT Medicaid Waiver and Federal COVID-19 response efforts please see "Other Matters Affecting the Financial Plan" herein.

Medicaid

Medicaid is a means-tested program that finances health care services for low-income individuals and long-term care services for the elderly and disabled, primarily through payments to health care providers. The Medicaid program is financed by a combination of State, Federal, and local government resources. The State share of DOH Medicaid spending is financed by a combination of the General Fund, HCRA resources, indigent care support, provider assessment revenue, and tobacco settlement proceeds. Medicaid services include inpatient hospital care, outpatient hospital services, clinics, nursing homes, managed care, prescription drugs, home care and services provided in a variety of community-based settings (including mental health, substance abuse treatment, developmental disabilities services, school-based services, and foster care services).

Medicaid eligibility and enrollment fluctuates with economic cycles. Enrollment is projected to increase by nearly 1.5 million from the start of the pandemic before beginning to decline, driven by the steep rise in unemployment triggered by the COVID-19 pandemic. The Updated Executive Budget Financial Plan forecast assumes that enrollment levels will peak at nearly 7.7 million in FY 2023 and return to near pre-pandemic levels in FY 2024. As the economy recovers and unemployment trends towards pre-pandemic levels, costs associated with individuals temporarily enrolled, but entitled to twelve months of continuous coverage, are anticipated to persist into FY 2023 and decline in FY 2024.

Despite the projected return to pre-pandemic enrollment, total Medicaid costs are expected to grow annually due to an increase in populations that typically drive higher service utilization and costs. Other factors that continue to place upward pressure on State-share Medicaid costs (which includes spending within and outside the Global Cap) include but are not limited to provider reimbursement to cover minimum wage increases; the phase-out of enhanced Federal funding; increased costs and enrollment growth in managed long-term care; and payments to financially distressed hospitals.

The following table provides information on financing sources for the Medicaid program.

DEPARTMENT OF HEALTH MEDICAID (millions of dollars)											
	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
STATE OPERATING FUNDS	27,480	32,899	19.7%	32,505	-1.2%	34,115	5.0%	35,846	5.1%	37,692	5.1%
Department of Health Medicaid	21,933	25,575	16.6%	27,054	5.8%	28,463	5.2%	30,008	5.4%	31,677	5.6%
General Fund - DOH Medicaid Local	15,728	19,242	22.3%	20,827	8.2%	22,186	6.5%	23,766	7.1%	25,481	7.2%
DOH Medicaid	15,955	18,172	13.9%	16,561	-8.9%	17,790	7.4%	19,187	7.9%	20,719	8.0%
Non-DOH Medicaid[1]	(307)	(1,444)	-370.4%	389	126.9%	336	-13.6%	336	0.0%	336	0.0%
Minimum Wage	1,961	2,223	13.4%	2,408	8.3%	2,408	0.0%	2,408	0.0%	2,408	0.0%
Local Takeover Cost[2]	1,465	1,648	12.5%	1,831	11.1%	2,014	10.0%	2,197	9.1%	2,380	8.3%
MSA Payments (Share of Local Growth)[3]	(362)	(362)	0.0%	(362)	0.0%	(362)	0.0%	(362)	0.0%	(362)	0.0%
eFMAP[4]	(2,984)	(995)	66.7%	0	100.0%	0	0.0%	0	0.0%	0	0.0%
General Fund - DOH Medicaid State Ops	238	304	27.7%	307	1.0%	307	0.0%	307	0.0%	307	0.0%
General Fund - Essential Plan	65	73	12.3%	79	8.2%	81	2.5%	89	9.9%	92	3.4%
Local Assistance	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
State Operations	65	73	12.3%	79	8.2%	81	2.5%	89	9.9%	92	3.4%
Other State Funds - DOH Medicaid Local	5,902	5,956	0.9%	5,841	-1.9%	5,889	0.8%	5,846	-0.7%	5,797	-0.8%
HCRA Financing	4,343	4,369	0.6%	4,225	-3.3%	4,242	0.4%	4,170	-1.7%	4,121	-1.2%
Indigent Care Support	719	717	-0.3%	717	0.0%	717	0.0%	717	0.0%	717	0.0%
Provider Assessment Revenue	840	870	3.6%	899	3.3%	930	3.4%	959	3.1%	960	0.1%
Medical Indemnity Fund	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	(1)	0.0%
Other State Agency Medicaid Spending	5,547	7,324	32.0%	5,451	-25.6%	5,652	3.7%	5,838	3.3%	6,015	3.0%
Use of MSA Payments (Share of Local Growth)[3]	362	362	0.0%	362	0.0%	362	0.0%	362	0.0%	362	0.0%
LOCAL SHARE OF MEDICAID[5,6]	7,559	8,214	8.7%	8,129	-1.0%	8,064	-0.8%	7,968	-1.2%	8,021	0.7%
FEDERAL SHARE OF MEDICAID	53,712	56,788	5.7%	51,234	-9.8%	52,860	3.2%	55,823	5.6%	55,335	-0.9%
DOH Medicaid	48,036	50,700	5.5%	44,787	-11.7%	46,056	2.8%	48,623	5.6%	47,673	-2.0%
Essential Plan	5,676	6,088	7.3%	6,447	5.9%	6,804	5.5%	7,200	5.8%	7,662	6.4%
ALL FUNDING SOURCES	89,113	98,263	10.3%	92,230	-6.1%	95,401	3.4%	99,999	4.8%	101,410	1.4%

[1] The DOH Medicaid budget funds a portion of Medicaid-related Mental Hygiene program costs under the Global Cap. Adjustments in FYs 2022 and 2023 reflect OPWDD-related local share expenses that will be funded outside of the DOH Global Cap through use of additional Financial Plan resources.

[2] Beginning in FY 2013, the State began phasing (3-2-1-0) in takeover of the local government share of growth. As of County Year (CY) 2015 the State pays the full share of Medicaid program growth on behalf of local governments.

[3] MSA payments are deposited directly to a Medicaid Escrow Fund to cover a portion of the State's share of local Medicaid growth.

[4] eFMAP of 6.2 percent retroactive to January 2020 (30 months).

[5] The Local Share of Medicaid is paid by the Local Social Service Districts (counties), and is not included in the State's All Governmental Funds disbursement totals. Fluctuation in the local share of Medicaid is related to certain supplemental payments made by local districts. Local Medicaid services payments are capped at CY 2015 levels.

[6] Reflects the extension of the delay in the reduction to Federal DSH until October 1, 2023.

State share Medicaid spending also appears in the Updated Executive Budget Financial Plan estimates for other State agencies and programs, including the mental hygiene agencies, child welfare programs, education aid and corrections. The following table provides information on other State agency Medicaid spending.

TOTAL STATE-SHARE MEDICAID DISBURSEMENTS[1]
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Department of Health Medicaid	21,868	25,502	26,975	28,382	29,919	31,585
Local Assistance	24,976	26,555	27,030	28,437	29,974	31,640
State Operations	238	304	307	307	307	307
MSA Payments (Share of Local Growth)[2]	(362)	(362)	(362)	(362)	(362)	(362)
eFMAP[3]	(2,984)	(995)	0	0	0	0
Other State Agency Medicaid Spending	5,547	7,324	5,451	5,652	5,838	6,015
Mental Hygiene[4]	5,299	7,102	5,229	5,430	5,616	5,793
Foster Care	74	74	74	74	74	74
Education	140	140	140	140	140	140
Corrections[5]	34	8	8	8	8	8
Total State Share Medicaid (All Agencies)	**27,415**	**32,826**	**32,426**	**34,034**	**35,757**	**37,600**
Annual $ Change		5,411	(400)	1,608	1,723	1,843
Annual % Change		19.7%	-1.2%	5.0%	5.1%	5.2%
Essential Plan	**65**	**73**	**79**	**81**	**89**	**92**
Local Assistance	0	0	0	0	0	0
State Operations	65	73	79	81	89	92

[1] DOH spending includes certain items that are excluded from the indexed provisions of the Medicaid Global Cap. This includes administrative costs, such as the takeover of local administrative responsibilities; Monroe County's decision to participate in the Medicaid local cap program rather than continuing the sales tax intercept option; increased Federal Financial Participation effective in January 2014; and a share of minimum wage increases.

[2] MSA payments are deposited directly to a Medicaid Escrow Fund to cover a portion of the State share for Medicaid.

[3] eFMAP of 6.2 percent retroactive to January 2020 (30 months).

[4] Multi-year estimates exclude a portion of spending reported under the Medicaid Global Cap that has no impact on mental hygiene service delivery or operations.

[5] Increased DOCCS Medicaid spending in FY 2022 reflects timing of reimbursements from retroactive reconciliations.

FY 2023 Proposed State Operating Funds Budget Actions

The table below summarizes the Medicaid revisions and proposals in the FY 2023 Executive Budget impacting Medicaid spending.

FY 2023 EXECUTIVE BUDGET (millions of dollars)					
	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Mid-Year Unsolved Deficit[1]	**(137)**	**(1,076)**	**(1,300)**	**(1,800)**	**(2,400)**
Additional Global Cap Growth Under New Index (5-Year CMS Actuary)	**366**	**899**	**1,542**	**2,281**	**3,112**
Executive Budget Actions	**901**	**583**	**516**	**523**	**526**
Local Assistance	**799**	**479**	**412**	**412**	**412**
Medicaid FFS/MC Rate Increase 1.0%/Wage Increase	318	318	318	318	318
Restore 1.5% FFS ATB	141	141	141	141	141
Increased Aid to Distressed Hospital Pool	350	350	350	350	350
Increase Nursing Home Support	100	100	100	100	100
Managed Care Quality Pool	77	77	77	77	77
Nursing Home Safe Staffing	62	62	62	62	62
Children's Behavioral Health	37	43	41	41	41
Applied Behavior Analysis Rates Incentive	37	37	37	37	37
HIV/SNP Rates/ High-Needs Model	15	15	15	15	15
Utilize CHP to Access Federal Funds (Enhanced Pregnancy Coverage)	(183)	(171)	(136)	(136)	(136)
Competitive Managed Care Procurement	0	(100)	(200)	(200)	(200)
Expand access to LHC marketplace	0	(40)	(40)	(40)	(40)
OLTC Reforms	0	(25)	(25)	(25)	(25)
Eliminate Provider Prescriber Prevails	(41)	(49)	(49)	(49)	(49)
Create Long Term Services and Supports in EP	(114)	(114)	(114)	(114)	(114)
Keep Postpartum Women in EP	0	(165)	(165)	(165)	(165)
State Operations	**102**	**104**	**104**	**111**	**114**
Other Base Actions and Resources	**(672)**	**(760)**	**(274)**	**(42)**	**186**
Distressed Intercept Fund Offset (FP Financing)	(250)	(250)	(250)	(250)	(250)
COVID MOE (FP Financing)	(277)	0	0	0	0
Signed Legislation	98	151	169	169	169
Other Revisions and Timing of Payments Across Fiscal Years	(243)	(661)	(193)	39	267
Global Cap Change from Mid-Year Update	**229**	**(177)**	**242**	**481**	**712**
Non-Global Cap Medicaid Revisions (Excluded from Above)	**1,007**	**116**	**61**	**61**	**61**
Health Care/Direct Care Worker Bonus	923	0	0	0	0
eFMAP/PHE Extension (Apr-Jun)	(746)	0	0	0	0
Lost Savings	277	0	0	0	0
Medicaid Enrollment Revision (incl. PHE Extension)	566	65	0	0	0
Mental Hygiene COLA/Other Actions - Local Costs	(13)	51	61	61	61

[1] Updated to reflect outyear growth consistent with long-term price and utilization trends, which will be supported by the modified indexed growth metric (5-Year CMS Actuary).

A portion of DOH State Funds Medicaid spending (the "Global Cap") is subject to growth limits set by the current index that relies on the ten-year rolling average of the medical component of CPI and does not account for enrollment and population changes, which are significant drivers of costs. The current index allows for Medicaid growth of $600 million in FY 2023. The Mid-Year Financial Plan included an updated forecast that was expected to exceed the cap beginning in FY 2023, particularly due to enrollment and utilization increases. The deficits projected in the Mid-Year Update were $137 million in FY 2023, $1.1 billion in FY 2024, and $1.3 billion in FY 2025.

The Executive Budget proposes changing the index to a five-year rolling average of CMS annual projections of health care spending, which are based on national trends in spending and enrollment, including specific populations, such as the aging or disabled populations. The new index would allow for additional Medicaid growth of $366 million in FY 2023 growing to $3.1 billion in FY 2027. The total global cap spending growth in FY 2023 is estimated at $966 million using the new index. The increase in the allowable spending growth is sufficient to eliminate the deficit projected in the Mid-Year Update and fund new investments.

The Executive Budget proposes several investments in health care including a restoration of the 1.5 percent across-the-board reduction to fee-for-service providers implemented in the FY 2021 Budget, as well as an increase of one percent to all provider reimbursement rates. The increased rates recognize growth in service costs and will provide flexibility to respond to market needs and compete in the labor market to attract qualified workers.

Other investments include increased aid to safety-net hospitals to support urgent operating needs and address pandemic-related impacts, additional funding for nursing homes to adhere to minimum staffing requirements, increased reimbursements to promote primary care, children's behavioral health services investments, increases to orthotics and prosthetics rates, prohibiting and funding to improve the quality of health care.

The FY 2023 Executive Budget proposes various Medicaid savings actions including the maximization of Federal resources to provide enhanced pregnancy coverage and postpartum care; utilization of the temporary 10 percent increase to the FMAP for specific Medicaid HCBS to support workforce investments, capacity increases, and digital infrastructure; and new procurement quality requirements for managed care contracts ($100 million beginning in FY 2024); elimination of the ability for providers to prescribe pharmaceutical drugs for purposes outside of the clinical criteria ($41 million); and accessing Federal funding for enhanced pregnancy coverage through the Children's Health Insurance Program, which is currently funded with State dollars ($183 million).

On January 14, 2022 the Secretary of Health and Human Services (HHS) extended the public health emergency declaration through mid-April 2022, which provides the State with an additional quarter of COVID eFMAP benefit through June 30, 2022 ($746 million). This is offset by additional costs related to the extension for the restrictions prohibiting the State from implementing certain MRT II savings initiatives and disenrolling members from managed care.

Global Cap

Medicaid spending under the Global Cap is projected to adhere to statutorily allowable levels through FY 2027. Forecasted Medicaid spending includes the recurring value of MRT II savings initiatives and the Managed Care payment restructuring totaling $1.7 billion initially executed at the end of FY 2019 in response to a structural imbalance at the time. Additional information on the Medicaid Global Cap construct, structural imbalance and MRT savings initiatives can be found in “Other Matters Affecting the Financial Plan” herein.

MEDICAID GLOBAL CAP FORECAST
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Medicaid Global Cap[1]	**20,572**	**21,172**	**21,749**	**22,333**	**22,957**	**23,612**
Annual $ Change	580	600	577	584	624	655
Annual % Change	2.9%	2.9%	2.7%	2.7%	2.8%	2.9%
Proposed Medicaid Global Cap[2]	**20,572**	**21,538**	**22,649**	**23,875**	**25,238**	**26,724**
Annual $ Change	580	966	1,111	1,226	1,363	1,486
Annual % Change	2.9%	4.7%	5.2%	5.4%	5.7%	5.9%

[1] The Global Cap is currently calculated using the ten-year rolling average of the medical component of the Consumer Price Index for all urban consumers (CPI) and thus allows for growth attributable to increasing costs, though not increasing utilization.

[2] Effective FY 2023, forecasted Medicaid services growth is indexed to the 5-year rolling average of Medicaid spending projections within the National Health Expenditure Accounts produced by Office of the Actuary in the Centers for Medicare & Medicaid Services.

The Global Cap metric, used to set the Global Cap spending limit, currently uses the ten-year rolling average of the Medical component of CPI. The metric proposed in the Updated Executive Budget Financial Plan is based on the five-year rolling average of Medicaid spending annual growth rate projections within the National Health Expenditure Accounts produced by Office of the Actuary in the Centers for Medicare & Medicaid Services. This new metric more accurately reflects spending growth of the entitlement program, including enrollment and high-cost populations. Additionally, the shorter timeframe is more reflective of recent trends and allows for more modest growth as compared to the ten-year rolling average of CMS Actuary projections. In adopting the CMS Actuary growth metric, which projects increased annual spending relative to the current Medical CPI metric, additional Financial Plan resources will be made available to support Medicaid program spending on an annual basis.

Temporary eFMAP

In March 2020, the Federal government signed into law the FFCRA which included a 6.2 percent base increase to the FMAP rate for each calendar quarter occurring during the public health emergency, with exemptions placed on spending already eligible for enhanced Federal support, including portions of the Affordable Care Act (ACA) expansion. On January 14, 2022, the Federal government extended the public health emergency through April 16, 2022, which will authorize the eFMAP provisions through June 2022. Accordingly, the Updated Executive Budget Financial Plan assumes an additional $746 million in new resources, increasing the projected benefit in FY 2023 to nearly $1 billion. In total, the benefit in FY 2022 is nearly $3 billion, unchanged from the Mid-Year Update. State share savings from eFMAP will be used to offset increased costs associated with persistently elevated COVID enrollment and lost MRT II savings in light of maintenance of effort (MOE) guidelines restricting program restructuring efforts.

Minimum Wage

Medicaid spending includes the cost of increases in the minimum wage for employees in the health care sector. These costs are not subject to the Global Cap. The State costs of minimum wage increases in the health care sector are projected to grow $262 million to roughly $2.2 billion in FY 2023. Home health care workers in New York City and certain counties receive supplemental benefits in addition to their base wage. These benefits include paid leave, differential wages, premiums for certain shifts, education, and fringe benefits. The required supplemental benefits typically can be satisfied by increasing the base cash wage for home health care workers by a corresponding amount. As a result, wages for home health care workers in these regions exceed minimum wage levels by $4.09 for New York City and $3.22 for Westchester, Nassau, and Suffolk counties. However, State statute exempts the supplemental wages portion of total compensation from the minimum wage calculation to ensure home health care workers in these counties receive incremental growth in wage compensation commensurate with the new minimum wage schedule.

Local Medicaid Cap

The local Medicaid Cap was designed to relieve pressure on county property taxes and the New York City budget by capping local costs and having the State absorb all local program growth above a fixed statutory inflation rate. Beginning in January 2006, counties' Medicaid cost contributions were capped based on 2005 expenditures that were indexed at a growth rate of 3.5 percent in 2006, 3.25 percent in 2007, and 3 percent per year thereafter. In FY 2013, the State committed to phasing out over a three-year period all growth in the local share of Medicaid costs.

The State takeover, which capped local districts' Medicaid costs at calendar year 2015 levels is projected to save local districts a total of $5.2 billion in FY 2023 -- roughly $2.5 billion for counties outside New York City and $2.6 billion for New York City. The following table provides county specific savings.

LOCAL GOVERNMENT SAVINGS
STATE TAKEOVER OF LOCAL MEDICAID COSTS (2005 CAP AND GROWTH TAKEOVER)
FY 2022 to FY 2027

County	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Albany	49,145,707	52,460,384	55,871,186	59,380,902	62,992,399	66,708,630
Allegany	7,790,910	8,313,717	8,851,686	9,405,256	9,974,880	10,561,022
Broome	50,099,859	52,701,854	55,379,307	58,134,406	60,969,403	63,886,615
Cattaraugus	17,078,352	18,077,385	19,105,391	20,163,208	21,251,702	22,371,762
Cayuga	17,374,989	18,306,163	19,264,340	20,250,304	21,264,862	22,308,841
Chautauqua	34,300,740	36,233,414	38,222,136	40,268,530	42,374,270	44,541,076
Chemung	18,718,393	19,862,930	21,040,658	22,252,540	23,499,567	24,782,758
Chenango	9,774,926	10,354,742	10,951,372	11,565,305	12,197,041	12,847,098
Clinton	14,982,677	15,937,373	16,919,755	17,930,626	18,970,813	20,041,165
Columbia	14,291,940	15,037,564	15,804,811	16,594,309	17,406,702	18,242,655
Cortland	9,953,023	10,541,971	11,147,998	11,771,599	12,413,286	13,073,581
Delaware	9,966,352	10,514,798	11,079,148	11,659,865	12,257,422	12,872,309
Dutchess	62,411,561	65,490,261	68,658,242	71,918,095	75,272,484	78,724,150
Erie	201,049,829	213,137,272	225,575,252	238,373,933	251,543,776	265,095,544
Essex	6,376,876	6,762,988	7,160,296	7,569,126	7,989,812	8,422,698
Franklin	9,719,964	10,301,233	10,899,359	11,514,830	12,148,150	12,799,836
Fulton	12,162,806	12,927,165	13,713,689	14,523,023	15,355,828	16,212,784
Genesee	10,157,138	10,738,223	11,336,160	11,951,437	12,584,557	13,236,037
Greene	10,731,959	11,335,007	11,955,543	12,594,075	13,251,124	13,927,228
Hamilton	767,892	809,410	852,132	896,093	941,328	987,876
Herkimer	13,820,950	14,627,145	15,456,719	16,310,350	17,188,737	18,092,597
Jefferson	20,611,724	21,805,792	23,034,488	24,298,816	25,599,810	26,938,532
Lewis	4,809,201	5,099,576	5,398,373	5,705,834	6,022,212	6,347,765
Livingston	10,687,610	11,274,187	11,877,774	12,498,866	13,137,969	13,795,606
Madison	11,933,972	12,612,860	13,311,436	14,030,271	14,769,952	15,531,083
Monroe	183,074,797	193,744,244	204,723,105	216,020,353	227,645,221	239,607,211
Montgomery	14,815,117	15,601,660	16,411,013	17,243,838	18,100,814	18,982,643
Nassau	265,070,006	279,740,641	294,836,725	310,370,595	326,354,947	342,802,845
Niagara	44,668,758	47,323,452	50,055,132	52,866,031	55,758,445	58,734,740
Oneida	56,517,821	59,819,668	63,217,269	66,713,400	70,310,919	74,012,767
Onondaga	113,336,855	119,686,433	126,220,149	132,943,343	139,861,509	146,980,302
Ontario	18,257,491	19,272,311	20,316,561	21,391,095	22,496,789	23,634,549
Orange	100,206,057	105,251,004	110,442,254	115,784,050	121,280,758	126,936,871
Orleans	9,074,029	9,584,912	10,110,610	10,651,554	11,208,185	11,780,959
Oswego	28,581,761	30,153,439	31,770,697	33,434,854	35,147,273	36,909,351
Otsego	9,694,918	10,289,593	10,901,514	11,531,181	12,179,107	12,845,824
Putnam	12,682,592	13,337,660	14,011,725	14,705,337	15,419,065	16,153,490
Rensselaer	28,097,561	29,922,585	31,800,535	33,732,945	35,721,396	37,767,511
Rockland	92,942,167	97,624,473	102,442,566	107,400,384	112,501,978	117,751,518
St. Lawrence	20,761,529	22,075,528	23,427,634	24,818,950	26,250,614	27,723,797
Saratoga	30,066,880	31,675,310	33,330,384	35,033,456	36,785,917	38,589,199
Schenectady	41,787,173	44,013,370	46,304,127	48,661,316	51,086,864	53,582,752
Schoharie	5,828,803	6,169,049	6,519,161	6,879,427	7,250,141	7,631,605
Schuyler	3,446,828	3,658,879	3,877,080	4,101,609	4,332,648	4,570,389
Seneca	6,324,404	6,686,240	7,058,570	7,441,697	7,835,935	8,241,605
Steuben	19,497,022	20,644,679	21,825,618	23,040,804	24,291,230	25,577,918
Suffolk	316,662,330	333,273,436	350,366,264	367,954,785	386,053,372	404,676,819
Sullivan	24,629,350	25,949,631	27,308,200	28,706,168	30,144,677	31,624,903
Tioga	7,182,606	7,633,439	8,097,345	8,574,705	9,065,908	9,571,356
Tompkins	12,505,782	13,225,089	13,965,256	14,726,888	15,510,607	16,317,054
Ulster	46,377,060	48,805,613	51,304,594	53,876,045	56,522,069	59,244,827
Warren	11,288,103	11,980,612	12,693,204	13,426,461	14,180,983	14,957,385
Washington	13,349,724	14,073,518	14,818,302	15,584,685	16,373,292	17,184,770
Wayne	20,839,092	21,864,935	22,920,527	24,006,732	25,124,436	26,274,554
Westchester	199,747,277	212,007,964	224,624,210	237,606,327	250,964,926	264,710,924
Wyoming	6,193,427	6,534,990	6,886,458	7,248,118	7,620,267	8,003,208
Yates	4,217,903	4,467,571	4,724,478	4,988,836	5,260,861	5,540,774
Rest of State	**2,396,444,576**	**2,531,355,341**	**2,670,178,519**	**2,813,027,569**	**2,960,019,241**	**3,111,273,672**
New York City	**2,421,745,114**	**2,647,938,370**	**2,880,691,230**	**3,120,193,923**	**3,366,642,195**	**3,620,237,466**
Statewide	**4,818,189,690**	**5,179,293,711**	**5,550,869,749**	**5,933,221,492**	**6,326,661,436**	**6,731,511,137**

Master Settlement Agreement (MSA)

DOB expects to receive annual payments from tobacco manufacturers under the MSA totaling roughly $362 million annually through FY 2027. State law directs these payments be used to help defray costs of the State's takeover of Medicaid costs for counties and New York City. Consistent with State law, the MSA payments are deposited directly to the Medicaid Payment Escrow Fund to offset the non-Federal share of annual Medicaid growth, formerly borne by local governments, which the State now pays on behalf of local governments. The deposit mechanism has no impact on overall Medicaid spending funded with State resources but reduces reported State-supported Medicaid spending accounted for in State Operating Funds. The table below shows total State spending adjusted for the MSA offset.

FUNDING SOURCES FOR STATE MEDICAID CONTRIBUTIONS
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
State Share Support	**27,842**	**33,261**	**32,867**	**34,477**	**36,208**	**38,054**
State Funds Medicaid Disbursements	27,480	32,899	32,505	34,115	35,846	37,692
MSA Payments (Local Growth)	362	362	362	362	362	362

Health Care Transformation Fund (HCTF)

The HCTF was created in 2018 to account for receipts associated with health care asset sales and conversions. Resources in the HCTF are transferred to any other fund of the State, as directed by the Director of the Budget, to support health care delivery, including for capital investment, debt retirement or restructuring, housing and other social determinants of health, or transitional operating support to health care providers. The HCTF may be used as a repository for future proceeds related to asset sales and conversions, subject to regulatory approvals.

The table below summarizes the actual and projected receipts from several health care provider conversions and acquisitions and the support for health care transformation activities, including subsidies for housing rental assistance, State-only health care payments and capital projects spending to enhance health care information technology.

The Financial Plan reserves $1 billion of additional resources to further support multi-year investments in healthcare transformation and sustainability efforts.

HEALTH CARE TRANSFORMATION FUND
PURSUANT TO PART FFF OF CHAPTER 59 OF THE LAWS OF 2018
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Opening Balance	**255**	**87**	**500**	**1,000**	**1,000**	**1,000**
Receipts	**248**	**568**	**500**	**0**	**0**	**0**
Reserve Deposit	0	500	500	0	0	0
Fidelis Payment	50	0	0	0	0	0
Centene Payment	68	68	0	0	0	0
CVS Payment	13	0	0	0	0	0
Cigna Payment	7	0	0	0	0	0
Affinity Payment	110	0	0	0	0	0
Planned Uses	**416**	**155**	**0**	**0**	**0**	**0**
Housing Rental Subsidies	238	65	0	0	0	0
State-Only Payments	123	46	0	0	0	0
Capital Projects	55	44	0	0	0	0
Closing Balance	**87**	**500**	**1,000**	**1,000**	**1,000**	**1,000**

A summary of the individual asset sales and conversions is included in the Accompany Notes section of the Updated Executive Budget Financial Plan.

Essential Plan (EP)

The FY 2015 Enacted Budget authorized the State to participate in the EP, a health insurance program which receives Federal subsidies authorized through the ACA. The EP includes health insurance coverage for legally residing immigrants in New York not eligible for Medicaid, CHP, or other employer-sponsored coverage. Individuals who meet the EP eligibility standards are enrolled through the New York State of Health (NYSOH) insurance exchange, with the cost of insurance premiums subsidized by the State and Federal governments. The Exchange – NYSOH – serves as a centralized marketplace to shop for, compare, and enroll in a health plan. Nearly 1.1 million New Yorkers are expected to be enrolled in the EP in FY 2023, which represents a decrease in enrollment from FY 2022 as the economy recovers and unemployment trends towards pre-pandemic levels, offset by growth in enrollment due to expanded eligibility.

ESSENTIAL PLAN
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL ALL FUNDS SPENDING	5,741	6,161	7.3%	6,525	5.9%	6,884	5.5%	7,288	5.9%	7,753	6.4%
State Operating Funds	65	73	12.3%	78	6.8%	80	2.6%	88	10.0%	91	3.4%
Local Assistance[1]	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
State Operations	65	73	12.3%	78	6.8%	80	2.6%	88	10.0%	91	3.4%
Federal Operating Funds	5,676	6,088	7.3%	6,447	5.9%	6,804	5.5%	7,200	5.8%	7,662	6.4%

[1] The EP is not a Medicaid program; however, State savings associated with the EP local assistance program are realized within the Global Cap, where EP resources are managed.

On an All Funds basis, EP spending is anticipated to fluctuate over the Updated Executive Budget Financial Plan period, reflecting a mix of factors. Spending growth in FY 2023 primarily reflects costs associated with robust growth in program enrollment, the expanded eligibility up to 250 percent of the Federal poverty level, and the initiative to cover pregnant women and to provide 12 months of postpartum coverage for individuals enrolled in EP.

The Updated Executive Budget Financial Plan also includes new benefits for long-term services and support, and a commitment to expand health insurance to postpartum New Yorkers. Due to a high Federal reimbursement rate for the EP under current methodology, local assistance spending for the EP is not anticipated to drive a commensurate increase in State support.

Public Health/Aging Programs

Public Health includes many programs. CHP, the largest program in this category, provides health insurance coverage for children of low-income families up to the age of 19. The GPHW program reimburses local health departments for the cost of providing certain public health services. The Elderly Pharmaceutical Insurance Coverage (EPIC) program provides prescription drug insurance to seniors. The Early Intervention (EI) program pays for services provided to infants and toddlers under the age of three with disabilities or developmental delays. Many public health programs, such as the EI and GPHW programs, are run by county health departments that are reimbursed by the State for a share of the program costs. State spending projections do not include the county share of these programs. In addition, a significant portion of HCRA spending is included under the Public Health budget.

The State Office for the Aging (SOFA) promotes and administers programs and services for New Yorkers 60 years of age and older. SOFA primarily oversees community-based services (including in-home services and nutrition assistance) provided through a network of county Area Agencies on Aging (AAA) and local providers.

PUBLIC HEALTH AND AGING
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,910**	**2,152**	**12.7%**	**2,338**	**8.6%**	**2,372**	**1.5%**	**2,388**	**0.7%**	**2,415**	**1.1%**
Public Health	**1,755**	**1,994**	**13.6%**	**2,174**	**9.0%**	**2,202**	**1.3%**	**2,213**	**0.5%**	**2,234**	**0.9%**
Child Health Plus[1]	710	789	11.1%	943	19.5%	971	3.0%	982	1.1%	1,003	2.1%
General Public Health Work[2]	196	189	-3.6%	215	13.8%	215	0.0%	215	0.0%	215	0.0%
EPIC	102	103	1.0%	103	0.0%	103	0.0%	103	0.0%	103	0.0%
Early Intervention	80	81	1.3%	81	0.0%	81	0.0%	81	0.0%	81	0.0%
Unadjusted	163	178	9.2%	178	0.0%	178	0.0%	178	0.0%	178	0.0%
Health Services Initiatives Offset	(83)	(97)	-16.9%	(97)	0.0%	(97)	0.0%	(97)	0.0%	(97)	0.0%
HCRA Program	332	305	-8.1%	360	18.0%	360	0.0%	360	0.0%	360	0.0%
Nourish NY	0	50	0.0%	50	0.0%	50	0.0%	50	0.0%	50	0.0%
All Other	335	477	42.4%	422	-11.5%	422	0.0%	422	0.0%	422	0.0%
Aging	**155**	**158**	**1.9%**	**164**	**3.8%**	**170**	**3.7%**	**175**	**2.9%**	**181**	**3.4%**

[1] Increased spending for CHP in FY 2022 and beyond is attributable to the expiration of enhanced Federal resources, including FFCRA eFMAP retroactive to January 2020 (30 months).

Public Health spending grows over the Updated Executive Budget Financial Plan period due to several factors, including increased support for Nourish NY as an ongoing permanent program under DOH, the shift of the Restaurant Resiliency Program to DOH, and the scheduled phase down of enhanced resources provided in the ACA. Growth in FY 2023 reflects a reduction in expected eFMAP for CHP as part of the FFCRA and the timing of FY 2022 payment processing due to COVID-19. Increased spending in FY 2023 will be partially offset by State savings from the utilization of Federal funding where applicable.

The Updated Executive Budget Financial Plan budgets approximately $188 million gross in CHP funding to support public health programs that improve the health of children. The Health Services Initiatives option, available under CHP, will be used to offset State costs in the EI program.

The Updated Executive Budget Financial Plan continues SOFA support to address locally identified capacity needs for services to maintain the elderly in their communities, support family and friends in their caregiving roles, and reduce future Medicaid costs by intervening earlier with less intensive services. The Updated Executive Budget Financial Plan also reflects funding for an annual Human Services COLA of 5.4 percent in FY 2023.

HCRA Financial Plan

HCRA was established in 1996 to help fund a portion of State health care activities and is currently authorized through FY 2023. HCRA resources include surcharges and assessments on hospital revenues, a “covered lives” assessment paid by insurance carriers, and a portion of cigarette tax revenues. These resources are used to fund roughly 25 percent of State share Medicaid costs, and other programs and health care industry investments including CHP, EPIC, Physician Excess Medical Malpractice Insurance, Indigent Care payments to hospitals serving a disproportionate share of individuals without health insurance; Worker Recruitment and Retention; Doctors Across New York (DANY); and the Statewide Health Information Network for New York (SHIN-NY)/All-Payer Claims Database (APCD).

HCRA FINANCIAL PLAN
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
OPENING BALANCE	16	0		0		0		0		0	
TOTAL RECEIPTS	6,391	6,502	1.7%	6,564	1.0%	6,608	0.7%	6,550	-0.9%	6,524	0.0%
Surcharges	3,865	3,855	-0.3%	3,929	1.9%	4,005	1.9%	3,975	-0.7%	3,975	0.0%
Covered Lives Assessment[1]	1,015	1,150	13.3%	1,150	0.0%	1,150	0.0%	1,150	0.0%	1,150	0.0%
Cigarette Tax Revenue	671	641	-4.5%	613	-4.4%	581	-5.2%	553	-4.8%	527	0.0%
Hospital Assessments	487	502	3.1%	518	3.2%	518	0.0%	518	0.0%	518	0.0%
Excise Tax on Vapor Products	27	27	0.0%	27	0.0%	27	0.0%	27	0.0%	27	0.0%
NYC Cigarette Tax Transfer	21	21	0.0%	21	0.0%	21	0.0%	21	0.0%	21	0.0%
EPIC Receipts/ICR Audit Fees	55	56	1.8%	56	0.0%	56	0.0%	56	0.0%	56	0.0%
Distressed Provider Assistance[2]	250	250	0.0%	250	0.0%	250	0.0%	250	0.0%	250	0.0%
TOTAL DISBURSEMENTS AND TRANSFERS	6,407	6,502	1.5%	6,564	1.0%	6,608	0.7%	6,550	-0.9%	6,524	0.0%
Medicaid Assistance Account	4,343	4,369	0.6%	4,225	-3.3%	4,242	0.4%	4,170	-1.7%	4,121	0.0%
Medicaid Costs	3,918	3,944	0.7%	3,800	-3.7%	3,817	0.4%	3,745	-1.9%	3,696	0.0%
Distressed Provider Assistance[1]	250	250	0.0%	250	0.0%	250	0.0%	250	0.0%	250	0.0%
Workforce Recruitment & Retention	175	175	0.0%	175	0.0%	175	0.0%	175	0.0%	175	0.0%
Hospital Indigent Care	719	717	-0.3%	717	0.0%	717	0.0%	717	0.0%	717	0.0%
HCRA Program Account	340	324	-4.7%	378	16.7%	379	0.3%	379	0.0%	379	0.0%
Child Health Plus[2]	722	806	11.6%	962	19.4%	989	2.8%	1,002	1.3%	1,024	0.0%
Elderly Pharmaceutical Insurance Coverage	115	115	0.0%	115	0.0%	115	0.0%	115	0.0%	115	0.0%
Qualified Health Plan Administration	35	44	25.7%	46	4.5%	47	2.2%	49	4.3%	50	0.0%
Roswell Park Cancer Institute	51	57	11.8%	51	-10.5%	51	0.0%	51	0.0%	51	0.0%
SHIN-NY/APCD	40	40	0.0%	40	0.0%	40	0.0%	40	0.0%	40	0.0%
All Other	42	30	-28.6%	30	0.0%	28	-6.7%	27	-3.6%	27	0.0%
ANNUAL OPERATING SURPLUS/(DEFICIT)	(16)	0		0		0		0		0	
CLOSING BALANCE	0	0		0		0		0		0	

1 Pursuant to Chapter 820 of the laws of 2021, the Updated HCRA Financial Plan includes $40 million in additional Covered Lives Assessment for Early Intervention.

2 The Updated HCRA Financial Plan includes $250 million in annual resources from local county contributions in support of State funded payments to distressed health care providers through the Medicaid program.

Total HCRA receipts are anticipated to increase in FY 2023, reflecting the assumption that health care surcharge and assessment collections will trend closer to pre-pandemic levels. The updated HCRA financial plan includes an additional $250 million annually to support distressed providers through Medicaid program payments. Additionally, the Governor signed legislation for the Covered Lives Assessment and Early Intervention program, which would provide funding to early intervention education for toddlers with disabilities. Projected declines in cigarette tax revenues reflect expected continued declines in the consumption of cigarettes.

HCRA spending in FY 2023 is anticipated to increase in line with projected growth in receipts collections. The Updated Executive Budget Financial Plan reflects over $4.5 billion in continued support for Medicaid spending, including $250 million annually to increase support for distressed providers and over $700 million annually for the CHP program. Estimated growth in CHP spending in FY 2022 through FY 2027 reflects the expiration of enhanced Federal resources provided through the ACA and expected growth in enrollment and utilization.

HCRA is expected to remain in balance over the multi-year Updated Executive Budget Financial Plan period. Under the current HCRA appropriation structure, spending reductions will occur if resources are insufficient to maintain a balanced fund. Any such spending reductions could affect General Fund Medicaid funding or HCRA programs. Conversely, any unanticipated balances or excess resources in HCRA are expected to fund Medicaid costs that would have otherwise been paid from the General Fund.

Mental Hygiene

Mental Hygiene services are delivered by the Office for People with Developmental Disabilities (OPWDD), the Office of Mental Health (OMH), the Office of Addiction Services and Supports (OASAS), the Developmental Disabilities Planning Council (DDPC), and the Justice Center for the Protection of People with Special Needs (Justice Center). Services are provided for adults with mental illness, children with emotional disturbance, individuals with intellectual and developmental disabilities and their families, people with chemical dependencies, and individuals with compulsive gambling problems.

MENTAL HYGIENE
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**4,727**	**7,084**	**49.9%**	**5,202**	**-26.6%**	**5,483**	**5.4%**	**5,688**	**3.7%**	**5,895**	**3.6%**
People with Developmental Disabilities	**2,525**	**2,960**	**17.2%**	**2,984**	**0.8%**	**3,152**	**5.6%**	**3,302**	**4.8%**	**3,440**	**4.2%**
Residential Services	1,392	1,644	18.1%	1,657	0.8%	1,748	5.5%	1,828	4.6%	1,903	4.1%
Day Programs	669	790	18.1%	796	0.8%	840	5.5%	879	4.6%	915	4.1%
Clinic	14	17	21.4%	17	0.0%	18	5.9%	19	5.6%	20	5.3%
All Other Services (Net of Offsets)	450	509	13.1%	514	1.0%	546	6.2%	576	5.5%	602	4.5%
Mental Health	**1,504**	**1,957**	**30.1%**	**2,035**	**4.0%**	**2,077**	**2.1%**	**2,127**	**2.4%**	**2,177**	**2.4%**
Adult Local Services	1,246	1,564	25.5%	1,673	7.0%	1,735	3.7%	1,777	2.4%	1,819	2.4%
Children Local Services	258	319	23.6%	331	3.8%	342	3.3%	350	2.3%	358	2.3%
MLR/BHET Reinvestment[1]	0	74	0.0%	31	-58.1%	0	-100.0%	0	0.0%	0	0.0%
Addiction Services and Supports	**390**	**722**	**85.1%**	**571**	**-20.9%**	**589**	**3.2%**	**594**	**0.8%**	**613**	**3.2%**
Residential	105	126	20.0%	121	-4.0%	125	3.3%	132	5.6%	141	6.8%
Other Treatment	192	232	20.8%	222	-4.3%	232	4.5%	246	6.0%	261	6.1%
Prevention	56	67	19.6%	64	-4.5%	67	4.7%	71	6.0%	75	5.6%
Recovery	37	45	21.6%	42	-6.7%	44	4.8%	47	6.8%	50	6.4%
Opioid Settlement Fund[2]	0	191	0.0%	69	-63.9%	76	10.1%	51	-32.9%	39	-23.5%
Opioid Stewardship Fund[3]	0	24	0.0%	37	54.2%	45	21.6%	47	4.4%	47	0.0%
MLR/BHET Reinvestment[1]	0	37	100.0%	16	-56.8%	0	-100.0%	0	0.0%	0	0.0%
Justice Center	**1**	**1**	**0.0%**	**1**	**0.0%**	**1**	**0.0%**	**1**	**0.0%**	**1**	**0.0%**
Total DOH Medicaid Global Cap Adjustments[4]	**307**	**1,444**	**370.4%**	**(389)**	**-126.9%**	**(336)**	**13.6%**	**(336)**	**0.0%**	**(336)**	**0.0%**
OPWDD Local Share	307	1,457	374.6%	65	-95.5%	0	-100.0%	0	0.0%	0	0.0%
OPWDD Spending Funded by Global Cap	0	(13)	0.0%	(454)	-3392.3%	(336)	26.0%	(336)	0.0%	(336)	0.0%
OMH Spending Funded by Global Cap	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
TOTAL MENTAL HYGIENE SPENDING	**4,420**	**5,640**	**27.6%**	**5,591**	**-0.9%**	**5,819**	**4.1%**	**6,024**	**3.5%**	**6,231**	**3.4%**

1 The Executive Budget invests Medical Loss Ratio (MLR) underspending by Health and Recovery Plans (HARPs) and Behavioral Health Expenditure Target (BHET) underspending by Mainstream MCOs, which have been successfully recovered from these insurers.

2 Pursuant to Section 99-nn of the State Finance Law, the Opioid Settlement Fund will consist of funds received by the State as the result of a settlement or judgment against opioid manufacturers, distributors, dispensers, consultants or resellers and will be used to supplement funding for substance use disorder prevention, treatment, recovery, and harm reduction services or programs consistent with statewide opioid settlement agreements. Also consistent with these settlement agreements, roughly $113M of the $191M expected to disburse from the Opioid Settlement Fund will pass through the State to local municipalities.

3 The Opioid Stewardship Fund will consist of funds received by the State through collection of Opioid Stewardship taxes and will be used to supplement funding for substance use disorder prevention, treatment, recovery, and harm reduction services or programs.

4 Reflects a portion of mental hygiene spending reported under the Medicaid Global Cap that has no impact on mental hygiene service delivery or operations. Adjustments in FYs 2022 and 2023 reflect OPWDD-related local share expenses that will be funded outside of the DOH Global Cap through use of additional Financial Plan resources.

These agencies provide services directly to their clients through State-operated facilities and indirectly through community-based providers. Costs of providing these services are reimbursed by Medicaid, Medicare, third-party insurance, and State funding. Patient care revenues are pledged first to the payment of debt service on outstanding mental hygiene bonds that have been issued to finance infrastructure improvements at State mental hygiene facilities. Revenues exceeding debt service are used to support State operating costs associated with Mental Hygiene service delivery.

The FY 2023 Executive Budget includes continued support for individuals with developmental disabilities to ensure appropriate access to care, including additional funding to expand independent living opportunities, provide choice in service options, and support the return to pre-pandemic utilization levels. Funding is included to enhance OPWDD housing subsidies and expand crisis services.

Funding is included to support OMH community services and the continued transition of individuals to more cost-effective community settings. Service expansion includes increases for residential programs and supported housing units throughout the State, additional peer support services, and new targeted services, such as mobile crisis teams to directly assist homeless individuals. Additionally, investments are made to incentivize the provision of specialized treatments for children and families.

Increased funding for OASAS addiction service programs is expected to provide additional residential service opportunities and resources to not-for-profit providers for addiction prevention, treatment, and recovery programs. In FY 2023, over $100 million in additional resources from the Opioid Stewardship Tax and litigation settlements with pharmaceutical manufacturers and distributors will be targeted at the opioid epidemic through expanded addiction services programs. Of the $191 million in settlement funds expected to disburse in FY 2023, roughly $113 million will pass through the State to local municipalities consistent with the statewide opioid settlement agreements.

The FY 2023 Executive Budget also includes a 5.4 percent human services COLA and a targeted bonus payment for healthcare and direct care workers. Additionally, resources are included for the continued support of minimum wage increases.

The level of Mental Hygiene spending reported under the DOH Medicaid Global Cap and/or the OPWDD related local share expenses funded with additional Financial Plan resources have no impact on mental hygiene service delivery or operations and may fluctuate depending on the availability of resources and other cost pressures within the Medicaid program.

Social Services

Office of Temporary and Disability Assistance (OTDA)

OTDA local assistance programs provide cash benefits and supportive services to low-income families. The State's three main programs are Family Assistance, Safety Net Assistance, and Supplemental Security Income (SSI). The Family Assistance program, financed by the Federal government, provides time-limited cash assistance to eligible families. The Safety Net Assistance program, financed by the State and local districts, provides cash assistance for single adults, childless couples, and families that have exhausted their five-year limit on Family Assistance imposed by Federal law. The State SSI Supplementation program provides a supplement to the Federal SSI benefit for the elderly, the visually handicapped, and disabled persons.

TEMPORARY AND DISABILITY ASSISTANCE
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,512**	**1,608**	**6.3%**	**1,715**	**6.7%**	**1,790**	**4.4%**	**1,779**	**-0.6%**	**1,828**	**2.8%**
SSI	637	657	3.1%	657	0.0%	667	1.5%	667	0.0%	667	0.0%
Public Assistance Benefits	566	595	5.1%	600	0.8%	617	2.8%	562	-8.9%	564	0.4%
Public Assistance Initiatives	13	12	-7.7%	11	-8.3%	11	0.0%	11	0.0%	11	0.0%
Homeless Housing and Services	14	239	1607.1%	342	43.1%	390	14.0%	434	11.3%	481	10.8%
Rental Assistance	275	100	-63.6%	100	0.0%	100	0.0%	100	0.0%	100	0.0%
All Other	7	5	-28.6%	5	0.0%	5	0.0%	5	0.0%	5	0.0%

DOB's caseload models project a total of 472,440 public assistance recipients in FY 2023. Approximately 162,124 families are expected to receive benefits through the Family Assistance program and 107,777 families are expected to receive benefits through the Safety Net program in FY 2023, a modest decline in both programs from FY 2022. The caseload for single adults and childless couples supported through the Safety Net program is projected to be 202,539 in FY 2023, an increase of 1.9 percent from FY 2022.

The rise in unemployment and decrease in family income caused by the COVID-19 pandemic resulted in an increase to the public assistance caseload, particularly in New York City, which increases Safety Net assistance spending. In addition, the FY 2023 Executive Budget proposes changes to public assistance to help alleviate the "benefits cliff" by encouraging increased earnings and allowing more savings while remaining eligible for the program and eliminating the 45-day waiting period for prospective Safety Net Assistance recipients before they can receive program benefits. SSI spending is expected to initially increase before leveling out over the Updated Executive Budget Financial Plan period, reflecting updated caseload projections.

The decline in rental assistance in FY 2023 reflects the end of time-limited emergency rental assistance supported by Federal resources. The State continues to fund a rental assistance program to assist individuals and families.

Spending increases for homeless housing and services in the outyears reflect a transition from State settlement funds to the General Fund for the Empire State Supportive Housing Initiative (ESSHI), which funds supportive housing constructed for vulnerable homeless populations under the Governor's Affordable Housing and Homelessness Plan. This transition from settlement funds reflects all costs of the ESSHI program that are shared by multiple agencies and will be allocated to those agencies in a future update to the Financial Plan.

Office of Children and Family Services (OCFS)

OCFS provides funding for foster care, adoption, child protective services, preventive services, delinquency prevention, and child care. It oversees the State's system of family support and child welfare services administered by local social services districts and community-based organizations. Specifically, child welfare services, financed jointly by the Federal government, the State, and local districts, are structured to encourage local governments to invest in preventive services for reducing out-of-home placement of children. In addition, the Child Care Block Grant, which is also financed by a combination of Federal, State, and local sources, supports child care subsidies for public assistance and low-income families.

CHILDREN AND FAMILY SERVICES (millions of dollars)											
	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,762**	**1,665**	**-5.5%**	**1,813**	**8.9%**	**2,206**	**21.7%**	**2,350**	**6.5%**	**2,350**	**0.0%**
Child Welfare Service	610	477	-21.8%	477	0.0%	477	0.0%	477	0.0%	477	0.0%
Foster Care Block Grant	409	396	-3.2%	396	0.0%	396	0.0%	396	0.0%	396	0.0%
Child Care	173	308	78.0%	445	44.5%	838	88.3%	982	17.2%	982	0.0%
Adoption	153	172	12.4%	183	6.4%	183	0.0%	183	0.0%	183	0.0%
Youth Programs	108	99	-8.3%	99	0.0%	99	0.0%	99	0.0%	99	0.0%
Medicaid	74	74	0.0%	74	0.0%	74	0.0%	74	0.0%	74	0.0%
Adult Protective/Domestic Violence	104	54	-48.1%	54	0.0%	54	0.0%	54	0.0%	54	0.0%
Committees on Special Education	6	0	-100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
All Other	125	85	-32.0%	85	0.0%	85	0.0%	85	0.0%	85	0.0%

The Executive Budget proposes making permanent the restructured financing approach for residential school placements of children with special needs outside New York City that was included in the FY 2022 Enacted Budget, thereby aligning the fiscal responsibility with the school district responsible for the placement. Additional Executive Budget actions include funding to ensure continuity in the level of child care subsidies when the three-year rates established by the Federal government are reset in October 2022, expanding eligibility for child care subsidies to more families, investing in adoption subsidies through the modernization of the rate setting methodology, increasing funding for Runaway Homeless Youth (RHY) program, expanding the HFNY Home Visiting program through Adoption Delinking funds and funding a 5.4 percent increase for human service workers.

Transportation

The Department of Transportation (DOT) directly maintains and improves approximately 43,700 State highway lane miles and 7,700 state highway bridges. DOT also partially funds regional and local transit systems, including the MTA; local government highway and bridge construction; and rail, airport, and port programs.

In FY 2023, the State plans to provide $7.4 billion in operating aid to mass transit systems, including $2.8 billion from the direct remittance of various dedicated taxes and fees to the MTA that do not flow through the State's Financial Plan and are thus excluded from the table below, as well as $244 million from a State supplement to the Payroll Mobility Tax (PMT) tax collections. The MTA, the nation's largest transit and commuter rail system, is scheduled to receive $6.6 billion (approximately 90 percent) of the State's mass transit aid.

TRANSPORTATION (millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
STATE OPERATING FUNDS SUPPORT	**3,797**	**4,590**	**20.9%**	**4,788**	**4.3%**	**4,790**	**0.0%**	**4,791**	**0.0%**	**4,793**	**0.0%**
Mass Transit Operating Aid:	2,630	3,421	30.1%	3,614	5.6%	3,614	0.0%	3,614	0.0%	3,614	0.0%
Metro Mass Transit Aid	2,473	3,260	31.8%	3,450	5.8%	3,450	0.0%	3,450	0.0%	3,450	0.0%
Public Transit Aid	112	117	4.5%	120	2.6%	120	0.0%	120	0.0%	120	0.0%
18-b General Fund Aid	19	19	0.0%	19	0.0%	19	0.0%	19	0.0%	19	0.0%
School Fare	26	25	-3.8%	25	0.0%	25	0.0%	25	0.0%	25	0.0%
Mobility Tax	252	244	-3.2%	244	0.0%	244	0.0%	244	0.0%	244	0.0%
NY Central Business District Trust	156	153	-1.9%	155	1.3%	157	1.3%	158	0.6%	160	1.3%
Dedicated Mass Transit	681	674	-1.0%	677	0.4%	677	0.0%	677	0.0%	677	0.0%
AMTAP	78	98	25.6%	98	0.0%	98	0.0%	98	0.0%	98	0.0%
All Other	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%

Projected operating aid to the MTA and other transit systems mainly reflects the current receipts forecast. A substantial amount of new funding to the MTA was authorized in the FY 2020 Enacted Budget as part of a comprehensive reform plan expected to generate an estimated $25 billion in financing for the MTA's 2020-2024 Capital Plan. This includes a portion of sales tax receipts collected by online marketplace providers on all sales facilitated through their platforms, and implementation and enforcement of regulations associated with the *Wayfair*[10] decision, which is projected to provide the MTA with $153 million in dedicated revenues in FY 2022.

The Executive Budget proposes $482 million in operating aid to non-MTA downstate transit systems, and $261 million for upstate systems.

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[10] A 2018 U.S. Supreme Court decision held that a vendor's physical presence in a state is not necessary for that state to require the vendors to collect and remit sales tax on sales to in-state consumers.

Local Government Assistance

Direct aid to local governments includes the Aid and Incentives for Municipalities (AIM) program, created in FY 2006 to consolidate various unrestricted local aid funding streams; miscellaneous financial assistance for certain counties, cities, towns, and villages; and efficiency-based incentive grants to local governments.

LOCAL GOVERNMENT ASSISTANCE - AIM PROGRAM
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**706**	**740**	**4.8%**	**763**	**3.1%**	**763**	**0.0%**	**763**	**0.0%**	**763**	**0.0%**
Big Four Cities	451	429	-4.9%	429	0.0%	429	0.0%	429	0.0%	429	0.0%
Other Cities	228	218	-4.4%	218	0.0%	218	0.0%	218	0.0%	218	0.0%
Towns and Villages	9	68	655.6%	68	0.0%	68	0.0%	68	0.0%	68	0.0%
Restructuring/Efficiency	18	25	38.9%	48	92.0%	48	0.0%	48	0.0%	48	0.0%

Decreased projected spending to cities in FY 2023 reflects non-recurring payments made in 2022 including FY 2021 local aid payments that were withheld. State Operating Funds spending for the various efficiency and restructuring grants within the AIM program is projected to increase in FY 2024 due to potential awards from the Financial Restructuring Board for Local Governments.

Currently, 846 towns and 479 villages receive a total of $59.1 million in AIM-Related payments funded through local sales tax collections. The Budget ends this practice and resumes State General Fund support for these towns and villages through the traditional AIM program, allowing local governments to retain a greater amount of local sales tax revenue annually.

Agency Operations

Agency operating costs consist of Personal Service (PS), Non-Personal Service (NPS), and General State Charges (GSCs). PS includes salaries of State employees of the Executive, Legislative, and Judicial branches consistent with current negotiated collective bargaining agreements, as well as temporary/seasonal employees. NPS includes real estate rentals, utilities, contractual payments (e.g., consultants, IT, and professional business services), supplies and materials, equipment, and telephone service. GSCs, discussed separately, reflect the cost of fringe benefits (e.g., pensions and health insurance) provided to State employees and retirees of the Executive, Legislative and Judicial branches, as well as certain fixed costs such as litigation expenses and taxes on public lands. Certain agency operating costs of DOT and the Department of Motor Vehicles (DMV) are included in Capital Projects Funds and are not reflected in State Operating Funds.

Approximately 94 percent of the State workforce is unionized. The largest unions include CSEA, which represents office support staff, administrative personnel, machine operators, skilled trade workers, and therapeutic and custodial care staff; PEF, which represents professional and technical personnel (attorneys, nurses, accountants, engineers, social workers, and institution teachers); United University Professions (UUP), which represents faculty and nonteaching professional staff within the SUNY system; and New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), which represents security personnel (correctional, safety and security officers).

The following table presents certain factors used in preparing the spending projections for agency operations.

FORECAST OF SELECTED PROGRAM MEASURES AFFECTING PERSONAL SERVICE AND FRINGE BENEFITS

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Negotiated Base Salary Increases[1]						
NYSTPBA/NYSPIA/NYSCOPBA/GSEU/PEF/PBANYS/DC-37	2%	2%	TBD	TBD	TBD	TBD
UUP	2%	TBD	TBD	TBD	TBD	TBD
CSEA/MC	TBD	TBD	TBD	TBD	TBD	TBD
Council 82	TBD	TBD	TBD	TBD	TBD	TBD
State Workforce[2]	117,648	118,645	118,660	TBD	TBD	TBD
ERS Contribution Rate[3]	16.9%	14.5%	13.6%	14.5%	17.3%	21.2%
PFRS Contribution Rate[3]	28.7%	27.7%	28.2%	30.5%	32.8%	35.0%
Employee/Retiree Health Insurance Growth Rates	13.6%	9.1%	7.9%	6.9%	7.0%	7.1%
PS/Fringe as % of Receipts (All Funds Basis)	10.6%	12.2%	12.3%	12.8%	13.3%	13.7%

[1] Reflects current collective bargaining agreements with settled unions. Does not reflect potential impact of future negotiated labor agreements.

[2] Reflects workforce that is subject to direct Executive control.

[3] ERS / PFRS contribution rate reflects the State's normal and administrative costs, contributions to the Group Life Insurance Plan (GLIP), Chapter 41 of 2016 veteran's pension credit legislation (if applicable) and any graded payments required under the Contribution Stabilization Program.

Agency Operations projections include increasing energy and commodity prices and planned general salary increases, a portion of which is offset using the Labor Settlements/Agency Operations reserve that was previously set aside for this purpose. In addition, the State charged roughly $1.1 billion in eligible costs to the Federal CRF in FY 2022 primarily for payroll costs of public health and safety employees. After adjustment for pandemic related expenses, agency operational costs are projected to remain stable over the Financial Plan period.

STATE OPERATING FUNDS - PERSONAL SERVICE/NON-PERSONAL SERVICE COSTS
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
SUBJECT TO DIRECT EXECUTIVE CONTROL[1]	**11,657**	**11,683**	**11,649**	**11,724**	**11,869**	**11,981**
Mental Hygiene	2,995	3,099	3,117	3,162	3,207	3,256
Corrections and Community Supervision	2,736	2,638	2,639	2,627	2,628	2,628
State Police	804	833	842	859	875	892
Department of Health	677	836	849	852	866	870
Information Technology Services	562	608	641	642	656	671
Children and Family Services	335	323	327	332	338	340
Tax and Finance	333	333	332	332	333	333
Transportation	343	341	341	341	351	361
Environmental Conservation	254	237	245	234	235	234
All Other	2,618	2,435	2,316	2,343	2,380	2,396
FUND ELIGIBLE PS EXPENSES FROM CRF	**(1,065)**	**0**	**0**	**0**	**0**	**0**
Corrections and Community Supervision	(645)	0	0	0	0	0
Department of Health	(206)	0	0	0	0	0
Information Technology Services	(25)	0	0	0	0	0
State Police	(140)	0	0	0	0	0
All Other	(49)	0	0	0	0	0
FEMA PANDEMIC COST/ (REIMBURSEMENT)	**1,000**	**(800)**	**(650)**	**(450)**	**0**	**0**
COVID Test Kits	1,000	0	(450)	(450)	0	0
All Other	0	(800)	(200)	0	0	0
UNIVERSITY SYSTEMS	**6,463**	**6,579**	**6,669**	**6,729**	**6,808**	**6,887**
State University	6,463	6,579	6,669	6,729	6,808	6,887
City University	0	0	0	0	0	0
INDEPENDENT AGENCIES	**339**	**367**	**374**	**379**	**387**	**391**
Law	183	200	203	205	209	211
Audit & Control (OSC)	156	167	171	174	178	180
TOTAL, EXCLUDING JUDICIARY AND LEGISLATURE	**18,394**	**17,829**	**18,042**	**18,382**	**19,064**	**19,259**
Judiciary	**2,092**	**2,109**	**2,109**	**2,109**	**2,109**	**2,109**
Legislature	**255**	**260**	**260**	**260**	**260**	**260**
Statewide Total	**20,741**	**20,198**	**20,411**	**20,751**	**21,433**	**21,628**
Personal Service	14,301	15,063	15,103	15,221	15,359	15,470
Non-Personal Service	6,440	5,135	5,308	5,530	6,074	6,158

[1] Excludes expenses funded by the Coronavirus Relief Fund, as well as costs incurred, or expected to be incurred, in response to the COVID-19 pandemic that are expected to be reimbursed with Federal aid.

Operational spending for executive agencies is affected by pandemic response and recovery efforts, including: the timing of Federal reimbursement; the timing of offsets of expenses across fiscal years; the payment of general salary increases that were scheduled to go into effect on April 1, 2020 that were delayed until FY 2022; and the payment of salary increases pursuant to existing contracts.

Pursuant to guidelines established by the U.S. Treasury, the State charged roughly $1.1 billion in eligible costs to the Federal CRF in FY 2022. This includes payroll costs (excluding fringe benefits) for public health and safety employees and other eligible pandemic response costs. Certain pandemic response expenses incurred in FY 2021 and 2022, including COVID test kits, PPE, durable medical equipment, costs to build out field hospital facilities, testing, and vaccination activities are expected to be reimbursed by FEMA. DOB expects reimbursement over several years based on past claims experience. State agencies are expected to continue to incur costs to respond to the COVID-19 pandemic in FY 2022, which are expected to be funded with Federal FEMA resources.

Other notable spending changes include:

- **Mental Hygiene.** The Executive Budget includes an investment to enable OPWDD to expand CANS assessments to a larger proportion of the eligible population to meet its statutory and waiver requirements and improve service delivery, as well as an increase to adequately address OPWDD's need to replace outdated, soon-to-fail systems and other critical HCBS IT needs. Additional funding is included in the Executive Budget to invest in mental health residential programs and establish new teams of mental health professionals performing Critical Time Intervention services to direct homeless individuals to services and housing, as well as prevention, treatment, and recovery efforts to reduce the opioid epidemic's toll.

- **Corrections and Community Supervision.** On November 8, 2021, DOCCS announced that six facilities will close on March 10, 2022. This is expected to produce savings of $142 million annually.

- **Department of Health.** The updated Medicaid forecast projects growth largely attributable to increased managed care and managed long-term care price growth, utilization of long-term care services, minimum wage growth, and additional spending to support rising costs among distressed providers and safety net facilities attributable to collective bargaining agreements and workforce retention efforts.

- **Information Technology Services.** Spending growth reflects investments in additional staff and security tools to continue to protect the State's technology infrastructure, online services to meet higher demand resulting from the pandemic, and restoring staffing to pre-pandemic levels.

- **State University.** Spending for SUNY has been revised upward to reflect the acceleration of the FY 2022 Enacted Budget TAP Gap elimination proposal at SUNY State Operated campuses, new funding to hire full-time faculty, an increase for higher education opportunity programs, and establishing child care centers on SUNY campuses.

All Other Agencies. The Executive Budget includes General Fund support for security at NYC's bridges, tunnels and transportation hubs, which was previously funded with capital funds. In addition, the State will contribute $50 million in FY 2023 to a public-private Equity Fund to support social equity applicants as they plan for and build out their businesses.

Workforce

In FY 2023, $15.1 billion, or 12.7 percent, of the State Operating Funds budget is dedicated to supporting Full-Time Equivalent (FTE) employees under direct Executive control; individuals employed by SUNY and Independent Agencies; employees paid on a nonannual salaried basis; and overtime pay. Roughly two-thirds of the Executive agency workforce is in the mental hygiene agencies and DOCCS.

STATE OPERATING FUNDS
FY 2023 FTEs[1] AND PERSONAL SERVICE SPENDING BY AGENCY
(millions of dollars)

	Dollars	FTEs
SUBJECT TO DIRECT EXECUTIVE CONTROL	**8,451**	**96,242**
Mental Hygiene	2,496	32,938
Corrections and Community Supervision	2,165	24,478
State Police	755	5,794
Department of Health	321	4,304
Information Technology Services	326	3,519
Tax and Finance	263	3,785
Children and Family Services	232	2,327
Environmental Conservation	193	2,244
Transportation	162	2,580
Financial Services	161	1,391
All Other	1,377	12,882
UNIVERSITY SYSTEMS	**4,363**	**46,771**
State University	4,363	46,771
INDEPENDENT AGENCIES	**2,249**	**18,376**
Law	141	1,528
Audit & Control (OSC)	132	1,572
Judiciary	1,773	15,273
Legislature[2]	203	3
Statewide Total	**15,063**	**161,389**

[1] FTEs represent the number of annual-salaried full-time filled positions (e.g., one FTE may represent a single employee serving at 100 percent full-time, or a combination of employees serving at less than full-time that, when combined, equal a full-time position). The reported FTEs do not include nonannual salaried positions, such as those filled on an hourly, per-diem or seasonal basis.

[2] Legislative employees who are nonannual salaried are excluded from this table.

General State Charges

The State provides a variety of fringe benefits to current and former employees, including health insurance, pensions, workers' compensation coverage, unemployment insurance, survivors' benefits, and dental and vision benefits (some of which are provided through union-specific Employee Benefit Funds). The GSC budget also pays the Social Security payroll tax and certain statewide fixed costs, including taxes on State-owned lands, Payments in Lieu of Taxes (PILOT), and judgments and settlements awarded in the Court of Claims. Many of these payments are mandated by law or collective bargaining agreements.

Employee fringe benefits paid through GSCs are financed from the General Fund in the first instance and are partially reimbursed by revenue collected from agency fringe benefit assessments. In FY 2022, fringe benefit costs reflect the reclassification of payroll expenses for State Police, first responders, and public safety officers to the Federal CRF pursuant to Treasury eligibility guidelines. This resulted in an increase in the Federal fringe benefits spending of $618 million and a commensurate reduction in General Fund spending.

GSC spending is projected to increase over the Updated Financial Plan period mostly due to increases in the health insurance program which reflects medical inflation and the potential for increased utilization in non-essential procedures that were postponed during the pandemic. The estimate for workers' compensation is reflective of current utilization and an increase in the average weekly wage.

The pension estimates for the New York State and Local Retirement System are reflective of a reduction in the employer contribution rates primarily due to FY 2021 record-setting investment returns of 33.55 percent in the valuation of assets available to pay retirement benefits (see "Other Matters Affecting the Financial Plan"). In addition, the State expects to save $67 million in pension interest savings by paying the entirety of the State's FY 2023 ERS/PFRS bill in May 2022.

The Updated Financial Plan also reflects the repayment of the State and Judiciary non-Medicare payroll taxes deferred from April-December 2020 as authorized in the Federal CARES Act. The first interest free repayment was made on November 21, 2021 for the Executive ($278 million) and SUNY Hospitals ($24 million). The second and last payments are scheduled for December 2022. The Judiciary paid its deferment in its entirety in June 2021.

GENERAL STATE CHARGES
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
TOTAL STATE OPERATING FUNDS	**9,261**	**10,189**	**10.0%**	**10,726**	**5.3%**	**11,937**	**11.3%**	**13,263**	**11.1%**	**14,679**	**10.7%**
Fringe Benefits	**8,805**	**9,717**	**10.4%**	**10,251**	**5.5%**	**11,453**	**11.7%**	**12,771**	**11.5%**	**14,178**	**11.0%**
Health Insurance (Gross)	4,696	5,155	9.8%	5,535	7.4%	5,945	7.4%	6,388	7.5%	6,865	7.5%
Retiree Health Benefit Trust Fund	320	320	0.0%	375	17.2%	375	0.0%	375	0.0%	375	0.0%
Pensions	2,525	2,369	-6.2%	2,667	12.6%	3,394	27.3%	4,210	24.0%	5,074	20.5%
Social Security (Gross)	1,110	1,127	1.5%	1,175	4.3%	1,178	0.3%	1,201	2.0%	1,224	1.9%
Social Security (CRF)	372	302	-18.8%	0	-100.0%	0	0.0%	0	0.0%	0	0.0%
Workers' Compensation	569	600	5.4%	638	6.3%	683	7.1%	702	2.8%	723	3.0%
Employee Benefits	106	116	9.4%	121	4.3%	122	0.8%	123	0.8%	123	0.0%
Dental Insurance	65	66	1.5%	66	0.0%	66	0.0%	66	0.0%	66	0.0%
Unemployment Insurance	12	13	8.3%	13	0.0%	13	0.0%	13	0.0%	13	0.0%
All Other/Non-State Escrow	(352)	(351)	0.3%	(339)	3.4%	(323)	4.7%	(307)	5.0%	(285)	7.2%
Non-State Escrow (CRF)	(618)	0	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Fixed Costs	**456**	**472**	**3.5%**	**475**	**0.6%**	**484**	**1.9%**	**492**	**1.7%**	**501**	**1.8%**
Public Land Taxes/PILOTS	289	302	4.5%	302	0.0%	314	4.0%	322	2.5%	331	2.8%
Litigation	167	170	1.8%	173	1.8%	170	-1.7%	170	0.0%	170	0.0%

The State historically funds employee and retiree health care expenses as they become due, on a PAYGO basis. The Retiree Health Benefit Trust Fund was created in FY 2018 to reserve money for the payment of health benefits of retired employees and their dependents. The Updated Financial Plan includes planned deposits to the Retiree Health Benefit Trust Fund of $320 million in FY 2022 and FY 2023, and $375 million in FY 2024 and FY 2025, fiscal conditions permitting. These would be the first deposits to the Trust Fund and will establish an asset against the State's Other Post-Employment Benefits (OPEB) liability.

The Executive Budget includes a proposal to establish interest rates paid on court judgments by public and private entities at a variable market-based interest rate equal to the weekly average one-year constant maturity treasury yield. This is the same rate utilized by the Federal Court System. The current fixed rate of as much as 9 percent annually was established in 1982 when interest rates were at 12 percent. Payment of a prevailing market rate will help ensure that neither side in a lawsuit will be disadvantaged by an interest rate that is above or below what otherwise could be earned while cases are being adjudicated. This proposal will provide mandate relief for local governments and lower State taxpayer costs.

Transfers to Other Funds (General Fund Basis)

General Fund resources are transferred to other funds to finance a range of other activities, including debt service for bonds that do not have dedicated revenues, SUNY operating costs, and certain capital projects.

GENERAL FUND TRANSFERS TO OTHER FUNDS
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
TOTAL TRANSFERS TO OTHER FUNDS	7,706	8,971	9,800	9,503	6,934	6,511
Debt Service	339	329	356	416	447	484
SUNY University Operations	1,336	1,460	1,480	1,479	1,479	1,479
Capital Projects	4,618	5,271	6,092	6,226	3,642	3,168
Extraordinary Monetary Settlements:	48	194	827	558	357	0
Dedicated Infrastructure Investment Fund	526	676	584	524	357	0
Bond Proceeds Receipts for Javits Center Expansion	(500)	(500)	0	0	0	0
Clean Water Grants	0	0	225	25	0	0
Mass Transit Capital	3	3	3	0	0	0
Health Care	19	15	15	9	0	0
Dedicated Highway and Bridge Trust Fund	315	525	549	717	641	709
Environmental Protection Fund	28	100	100	100	100	100
All Other Capital	4,227	4,452	4,616	4,851	2,544	2,359
ALL OTHER TRANSFERS	1,413	1,911	1,872	1,382	1,366	1,380
Department of Transportation (MTA Payroll Tax)	244	244	244	244	244	244
SUNY - Medicaid Reimbursement	243	243	243	243	243	243
NY Central Business District Trust	152	153	155	156	158	159
Judiciary Funds	103	109	109	109	109	109
Dedicated Mass Transportation Trust Fund	65	65	65	65	65	65
All Other	606	1,097	1,056	565	547	560

General Fund transfers to Other Funds are projected to total $9 billion annually and are expected to increase in FY 2023 mainly due to capital projects funding.

Transfers to capital projects funds are impacted by the timing of bond receipts to offset costs initially funded by monetary settlements; reimbursements to the capital projects fund; a larger transfer to support the DHBTF in FY 2023 due to a decline in tax receipts; and increased PAYGO capital spending, including $6 billion across the Financial Plan period to avoid higher cost taxable debt issuances, remain within the statutory debt cap, and allow for a larger DOT plan.

The DHBTF receives motor vehicle fees, PBT, the motor fuel tax, HUT, the auto rental tax, utilities taxes, and miscellaneous transportation-related fees. These resources are used to pay debt service on transportation bonds, finance capital projects, and pay for certain operating expenses of the DOT and the Department of Motor Vehicles (DMV). The General Fund subsidizes DHBTF expenses that are not covered by revenue and bond proceeds.

Debt Service

The State pays debt service on all outstanding State-supported bonds. These include General Obligation Bonds for which the State is constitutionally obligated to pay debt service, as well as certain bonds issued by State public authorities, such as the Empire State Development (ESD), Dormitory Authority of the State of New York (DASNY), and the New York State Thruway Authority (NYSTA). Depending on the credit structure, debt service is financed by transfers from the General Fund, dedicated taxes and fees, and other resources such as patient income revenues.

DEBT SERVICE SPENDING PROJECTIONS (millions of dollars)											
	FY 2022 Projected	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change	FY 2026 Projected	Change	FY 2027 Projected	Change
General Fund	339	329	-2.9%	356	8.2%	416	16.9%	447	7.5%	484	8.3%
Other State Support	7,990	5,283	-33.9%	5,678	7.5%	5,934	4.5%	7,071	19.2%	7,043	-0.4%
Total State Operating Funds	**8,329**	**5,612**	**-32.6%**	**6,034**	**7.5%**	**6,350**	**5.2%**	**7,518**	**18.4%**	**7,527**	**0.1%**

State Operating Funds debt service is projected to be $5.6 billion in FY 2023, of which $329 million is paid from the General Fund and $5.3 billion is paid from other State funds supported by dedicated tax receipts. The General Fund finances debt service payments on General Obligation and service contract bonds. Debt service for other State-supported bonds is paid directly from other dedicated State funds, subject to appropriation, including PIT and Sales Tax Revenue bonds, and DHBTF bonds.

Debt service spending levels are impacted by prepayments. The FY 2023 Budget includes prepayments totaling $2.9 billion in FY 2022. Total prepayments across FYs 2021 and 2022 are $6.0 billion. As shown in the table below, these transactions will increase debt service in FY 2022 and decrease debt service costs in FYs 2023 through FY 2027.

STATE-SUPPORTED DEBT SERVICE (millions of dollars)							
	FY 2021 [1]	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Base Debt Service	**10,514**	**6,528**	**6,687**	**7,159**	**7,615**	**8,018**	**8,527**
Total Prepayment Adjustment	**3,147**	**1,801**	**(1,075)**	**(1,125)**	**(1,265)**	**(500)**	**(1,000)**
FY 2021 Prepayment [2]	3,147	(1,065)	(700)	(700)	(700)	0	0
FY 2022 Prepayment (FY22 Enacted Add)		1,366	(375)	(425)	(565)	0	0
FY 2022 Prepayment (FY23 Executive Add)		1,500	0	0	0	(500)	(1,000)
Executive Budget State Debt Service	**13,661**	**8,329**	**5,612**	**6,034**	**6,350**	**7,518**	**7,527**

[1] FY 2021 includes debt service on PIT Notes and is adjusted for FY 2020 prepayments.

[2] Multi-year impact of prepayments do not offset due to savings the State received from defeasing bonds.

The Enacted Budget authorized liquidity financing in the form of up to $3.0 billion of PIT notes and $2.0 billion of line of credit facilities in FY 2022 as a tool to manage unanticipated financial disruptions. The Updated Executive Budget Financial Plan does not assume any PIT note issuances or use of the line of credit. DOB evaluates cash results regularly and may adjust the use of notes and/or the line of credit based on liquidity needs, market considerations, and other factors.

The Updated Executive Budget Financial Plan estimates for debt service spending reflect bond sale results, including refundings, projections of future refunding savings, and the adjustment of debt issuances to align with projected bond-financed capital spending. Debt service projections were reduced to reflect the contribution of $6 billion of cash resources to offset planned issuances of higher cost taxable debt and allow for a larger DOT plan. Estimates also continue to reflect the issuance of PIT or Sales Tax bonds for the State's $10.3 billion contribution to the MTA's 2015-19 and 2020-24 Capital Plans. The State converted its contribution to bond-financed capital in 2020 to help the MTA after the pandemic impaired the MTA's ability to access cost-effective financing through their Transportation Revenue Bond credit. Previously, the Financial Plan had assumed that the projects would be bonded by the MTA but funded by the State through additional operating aid to the MTA. The State has issued PIT Revenue Bonds to fund $4.3 billion of the State's portion of the MTA's 2015-19 Capital Plan.

APRIL – DECEMBER 2021 OPERATING RESULTS

This section provides a summary of preliminary operating results for FY 2022 compared to: (1) the projections set forth in the FY 2022 Enacted Budget Financial Plan ("initial estimates"), (2) the projections set forth in the FY 2022 Mid-Year Update ("revised estimates") and (3) prior year FY 2021 results for the same period (April 2020 through December 2020). The following discussions of the variances are focused on the comparison to the initial plan.

In December 2021, partnerships and S corporations entities began making PTET payments that were recorded in business taxes at $10.2 billion. DOB expects the accompanying tax credits will reduce PIT receipts beginning in April 2022. The PTET program is described in the "Financial Plan Overview" and "Other Matters Affecting the Financial Plan”. No estimates for PTET were contained in prior Financial Plans.

Summary of General Fund Operating Results

The General Fund ended December 2021 with a balance of $30.7 billion, $23.5 billion above the initial estimate. Roughly half of the higher balance reflects the increase in business tax receipts resulting from PTET collections and the funding of $1.1 billion in eligible public safety payroll expenses from the CRF. The table below adjusts for these distortions. Excluding these transactions, the General Fund ended December 2021 with a balance of $19.4 billion, $12.3 billion above the initial estimate and $4 billion above the revised estimate. The variance from the revised plan is mainly attributable to continued strength in tax receipts.

GENERAL FUND OPERATING RESULTS
FY 2022 April to December
(millions of dollars)

	Initial Estimate	Revised Estimate	Actuals	Variance Above/ (Below) Initial Estimate $	Initial Estimate %	Revised Estimate $	Revised Estimate %
OPENING BALANCE	**9,161**	**9,161**	**9,161**	**0**	**0.0%**	**0**	**0.0%**
Total Receipts	**61,752**	**69,002**	**82,008**	**20,256**	**32.8%**	**13,006**	**18.8%**
Taxes:	58,656	65,952	78,818	20,162	34.4%	12,866	19.5%
Personal Income Tax[1]	40,726	46,018	47,958	7,232	17.8%	1,940	4.2%
Consumption / Use Taxes[1]	11,599	12,206	12,566	967	8.3%	360	2.9%
Business Taxes	4,701	5,803	5,987	1,286	27.4%	184	3.2%
Pass Through Entity Tax	0	0	10,163	10,163	100.0%	10,163	100.0%
Other Taxes[1]	1,630	1,925	2,144	514	31.5%	219	11.4%
Receipts and Grants	1,315	1,380	1,634	319	24.3%	254	18.4%
Transfers From Other Funds	1,781	1,670	1,556	(225)	-12.6%	(114)	-6.8%
Total Spending	**63,750**	**62,742**	**60,509**	**(3,241)**	**-5.1%**	**(2,233)**	**-3.6%**
Local Assistance	41,365	40,109	39,846	(1,519)	-3.7%	(263)	-0.7%
Agency Operations (including GSCs)	15,570	14,948	13,937	(1,633)	-10.5%	(1,011)	-6.8%
Transfers to Other Funds	6,815	7,685	6,726	(89)	-1.3%	(959)	-12.5%
Debt Service Transfer	264	241	203	(61)	-23.1%	(38)	-15.8%
Capital Projects Transfer	4,664	5,262	4,326	(338)	-7.2%	(936)	-17.8%
SUNY Operations Transfer	1,078	1,296	1,307	229	21.2%	11	0.8%
All Other Transfers	809	886	890	81	10.0%	4	0.5%
Change in Operations	**(1,998)**	**6,260**	**21,499**	**23,497**	**1176.0%**	**15,239**	**243.4%**
CLOSING BALANCE	**7,163**	**15,421**	**30,660**	**23,497**	**328.0%**	**15,239**	**98.8%**

[1] Includes transfers from other funds after debt service.

Since the initial estimate, DOB has increased the General Fund tax receipts estimate for FY 2022 by roughly $10.5 billion, exclusive of the PTET program. Collections through December 2021, exclusive of PTET, were $10.1 billion over the initial estimate.

GENERAL FUND OPERATING RESULTS
FY 2022 April to December
(millions of dollars)

	Initial Estimate	Revised Estimate	Actuals	PTET/CRF	Adjusted Actuals	Variance Above/ (Below) Initial Estimate $	Variance Above/ (Below) Revised Estimate $
OPENING BALANCE	**9,161**	**9,161**	**9,161**	**0**	**9,161**	**0**	**0**
Total Receipts	**61,752**	**69,002**	**82,008**	**(10,163)**	**71,845**	**10,093**	**2,843**
Taxes	58,656	65,952	78,818	(10,163)	68,655	9,999	2,703
Receipts/Transfers From	3,096	3,050	3,190	0	3,190	94	140
Total Spending	**63,750**	**62,742**	**60,509**	**1,060**	**61,569**	**(2,181)**	**(1,173)**
Local Assistance	41,365	40,109	39,846	0	39,846	(1,519)	(263)
Agency Operations (including GSCs)	15,570	14,948	13,937	1,060	14,997	(573)	49
Transfers to Other Funds	6,815	7,685	6,726	0	6,726	(89)	(959)
CLOSING BALANCE	**7,163**	**15,421**	**30,660**	**(11,223)**	**19,437**	**12,274**	**4,016**

Through December 2021, General Fund receipts, including transfers from other funds, totaled $82 billion, $20.3 billion (32.8 percent) above the initial estimate. PIT receipts were $7.2 billion higher than projected reflecting a combination of stronger than expected collections in withholdings and extensions, particularly from high income payers, final returns, and current estimated payments. Refunds due and paid were lower than anticipated due to the weaker than expected current year refunds, state/city offset, and advanced credit payments.

Consumption and use taxes were higher than projected due to a stronger-than-expected recovery in taxable consumption from the COVID-19 economic downturn. Higher business taxes receipts were driven by PTET receipts and stronger than anticipated CFT collections. A stronger than expected recovery in the real estate market, particularly in NYC, contributed to higher receipts from other taxes.

Miscellaneous receipts through December were higher than anticipated due to higher revenues from reimbursements ($140 million), licenses/fees ($105 million) and abandoned property ($65 million).

General Fund disbursements, including transfers to other funds, totaled $60.5 billion, $3.2 billion (5.1 percent) below the initial estimate. The main local assistance spending variances include the following:

- School Aid ($557 million) was below initial projections primarily due to the timing of payments for General Aid ($134 million), categorical programs ($100 million), and Employment Preparation Education ($62 million), as well as lower than anticipated payments for Excess Cost Aid ($152 million) and TRS ($54 million).

- Medicaid, including administration spending, was $481 million below initial projections. This reflects lower than anticipated claims processing in managed care and fee-for-service categories ($1.3 billion), partially offset by the earlier than projected release of managed care and managed long-term care encounter payment withholds ($518 million), and the timing of other credits which are projected to occur later in the year.

- Social Services spending was lower than planned for Supplemental Security Income ($70 million), the Rent Supplement program ($57 million) and public assistance benefit payments ($36 million).

- All Other Education was $160 million below planned levels due to lower than anticipated reimbursement claims for Summer Special Education programs ($92 million) and the timing of payments related to NYC Charter Schools Facilities Aid ($52 million) and Nonpublic School Aid ($39 million), partially offset by higher than projected Preschool Special Education payments ($17 million).

- Higher Education spending was $134 million below projections due primarily to the timing of SUNY Community College Operating Aid ($53 million) and lower Tuition Assistance Program and Scholarship payments administered through the Higher Education Services Corporation attributable to larger than expected enrollment declines and timing of payments.

Agency operations, including fringe benefits, were $1.6 billion below the initial estimate primarily due to funding of eligible costs from the CRF. In addition, the estimated cost of deferred FY 2021 general salary increases was lower than expected and was augmented by a conservative estimation of spending through December.

Summary of All Governmental Funds Operating Results

All Governmental Funds ended December 2021 with a balance of $56.5 billion, $26.7 billion above the initial estimate including the $10.2 billion increase in tax receipts resulting from PTET collections.

ALL GOVERNMENTAL FUNDS OPERATING RESULTS
FY 2022 April to December
(millions of dollars)

	Initial Estimate	Revised Estimate	Actuals	PTET/CRF	Adjusted Actuals	Variance Above/ (Below) Initial Estimate $	Variance Above/ (Below) Revised Estimate $
All Funds Receipts	**158,658**	**165,414**	**179,363**	**(10,163)**	**169,200**	**10,542**	**3,786**
Taxes	64,038	71,534	84,403	(10,163)	74,240	10,202	2,706
Receipts/Federal Grants	94,620	93,880	94,960	0	94,960	340	1,080
State Operating Funds Spending	**76,368**	**75,557**	**73,906**	**1,060**	**74,966**	**(1,402)**	**(591)**
Local Assistance	53,107	52,343	51,786	0	51,786	(1,321)	(557)
Agency Operations (including GSCs)	21,720	21,745	20,677	1,060	21,737	17	(8)
Debt Service	1,541	1,469	1,443	0	1,443	(98)	(26)

Excluding PTET, All Funds receipts totaled $169.2 billion, exceeding initial estimates by $10.5 billion. Tax collections were $10.2 billion higher than initial projections, consistent with the General Fund operating results described earlier.

State Operating Funds spending, excluding the funding of eligible costs from the CRF, was $1.4 billion below initial estimates driven by the lower local assistance disbursements described above.

ALL GOVERNMENTAL FUNDS OPERATING RESULTS
FY 2022 April to December
(millions of dollars)

	Initial Estimate	Revised Estimate	Actuals	Variance Above/ (Below) Initial Estimate $	Initial Estimate %	Revised Estimate $	Revised Estimate %
OPENING BALANCE	**18,751**	**18,751**	**18,751**	**0**	**0.0%**	**0**	**0.0%**
ALL FUNDS RECEIPTS:	**158,658**	**165,414**	**179,363**	**20,705**	**13.1%**	**13,949**	**8.4%**
Total Taxes	**64,038**	**71,534**	**84,403**	**20,365**	**31.8%**	**12,869**	**18.0%**
Personal Income Tax	41,945	47,159	49,039	7,094	16.9%	1,880	4.0%
Consumption / Use Tax	13,742	14,441	14,827	1,085	7.9%	386	2.7%
Business Taxes	6,595	7,894	8,112	1,517	23.0%	218	2.8%
Pass Through Entity Tax	0	0	10,163	10,163	100.0%	10,163	100.0%
Other Taxes	1,756	2,040	2,262	506	28.8%	222	10.9%
Miscellaneous Receipts	**17,748**	**18,669**	**19,041**	**1,293**	**7.3%**	**372**	**2.0%**
Federal Grants	**76,872**	**75,211**	**75,919**	**(953)**	**-1.2%**	**708**	**0.9%**
ALL FUNDS DISBURSEMENTS:	**147,432**	**145,971**	**141,487**	**(5,945)**	**-4.0%**	**(4,484)**	**-3.1%**
STATE OPERATING FUNDS	**76,368**	**75,557**	**73,906**	**(2,462)**	**-3.2%**	**(1,651)**	**-2.2%**
Local Assistance	**53,107**	**52,343**	**51,786**	**(1,321)**	**-2.5%**	**(557)**	**-1.1%**
School Aid	17,291	16,813	16,735	(556)	-3.2%	(78)	-0.5%
DOH Medicaid	17,517	17,543	17,319	(198)	-1.1%	(224)	-1.3%
Higher Education	1,956	1,885	1,822	(134)	-6.9%	(63)	-3.3%
Transportation	3,579	3,555	3,540	(39)	-1.1%	(15)	-0.4%
Social Services	2,342	2,302	2,176	(166)	-7.1%	(126)	-5.5%
Mental Hygiene	3,226	3,224	3,263	37	1.1%	39	1.2%
All Other	7,196	7,021	6,931	(265)	-3.7%	(90)	-1.3%
State Operations	**21,720**	**21,745**	**20,677**	**(1,043)**	**-4.8%**	**(1,068)**	**-4.9%**
Agency Operations	**14,199**	**14,297**	**13,682**	**(517)**	**-3.6%**	**(615)**	**-4.3%**
Executive Agencies	7,542	7,626	7,032	(510)	-6.8%	(594)	-7.8%
University Systems	4,680	4,756	4,795	115	2.5%	39	0.8%
Elected Officials	1,977	1,915	1,855	(122)	-6.2%	(60)	-3.1%
Fringe Benefits/Fixed Costs	**7,521**	**7,448**	**6,995**	**(526)**	**-7.0%**	**(453)**	**-6.1%**
Pension Contribution	2,328	2,432	2,435	107	4.6%	3	0.1%
Health Insurance	3,437	3,441	3,416	(21)	-0.6%	(25)	-0.7%
Other Fringe Benefits/Fixed Costs	1,756	1,575	1,144	(612)	-34.9%	(431)	-27.4%
Debt Service	**1,541**	**1,469**	**1,443**	**(98)**	**-6.4%**	**(26)**	**-1.8%**
CAPITAL PROJECTS (State and Federal Funds)	**11,719**	**11,503**	**10,111**	**(1,608)**	**-13.7%**	**(1,392)**	**-12.1%**
FEDERAL OPERATING AID	**59,345**	**58,911**	**57,470**	**(1,875)**	**-3.2%**	**(1,441)**	**-2.4%**
NET OTHER FINANCING SOURCES	**(94)**	**(92)**	**(84)**	**10**	**10.6%**	**8**	**8.7%**
CHANGE IN OPERATIONS	**11,132**	**19,351**	**37,792**	**26,660**	**239.5%**	**18,441**	**95.3%**
CLOSING BALANCE	**29,883**	**38,102**	**56,543**	**26,660**	**89.2%**	**18,441**	**48.4%**

Receipts

All Funds receipts totaled $179.4 billion, exceeding initial estimates by $20.7 billion. Tax collections were $20.4 billion higher than initial projections, consistent with the General Fund operating results described earlier. Miscellaneous receipts were $1.3 billion higher than initially estimated primarily reflecting a central aggregate receipts adjustment which lowers projections to offset downward adjustments to spending based upon trends and patterns. Federal grants typically align with Federal operating aid spending, which was lower than planned through December.

Spending

State Operating Funds spending was $2.5 billion below initial estimates. Variances in local assistance and agency operations spending, including GSCs, are consistent with the General Fund operating results described earlier. In addition, spending was also below initial estimates for debt service and capital projects due to routine timing delays of various construction projects.

Federal operating aid spending was $1.9 billion (3.2 percent) lower than initial projections. The largest variance occurred in the following areas:

- DHSES ($1.6 billion lower) driven by slower than projected reimbursement of local COVID-19 claims and Disaster Assistance grants from FEMA.

- Social Services ($351 million lower) due to lower than projected spending on the Flexible Fund for Family Services program ($195 million), Pandemic Emergency Assistance ($146 million), the Water Assistance Program ($84 million), PA Benefits ($42 million), and HEAP ($32 million), partially offset by higher than projected spending on Emergency Rental Assistance ($33 million) and SNAP benefits ($28 million).

- School Aid ($337 million lower) due primarily to the timing of COVID-19-related grants ($1 billion), partially offset by higher grant spending for U.S. Department of Agriculture School Lunch Act grants ($453 million) and Elementary and Secondary Education Act Title grants ($212 million).

- Medicaid ($450 million higher) attributable to an earlier than anticipated release of Managed Care/Managed Long Term Care (MLTC) Encounter Withhold Payments ($663 million), partially offset by payment offsets ($124 million), lower than anticipated claims spending ($73 million) and the timing of offline payments ($36 million).

All Governmental Funds Results Compared to Prior Year

The December All Funds balance, totaling $56.5 billion, was significantly higher than the prior year and was comprised of a larger opening balance ($4.5 billion) and higher receipts ($36.6 billion), including $10.2 billion of PTET collection, partly offset by higher spending ($14.3 billion).

Higher receipts through December 2021, excluding PTET, includes growth in tax receipts ($17.7 billion) and Federal aid ($13.8 billion) inclusive of $7.6 billion in pandemic-related aid ($12.75 billion in ARP recovery aid received in May 2021 compared to $5.1 billion of CRF aid received in April 2020), partly offset by a decline in miscellaneous receipts ($4.9 billion) that primarily reflect $4.5 billion in one-time PIT note sale proceeds executed in FY 2021.

The annual spending increase from FY 2021 to FY 2022 is distorted by the extensive cash management actions taken by DOB in response to the public health emergency. These actions included the withholding of local aid payments, a comprehensive hiring freeze, and limitations placed on capital projects activity.

ALL GOVERNMENTAL FUNDS - RESULTS COMPARED TO PRIOR YEAR FY 2022 April to December (millions of dollars)	Actuals		Increase/(Decrease)	
	FY 2021	FY 2022	$	%
OPENING BALANCE	**14,285**	**18,751**	**4,466**	**31.3%**
ALL FUNDS RECEIPTS:	**142,732**	**179,363**	**36,631**	**25.7%**
Total Taxes	**56,586**	**84,403**	**27,817**	**49.2%**
Personal Income Tax	36,798	49,039	12,241	33.3%
Pass Through Entity Tax	0	10,163	10,163	100.0%
All Other Taxes	19,788	25,201	5,413	27.4%
Miscellaneous Receipts	**23,980**	**19,041**	**(4,939)**	**-20.6%**
Federal Grants	**62,166**	**75,919**	**13,753**	**22.1%**
Bond & Note Proceeds	**0**	**0**	**0**	**0.0%**
ALL FUNDS DISBURSEMENTS:	**127,196**	**141,487**	**14,291**	**11.2%**
STATE OPERATING FUNDS	**63,893**	**73,906**	**10,013**	**15.7%**
Local Assistance	**43,168**	**51,786**	**8,618**	**20.0%**
School Aid	16,052	16,735	683	4.3%
DOH Medicaid (incl. admin and EP)	15,577	17,319	1,742	11.2%
All Other	11,539	17,732	6,193	53.7%
State Operations	**18,146**	**20,677**	**2,531**	**13.9%**
Agency Operations	**12,090**	**13,682**	**1,592**	**13.2%**
Executive Agencies	5,531	7,032	1,501	27.1%
University Systems	4,610	4,795	185	4.0%
Elected Officials	1,949	1,855	(94)	-4.8%
Fringe Benefits/Fixed Costs	**6,056**	**6,995**	**939**	**15.5%**
Pension Contribution	2,355	2,435	80	3.4%
Health Insurance	3,292	3,416	124	3.8%
Other Fringe Benefits/Fixed Costs	408	1,144	736	180.4%
Debt Service	**2,579**	**1,443**	**(1,136)**	**-44.0%**
CAPITAL PROJECTS (State and Federal Funds)	**9,228**	**10,111**	**883**	**9.6%**
FEDERAL OPERATING AID	**54,075**	**57,470**	**3,395**	**6.3%**
NET OTHER FINANCING SOURCES	**(211)**	**(84)**	**127**	**60.2%**
CHANGE IN OPERATIONS	**15,325**	**37,792**	**22,467**	**146.6%**
CLOSING BALANCE	**29,610**	**56,543**	**26,933**	**91.0%**

Receipts

Tax collections have increased in every category compared to FY 2021. PIT collections were $12.2 billion (33.3 percent) higher than last year driven by substantial growth in total estimated payments, withholding, and final returns coupled with a decrease in current year refunds and the state/city offset. Growth in consumption/use tax collections was $2.8 billion and was primarily due to a recovery in sales tax collections which were depressed in 2020 by taxpayers' behavioral responses to COVID-19 closures and stay-at-home orders. Higher business taxes collections ($12.1 billion) were driven mainly by PTET collections ($10.2 billion) and strong CFT gross receipts. The increase in other taxes ($649 million) was driven by a stronger than expected recovery in the real estate market, particularly in New York City, and an increase in large and super-large estate tax payments.

The year-to-year decline in miscellaneous receipts ($4.9 billion) is due to a one-time PIT note sale in FY 2021 to address cash-flow needs resulting from the Federal government's extension of the PIT income tax filing deadline; the timing of reimbursement for various capital programs, including SUNY ($595 million), ESD ($452 million) and the MTA ($362 million); and a decrease in the level of extraordinary monetary settlements ($600 million) and SUNY Hospital Operations receipts ($465 million). These declines were partly offset by growth in receipts for the Video Lottery Terminal (VLT)/Lottery ($940 million), HCRA ($268 million), SUNY General Revenue ($153 million), Licenses/Fees ($167 million), and Commercial Gaming ($118 million).

Federal grants through December 2021 were nearly $14 billion higher than through the same period in the prior year. The increase mainly reflects the net increase in extraordinary Federal aid ($12.75 billion in ARP aid received in May 2021 less $5.1 billion in CRF aid received in April 2020), and other pandemic related aid, including education aid and emergency rental assistance, as well as growth in ordinary Federal operating aid.

Spending

Through December 2021, State Operating Funds spending totaled $73.9 billion in FY 2022, an increase of $10 billion (15.7 percent) from FY 2021. The annual year-over-year increase is affected by the strict spending controls that were in force through nearly all of FY 2021.

Local assistance spending through December 2021 was $8.6 billion higher than in the prior year. The largest areas of change include the following:

- Department of Labor ($2.1 billion) spending increased for the new Excluded Workers Program.

- Medicaid ($1.7 billion) spending growth is due to a lower State share of the eFMAP credit ($527 million) in FY 2022, as the prior year credit through December 2021 included amounts retroactive to January 2020, and higher claims spending ($842 million) and Managed Care and Managed Long Term Care Encounter withholds ($518 million).

- Mental Hygiene ($1.5 billion) spending reflects the change in funding financed by the Mental Hygiene Stabilization Fund and a delay of non-Medicaid payments in FY 2021.

- All Other Education ($685 million) spending growth was attributable primarily to the timing of payments for Summer and Preschool Special Education programs ($355 million), Nonpublic School Aid ($125 million), NYC Charter Schools Facilities Aid ($47 million), miscellaneous P-12 programs ($26 million), Aid to Public Libraries ($23 million), and Bundy Aid ($20 million).

- School Aid ($683 million) growth is primarily due to an increase in payments related to the Teachers Retirement System ($124 million), Universal Prekindergarten ($112 million), BOCES Aid ($110 million), Excess Cost Aid ($95 million), and categorical programs ($97 million).

- ESD ($644 million) spending increased due to the Small Business Pandemic Relief aid.

- Transportation ($606 million) spending growth is affected by the impact of FY 2021 spending controls, which reduced disbursements through much of last year, and higher tax collections supporting additional transit operating aid payments in FY 2022.

- Social Services growth ($315 million) is primarily attributed to increased spending on Child Welfare Services ($133 million), Foster Care Block Grants ($72 million), Day Care ($53 million) and Youth Programs ($40 million).

- Public Health growth ($208 million) is due to the scheduled eFMAP phase-down which increased the State share of CHP costs from 23.5 percent to 35.0 percent.

- Unrestricted Aid growth ($171 million) is due largely to cash management payment withholds executed in FY 2021.

Executive agency operations spending growth ($1.5 billion) is driven primarily by a reduction in the amount of eligible payroll costs being offset through the CRF and the payment of deferred FY 2021 General Salary Increases for CSEA, DC-37, NYSCOPBA, Police Investigators Association (PIA), Police Benevolent Association (PBA), Unified Court System (UCS), Management Confidential (MC), UUP, and the new PEF settlement through December of FY 2022.

The decline in Elected Officials spending ($94 million) is driven mainly by a reduction in courts' operational costs.

Increased fringe benefits spending ($940 million) is due largely to the interest free deferral of Social Security payments in FY 2021, as provided for in the CARES Act. The State repaid the first half of the two equal installments of the deferred payments in November 2021 and plans to repay the rest in December 2022.

Debt service spending was $1.1 billion lower due primarily to the repayment of a $1 billion liquidity PIT note in December of 2020 and prepayments made in FY 2021.

Higher Capital Projects spending (State and Federal) mostly occurred in DOT ($290 million), DEC ($267 million) and CUNY ($235 million).

Increased Federal operating spending growth ($3.4 billion) was due predominantly to the following:

- Social Services ($3.1 billion higher) due to a resumption of regular Social Services program payments relative to FY 2021 and the allocation of over $1.2 billion in emergency rental assistance in FY 2022.

- School Aid ($2.5 billion higher) due primarily to the first year disbursement of K-12 COVID-19 relief grants ($1.4 billion), and a greater volume of Elementary and Secondary Education Act Title grants ($475 million) and U.S. Department of Agriculture School Lunch Act grants ($561 million) in FY 2022.

- Medicaid ($832 million higher) due largely to an earlier than anticipated release of Managed Care/MLTC Encounter Withhold Payments ($663 million). Additional overspending was primarily driven by the timing of offline payments, including the Nursing Home Supplement ($140 million), and Nursing Home UPL payments ($31 million).

- EP ($725 million higher) attributable to steady enrollment growth amid the pandemic-related economic downturn.

- Department of Labor ($4.1 billion lower) due to a significant slowdown of the Lost Wages Assistance program in FY 2022 relative to the preceding fiscal year.

GAAP-BASIS RESULTS FOR PRIOR FISCAL YEARS

GAAP-Basis Results for Prior Fiscal Years

The Comptroller prepares Basic Financial Statements and Other Supplementary Information, including a management discussion and analysis, on a GAAP basis for governments as promulgated by the GASB. The Basic Financial Statements and Other Supplementary Information are released in July each year. These statements are audited by independent certified public accountants. The State issued the Basic Financial Statements for FY 2021 on July 29, 2021. The Comptroller also prepares and issues a Comprehensive Annual Financial Report, which, in addition to the components referred to above, also includes an introductory section and a statistical section. The Comprehensive Annual Financial Report for the fiscal year ended March 31, 2021 was issued on September 30, 2021.

The following tables summarize recent governmental funds results on a GAAP basis.

COMPARISON OF ACTUAL GAAP-BASIS OPERATING RESULTS SURPLUS/(DEFICIT) (in millions of dollars)

Fiscal Year Ended	General Fund	Special Revenue Funds	Debt Service Funds	Capital Projects Funds	All Governmental Funds	Accumulated General Fund Surplus/Deficit
March 31, 2021	8,600	467	2,596	4,186	15,849	20,338
March 31, 2020	355	(296)	(900)	(79)	(920)	3,736
March 31, 2019	(1,291)	1,873	594	(1,079)	97	3,381

SUMMARY OF NET POSITION (millions of dollars)

Fiscal Year Ended	Governmental Activities	Business-Type Activities	Total Primary Government
March 31, 2021	7,329	(20,925)	(13,596)
March 31, 2020	(5,240)	(8,375)	(13,615)
March 31, 2019	(4,127)	(8,334)	(12,461)

The Comprehensive Annual Financial Report for the fiscal year ended March 31, 2021 and those related to prior fiscal years can be obtained from the Office of the State Comptroller, 110 State Street, Albany, NY 12236 or at the Office of the State Comptroller's website at www.osc.state.ny.us. The Basic Financial Statements can also be accessed through the Municipal Securities Rulemaking Board's Electronic Municipal Market Access (EMMA) system website at www.emma.msrb.org.

CAPITAL PROGRAM AND FINANCING PLAN OVERVIEW

State PIT Revenue Bond Program

Since 2002, the PIT Revenue Bond Program has been the primary financing vehicle used to fund the State's capital program. Legislation enacted in 2001 provided for the issuance of State PIT Revenue Bonds by the State's Authorized Issuers. The legislation required 25 percent of State PIT receipts (excluding refunds owed to taxpayers) to be deposited into the RBTF for purposes of making debt service payments on these bonds, with the excess amounts returned to the General Fund. Over time, other State revenue sources have been dedicated to the RBTF in order to address the anticipated impact that certain legislative changes could have on the level of State PIT receipts, namely, the enactment of (i) the Employer Compensation Expense Program (ECEP) and the Charitable Gifts Trust Fund in 2018, and (ii) the Pass-Through Entity Tax (PTET) in 2021. The legislative changes were implemented to mitigate the effect of the TCJA that, among other things, limited the state and local tax (SALT) deduction. In order to preserve coverage in the PIT Revenue Bond program, State legislation was enacted that dedicated 50 percent of ECEP receipts and 50 percent of PTET receipts for deposit to the RBTF for the payment of PIT bonds. In addition, in 2018 legislation was enacted that increased the percentage of PIT receipts dedicated to the payment of PIT bonds from 25 to 50 percent. As a result, 50 percent of PIT receipts, 50 percent of ECEP receipts and 50 percent of PTET receipts (collectively, the "RBTF Receipts") now secure the timely payment of debt service on all PIT bonds.

In the event that (a) the State Legislature fails to appropriate amounts required to make all debt service payments on the State PIT Revenue Bonds or (b) having been appropriated and set aside pursuant to a certificate of the Director of the Budget, financing agreement payments have not been made when due on the State PIT Revenue Bonds, the legislation requires that RBTF Receipts continue to be deposited to the RBTF until amounts on deposit in the Fund equal the greater of 40 percent of the aggregate of annual State PIT receipts, ECEP receipts, and PTET receipts or $12 billion. Debt service on State PIT Revenue Bonds is subject to legislative appropriation, as part of the annual debt service bill.

DOB expects that the ECEP and PTET will be revenue neutral on a multi-year basis for PIT bondholders, although PIT receipts would decrease and ECEP and PTET receipts would increase to the extent that employers elect to participate in the ECEP and qualifying entities elect to pay PTET. However, because PTET payments will generally be received in the fiscal year prior to credit claiming, the PTET will not be revenue-neutral to the State within each fiscal year.

The Executive Budget includes estimates for PTET receipts and the corresponding decrease in PIT receipts, based on PTET receipts received in December 2021 for tax year 2021 liabilities. The overall effect on projected receipts to the Revenue Bond Tax Fund, to which 50 percent of both PIT and PTET receipts are deposited, is that PTET will increase FY 2022 receipts and decrease FY 2023 receipts by a significant amount. Projections are based on limited experience of taxpayer behavior to date, and there can be no assurance that such projections will be realized.

Donations to the Charitable Gifts Trust Fund, however, could reduce State PIT receipts by nearly one dollar for every dollar donated. Accordingly, the amount of donations to the State Charitable Gifts Trust Fund is the principal direct risk to the aggregate amount of New York State PIT receipts that would otherwise be received in a given year. On June 13, 2019, the IRS issued final regulations (Treasury Decision 9864) that effectively curtailed further donations to the Charitable Gifts Trust Fund beyond the $93 million in donations that the State received in 2018, when the U.S. Treasury and the IRS first published proposed regulatory changes. Virtually no additional donations to the Charitable Gifts Trust Fund have been received by the State after the 2018 tax year. If Treasury Decision 9864 is upheld in Federal court, taxpayer participation in the future will likely be reduced. However, if the legal challenge is successful in restoring the full Federal tax deduction for charitable contributions, donations to the Charitable Gifts Trust Fund in future years could be higher than in 2018. In such event, the amount of donations to the Charitable Gifts Trust Fund would likely pose a risk to the amount of New York State PIT receipts deposited to the RBTF in future years.

DOB and DTF have calculated the maximum amount of charitable donations to the Charitable Gifts Trust Fund for Tax Years 2022 through 2025[11] to be, on average, in the range of $23 billion annually. The calculation assumes that every resident taxpayer who has an incentive to donate will do so, and such donations will be equal to the total value of each resident taxpayer's SALT payments, less the value of the $10,000 Federal SALT deduction limit, up to the value of the taxpayer's total State tax liability. The calculation is dependent on several assumptions concerning the number of itemized filers. It relies on the most recent PIT population study file, as trended forward, as well as the impact of the TCJA and State law changes on the number and distribution of itemized and standardized filers. It also relies on DOB's projections of the level of PTET liability and the associated PTET credits, which serve to reduce PIT liability. The calculation assumes that all PTET credits are claimed by taxpayers negatively affected by the $10,000 Federal SALT deduction limit, thereby reducing the maximum amount of charitable donations to the Charitable Gifts Trust Fund on a dollar-for-dollar basis. The calculation also assumes that (a) no further changes in tax law occur and (b) DOB projections of the level of State taxpayer liability for the forecast period as set forth in the Financial Plan are materially accurate. The calculation is only intended to serve as a stress test on State PIT receipts that may flow to the RBTF under different levels of assumed taxpayer participation. Accordingly, the calculation should not, under any circumstances, be viewed as a projection of likely donations in any future year. Other factors that may influence donation activity include: continued federal limitations on the SALT deduction coupled with statements, actions, or interpretive guidance by the IRS or other governmental actors relating to the deductibility of such donations; the liquidity position, risk tolerance, and knowledge of individual taxpayers; and advice or guidance of tax advisors or other professionals.

[11] Under current law, the Federal SALT deduction limit is scheduled to expire on December 31, 2025, thereby rendering the Charitable Gifts Trust Fund an unnecessary tool for realizing unlimited Federal SALT deductibility beginning Tax Year 2026.

DOB believes that after factoring in the legislative adjustments to the dedicated portion of PIT receipts to be deposited to the RBTF, as well as the addition of the ECEP receipts and PTET revenues, RBTF Receipts are expected to remain above the level of PIT receipts that would have been expected under statutes in effect prior to April 1, 2018 (before the creation of the Charitable Gifts Trust Fund), even assuming maximum Charitable Gifts Trust Fund participation by taxpayers. While DOB believes that multiple factors can be expected to constrain donation activity, there can be no assurance that, under conditions of maximum participation, the amount of annual charitable gifts will not reduce the level of PIT receipts deposited into the Revenue Bond Tax Fund below the levels projected in February 2018 before State tax reforms were enacted. If that were to occur, it is DOB's expectation that changes to the tax law would be recommended to further increase the percentage of PIT receipts deposited into the Revenue Bond Tax Fund.

As of March 31, 2021, approximately $43.8 billion of State PIT Revenue Bonds were outstanding. The projected PIT Revenue Bond coverage ratios, noted below, are based upon estimates of RBTF Receipts and include projected debt issuances.

The projected PIT Revenue Bond coverage ratios assume that projects previously financed through the Mental Health Revenue Bond program and the DHBTF Revenue Bond program will be issued under the PIT Revenue Bond and Sales Tax Revenue Bond programs. While DOB routinely monitors the State’s debt portfolio across all State-supported credits for refunding opportunities, no future refunding transactions are reflected in the following projected coverage ratios.

The following table entitled, “Projected PIT Revenue Bond Coverage Ratios,” does not reflect any estimate of charitable donations or the impact of any such charitable donations on the amount of PIT receipts deposited into the Revenue Bond Tax Fund.

PROJECTED PIT REVENUE BOND COVERAGE RATIOS [1]
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Projected RBTF Receipts	42,421	32,058	39,030	41,117	40,660	42,823
Projected New PIT Bonds Issuances	7,530	6,314	5,952	5,438	6,098	6,121
Projected Total PIT Bonds Outstanding	46,942	51,389	55,267	58,279	61,096	63,781
Projected Maximum Annual Debt Service	4,477	4,956	5,368	5,728	6,227	6,160
Projected PIT Coverage Ratio	9.5	6.5	7.3	7.2	6.5	7.0

[1] Reflects the timing of PTET receipts and subsequent decrease in PIT receipts, which are estimated to be revenue-neutral on a multi-year basis, but are not estimated to be revenue-neutral within each fiscal year.

Sales Tax Revenue Bond Program

Legislation enacted in 2013 created the Sales Tax Revenue Bond program. This bonding program replicates certain credit features of PIT and LGAC revenue bonds and is expected to continue to provide the State with increased efficiencies and a lower cost of borrowing.

The legislation created the Sales Tax Revenue Bond Tax Fund, a sub-fund within the General Debt Service Fund that will provide for the payment of these bonds. The Sales Tax Revenue Bonds are secured originally by dedicated revenues consisting of one cent of the State's four cent sales and use tax. The legislation also provided that upon the satisfaction of all the obligations and liabilities of LGAC, dedicated revenues will increase to 2 cents of the State's four-cent sales and use tax. This occurred when LGAC bonds were fully retired on April 1, 2021. Such sales tax receipts in excess of debt service requirements are transferred to the State's General Fund.

The Sales Tax Revenue Bond Fund has appropriation-incentive and General Fund "reach back" features comparable to PIT and LGAC bonds. A "lock box" feature restricts transfers back to the General Fund in the event of non-appropriation or non-payment. In addition, in the event that sales tax revenues are insufficient to pay debt service, a "reach back" mechanism requires the State Comptroller to transfer moneys from the General Fund to meet debt service requirements.

The legislation also authorized the use of State Sales Tax Revenue Bonds and PIT Revenue Bonds to finance any capital purpose, including projects that were previously financed through the State's Mental Health Facilities Improvement Revenue Bond program and the DHBTF program. This allowed the State to transition to the use of three primary credits – PIT Revenue Bonds, Sales Tax Revenue Bonds and General Obligation Bonds to finance the State's capital needs. Sales Tax Revenue Bonds are used interchangeably with PIT Revenue Bonds to finance State capital needs. As of March 31, 2021, $10.7 billion of Sales Tax Revenue Bonds were outstanding.

Debt service coverage for the Sales Tax Revenue Bond program reflects the increased deposit to the Sales Tax Revenue Bond Tax Fund from an amount equal to a one percent rate of taxation to a two percent rate of taxation due to the full retirement of LGAC Bonds on April 1, 2021. While DOB routinely monitors the State's debt portfolio across all State-supported credits for refunding opportunities, no future refunding transactions are reflected in the following projected coverage ratios.

PROJECTED SALES TAX REVENUE BOND COVERAGE RATIOS
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Projected Sales Tax Receipts [1]	8,069	8,494	8,662	8,843	9,056	9,299
Projected New Sales Tax Bonds Issuances	2,105	2,445	2,596	2,493	2,101	2,040
Projected Total Sales Tax Bonds Outstanding	12,446	14,211	16,086	17,770	18,990	20,068
Projected Maximum Annual Debt Service	1,231	1,435	1,651	1,721	1,849	1,880
Projected Sales Tax Coverage Ratio	6.6	5.9	5.2	5.1	4.9	4.9

[1] Reflects increased deposits to the Sales Tax Revenue Bond Tax Fund from an amount equal to a one percent rate of taxation to two percent rate of taxation due to the full retirement of LGAC Bonds on April 1, 2021.

Borrowing Plan

STATE DEBT ISSUANCES BY FINANCING PROGRAM (millions of dollars)						
	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Personal Income Tax Revenue Bonds	7,530	6,314	5,952	5,438	6,098	6,121
Sales Tax Revenue Bonds	2,105	2,445	2,596	2,493	2,101	2,040
General Obligation Bonds	213	534	629	609	434	434
Personal Income Tax Notes	0	0	0	0	0	0
Service Contract Line of Credit	0	0	0	0	0	0
Total Issuances	9,848	9,293	9,177	8,540	8,633	8,595

In FY 2023, debt issuances totaling $9.3 billion are planned to finance new capital spending, a decrease of $555 million (5.6 percent) from FY 2022. The decrease is mainly attributable to the one-time issuance of State bonds for the Sales Tax Asset Receivable Corporation (STARC) and Secured Hospitals refinancing in FY 2022. Additionally, the Financial Plan assumes that the State's contributions to the MTA Capital Plans will be funded by the State bonds on an ongoing basis, which is consistent with the approach used in FY 2022

The bond issuances are expected to finance capital commitments for economic development and housing ($2.3 billion), education ($1.4 billion), the environment ($790 million), health and mental hygiene ($726 million), State facilities and equipment ($422 million), and transportation ($3.7 billion).

Over the period of the Capital Plan, new debt issuances are projected to total $44.2 billion. New issuances are expected for economic development and housing ($11.1 billion), education facilities ($6.5 billion), the environment ($3.8 billion), mental hygiene and health care facilities ($3.5 billion), State facilities and equipment ($2.0 billion), transportation infrastructure ($17.4 billion), and the STARC refinancing ($1.8 billion). Assuming an issuance plan consistent with the prior table, the State projects debt outstanding levels through FY 2027 as reflected in the following table:

PROJECTED DEBT OUTSTANDING BY CREDIT (millions of dollars)						
	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
Personal Income Tax Revenue Bonds	46,942	51,389	55,267	58,279	61,096	63,781
Sales Tax Revenue Bonds	12,446	14,211	16,086	17,770	18,990	20,068
General Obligation Bonds	2,209	2,575	3,028	3,411	3,598	3,755
Local Government Assistance Corp.	0	0	0	0	0	0
Other Revenue Bonds	675	610	539	465	389	360
Service Contract & Lease Purchase	578	485	397	320	247	176
TOTAL STATE-SUPPORTED	62,850	69,270	75,317	80,245	84,320	88,140

State-Related Debt Service Requirements

The following table presents the current and projected debt service (principal and interest) requirements on State-related debt. State-related debt service is projected at $5.6 billion in FY 2023, a decrease of $2.7 billion (33 percent) from FY 2022. This is due, in large part, to the prepayment of debt in FY 2021 and FY 2022 of debt due in FY 2023 through FY 2027. The State is contractually required to make debt service payments prior to bondholder payment dates in most instances and may also elect to make payments earlier than contractually required. The State expects to use three principal bonding programs -- Personal Income Tax Revenue Bonds, Sales Tax Revenue Bonds, and General Obligation Bonds -- to fund all bond-financed capital spending.

ESTIMATED DEBT SERVICE REQUIREMENTS ON EXISTING STATE-RELATED DEBT BY CREDIT STRUCTURE [1]
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected	Total
Personal Income Tax Revenue Bonds	7,539	3,874	4,152	4,246	5,291	5,102	30,204
Sales Tax Revenue Bonds	305	1,284	1,405	1,571	1,708	1,841	8,114
General Obligation Bonds	239	239	267	338	377	418	1,878
Local Government Assistance Corporation	0	0	0	0	0	0	0
Other State-Supported Bonds [2]	246	215	210	195	142	166	1,174
All Other State-Related Bonds [2]	41	31	0	0	0	0	72
Personal Income Tax Notes	0	0	0	0	0	0	0
Service Contract Line of Credit	0	0	0	0	0	0	0
Total Debt Service	8,370	5,643	6,034	6,350	7,518	7,527	41,442

[1] Reflects existing debt service on debt issued and projected debt service on assumed new debt issuances. Estimated debt service requirements are calculated based on swap rates in effect for all bonds that were synthetically fixed under an interest rate exchange agreement. Debt service requirements for variable rate bonds for which there are no related interest rate exchange agreements were calculated at assumed rates, which average 2.80%. Debt service is not adjusted for prepayments.

[2] Excludes Mortgage Loan Commitments and Capital Leases

Adjusting debt service shown in the previous table for prepayments, State-related debt service is projected at $6.7 billion in FY 2023, an increase of $150 million (2.3 percent) from FY 2022. Adjusted State-related debt service is projected to increase from $6.6 billion in FY 2022 to $8.5 billion in FY 2027, an average rate of 5.4 percent annually.

AUTHORITIES AND LOCALITIES

Public Authorities

For the purposes of this section, "authorities" refer to public benefit corporations or public authorities, created pursuant to State law, which are reported in the State's Comprehensive Annual Financial Report. Authorities are not subject to the constitutional restrictions on the incurrence of debt that apply to the State itself and they may issue bonds and notes within the amounts and restrictions set forth in legislative authorization. Certain of these authorities issue bonds under two of the three primary State credits – PIT Revenue Bonds and Sales Tax Revenue Bonds. The State's access to the public credit markets through bond issuances constituting State-supported or State-related debt issuances by certain of its authorities could be impaired and the market price of the outstanding debt issued on its behalf may be materially and adversely affected if any of these authorities were to default on their respective State-supported or State-related debt issuances.

The State has numerous public authorities with various responsibilities, including those which finance, construct and/or operate revenue-producing public facilities. These entities generally pay their own operating expenses and debt service costs on their notes, bonds or other legislatively authorized financing structures from revenues generated by the projects they finance or operate, such as tolls charged for the use of highways, bridges or tunnels; charges for public power, electric and gas utility services; tuition and fees; rentals charged for housing units; and charges for occupancy at medical care facilities. Since the State has no actual or contingent liability for the payment of this type of public authority indebtedness, it is not classified as either State-supported debt or State-related debt. Some public authorities, however, receive monies from State appropriations to pay for the operating costs of certain programs.

There are statutory arrangements that, under certain circumstances, authorize State local assistance payments that have been appropriated in a given year and are otherwise payable to localities to be made instead to the issuing public authorities in order to secure the payment of debt service on their revenue bonds and notes. However, in honoring such statutory arrangements for the redirection of local assistance payments, the State has no constitutional or statutory obligation to provide assistance to localities beyond amounts that have been appropriated therefor in any given year.

As of December 31, 2020 (with respect to Job Development Authority or "JDA" as of March 31, 2021), each of the 16 authorities listed in the following table had outstanding debt of $100 million or more, and the aggregate outstanding debt, including refunding bonds, was approximately $220 billion, only a portion of which constitutes State-supported or State-related debt. Note that the outstanding debt information contained in the following table is the most current information provided by OSC from data submitted by the 16 authorities as of the date of this AIS Update.

OUTSTANDING DEBT OF CERTAIN AUTHORITIES[1]
AS OF DECEMBER 31, 2020[2]
(millions of dollars)

Authority	State-Related Debt	Authority and Conduit	Total
Dormitory Authority	40,570	22,385	62,955
Metropolitan Transportation Authority	0	39,281	39,281
Port Authority of NY & NJ	0	26,363	26,363
UDC/ESD	20,030	1,052	21,082
Housing Finance Agency	7	17,449	17,456
Job Development Authority[2]	0	14,516	14,516
Triborough Bridge and Tunnel Authority	0	8,739	8,739
Long Island Power Authority[3]	0	8,519	8,519
Thruway Authority	1,453	5,881	7,334
Environmental Facilities Corporation	0	5,718	5,718
State of New York Mortgage Agency	0	2,852	2,852
Power Authority	0	2,111	2,111
Energy Research and Development Authority	0	1,625	1,625
Battery Park City Authority	0	875	875
Municipal Bond Bank Agency	68	76	144
Niagara Frontier Transportation Authority	0	141	141
TOTAL OUTSTANDING	62,128	157,583	219,711

Source: Compiled by the Office of the State Comptroller from data submitted by the Public Authorities. Debt classifications by DOB.

(1) Includes only authorities with $100 million or more in outstanding debt which are reported as component units or joint ventures of the State in the Comprehensive Annual Financial Report. Includes short-term and long-term debt. Reflects par amounts outstanding for bonds and financing arrangements or gross proceeds outstanding in the case of capital appreciation bonds. Amounts outstanding do not reflect accretion of capital appreciation bonds or premiums received.

(2) All Job Development Authority (JDA) debt outstanding reported as of March 31, 2021. This includes $14.5 billion in conduit debt issued by JDA's blended component units consisting of $6.1 billion issued by New York Liberty Development Corporation ($1.2 billion of which is also included in the amount reported for Port Authority of NY and NJ), $516 million issued by the Brooklyn Arena Local Development Corporation, and $7.9 billion issued by the New York Transportation Development Corporation.

(3) Includes $3.88 billion of Utility Debt Securitization Authority (UDSA) bonds. Chapter 173 of the Laws of 2013 established UDSA for the sole purpose of retiring certain outstanding indebtedness of the Long Island Power Authority (LIPA) through the issuance of restructuring bonds. UDSA is reported as a blended component unit of LIPA in LIPA's audited financial statements.

Localities

There have been severe financial and other adverse impacts on localities throughout the State, but particularly on New York City and the surrounding counties as the initial epicenter of the COVID-19 pandemic. No attempt is made in this AIS Update to assess, at this time, the financial and healthcare impacts on the State's localities.

While the fiscal condition of New York City and other local governments in the State is reliant, in part, on State aid to balance their annual budgets and meet their cash requirements, the State is not legally responsible for their financial condition and viability. Indeed, the provision of State aid to localities, while one of the largest disbursement categories in the State budget, is not constitutionally obligated to be maintained at current levels or to be continued in future fiscal years and the State Legislature may amend or repeal statutes relating to the formulas for and the apportionment of State aid to localities.

The City of New York

The fiscal demands on the State may be affected by the fiscal condition of New York City, which relies in part on State aid to balance its budget and meet its cash requirements. It is also possible that the State's finances may be affected by the ability of New York City, and its related issuers, to market securities successfully in the public credit markets. The official financial disclosure of the City of New York and its related issuers is available by contacting Investor Relations, (212) 788-5864, or contacting the City Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007. The official financial disclosures of the City of New York and its related issuers can also be accessed through the EMMA system website at www.emma.msrb.org. The State assumes no liability or responsibility for any financial information reported by the City of New York. The following table summarizes the debt of New York City and its related issuers.

DEBT OF NEW YORK CITY AND RELATED ENTITIES [1]
AS OF JUNE 30 OF EACH YEAR
(millions of dollars)

Year	General Obligation Bonds	Obligations of TFA [1]	Obligations of STARC Corp. [2]	Obligations of TSASC, Inc.	Hudson Yards Infrastructure Corporation	Other Obligations [3]	Total
2012	42,286	26,268	2,054	1,253	3,000	2,493	77,354
2013	41,592	29,202	1,985	1,245	3,000	2,394	79,418
2014	41,665	31,038	1,975	1,228	3,000	2,334	81,240
2015	40,460	33,850	2,035	1,222	3,000	2,222	82,789
2016	38,073	37,358	1,961	1,145	3,000	2,102	83,639
2017	37,891	40,696	1,884	1,089	2,751	2,034	86,345
2018	38,628	43,355	1,805	1,071	2,724	2,085	89,668
2019	37,519	46,624	1,721	1,053	2,724	1,901	91,542
2020	38,784	48,978	1,634	1,023	2,724	1,882	95,025
2021	38,574	49,957	0	993	2,677	1,983	94,184

Source: Office of the State Comptroller; The City of New York Annual Comprehensive Financial Report.

[1] Includes amounts for Building Aid Revenue Bonds (BARBs), the debt service on which will be funded solely from future State Building Aid payments that are subject to appropriation by the State and have been assigned by the City of New York to the Transitional Finance Authority (TFA).

[2] A portion of the proceeds of the Sales Tax Asset Receivable Corporation (STARC) bonds were used to retire outstanding Municipal Assistance Corporation bonds. The debt service on STARC bonds was funded from annual revenues provided by the State, subject to annual appropriation. These revenues were assigned to the STARC by the Mayor of the City of New York.

[3] Includes bonds issued by the Fiscal Year 2005 Securitization Corporation, the New York City Educational Construction Fund, the Industrial Development Agency and, beginning in 2010, the New York City Tax Lien Collateralized Bonds. Also included are bonds issued by the Dormitory Authority of the State of New York for education, health and court capital projects, and other long-term leases which will be repaid from revenues of the City or revenues that would otherwise be available to the City if not needed for debt service.

The staffs of the Financial Control Board for the City of New York (FCB), the Office of the State Deputy Comptroller (OSDC), the City Comptroller and the Independent Budget Office issue periodic reports on the City's financial plans. Copies of the most recent reports are available by contacting: FCB, 80 Maiden Lane, Suite 402, New York, NY 10038, Attention: Executive Director, http://www.fcb.ny.gov/; OSDC, 59 Maiden Lane, 29th Floor, New York, NY 10038, Attention: Deputy Comptroller, http://www.osc.state.ny.us/osdc/; City Comptroller, Municipal Building, 6th Floor, One Centre Street, New York, NY 10007-2341, Attention: Deputy Comptroller for Budget, https://comptroller.nyc.gov/; and IBO, 110 William Street, 14th Floor, New York, NY 10038, Attention: Director, http://www.ibo.nyc.ny.us/.

Other Localities

Certain localities other than New York City have experienced financial problems and have requested and received additional State assistance during the last several State fiscal years. While a relatively infrequent practice, deficit financing by local governments has become more common in recent years. State legislation enacted post-2004 includes 29 special acts authorizing bond issuances to finance local government operating deficits. Included in this figure are special acts that extended the period of time related to prior authorizations and modifications to issuance amounts previously authorized. When a local government is authorized to issue bonds to finance operating deficits, the local government is subject to certain additional fiscal oversight during the time the bonds are outstanding as required by the State's Local Finance Law, including an annual budget review by OSC.

In addition to deficit financing authorizations, the State has periodically enacted legislation to create oversight boards in order to address deteriorating fiscal conditions within particular localities. The Cities of Buffalo and Troy, and the Counties of Erie and Nassau are subject to varying levels of review and oversight by entities created by such legislation. The City of Newburgh operates under special State legislation that provides for fiscal oversight by the State Comptroller and the City of Yonkers must adhere to a Special Local Finance and Budget Act. The impact on the State of any possible requests in the future for additional oversight or financial assistance cannot be determined at this time and therefore is not included in the Financial Plan projections.

Legislation enacted in 2013 created the Financial Restructuring Board for Local Governments (the "Restructuring Board"). The Restructuring Board consists of ten members, including the State Director of the Budget, who is the Chair, the Attorney General, the State Comptroller, the Secretary of State and six members appointed by the Governor. The Restructuring Board, upon the request of a "fiscally eligible municipality", is authorized to perform a number of functions including reviewing the municipality's operations and finances, making recommendations on reforming and restructuring the municipality's operations, proposing that the municipality agree to fiscal accountability measures, and making available certain grants and loans. To date, the Restructuring Board is currently reviewing or has completed reviews for twenty-six municipalities. The Restructuring Board is also authorized, upon the joint request of a fiscally eligible municipality and a public employee organization, to resolve labor impasses between municipal employers and employee organizations for police, fire and certain other employees in lieu of binding arbitration before a public arbitration panel.

OSC implemented its Fiscal Stress Monitoring System (the "Monitoring System") in 2013. The Monitoring System utilizes a number of fiscal and environmental indicators with the goal of providing an early warning to local communities about stress conditions in New York's local governments and school districts. Fiscal indicators consider measures of budgetary solvency while environmental indicators consider measures such as population, poverty, and tax base trends. Individual entities are then scored according to their performance on these indicators. An entity's score on the fiscal components will determine whether or not it is classified in one of three levels of stress: significant, moderate or susceptible. Entities that do not meet established scoring thresholds are classified as “No Designation”.

Based on financial data filed with OSC, a total of 30 local governments (6 counties, 7 cities, 9 towns and 8 villages) for local fiscal years ending in 2020 and 23 school districts for the school fiscal year ending in 2021 have been placed in a stress category by OSC. The vast majority of local governments(97.9 percent) and school districts (96.6 percent) are classified in the "No Designation" category.

Like the State, local governments must respond to changing political, economic and financial influences over which they have little or no control, but which can adversely affect their financial condition. For example, the State or Federal government may reduce (or, in some cases, eliminate) funding of local programs, thus requiring local governments to pay these expenditures using their own resources. Similarly, past cash flow problems for the State have resulted in delays in State aid payments to localities. In some cases, these delays have necessitated short-term borrowing at the local level.

Other factors that have had, or could have, an impact on the fiscal condition of local governments and school districts include: the loss of temporary Federal stimulus funding; recent State aid trends; constitutional and statutory limitations on the imposition by local governments and school districts of property, sales and other taxes; the economic ramifications of a pandemic; and for some communities, the significant upfront costs for rebuilding and clean-up in the wake of a natural disaster. Localities may also face unanticipated problems resulting from certain pending litigation, judicial decisions and long-range economic trends. Other large-scale potential problems, such as declining urban populations, declines in the real property tax base, increasing pension, health care and other fixed costs, or the loss of skilled manufacturing jobs, may also adversely affect localities and necessitate requests for State assistance.

Ultimately, localities as well as local public authorities may suffer serious financial difficulties that could jeopardize local access to public credit markets, which may adversely affect the marketability of notes and bonds issued by localities within the State.

The following table summarizes the debt of New York City and its related issuers, and other New York State localities, from 1980 to 2020.

DEBT OF NEW YORK LOCALITIES [1]
(millions of dollars)

Locality Fiscal Year Ending	Combined New York City Debt [2]		Other Localities Debt [3]		Total Locality Debt [3]	
	Bonds	Notes	Bonds [4]	Notes [4]	Bonds [3] [4]	Notes [4]
1980	12,995	0	6,835	1,793	19,830	1,793
1990	20,027	0	10,253	3,082	30,280	3,082
2000	39,244	515	19,093	4,470	58,337	4,985
2010	69,536	0	36,110	7,369	105,646	7,369
2016	83,639	0	35,006	6,952	118,645	6,952
2017	86,345	0	34,788	5,617	121,133	5,617
2018	89,668	0	35,855	5,737	125,523	5,737
2019	91,542	0	36,661	7,632	128,203	7,632
2020	95,025	0	36,088	8,626	131,113	8,626

Source: Office of the State Comptroller; The City of New York Annual Comprehensive Financial Report.

NOTE: For localities other than New York City, the amounts shown for fiscal years ending 1990 may include debt that has been defeased through the issuance of refunding bonds.

(1) Because the State calculates locality debt differently for certain localities (including New York City), the figures above may vary from those reported by such localities. In addition, this table excludes indebtedness of certain local authorities and obligations issued in relation to State lease-purchase arrangements.

(2) Includes bonds issued by New York City and its related issuers, the Transitional Finance Authority, STAR Corporation, TSASC, Inc., the Hudson Yards Infrastructure Corporation, and Treasury obligations (as shown in the table "Debt of New York City and Related Entities" in the section of this document entitled "Authorities and Localities - The City of New York"). Also included are the bonds of the Fiscal Year 2005 Securitization Corporation, the Industrial Development Agency, the Municipal Assistance Corporation, the Samurai Funding Corporation, the New York City Educational Construction Fund, and the Dormitory Authority of the State of New York for education, health and court capital projects, and other long-term leases which will be repaid from revenues of the City or revenues which would otherwise be available to the City if not needed for debt service and, beginning in 2010, the New York City Tax Lien Collateralized Bonds.

(3) Includes bonds issued by localities and certain debt guaranteed by the localities and excludes capital lease obligations (for localities other than New York City), assets held in sinking funds and certain amounts available at the start of a fiscal year for redemption of debt. Starting in 2001, debt for other localities includes installment purchase contracts.

(4) Amounts reflect those set forth on Annual Update Documents provided to OSC by New York State localities. Does not include indebtedness of certain localities that did not file Annual Update Documents (financial reports) with the State Comptroller.

STATE RETIREMENT SYSTEM

THE INFORMATION THAT FOLLOWS UNDER THIS HEADING HAS BEEN PREPARED SOLELY BY THE OFFICE OF THE STATE COMPTROLLER, AND DOB HAS NOT UNDERTAKEN ANY INDEPENDENT VERIFICATION OF SUCH INFORMATION.

General

This section summarizes key information regarding the New York State and Local Retirement System ("NYSLRS" or the "System") and the Common Retirement Fund ("CRF"). The System was established as a means to pay benefits to the System's participants. The CRF comprises a pooled investment vehicle designed to protect and enhance the long-term value of the System's assets. Greater detail, including the independent auditor's report for the fiscal year ending March 31, 2021, is included in NYSLRS' Comprehensive Annual Financial Report ("NYSLRS' Financial Report") for the fiscal year ended March 31, 2021 and is available on the OSC website at the following address: https://www.osc.state.ny.us/files/retirement/resources/pdf/comprehensive-annual-financial-report-2021.pdf.

Additionally, available at the OSC website is the System's asset listing for the fiscal year ended March 31, 2021. The audited financial statements with the independent auditor's report for the fiscal year ended March 31, 2021 is available on the OSC website at the following address: https://www.osc.state.ny.us/files/retirement/resources/pdf/asset-listing-2021.pdf.

The Annual Reports to the Comptroller on Actuarial Assumptions from the Retirement System's Actuary - the contents of which explain the methodology used to determine employer contribution rates to the System - issued from 2007 through 2021 are available at the OSC website at:
https://www.osc.state.ny.us/retirement/resources/financial-statements-and-supplementary-information.

Benefit plan booklets describing how each of the System's tiers works can be accessed at https://www.osc.state.ny.us/retire/publications/.

The State Comptroller is the administrative head of NYSLRS, which has the powers and privileges of a corporation and comprises the New York State and Local Employees' Retirement System ("ERS") and the New York State and Local Police and Fire Retirement System ("PFRS"). The State Comptroller promulgates rules and regulations for the administration and transaction of the business of the System. Pursuant to the State's Retirement and Social Security Law and Insurance Law, NYSLRS is subject to the supervision of the Superintendent of DFS.

The State Comptroller is also the trustee and custodian of the CRF, a trust created pursuant to the Retirement and Social Security Law to hold the System's assets, and, as such, is responsible for investing the assets of the System. Consistent with statutory limitations affecting categories of investment, the State Comptroller, as trustee of the CRF, establishes a target asset allocation and approves policies and procedures to guide and direct the investment activities of the Division of Pension Investment and Cash Management of the Office of the State Comptroller ("Division"). Division employees, outside advisors, consultants and legal counsel provide the State Comptroller with advice and oversight of investment decisions. Outside advisors and internal investment staff are part of the chain of approval that must recommend all investment decisions before final action by the State Comptroller. The Investment Advisory Committee and the Real Estate Advisory Committee, both made up of outside advisors, assist the State Comptroller in his investment duties. The Investment Advisory Committee advises the State Comptroller on investment policies relating to the CRF, reviews the portfolio of the CRF and makes such recommendations as the Committee deems necessary. The Real Estate Advisory Committee reviews and must approve mortgage and real estate investments for consideration by the State Comptroller.

The System engages an independent auditor to conduct an audit of the System's annual financial statements. Furthermore, an Actuarial Advisory Committee meets annually to review the actuarial assumptions and the results of the actuarial valuation of the System. The Actuarial Advisory Committee is composed of current or retired senior actuaries from major insurance companies or pension plans. The System also engages the services of an outside actuarial consultant to perform a statutorily required quinquennial review. At least once every five years, NYSLRS is also examined by DFS. The Comptroller has established within the Retirement System, the Pension Integrity Bureau, the purpose of which is to identify and prevent errors, fraud and abuse. The State Comptroller has also established an Office of Internal Audit to provide the Comptroller with independent and objective assurance and consulting services for the programs and operations of the Office of the State Comptroller, including programs and operations of NYSLRS. The Comptroller's Advisory Audit Committee, established in compliance with DFS regulations, meets three times per year to review the System's audited financial statements and the NYSLRS' Financial Report, and to discuss a variety of financial and investment-related activities. Pursuant to DFS regulations, a fiduciary review of the System for the three-year period ended March 31, 2021 was issued on February 7, 2022.

The System

The System provides pension benefits to public employees of the State and its localities (except employees of New York City, and public school teachers and administrators, who are covered by separate public retirement systems). State employees made up about 32 percent of the System's membership as of March 31, 2021. There were 2,966 public employers participating in the System, including the State, all cities and counties (except New York City), most towns, villages and school districts (with respect to non-teaching employees), and many public authorities.

As of March 31, 2021, 675,519 persons were members of the System and 496,628 pensioners or beneficiaries were receiving pension benefits. Article 5, section 7 of the State Constitution considers membership in any State pension or retirement system to be "a contractual relationship, the benefits of which shall not be diminished or impaired."

Comparison of Benefits by Tier

The System's members are categorized into six tiers depending on date of membership. As of March 31, 2021, approximately 45 percent of ERS members were in Tiers 3 and 4 and approximately 54 percent of PFRS members were in Tier 2. Tier 5 was enacted in 2009 and included significant changes to the benefit structure for ERS members who joined on or after January 1, 2010 and PFRS members who joined on or after January 9, 2010. Tier 6 was enacted in 2012 and included further changes to the benefit structure for ERS and PFRS members who joined on or after April 1, 2012. More than 48 percent of ERS members are in Tier 6 while close to 40 percent of PFRS members are in Tier 6.

Benefits paid to members vary depending on tier. Tiers vary with respect to vesting, employee contributions, retirement age, reductions for early retirement, and calculation and limitation of "final average salary" – generally the average of an employee's three consecutive highest years' salary (for Tier 6 members, final average salary is determined by taking the average of an employee's five consecutive highest years' salary). ERS members in Tiers 3 and 4 can begin receiving full retirement benefits at age 62, or at age 55 with at least 30 years of service. The amount of the benefit is based on years of service, age at retirement and the final average salary earned. The majority of PFRS members are in special plans that permit them to retire after 20 or 25 years regardless of age. Charts comparing the key benefits provided to members of ERS and PFRS in most of the tiers of the System can be accessed at:

ERS Chart: http://www.osc.state.ny.us/retire/employers/tier-6/ers_comparison.php
PFRS Chart: http://www.osc.state.ny.us/retire/employers/tier-6/pfrs_comparison.php

Contributions and Funding

Contributions to the System are provided by employers and employees. Employers contribute on the basis of the plan or plans they provide for members. All ERS members joining from mid-1976 through 2009 were required to contribute 3 percent of their salaries. A statutory change in 2000, however, limited the contributions to the first 10 years of membership, but did not authorize refunds where contributions had already exceeded 10 years. All ERS members joining after 2009 and prior to April 1, 2012, and all PFRS members joining after January 9, 2010 and prior to April 1, 2012, are members of Tier 5. All Tier 5 ERS members and 78 percent of the Tier 5 PFRS members are required to contribute 3 percent of their salaries for their career. Members joining on or after April 1, 2012 are in Tier 6, and are required to pay contributions throughout their career on a stepped basis relative to each respective member's wages.[12] Members in Tier 6 of both ERS and PFRS earning $45,000 or less are required to contribute 3 percent of their gross annual wages; members earning between $45,001 and $55,000 are required to contribute 3.5 percent; members earning between $55,001 and $75,000 are required to contribute 4.5 percent; members earning between $75,001 and $100,000 are required to contribute 5.75 percent; and, those earning in excess of $100,000 are required to contribute 6 percent of their gross annual salary.

In order to protect employers from potentially volatile contributions tied directly to the value of the System's assets held by the CRF, the System utilizes a multi-year smoothing procedure. One of the factors used by the System's Actuary to calculate employer contribution requirements is the assumed investment rate of return, which is currently 5.9 percent.[13]

The current actuarial smoothing method recognizes unexpected annual gains and losses (returns above or below the assumed investment rate of return) over a 5-year period.

[12] Less than 1 percent of the 13,956 PFRS Tier 6 members are non-contributory.

[13] During 2020, the Retirement System's Actuary conducted the statutorily required quinquennial actuarial experience study of economic and demographic assumptions. The assumed investment rate of return is an influential factor in calculating employer contribution rates. In September 2020, the Comptroller announced the assumed rate of return for NYSLRS would remain at 6.8 percent. In August 2021, the Comptroller announced the assumed rate of return for NYSLRS would be lowered from 6.8 percent to 5.9 percent. The 6.8 percent rate of return has been used to determine employer contribution rates in FY 2021 and FY 2022. The 5.9 percent rate of return has been used to determine employer contribution rates in FY 2023.

The amount of future annual employer contribution rates will depend, in part, on the value of the assets held by the CRF as of each April 1, as well as on the present value of the anticipated benefits to be paid by the System as of each April 1. Contribution rates for FY 2023 were released in August 2021. The average ERS rate decreased by 4.6 percent from 16.2 percent of salary in FY 2022 to 11.6 percent of salary in FY 2023, while the average PFRS rate decreased by 1.3 percent from 28.3 percent of salary in FY 2022 to 27.0 percent of salary in FY 2023. Information regarding average rates for FY 2023 may be found in the 2021 Annual Report to the Comptroller on Actuarial Assumptions which is accessible at:
https://www.osc.state.ny.us/files/retirement/resources/pdf/actuarial-assumptions-2021.pdf.

Legislation enacted in 2010 authorized the State and participating employers to amortize a portion of their annual pension costs during periods when actuarial contribution rates exceed thresholds established by the statute. The legislation provided employers with an optional mechanism intended to reduce the budgetary volatility of employer contributions. Amortized amounts must be paid by the State and participating employers in equal annual installments over a ten-year period, and employers may prepay these amounts at any time without penalty. Employers are required to pay interest on the amortized amounts at a rate determined annually by the State Comptroller that is comparable to taxable fixed income investments of a comparable duration. The interest rate on the amount an employer chooses to amortize in a particular rate year is fixed for the duration of the ten-year repayment period. Should the employer choose to amortize in the next rate year, the interest rate on that amortization will be the rate set for that year. For amounts amortized in FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, FY 2020, FY 2021, and FY 2022 the interest rates are 5 percent, 3.75 percent, 3 percent, 3.67 percent, 3.15 percent, 3.21 percent, 2.33 percent, 2.84 percent, 3.64 percent, 2.55 percent, 1.33 percent, and 1.76 percent, respectively. The first payment is due in the fiscal year following the decision to amortize pension costs. When contribution rates fall below legally specified levels and all outstanding amortizations have been paid, employers that elected to amortize will be required to pay additional monies into reserve funds, specific to each employer, which will be used to offset their contributions in the future. These reserve funds will be invested separately from pension assets. Over time, OSC expects that this will reduce the budgetary volatility of employer contributions.

As of March 31, 2021, the amortized amount receivable, including accrued interest, for the 2012 amortization is $0 from the State and $18.5 million from 80 participating employers; the amortized amount receivable, including accrued interest, for the 2013 amortization is $23.3 million from the State and $68.9 million from 116 participating employers; the amortized amount receivable, including accrued interest, for the 2014 amortization is $36.8 million for the State and $58 million from 88 participating employers; the amortized amount receivable including accrued interest, for the 2015 amortization is $41.1 million from the State and $57.6 million from 76 participating employers; the amortized amount receivable, including accrued interest for the 2016 amortization, is $32.2 million from the State and $34.8 million from 50 participating employers; the amortized amount receivable, including accrued interest for the 2017 amortization, is $3.8 million from 9 participating employers; the State did not amortize in 2017; the amortized amount receivable, including accrued interest for the 2018 amortization, is $3.2 million from 4 participating employers; the State did not amortize in 2018; and the amortized amount receivable, including accrued interest for the 2019 amortization, is $3.5 million from 1 participating employer; the State did not amortize in 2019. No participating employer or the State amortized under the Contribution Stabilization Program in 2020 or 2021.

The FY 2014 Enacted Budget included an alternate contribution program (the “Alternate Contribution Stabilization Program”) that provides certain participating employers with a one-time election to amortize slightly more of their required contributions than would have been available for amortization under the 2010 legislation. In addition, the maximum payment period was increased from ten years to twelve years. The election is available to counties, cities, towns, villages, BOCES, school districts and the four public health care centers operated in the counties of Nassau, Westchester and Erie. The State is not eligible to participate in the Alternate Contribution Stabilization Program. There are 41 employers that are currently enrolled in the program. Employers are not required to amortize every year. As of March 31, 2021, the amortized amount receivable, including interest, from 23 participating employers for the 2014 amortization is $64.4 million. The amortized amount receivable, including interest, from 25 participating employers for the 2015 amortization is $97.7 million. The amortized amount receivable, including interest, from 22 participating employers for the 2016 amortization is $76.7 million. The amortized amount receivable, including interest, from 18 participating employers for the 2017 amortization is $59.9 million. The amortized amount receivable, including interest, from 13 participating employers for the 2018 amortization is $58.9 million. The amortized amount receivable, including interest, from 11 participating employers for the 2019 amortization is $21.7 million. The amortized amount receivable, including interest, from 4 participating employers for the 2020 amortization is $18.1 million. The amortized amount receivable, including interest, from 5 participating employers for the 2021 amortization is $45.1 million.

For those eligible employers electing to participate in the Alternate Contribution Stabilization Program, the graded contribution rate for fiscal years ending 2014 and 2015 is 12 percent of salary for ERS and 20 percent of salary for PFRS. Thereafter, the graded contribution rate will increase one half of one percent per year towards the actuarially required rate. The FY 2021 amounts are 14.1 percent for ERS and 23 percent for PFRS. Electing employers may amortize the difference between the graded rate and the actuarially required rate over a twelve-year period at an interpolated twelve-year U.S. Treasury Security rate (3.76 percent for FY 2014, 3.50 percent for FY 2015, 3.31 percent for FY 2016, 2.63 percent for FY 2017, 3.31 percent for FY 2018, 3.99 percent for FY 2019, 2.87 percent for FY 2020, 1.60 percent for FY 2021, and 2.24 percent for FY 2022). As with the original Contribution Stabilization Program, when contribution rates fall below legally specified levels and all outstanding amortizations have been paid, employers that elect to amortize under the alternate program will be required to pay additional monies into reserve funds, specific to each employer, which will be used to offset their contributions in the future.

Legislation enacted in June 2017 modified the calculation of an employer’s graded rate to be the product of the System’s graded rate with the ratio of the employer’s average contribution rate to the System’s average contribution rate, not to exceed the System’s graded rate.

The State paid off all outstanding amortizations under the Contribution Stabilization Program on March 29, 2021 for non-Judiciary and on October 1, 2021 for Judiciary. The total State payment (including Judiciary) due to NYSLRS for FY 2022 is approximately $2.247 billion. The State has opted not to amortize under the Contribution Stabilization Program and has paid the March 1, 2022 invoice in full.

The estimated total State payment (including Judiciary) for FY 2023 is approximately $1.950 billion.

Pension Assets and Liabilities

The System's assets are held by the CRF for the exclusive benefit of members, retirees and beneficiaries. Investments for the System are made by the State Comptroller as trustee of the CRF.

The System reports that the net position restricted for pension benefits as of March 31, 2021 was $260.1 billion (including $5.5 billion in receivables, which consist of employer contributions, amortized amounts, member contributions, member loans, accrued interest and dividends, investment sales and other miscellaneous receivables), an increase of $62 billion or 31.3 percent from the FY 2020 level of $198.1 billion. The increase in net position restricted for pension benefits from FY 2020 to FY 2021 is primarily the result of the net appreciation of the fair value of the investment portfolio.[14] The System's audited Financial Statement reports a time-weighted investment rate of return of 33.6 percent (gross rate of return before the deduction of certain fees) for FY 2021.

Consistent with statutory limitations affecting categories of investment, the State Comptroller, as trustee of the CRF, establishes a target asset allocation and approves policies and procedures to guide and direct the investment activities of the Division of Pension Investment and Cash Management. The purpose of this asset allocation strategy is to identify the optimal diversified mix of assets to meet the requirements of pension payment obligations to members. In the fiscal year ended March 31, 2020, an asset liability analysis was completed, and a long-term policy allocation was adopted as of April 1, 2021. The current long-term policy allocation seeks a mix that includes 47 percent public equities (32 percent domestic and 15 percent international); 24 percent fixed income and cash; and 29 percent alternative investments (10 percent private equity, 9 percent real estate, 4 percent credit, 3 percent opportunistic/absolute return or hedge funds, and 3 percent real assets). Since the implementation of the long-term policy allocation will take several years, transition targets have been established to aid in the asset rebalancing process. [15]

The System reports that the present value of anticipated benefits for current members, retirees, and beneficiaries increased to $308.8 billion (including $157.9 billion for retirees and beneficiaries)

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[14] On February 8, 2022, the State Comptroller announced that the New York State Common Retirement Fund's ("Fund") estimated time-weighted return (gross of certain investment fees) for the three-month period ending December 31, 2021 was 4.74 percent, and the Fund ended the quarter with an estimated value of $279.7 billion. These returns reflect unaudited data for the invested assets of the System. The value of the invested assets changes daily.

[15] More detail on the CRF's asset allocation as of March 31, 2021, long-term policy and transition target allocation can be found on page 100 of the NYSLRS' Financial Report for the fiscal year ending March 31, 2021.

as of April 1, 2021, up from $268.9 billion as of April 1, 2020. The funding method used by the System anticipates that the plan net position, plus future actuarially determined contributions, will be sufficient to pay for the anticipated benefits of current members, retirees and beneficiaries. The valuation used by the Retirement Systems Actuary was based on audited net position restricted for pension benefits as of March 31, 2021. Actuarially determined contributions are calculated using actuarial assets and the present value of anticipated benefits. Actuarial assets differed from plan net position on April 1, 2021 in that the determination of actuarial assets utilized a smoothing method that recognized 20 percent of the unexpected gain for FY 2021, 40 percent of the unexpected loss for FY 2020, 60 percent of the unexpected loss for FY 2019, and 80 percent of the unexpected gain for FY 2018. The asset valuation method smooths gains and losses based on the market value of all investments. Actuarial assets increased from $214.1 billion on April 1, 2020 to $227.8 billion on April 1, 2021.

The ratio of fiduciary net position to the total pension liability for ERS, as of March 31, 2021, calculated by the System's Actuary, was 99.95 percent. The ratio of the fiduciary net position to the total pension liability for PFRS, as of March 31, 2021, calculated by the System's Actuary, was 95.79 percent.

Detailed "Schedules of Employer Allocation" and "Schedules of Pension Amounts by Employer" can be found on the OSC website at the following link:
https://www.osc.state.ny.us/retirement/resources/financial-statements-and-supplementary-information?redirect=legacy.

The tables that follow show net assets, benefits paid and the actuarially determined contributions that have been made over the last ten years. See also "State Retirement System — Contributions and Funding" above.

CONTRIBUTIONS AND BENEFITS NEW YORK STATE AND LOCAL RETIREMENT SYSTEM (1) (millions of dollars)					
Fiscal Year Ended March 31	Contributions Recorded				Total Benefits Paid (3)
	All Participating Employers (1) (2)	Local Employers (1) (2)	State (1) (2)	Employees	
2012	4,585	2,799	1,786	273	8,938
2013	5,336	3,386	1,950	269	9,521
2014	6,064	3,691	2,373	281	9,978
2015	5,797	3,534	2,263	285	10,514
2016	5,140	3,182	1,958	307	11,060
2017	4,787	2,973	1,814	329	11,508
2018	4,823	3,021	1,802	349	12,129
2019	4,744	2,973	1,771	387	12,834
2020	4,783	3,023	1,760	454	13,311
2021	5,030	3,160	1,870	492	14,122

Sources: State and Local Retirement System.

(1) Contributions recorded include the full amount of unpaid amortized contributions.

(2) The actuarially determined contribution (ADC) include the employers' normal costs, the Group Life Insurance Plan amounts, and other supplemental amounts.

(3) Includes payments from the Group Life Insurance Plan, which funds the first $50,000 of any death benefit paid.

NET POSITION RESTRICTED FOR PENSION BENEFITS OF THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEM (1) (millions of dollars)		
Fiscal Year Ended March 31	Net Assets	Percent Increase / (Decrease) From Prior Year
2012	153,394	2.6%
2013	164,222	7.1%
2014	181,275	10.4%
2015	189,412	4.5%
2016	183,640	-3.0%
2017	197,602	7.6%
2018	212,077	7.3%
2019	215,169	1.5%
2020	198,080	-7.9%
2021	260,081	31.3%

Sources: State and Local Retirement System.

(1) Includes relatively small amounts held under the Group Life Insurance Plan. Includes some employer contribution receivables. Fiscal year ending March 31, 2021 includes approximately $5.5 billion of receivables.

Additional Information Regarding the System

The NYSLRS' Financial Report contains in-depth and audited information about the System. Among other things, the NYSLRS' Financial Report contains information about the number of members and retirees, salaries of members, valuation of assets, changes in fiduciary net position and information related to contributions to the System. The 2021 NYSLRS' Financial Report is available on the OSC website at the following web address:

http://www.osc.state.ny.us/files/retirement/resources/pdf/comprehensive-annual-financial-report-2021.pdf.

1) Information on the number of members and retirees, including the change in the number of members and retirees and beneficiaries since 2011 can be found on page 31 of the NYSLRS' Financial Report at the link noted above. More information on this topic is available in the "Statistical" section of the NYSLRS' Financial Report.

2) A combined basic statement of changes in fiduciary net position can be found on page 45 of the NYSLRS' Financial Report at the link noted above.

3) Schedule of Changes in the Employers' Net Pension Liability and Related Ratios (unaudited) can be found on pages 74-77 at the link noted above.

4) Information on contributions can be found on pages 149-157 of the NYSLRS' Financial Report at the link noted above.

5) A table with the market value of assets, actuarial value of assets and actuarial accrued liability of the CRF since 2011 can be found on page 158 of the NYSLRS' Financial Report at the link noted above.

Information related to the salaries of members can be found on pages 191-195 of the NYSLRS' Financial Report at the link noted above.

LITIGATION

General

The legal proceedings listed below involve State finances and programs and other claims in which the State is a defendant and the potential monetary claims against the State are deemed to be material, meaning in excess of $100 million or involving significant challenges to or impacts on the State’s financial policies or practices. As explained below, these proceedings could adversely affect the State’s finances in FY 2022 or thereafter. The State intends to describe newly initiated proceedings that the State deems to be material and existing proceedings that the State has subsequently deemed to be material, as well as any material and adverse developments in the listed proceedings, in quarterly updates and/or supplements to the AIS.

For the purpose of this Litigation section of the AIS, the State defines “material and adverse developments” as rulings or decisions on or directly affecting the merits of a proceeding that have a significant adverse impact upon the State's ultimate legal position, and reversals of rulings or decisions on or directly affecting the merits of a proceeding in a significant manner, whether in favor of or adverse to the State's ultimate legal position, all of which are above the $100 million materiality threshold described above. The State intends to discontinue disclosure with respect to any individual case after a final determination on the merits or upon a determination by the State that the case does not meet the materiality threshold described above.

The State is party to other claims and litigation, with respect to which its legal counsel has advised that it is not probable that the State will suffer adverse court decisions, or which the State has determined do not, considered on a case-by-case basis, meet the materiality threshold described in the first paragraph of this section. Although the amounts of potential losses, if any, resulting from these litigation matters are not presently determinable, it is the State’s position that any potential liability in these litigation matters is not expected to have a material and adverse effect on the State’s financial position in FY 2022 or thereafter. The Basic Financial Statements for FY 2021, which OSC issued on July 29, 2021, reported possible and probable awards and anticipated unfavorable judgments against the State.

Adverse developments in the proceedings described below; other proceedings for which there are unanticipated, unfavorable and material judgments; or the initiation of new proceedings could affect the ability of the State to maintain a balanced FY 2022 Financial Plan. The State believes that the Financial Plan includes sufficient reserves to offset the costs associated with the payment of judgments that may be required during FY 2022. These reserves include (but are not limited to) amounts appropriated for Court of Claims payments and projected fund balances in the General Fund. In addition, any amounts ultimately required to be paid by the State may be subject to settlement or may be paid over a multi-year period. There can be no assurance, however, that adverse decisions in legal proceedings against the State would not exceed the amount of all potential Enacted Budget resources available for the payment of judgments, and could therefore adversely affect the ability of the State to maintain a balanced Financial Plan.

THE INFORMATION THAT FOLLOWS UNDER THIS HEADING HAS BEEN FURNISHED BY THE STATE OFFICE OF THE ATTORNEY GENERAL AND DOB HAS NOT UNDERTAKEN ANY INDEPENDENT VERIFICATION OF SUCH INFORMATION.

Real Property Claims

Over the years, there have been a number of cases in which Native American tribes have asserted possessory interests in real property or sought monetary damages as a result of claims that certain transfers of property from the tribes or their predecessors-in-interest in the 18th and 19th centuries were illegal. Of these cases, only one remains active.

In *Canadian St. Regis Band of Mohawk Indians, et al. v. State of New York, et al.* (NDNY), plaintiffs seek ejectment and monetary damages for their claim that approximately 15,000 acres in Franklin and St. Lawrence Counties were illegally transferred from their predecessors-in-interest. The defendants' motion for judgment on the pleadings, relying on prior decisions in other cases rejecting such land claims, was granted in great part through decisions on July 8, 2013 and July 23, 2013, holding that all claims are dismissed except for claims over the area known as the Hogansburg Triangle and a right of way claim against Niagara Mohawk Power Corporation.

On May 21, 2013, the State, Franklin and St. Lawrence Counties, and the tribe signed an agreement resolving a gaming exclusivity dispute, which agreement provides that the parties will work towards a mutually agreeable resolution of the tribe's land claim. The land claim has been stayed by the Second Circuit through August 12, 2022, to allow for settlement negotiations, which are ongoing.

On May 28, 2014, the State, the New York Power Authority and St. Lawrence County signed a memorandum of understanding (MOU) with the St. Regis Mohawk Tribe endorsing a general framework for a settlement, subject to further negotiation. The MOU does not address all claims by all parties and will require a formal written settlement agreement. Any formal settlement agreement will also require additional local, State and Congressional approval.

Discovery in this matter was stayed for several years while the parties continued their settlement discussions. On January 11, 2021, the Court issued a Text Order lifting the stay of discovery. The Court directed that the parties serve updated initial disclosures on or before March 2, 2021, which the parties did. On May 17, 2021, the plaintiffs filed motions for partial summary judgment. On August 30, 2021, defendants filed their opposition to plaintiffs' motions. The United States filed its reply on September 21, 2021, and the People of the Longhouse of Akwesasne and the St. Regis Mohawk Tribe filed their replies on September 22, 2021.

Settlement negotiations remain ongoing. The Court has directed that the parties file another status report on settlement negotiations by March 14, 2022. The Court has further directed that the parties discuss possible mediators, indicating that it will likely order the case to be placed into mandatory mediation in the near future.

School Aid

In *Maisto v. State of New York* (formerly identified as *Hussein v. State of New York*), plaintiffs seek a judgment declaring that the State's system of financing public education violates § 1 of article 11 of the State Constitution, on the ground that it fails to provide a sound basic education. In a decision and order dated July 21, 2009, Supreme Court, Albany County, denied the State's motion to dismiss the action. On January 13, 2011, the Appellate Division, Third Department, affirmed the denial of the motion to dismiss. On May 6, 2011, the Third Department granted the defendant leave to appeal to the Court of Appeals. On June 26, 2012, the Court of Appeals affirmed the denial of the State's motion to dismiss.

The trial commenced on January 21, 2015 and was completed on March 12, 2015. On September 19, 2016, the trial court ruled in favor of the State and dismissed the action. On appeal, by decision and order dated October 26, 2017, the Appellate Division reversed the judgment of the trial court and remanded the case for the trial court to make specific findings as to the adequacy of inputs and causation. In a decision and order dated January 10, 2019, Supreme Court, Albany County, found that the State's system of financing public education is adequate to provide the opportunity for a sound basic education. On appeal, by opinion and order dated May 27, 2021, the Appellate Division, Third Department, reversed, and granted a declaration that plaintiffs demonstrated a violation of § 1 of Article 11 of the State Constitution in each of the subject school districts as relates to the at-risk student population. The Appellate Division remitted the matter to Supreme Court for the State to determine the appropriate remedy. The defendant moved in the Appellate Division for leave to appeal to the Court of Appeals, which the court denied.

Plaintiffs submitted a proposed order addressing an appropriate remedy to the State. The State rejected plaintiffs' proposed order because it sought to provide the subject school districts with State funding in excess of the aid to be received under the fully phased-in Foundation Aid formula.

Health Insurance Premiums

In *Donohue v. Cuomo*, 11-CV-1530 (NDNY) and ten other cases, state retirees and certain current court employees allege various claims, including violation of the Contracts Clause of the United States Constitution, via 42 U.S. Code § 1983, against the Governor and other State officials, challenging the 2011 increase in their health insurance contribution.

In 2011, CSEA negotiated a two percent increase in the employee contribution to health insurance premiums. Over time, the other unions incorporated this term into their collective bargaining agreements. In October 2011, as permitted by a 2011 amendment to section 167(8) of the New York Civil Service Law, the premium shift was administratively extended to unrepresented employees, retirees, and certain court employees pursuant to their contract terms (which provide that their health insurance terms are those of the majority of Executive Branch employees). The administrative extension is at issue in all eleven cases.

Certain claims were dismissed, including the claims against all State agencies and the personal capacity claims against all individual State defendants except Patricia Hite.

Following discovery, the State defendants moved for summary judgment in all eleven cases. In the motions, the State defendants argued primarily that nothing in the language of any of the collective bargaining agreements or in the negotiating history supports plaintiffs' claim that the health insurance premium contribution rates for retirees vested and could not be changed. With respect to the court employees, the State defendants argued that their contract terms required extension of the premium shift to them. The State defendants also argued that plaintiffs' contracts were not substantially impaired and that, even if an impairment occurred, the administrative extension served a legitimate public purpose and was reasonable and necessary.

On September 24, 2018, the District Court granted defendants' motions for summary judgment in all respects. Between October 13, 2018 and November 2, 2018, notices of appeal were filed in all eleven cases. The U.S. Court of Appeals for the Second Circuit thereafter approved a coordinated briefing schedule and heard oral argument.

On November 6, 2020, the Second Circuit panel certified two questions to the New York Court of Appeals:

1. Under New York state law, and in light of *Kolbe v. Tibbetts*, 22 N.Y.3d 344 (2013), *M & G Polymers USA, LLC v. Tackett*, 574 U.S. 427 (2015), and *CNH Indus. N.V. v. Reese*, 138 S. Ct. 761 (2018), do §§ 9.13 (setting forth contribution rates of 90% and 75%), 9.23(a) (concerning contribution rates for surviving dependents of deceased retirees), 9.24(a) (specifying that retirees may retain NYSHIP coverage in retirement), 9.24(b) (permitting retirees to use sick-leave credit to defray premium costs), and 9.25 (allowing for the indefinite delay or suspension of coverage or sick-leave credits) of the 2007-2011 collective bargaining agreement between the Civil Service Employees Association, Inc. and the Executive Branch of the State of New York ("the CBA"), singly or in combination, (1) create a vested right in retired employees to have the State's rates of contribution to health-insurance premiums remain unchanged during their lifetimes, notwithstanding the

duration of the CBA, or (2) if they do not, create sufficient ambiguity on that issue to permit the consideration of extrinsic evidence as to whether they create such a vested right?

2. If the CBA, on its face, or as interpreted at trial upon consideration of extrinsic evidence, creates a vested right in retired employees to have the State's rates of contribution to health-insurance premiums remain unchanged during their lives, notwithstanding the duration of the CBA, does New York's statutory and regulatory reduction of its contribution rates for retirees' premiums negate such a vested right so as to preclude a remedy under state law for breach of contract?

Donohue v. Cuomo, 980 F.3d 53, 87-88 (2d Cir. 2020).

The Second Circuit's certification order addressed only *Donohue v. Cuomo*. The Circuit reserved decision in the other 11 appeals, observing that the New York Court of Appeals' resolution of the above questions in Donohue "will significantly advance, if not control, the dispositions of the other cases." *Id.* at 64 n.6.

The New York Court of Appeals accepted the certified questions on December 15, 2020. Following briefing and oral argument, on February 10, 2022, the New York Court of Appeals issued its decision. The Second Circuit has since requested supplemental briefing from the parties to *Donohue v. Cuomo* addressing the proper disposition of that appeal in light of the decision of the New York Court of Appeals. It likely will hear from the parties to the other appeals in due course.

FINANCIAL PLAN TABLES

Financial Plan Tables

The cash financial plan tables listed below appear on the following pages and summarize actual General Fund receipts and disbursements for fiscal year 2021 and projected receipts and disbursements for fiscal years 2022 through 2025 on a General Fund, State Operating Funds and All Governmental Funds basis.[16]

General Fund - Total Budget

- Financial Plan, Annual Change from FY 2021 to FY 2022
- Financial Plan Projections FY 2022 through FY 2025
- Update to FY 2022
- Update to FY 2023
- Update to FY 2024
- Update to FY 2025

General Fund - Receipts Detail (Excluding Transfers)

- Financial Plan Projections FY 2022 through FY 2026

State Operating Funds Budget

- FY 2022
- FY 2023
- FY 2024
- FY 2025

All Governmental Funds - Total Budget

- FY 2022
- FY 2023
- FY 2024
- FY 2025

Cashflow - FY 2022 Monthly Projections

- General Fund

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[16] Differences may occur from time to time between the State's Financial Plan and OSC's financial reports in the presentation and reporting of receipts and disbursements. For example, the Financial Plan may reflect a net expenditure amount while OSC may report the gross amount of the expenditure. Any such differences in reporting between DOB and OSC could result in differences in the presentation and reporting of receipts and disbursements for discrete funds, as well as differences in the presentation and reporting for total receipts and disbursements under different fund perspectives (e.g., State Operating Funds, All Governmental funds).

CASH FINANCIAL PLAN GENERAL FUND (millions of dollars)				
	FY 2021 Actuals	FY 2022 Current	Annual $ Change	Annual % Change
Opening Fund Balance	**8,944**	**9,161**	**217**	**2.4%**
Receipts:				
Taxes:				
Personal Income Tax	25,456	32,125	6,669	26.2%
Consumption/Use Taxes	7,250	4,627	(2,623)	-36.2%
Business Taxes	6,420	16,514	10,094	157.2%
Other Taxes	1,549	1,293	(256)	-16.5%
Miscellaneous Receipts	7,515	1,839	(5,676)	-75.5%
Transfers from Other Funds:				
PIT in Excess of Revenue Bond Debt Service	18,578	26,567	7,989	43.0%
PTET in Excess of Revenue Bond Debt Service	0	8,355	8,355	0.0%
ECEP in Excess of Revenue Bond Debt Service	0	7	7	0.0%
Sales Tax in Excess of LGAC Bond Debt Service	3,238	4,034	796	24.6%
Sales Tax in Excess of Revenue Bond Debt Service	1,278	7,763	6,485	507.4%
Real Estate Taxes in Excess of CW/CA Debt Service	783	1,311	528	67.4%
All Other	2,245	7,611	5,366	239.0%
Total Receipts	**74,312**	**112,046**	**37,734**	**50.8%**
Disbursements:				
Local Assistance	48,981	61,215	12,234	25.0%
State Operations:				
Personal Service	7,154	9,487	2,333	32.6%
Non-Personal Service	2,950	4,131	1,181	40.0%
General State Charges	7,032	8,155	1,123	16.0%
Transfers to Other Funds:				
Debt Service	326	339	13	4.0%
Capital Projects	4,540	4,618	78	1.7%
SUNY Operations	1,229	1,336	107	8.7%
Other Purposes	1,883	1,413	(470)	-25.0%
Total Disbursements	**74,095**	**90,694**	**16,599**	**22.4%**
Excess (Deficiency) of Receipts Over Disbursements	**217**	**21,352**	**21,135**	**9739.6%**
Closing Fund Balance	**9,161**	**30,513**	**21,352**	**233.1%**
Statutory Reserves				
Tax Stabilization Reserve	1,258	1,433	175	
Rainy Day Reserves	1,218	1,918	700	
Contingency Reserve	21	21	0	
Community Projects	30	23	(7)	
Reserved For				
Timing of PTET/PIT Credits	0	16,710	16,710	
Reserve for Pandemic Assistance	0	2,000	2,000	
Undesignated Fund Balance	2,561	0	(2,561)	
Debt Management	500	500	0	
Labor Settlements/Agency Operations	0	275	275	
Economic Uncertainties	1,490	5,598	4,108	
Extraordinary Monetary Settlements	2,083	2,035	(48)	

Source: NYS DOB.

CASH FINANCIAL PLAN GENERAL FUND (millions of dollars)				
	FY 2022 Current	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
Receipts:				
Taxes:				
Personal Income Tax	32,125	22,683	29,288	31,000
Consumption/Use Taxes	4,627	6,948	9,261	9,434
Business Taxes	16,514	17,112	16,390	16,826
Other Taxes	1,293	1,288	1,350	1,413
Miscellaneous Receipts	1,839	1,789	1,834	1,863
Transfers from Other Funds:				
PIT in Excess of Revenue Bond Debt Service	26,567	20,679	26,890	28,400
PTET in Excess of Revenue Bond Debt Service	8,355	7,540	8,020	8,500
ECEP in Excess of Revenue Bond Debt Service	7	7	8	8
Sales Tax in Excess of LGAC Bond Debt Service	4,034	2,151	0	0
Sales Tax in Excess of Revenue Bond Debt Service	7,763	7,210	7,257	7,272
Real Estate Taxes in Excess of CW/CA Debt Service	1,311	990	1,058	1,127
All Other	7,611	4,315	4,036	5,505
Total Receipts	**112,046**	**92,712**	**105,392**	**111,348**
Disbursements:				
Local Assistance	61,215	64,932	69,964	74,171
State Operations:				
Personal Service	9,487	10,055	10,119	10,193
Non-Personal Service	4,131	2,563	2,794	3,003
General State Charges	8,155	9,030	9,542	10,738
Transfers to Other Funds:				
Debt Service	339	329	356	416
Capital Projects	4,618	5,271	6,092	6,226
SUNY Operations	1,336	1,460	1,480	1,479
Other Purposes	1,413	1,911	1,872	1,382
Total Disbursements	**90,694**	**95,551**	**102,219**	**107,608**
Use (Reservation) of Fund Balance:				
Community Projects	7	4	3	0
Timing of PTET/PIT Credits	(16,710)	9,050	(473)	(500)
Reserve for Pandemic Assistance	(2,000)	0	0	0
Undesignated Fund Balance	2,561	0	0	0
Tax Stabilization Reserve	(175)	(120)	0	0
Rainy Day Reserves	(700)	(800)	(915)	(950)
Debt Management	0	(855)	(81)	576
Reserve for Labor Settlements/Agency Operations	(275)	(600)	(1,000)	(1,450)
Reserve for Economic Uncertainties	(4,108)	(4,134)	(1,533)	(1,975)
Extraordinary Monetary Settlements	48	294	826	559
Total Use (Reservation) of Fund Balance	**(21,352)**	**2,839**	**(3,173)**	**(3,740)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**0**	**0**	**0**

Source: NYS DOB.

CASH FINANCIAL PLAN
GENERAL FUND
(millions of dollars)

	FY 2022 Enacted	Change	FY 2022 Mid-Year	Change	FY 2022 Executive (Amended)
Receipts:					
Taxes:					
Personal Income Tax	28,548	2,162	30,710	1,415	32,125
Consumption/Use Taxes	4,389	80	4,469	158	4,627
Business Taxes	6,986	1,055	8,041	8,473	16,514
Other Taxes	1,226	0	1,226	67	1,293
Miscellaneous Receipts	1,775	27	1,802	37	1,839
Transfers from Other Funds:		0			
PIT in Excess of Revenue Bond Debt Service	24,724	2,163	26,887	(320)	26,567
PTET in Excess of Revenue Bond Debt Service	0	0	0	8,355	8,355
ECEP in Excess of Revenue Bond Debt Service	3	0	3	4	7
Sales Tax in Excess of LGAC Bond Debt Service	3,777	88	3,865	169	4,034
Sales Tax in Excess of Revenue Bond Debt Service	7,228	176	7,404	359	7,763
Real Estate Taxes in Excess of CW/CA Debt Service	898	204	1,102	209	1,311
All Other	7,630	(14)	7,616	(5)	7,611
Total Receipts	**87,184**	**5,941**	**93,125**	**18,921**	**112,046**
Disbursements:					
Local Assistance	61,041	369	61,410	(195)	61,215
State Operations:					
Personal Service	9,835	327	10,162	(675)	9,487
Non-Personal Service	2,553	8	2,561	1,570	4,131
General State Charges	8,435	(94)	8,341	(186)	8,155
Transfers to Other Funds:					
Debt Service	392	0	392	(53)	339
Capital Projects	3,863	753	4,616	2	4,618
SUNY Operations	1,301	0	1,301	35	1,336
Other Purposes	1,571	163	1,734	(321)	1,413
Total Disbursements	**88,991**	**1,526**	**90,517**	**177**	**90,694**
Use (Reservation) of Fund Balance:					
Community Projects	23	(15)	8	(1)	7
Timing of PTET/PIT Credits	0	0	0	(16,710)	(16,710)
Reserve for Pandemic Assistance	0	0	0	(2,000)	(2,000)
Undesignated Fund Balance	2,561	0	2,561	0	2,561
Tax Stabilization Reserve	(175)	0	(175)	0	(175)
Rainy Day Reserves	(650)	(50)	(700)	0	(700)
Reserve for Labor Settlements/Agency Operations	0	(275)	(275)	0	(275)
Reserve for Economic Uncertainties	0	(4,075)	(4,075)	(33)	(4,108)
Extraordinary Monetary Settlements	48	0	48	0	48
Total Use (Reservation) of Fund Balance	**1,807**	**(4,415)**	**(2,608)**	**(18,744)**	**(21,352)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**0**	**0**	**0**	**0**

Source: NYS DOB.

CASH FINANCIAL PLAN
GENERAL FUND
(millions of dollars)

	FY 2023 Enacted	Change	FY 2023 Mid-Year	Change	FY 2023 Executive (Amended)
Receipts:					
Taxes:					
Personal Income Tax	30,899	3,087	33,986	(11,303)	22,683
Consumption/Use Taxes	8,568	174	8,742	(1,794)	6,948
Business Taxes	7,660	1,645	9,305	7,807	17,112
Other Taxes	1,285	0	1,285	3	1,288
Miscellaneous Receipts	1,750	2	1,752	37	1,789
Transfers from Other Funds:					
PIT in Excess of Revenue Bond Debt Service	28,806	3,088	31,894	(11,215)	20,679
PTET in Excess of Revenue Bond Debt Service	0	0	0	7,540	7,540
ECEP in Excess of Revenue Bond Debt Service	3	0	3	4	7
Sales Tax in Excess of LGAC Bond Debt Service	1	0	1	2,150	2,151
Sales Tax in Excess of Revenue Bond Debt Service	6,608	182	6,790	420	7,210
Real Estate Taxes in Excess of CW/CA Debt Service	968	60	1,028	(38)	990
All Other	4,707	4	4,711	(396)	4,315
Total Receipts	**91,255**	**8,242**	**99,497**	**(6,785)**	**92,712**
Disbursements:					
Local Assistance	62,936	809	63,745	1,187	64,932
State Operations:					
Personal Service	9,386	25	9,411	644	10,055
Non-Personal Service	2,962	10	2,972	(409)	2,563
General State Charges	8,984	(44)	8,940	90	9,030
Transfers to Other Funds:					
Debt Service	400	0	400	(71)	329
Capital Projects	3,982	(34)	3,948	1,323	5,271
SUNY Operations	1,288	0	1,288	172	1,460
Other Purposes	1,615	1	1,616	295	1,911
Total Disbursements	**91,553**	**767**	**92,320**	**3,231**	**95,551**
Use (Reservation) of Fund Balance:					
Community Projects	4	0	4	0	4
Timing of PTET/PIT Credits	0	0	0	9,050	9,050
Tax Stabilization Reserve	0	(120)	(120)	0	(120)
Rainy Day Reserves	0	(800)	(800)	0	(800)
Debt Management	0	(1,855)	(1,855)	1,000	(855)
Reserve for Labor Settlements/Agency Operations	0	(600)	(600)	0	(600)
Reserve for Economic Uncertainties	0	(4,100)	(4,100)	(34)	(4,134)
Extraordinary Monetary Settlements	294	0	294	0	294
Total Use (Reservation) of Fund Balance	**298**	**(7,475)**	**(7,177)**	**10,016**	**2,839**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**0**	**0**	**0**	**0**

Source: NYS DOB.

CASH FINANCIAL PLAN GENERAL FUND (millions of dollars)					
	FY 2024 Enacted	Change	FY 2024 Mid-Year	Change	FY 2024 Executive (Amended)
Receipts:					
Taxes:					
Personal Income Tax	32,484	2,962	35,446	(6,158)	29,288
Consumption/Use Taxes	8,770	185	8,955	306	9,261
Business Taxes	7,492	1,171	8,663	7,727	16,390
Other Taxes	1,347	0	1,347	3	1,350
Miscellaneous Receipts	1,794	2	1,796	38	1,834
Transfers from Other Funds:					
PIT in Excess of Revenue Bond Debt Service	29,812	2,962	32,774	(5,884)	26,890
PTET in Excess of Revenue Bond Debt Service	0	0	0	8,020	8,020
ECEP in Excess of Revenue Bond Debt Service	4	0	4	4	8
Sales Tax in Excess of LGAC Bond Debt Service	1	0	1	(1)	0
Sales Tax in Excess of Revenue Bond Debt Service	6,762	192	6,954	303	7,257
Real Estate Taxes in Excess of CW/CA Debt Service	1,025	67	1,092	(34)	1,058
All Other	4,487	(14)	4,473	(437)	4,036
Total Receipts	**93,978**	**7,527**	**101,505**	**3,887**	**105,392**
Disbursements:					
Local Assistance	67,414	1,214	68,628	1,336	69,964
State Operations:					
Personal Service	9,527	24	9,551	568	10,119
Non-Personal Service	3,044	11	3,055	(261)	2,794
General State Charges	9,545	(31)	9,514	28	9,542
Transfers to Other Funds:					
Debt Service	458	0	458	(102)	356
Capital Projects	3,665	(5)	3,660	2,432	6,092
SUNY Operations	1,303	0	1,303	177	1,480
Other Purposes	1,294	376	1,670	202	1,872
Total Disbursements	**96,250**	**1,589**	**97,839**	**4,380**	**102,219**
Use (Reservation) of Fund Balance:					
Community Projects	3	0	3	0	3
Timing of PTET/PIT Credits	0	0	0	(473)	(473)
Rainy Day Reserves	0	(915)	(915)	0	(915)
Debt Management	0	(1,081)	(1,081)	1,000	(81)
Reserve for Labor Settlements/Agency Operations	0	(1,000)	(1,000)	0	(1,000)
Reserve for Economic Uncertainties	0	(1,500)	(1,500)	(33)	(1,533)
Extraordinary Monetary Settlements	827	0	827	(1)	826
Total Use (Reservation) of Fund Balance	**830**	**(4,496)**	**(3,666)**	**493**	**(3,173)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**(1,442)**	**1,442**	**0**	**0**	**0**

Source: NYS DOB.

CASH FINANCIAL PLAN GENERAL FUND (millions of dollars)	FY 2025 Enacted	Change	FY 2025 Mid-Year	Change	FY 2025 Executive (Amended)
Receipts:					
Taxes:					
Personal Income Tax	34,041	3,237	37,278	(6,278)	31,000
Consumption/Use Taxes	8,965	180	9,145	289	9,434
Business Taxes	6,945	1,219	8,164	8,662	16,826
Other Taxes	1,410	0	1,410	3	1,413
Miscellaneous Receipts	1,858	2	1,860	3	1,863
Transfers from Other Funds:		0			
PIT in Excess of Revenue Bond Debt Service	30,993	3,238	34,231	(5,831)	28,400
PTET in Excess of Revenue Bond Debt Service	0	0	0	8,500	8,500
ECEP in Excess of Revenue Bond Debt Service	4	0	4	4	8
Sales Tax in Excess of LGAC Bond Debt Service	1	0	1	(1)	0
Sales Tax in Excess of Revenue Bond Debt Service	6,839	189	7,028	244	7,272
Real Estate Taxes in Excess of CW/CA Debt Service	1,083	73	1,156	(29)	1,127
All Other	6,030	(18)	6,012	(507)	5,505
Total Receipts	**98,169**	**8,120**	**106,289**	**5,059**	**111,348**
Disbursements:					
Local Assistance	70,451	1,390	71,841	2,330	74,171
State Operations:					
Personal Service	9,558	25	9,583	610	10,193
Non-Personal Service	3,266	0	3,266	(263)	3,003
General State Charges	10,728	(17)	10,711	27	10,738
Transfers to Other Funds:					
Debt Service	506	0	506	(90)	416
Capital Projects	3,576	(3)	3,573	2,653	6,226
SUNY Operations	1,321	0	1,321	158	1,479
Other Purposes	1,295	378	1,673	(291)	1,382
Total Disbursements	**100,701**	**1,773**	**102,474**	**5,134**	**107,608**
Use (Reservation) of Fund Balance:					
Community Projects	0	1	1	(1)	0
Timing of PTET/PIT Credits	0	0	0	(500)	(500)
Rainy Day Reserves	0	(950)	(950)	0	(950)
Debt Management	0	(424)	(424)	1,000	576
Reserve for Labor Settlements/Agency Operations	0	(1,450)	(1,450)	0	(1,450)
Reserve for Economic Uncertainties	0	(1,550)	(1,550)	(425)	(1,975)
Extraordinary Monetary Settlements	558	0	558	1	559
Total Use (Reservation) of Fund Balance	**558**	**(4,373)**	**(3,815)**	**75**	**(3,740)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**(1,974)**	**1,974**	**0**	**0**	**0**

Source: NYS DOB.

CASH RECEIPTS
GENERAL FUND
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected
Taxes:					
Withholdings	51,495	51,638	53,608	56,418	59,214
Estimated Payments	21,995	10,402	16,937	18,280	19,121
Final Payments	4,382	4,664	4,130	4,231	4,321
Other Payments	1,483	1,533	1,610	1,664	1,720
Gross Collections	**79,355**	**68,237**	**76,285**	**80,593**	**84,376**
State/City Offset	(1,299)	(1,424)	(1,549)	(1,676)	(1,731)
Refunds	(9,934)	(17,787)	(12,724)	(13,692)	(14,693)
Reported Tax Collections	**68,122**	**49,026**	**62,012**	**65,225**	**67,952**
STAR (Dedicated Deposits)	(1,939)	(1,831)	(1,723)	(1,616)	(1,568)
RBTF (Dedicated Transfers)	(34,058)	(24,512)	(31,001)	(32,609)	(33,977)
Personal Income Tax	**32,125**	**22,683**	**29,288**	**31,000**	**32,407**
Sales and Use Tax	16,137	16,986	17,324	17,686	18,112
Cigarette and Tobacco Taxes	293	303	294	283	275
Vapor Excise Tax	0	0	0	0	0
Motor Fuel Tax	0	0	0	0	0
Alcoholic Beverage Taxes	274	277	279	282	284
Opioid Excise Tax	26	26	26	26	26
Medical Cannabis Excise Tax	0	0	0	0	0
Adult Use Cannabis Tax	0	0	0	0	0
Highway Use Tax	0	0	0	0	0
Auto Rental Tax	0	0	0	0	0
Gross Consumption/Use Taxes	**16,730**	**17,592**	**17,923**	**18,277**	**18,697**
LGAC/STBF (Dedicated Transfers)	(12,103)	(10,644)	(8,662)	(8,843)	(9,056)
Consumption/Use Taxes	**4,627**	**6,948**	**9,261**	**9,434**	**9,641**
Corporation Franchise Tax	5,577	6,954	5,808	5,607	5,462
Corporation and Utilities Tax	401	420	375	438	430
Insurance Taxes	2,056	2,128	2,187	2,281	2,364
Bank Tax	125	70	0	0	0
Pass Through Entity Tax	16,710	15,080	16,040	17,000	13,350
Petroleum Business Tax	0	0	0	0	0
RBTF (Dedicated Transfers)	(8,355)	(7,540)	(8,020)	(8,500)	(6,675)
Business Taxes	**16,514**	**17,112**	**16,390**	**16,826**	**14,931**
Estate Tax	1,271	1,266	1,328	1,390	1,454
Real Estate Transfer Tax	1,473	1,282	1,347	1,417	1,491
Employer Compensation Expense Program	13	14	15	16	16
Gift Tax	0	0	0	0	0
Real Property Gains Tax	0	0	0	0	0
Pari-Mutuel Taxes	13	13	13	13	13
Other Taxes	2	2	2	2	2
Gross Other Taxes	**2,772**	**2,577**	**2,705**	**2,838**	**2,976**
Real Estate Transfer Tax (Dedicated)	(1,472)	(1,282)	(1,347)	(1,417)	(1,491)
RBTF (Dedicated Transfers)	(7)	(7)	(8)	(8)	(8)
Other Taxes	**1,293**	**1,288**	**1,350**	**1,413**	**1,477**
Payroll Tax	**0**	**0**	**0**	**0**	**0**
Total Taxes	**54,559**	**48,031**	**56,289**	**58,673**	**58,456**
Licenses, Fees, Etc.	530	529	580	630	630
Abandoned Property	450	450	450	450	450
Motor Vehicle Fees	246	238	238	250	292
ABC License Fee	69	67	68	70	69
Reimbursements	70	70	66	66	66
Investment Income	24	13	10	8	6
Extraordinary Settlements	33	33	33	0	0
Other Transactions	417	389	389	389	386
Miscellaneous Receipts	**1,839**	**1,789**	**1,834**	**1,863**	**1,899**
Federal Receipts	**0**	**0**	**0**	**0**	**0**
Total	**56,398**	**49,820**	**58,123**	**60,536**	**60,355**

Source: NYS DOB.

CASH FINANCIAL PLAN STATE OPERATING FUNDS BUDGET FY 2022 (millions of dollars)	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Opening Fund Balance	**9,161**	**5,708**	**65**	**14,934**
Receipts:				
Taxes	54,559	6,124	55,876	116,559
Miscellaneous Receipts	1,839	15,443	371	17,653
Federal Receipts	0	357	72	429
Total Receipts	**56,398**	**21,924**	**56,319**	**134,641**
Disbursements:				
Local Assistance	61,215	15,680	0	76,895
State Operations:				
Personal Service	9,487	4,814	0	14,301
Non-Personal Service	4,131	2,285	24	6,440
General State Charges	8,155	1,106	0	9,261
Debt Service	0	0	8,329	8,329
Capital Projects	0	0	0	0
Total Disbursements	**82,988**	**23,885**	**8,353**	**115,226**
Other Financing Sources (Uses):				
Transfers from Other Funds	55,648	2,573	1,878	60,099
Transfers to Other Funds	(7,706)	54	(49,839)	(57,491)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**47,942**	**2,627**	**(47,961)**	**2,608**
Excess (Deficiency) of Receipts and Other Financing Sources (Uses) Over Disbursements	**21,352**	**666**	**5**	**22,023**
Closing Fund Balance	**30,513**	**6,374**	**70**	**36,957**

Source: NYS DOB.

CASH FINANCIAL PLAN
STATE OPERATING FUNDS BUDGET
FY 2023
(millions of dollars)

	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Opening Fund Balance	**30,513**	**6,374**	**70**	**36,957**
Receipts:				
Taxes	48,031	6,445	43,728	98,204
Miscellaneous Receipts	1,789	15,213	382	17,384
Federal Receipts	0	205	70	275
Total Receipts	**49,820**	**21,863**	**44,180**	**115,863**
Disbursements:				
Local Assistance	64,932	17,976	0	82,908
State Operations:				
Personal Service	10,055	5,008	0	15,063
Non-Personal Service	2,563	2,527	45	5,135
General State Charges	9,030	1,159	0	10,189
Debt Service	0	0	5,612	5,612
Capital Projects	0	0	0	0
Total Disbursements	**86,580**	**26,670**	**5,657**	**118,907**
Other Financing Sources (Uses):				
Transfers from Other Funds	42,892	3,320	1,728	47,940
Transfers to Other Funds	(8,971)	1,236	(40,251)	(47,986)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**33,921**	**4,556**	**(38,523)**	**(46)**
Excess (Deficiency) of Receipts and Other Financing Sources (Uses) Over Disbursements	**(2,839)**	**(251)**	**0**	**(3,090)**
Closing Fund Balance	**27,674**	**6,123**	**70**	**33,867**

Source: NYS DOB.

CASH FINANCIAL PLAN STATE OPERATING FUNDS BUDGET FY 2024 (millions of dollars)	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Receipts:				
Taxes	56,289	6,273	48,781	111,343
Miscellaneous Receipts	1,834	13,953	392	16,179
Federal Receipts	0	(17)	67	50
Total Receipts	**58,123**	**20,209**	**49,240**	**127,572**
Disbursements:				
Local Assistance	69,964	16,277	0	86,241
State Operations:				
Personal Service	10,119	4,984	0	15,103
Non-Personal Service	2,794	2,468	46	5,308
General State Charges	9,542	1,184	0	10,726
Debt Service	0	0	6,034	6,034
Capital Projects	0	0	0	0
Total Disbursements	**92,419**	**24,913**	**6,080**	**123,412**
Other Financing Sources (Uses):				
Transfers from Other Funds	47,269	3,309	1,732	52,310
Transfers to Other Funds	(9,800)	1,426	(44,880)	(53,254)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**37,469**	**4,735**	**(43,148)**	**(944)**
Use (Reservation) of Fund Balance:				
Community Projects	3	0	0	3
Timing of PTET/PIT Credits	(473)	0	0	(473)
Rainy Day Reserves	(915)	0	0	(915)
Debt Management	(81)	0	0	(81)
Reserve for Labor Settlements/Agency Operations	(1,000)	0	0	(1,000)
Reserve for Economic Uncertainties	(1,533)	0	0	(1,533)
Extraordinary Monetary Settlements	826	0	0	826
Total Use (Reservation) of Fund Balance	**(3,173)**	**0**	**0**	**(3,173)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**31**	**12**	**43**

Source: NYS DOB.

CASH FINANCIAL PLAN STATE OPERATING FUNDS BUDGET FY 2025 (millions of dollars)	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Receipts:				
Taxes	58,673	6,162	51,120	115,955
Miscellaneous Receipts	1,863	13,590	396	15,849
Federal Receipts	0	(17)	62	45
Total Receipts	**60,536**	**19,735**	**51,578**	**131,849**
Disbursements:				
Local Assistance	74,171	15,702	0	89,873
State Operations:				
Personal Service	10,193	5,028	0	15,221
Non-Personal Service	3,003	2,481	46	5,530
General State Charges	10,738	1,199	0	11,937
Debt Service	0	0	6,350	6,350
Capital Projects	0	0	0	0
Total Disbursements	**98,105**	**24,410**	**6,396**	**128,911**
Other Financing Sources (Uses):				
Transfers from Other Funds	50,812	2,819	1,771	55,402
Transfers to Other Funds	(9,503)	1,474	(46,942)	(54,971)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**41,309**	**4,293**	**(45,171)**	**431**
Use (Reservation) of Fund Balance:				
Timing of PTET/PIT Credits	(500)	0	0	(500)
Rainy Day Reserves	(950)	0	0	(950)
Debt Management	576	0	0	576
Reserve for Labor Settlements/Agency Operations	(1,450)	0	0	(1,450)
Reserve for Economic Uncertainties	(1,975)	0	0	(1,975)
Extraordinary Monetary Settlements	559	0	0	559
Total Use (Reservation) of Fund Balance	**(3,740)**	**0**	**0**	**(3,740)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**(382)**	**11**	**(371)**

Source: NYS DOB.

CASH FINANCIAL PLAN
ALL GOVERNMENTAL FUNDS
FY 2022
(millions of dollars)

	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Opening Fund Balance	**9,161**	**10,669**	**(1,144)**	**65**	**18,751**
Receipts:					
Taxes	54,559	6,124	1,312	55,876	117,871
Miscellaneous Receipts	1,839	15,806	8,001	371	26,017
Federal Receipts	0	97,621	2,267	72	99,960
Total Receipts	**56,398**	**119,551**	**11,580**	**56,319**	**243,848**
Disbursements:					
Local Assistance	61,215	91,921	7,597	0	160,733
State Operations:					
Personal Service	9,487	6,621	0	0	16,108
Non-Personal Service	4,131	5,469	0	24	9,624
General State Charges	8,155	2,098	0	0	10,253
Debt Service	0	42	0	8,329	8,371
Capital Projects	0	0	7,837	0	7,837
Total Disbursements	**82,988**	**106,151**	**15,434**	**8,353**	**212,926**
Other Financing Sources (Uses):					
Transfers from Other Funds	55,648	2,573	5,016	1,878	65,115
Transfers to Other Funds	(7,706)	(6,615)	(1,305)	(49,839)	(65,465)
Bond and Note Proceeds	0	0	433	0	433
Net Other Financing Sources (Uses)	**47,942**	**(4,042)**	**4,144**	**(47,961)**	**83**
Excess (Deficiency) of Receipts and Other Financing Sources (Uses) Over Disbursements	**21,352**	**9,358**	**290**	**5**	**31,005**
Closing Fund Balance	**30,513**	**20,027**	**(854)**	**70**	**49,756**

Source: NYS DOB.

CASH FINANCIAL PLAN ALL GOVERNMENTAL FUNDS FY 2023 (millions of dollars)	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Opening Fund Balance	**30,513**	**20,027**	**(854)**	**70**	**49,756**
Receipts:					
Taxes	48,031	6,445	1,476	43,728	99,680
Miscellaneous Receipts	1,789	15,516	9,827	382	27,514
Federal Receipts	0	81,922	2,452	70	84,444
Total Receipts	**49,820**	**103,883**	**13,755**	**44,180**	**211,638**
Disbursements:					
Local Assistance	64,932	93,458	6,669	0	165,059
State Operations:					
Personal Service	10,055	5,695	0	0	15,750
Non-Personal Service	2,563	4,968	0	45	7,576
General State Charges	9,030	1,545	0	0	10,575
Debt Service	0	0	0	5,612	5,612
Capital Projects	0	0	11,897	0	11,897
Total Disbursements	**86,580**	**105,666**	**18,566**	**5,657**	**216,469**
Other Financing Sources (Uses):					
Transfers from Other Funds	42,892	3,320	5,668	1,728	53,608
Transfers to Other Funds	(8,971)	(3,141)	(1,489)	(40,251)	(53,852)
Bond and Note Proceeds	0	0	433	0	433
Net Other Financing Sources (Uses)	**33,921**	**179**	**4,612**	**(38,523)**	**189**
Excess (Deficiency) of Receipts and Other Financing Sources (Uses) Over Disbursements	**(2,839)**	**(1,604)**	**(199)**	**0**	**(4,642)**
Closing Fund Balance	**27,674**	**18,423**	**(1,053)**	**70**	**45,114**

Source: NYS DOB.

CASH FINANCIAL PLAN
ALL GOVERNMENTAL FUNDS
FY 2024
(millions of dollars)

	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Receipts:					
Taxes	56,289	6,273	1,504	48,781	112,847
Miscellaneous Receipts	1,834	14,169	9,936	392	26,331
Federal Receipts	0	72,741	2,857	67	75,665
Total Receipts	**58,123**	**93,183**	**14,297**	**49,240**	**214,843**
Disbursements:					
Local Assistance	69,964	82,545	6,957	0	159,466
State Operations:					
Personal Service	10,119	5,675	0	0	15,794
Non-Personal Service	2,794	5,111	0	46	7,951
General State Charges	9,542	1,570	0	0	11,112
Debt Service	0	0	0	6,034	6,034
Capital Projects	0	0	12,967	0	12,967
Total Disbursements	**92,419**	**94,901**	**19,924**	**6,080**	**213,324**
Other Financing Sources (Uses):					
Transfers from Other Funds	47,269	3,309	6,468	1,732	58,778
Transfers to Other Funds	(9,800)	(2,807)	(1,539)	(44,880)	(59,026)
Bond and Note Proceeds	0	0	434	0	434
Net Other Financing Sources (Uses)	**37,469**	**502**	**5,363**	**(43,148)**	**186**
Use (Reservation) of Fund Balance:					
Community Projects	3	0	0	0	3
Timing of PTET/PIT Credits	(473)	0	0	0	(473)
Rainy Day Reserves	(915)	0	0	0	(915)
Debt Management	(81)	0	0	0	(81)
Reserve for Labor Settlements/Agency Operations	(1,000)	0	0	0	(1,000)
Reserve for Economic Uncertainties	(1,533)	0	0	0	(1,533)
Extraordinary Monetary Settlements	826	0	0	0	826
Total Use (Reservation) of Fund Balance	**(3,173)**	**0**	**0**	**0**	**(3,173)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**(1,216)**	**(264)**	**12**	**(1,468)**

Source: NYS DOB.

CASH FINANCIAL PLAN
ALL GOVERNMENTAL FUNDS
FY 2025
(millions of dollars)

	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Receipts:					
Taxes	58,673	6,162	1,502	51,120	117,457
Miscellaneous Receipts	1,863	13,798	8,971	396	25,028
Federal Receipts	0	70,889	3,048	62	73,999
Total Receipts	**60,536**	**90,849**	**13,521**	**51,578**	**216,484**
Disbursements:					
Local Assistance	74,171	81,275	6,596	0	162,042
State Operations:					
Personal Service	10,193	5,721	0	0	15,914
Non-Personal Service	3,003	4,033	0	46	7,082
General State Charges	10,738	1,586	0	0	12,324
Debt Service	0	0	0	6,350	6,350
Capital Projects	0	0	12,391	0	12,391
Total Disbursements	**98,105**	**92,615**	**18,987**	**6,396**	**216,103**
Other Financing Sources (Uses):					
Transfers from Other Funds	50,812	2,819	6,583	1,771	61,985
Transfers to Other Funds	(9,503)	(4,120)	(1,672)	(46,942)	(62,237)
Bond and Note Proceeds	0	0	340	0	340
Net Other Financing Sources (Uses)	**41,309**	**(1,301)**	**5,251**	**(45,171)**	**88**
Use (Reservation) of Fund Balance:					
Timing of PTET/PIT Credits	(500)	0	0	0	(500)
Rainy Day Reserves	(950)	0	0	0	(950)
Debt Management	576	0	0	0	576
Reserve for Labor Settlements/Agency Operations	(1,450)	0	0	0	(1,450)
Reserve for Economic Uncertainties	(1,975)	0	0	0	(1,975)
Extraordinary Monetary Settlements	559	0	0	0	559
Total Use (Reservation) of Fund Balance	**(3,740)**	**0**	**0**	**0**	**(3,740)**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**(3,067)**	**(215)**	**11**	**(3,271)**

Source: NYS DOB.

CASHFLOW
GENERAL FUND
FY 2022
(dollars in millions)

	2021 April Actuals	May Actuals	June Actuals	July Actuals	August Actuals	September Actuals	October Actuals	November Actuals	December Actuals	2022 January Actuals	February Projected	March Projected	Total
OPENING BALANCE	9,161	12,218	14,356	15,464	15,601	15,789	19,954	18,119	17,184	30,660	32,008	31,978	9,161
RECEIPTS:													
Personal Income Tax	3,263	4,916	2,911	1,682	1,901	3,225	1,687	1,789	3,129	3,366	2,472	1,784	32,125
Consumption/Use Taxes	351	342	451	387	362	460	370	371	461	409	306	357	4,627
Business Taxes	730	104	1,587	228	67	1,708	70	(42)	6,616	654	61	4,731	16,514
Other Taxes	121	118	110	105	103	111	184	95	114	127	53	52	1,293
Total Taxes	4,465	5,480	5,059	2,402	2,433	5,504	2,311	2,213	10,320	4,556	2,892	6,924	54,559
Abandoned Property	0	0	0	0	10	100	0	225	0	0	0	115	450
ABC License Fee	5	6	7	6	6	5	6	4	4	10	5	5	69
Investment Income	2	1	1	0	1	1	1	1	1	1	7	7	24
Licenses, Fees, etc.	77	97	41	33	35	49	82	10	34	79	(7)	0	530
Motor Vehicle Fees	20	16	55	21	32	30	19	(7)	32	10	10	8	246
Reimbursements	64	14	(9)	70	27	14	(23)	35	57	(47)	18	(151)	69
Extraordinary Settlements	0	0	0	0	0	0	0	33	0	0	0	0	33
Other Transactions	5	5	36	25	11	58	22	9	112	119	2	14	418
Total Miscellaneous Receipts	173	139	131	155	122	257	107	310	240	172	35	(2)	1,839
Federal Receipts	0	0	0	0	0	0	0	0	0	0	0	0	0
PIT in Excess of Revenue Bond Debt Service	3,263	4,917	2,958	1,411	1,150	3,307	1,688	1,615	3,143	(250)	1,472	1,893	26,567
PTET in Excess of Revenue Bond Debt Service	0	0	0	0	0	0	0	0	5,082	449	57	2,767	8,355
ECEP in Excess of Revenue Bond Debt Service	0	0	0	0	0	0	0	0	2	3	0	2	7
Sales Tax in Excess of LGAC Bond Debt Service	297	125	572	324	313	408	314	323	411	347	275	325	4,034
Sales Tax in Excess of Revenue Bond Debt Service	573	565	779	622	600	796	593	610	786	673	518	648	7,763
Real Estate Taxes in Excess of CW/CA Debt Service	87	110	115	129	137	130	129	116	131	164	31	32	1,311
All Other	108	94	173	189	115	433	113	115	215	134	558	5,364	7,611
Total Transfers from Other Funds	4,328	5,811	4,597	2,675	2,315	5,074	2,837	2,779	9,770	1,520	2,911	11,031	55,648
TOTAL RECEIPTS	8,966	11,430	9,787	5,232	4,870	10,835	5,255	5,302	20,330	6,248	5,838	17,953	112,046
DISBURSEMENTS:													
School Aid	449	3,782	2,098	275	566	1,571	1,078	1,580	2,316	987	908	9,204	24,814
Higher Education	27	23	513	697	85	28	305	35	109	25	430	469	2,746
All Other Education	33	92	265	514	66	89	49	49	416	97	153	567	2,390
Medicaid - DOH	2,745	1,506	1,173	1,178	1,445	729	1,797	1,555	975	1,268	1,079	278	15,728
Public Health	12	36	101	49	65	42	69	53	60	34	89	(34)	576
Mental Hygiene	32	62	879	105	47	829	116	86	1,106	49	592	818	4,721
Children and Families	(4)	35	239	155	39	100	362	45	289	180	127	191	1,758
Temporary & Disability Assistance	48	65	64	168	87	128	127	69	160	105	181	310	1,512
Transportation	9	22	15	0	25	0	0	25	12	0	14	1	123
Unrestricted Aid	0	44	388	1	0	52	8	0	187	1	28	69	778
All Other	27	36	274	(170)	268	815	1,306	242	122	87	202	2,860	6,069
Total Local Assistance	3,378	5,703	6,009	2,972	2,693	4,383	5,217	3,739	5,752	2,833	3,803	14,733	61,215
Personal Service	708	725	382	863	674	820	665	873	216	667	698	2,196	9,487
Non-Personal Service	137	234	183	119	241	248	229	208	271	381	467	1,413	4,131
Total State Operations	845	959	565	982	915	1,068	894	1,081	487	1,048	1,165	3,609	13,618
General State Charges	810	2,276	393	419	403	612	530	645	52	488	544	983	8,155
Debt Service	163	(21)	(21)	56	(8)	12	53	(5)	(24)	163	(15)	(14)	339
Capital Projects	486	341	816	296	573	431	306	605	472	342	346	(396)	4,618
SUNY Operations	113	0	772	181	0	119	8	104	10	1	3	25	1,336
Other Purposes	114	34	145	189	106	45	82	68	105	25	22	478	1,413
Total Transfers to Other Funds	876	354	1,712	722	671	607	449	772	563	531	356	93	7,706
TOTAL DISBURSEMENTS	5,909	9,292	8,679	5,095	4,682	6,670	7,090	6,237	6,854	4,900	5,868	19,418	90,694
Excess/(Deficiency) of Receipts over Disbursements	3,057	2,138	1,108	137	188	4,165	(1,835)	(935)	13,476	1,348	(30)	(1,465)	21,352
CLOSING BALANCE	12,218	14,356	15,464	15,601	15,789	19,954	18,119	17,184	30,660	32,008	31,978	30,513	30,513

Source: NYS DOB.

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New York State
Annual Information Statement

June 8, 2021

Annual Information Statement

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THE FOLLOWING SECTIONS ARE INCLUDED BY CROSS-REFERENCE

Introduction

Introduction

This Annual Information Statement (AIS) is dated June 8, 2021, and contains information only through that date. This AIS constitutes the official disclosure regarding the financial position of the State of New York (the "State") and related matters and replaces the AIS dated June 3, 2020 and all updates and supplements issued in connection therewith. This AIS is scheduled to be updated on a quarterly basis and may be supplemented from time to time as developments warrant. This AIS, including the Exhibits attached hereto, should be read in its entirety, together with any updates and supplements that may be issued during the fiscal year.

In this AIS, readers will find:

1. Information on the State's current financial projections, including summaries and extracts from the State's fiscal year 2022 (FY 2022)[1] Enacted Budget Financial Plan (the "Financial Plan") issued by the Division of the Budget (DOB) in May 2021. The Financial Plan sets forth the State's official financial projections for FY 2022 through FY 2025 ("the Financial Plan period"). It includes, among other things, information on the major components of the FY 2022 General Fund gap-closing plan, future potential General Fund budget gaps, multi-year projections of receipts and disbursements in the State's operating funds, the impact on debt measures, and the anticipated debt issuances required to support the planned capital spending. While the disclosure contained in this AIS is derived from the Financial Plan, this AIS contains certain updates to information set forth in the Financial Plan which are not deemed by DOB to materially change the projections contained in the Financial Plan. DOB next expects to update the State's multi-year financial projections in July 2021 with the first quarterly update to the Financial Plan.

2. A discussion of issues and risks that may affect the State's financial projections during FY 2022 or in future fiscal years is provided under the heading "Financial Plan Overview — Other Matters Affecting the Financial Plan".

3. Information on other subjects relevant to the State's finances, including summaries of: (a) operating results for the three prior fiscal years (presented on a cash basis of accounting), (b) the State's revised economic forecast and a profile of the State economy, (c) the State's debt and other financing activities, (d) the organization of State government, and (e) activities of public authorities and localities.

4. Updated information regarding the State Retirement System.

5. The status of significant litigation that has the potential to adversely affect the State's finances.

DOB is responsible for preparing the State's Financial Plan and presenting the information that appears in this AIS on behalf of the State. In preparing this AIS, DOB has also relied on information drawn from other sources, including the Office of the State Comptroller (OSC). In particular, information contained in the section entitled "State Retirement System" has been furnished by

[1] The State fiscal year is identified by the calendar year in which it ends. For example, FY 2022 is the fiscal year that began on April 1, 2021 and ends on March 31, 2022.

OSC, while information relating to matters described in the section entitled “Litigation” has been furnished by the State Office of the Attorney General. DOB has not undertaken any independent verification of the information contained in these sections of the AIS.

During the fiscal year, the Governor, the State Comptroller, State legislators, and others may issue statements or reports that contain predictions, projections, or other information relating to the State's financial position or condition, including potential operating results for the current fiscal year and projected budget gaps for future fiscal years, that may vary materially from the information provided in this AIS. Investors and other market participants should, however, refer to this AIS, as updated or supplemented, for the most current official information regarding the financial position of the State.

The factors affecting the State’s financial condition are numerous and complex. This AIS contains "forward-looking statements" relating to future results and economic performance as defined in the Private Securities Litigation Reform Act of 1995. Since many factors may materially affect fiscal and economic conditions in the State, the forecasts, projections, and estimates should not be regarded as a representation that such forecasts, projections, and estimates will occur. The forward-looking statements contained herein are based on the State's expectations at the time they were prepared and are necessarily dependent upon assumptions, estimates and data that it believes are reasonable as of the date made, but that may be incorrect, incomplete or imprecise or not reflective of actual results. Forecasts, projections, and estimates are not intended as representations of fact or guarantees of results. The words “expects”, “forecasts”, “projects”, “intends”, “anticipates”, “estimates”, "assumes" and analogous expressions are intended to identify forward-looking statements. Any such statements inherently are subject to a variety of risks and uncertainties that could cause actual results to differ materially and adversely from projections. Such risks and uncertainties include, but are not limited to, general economic and business conditions; changes in political, social, economic and environmental conditions, including climate change and extreme weather events; severe epidemic or pandemic events; cybersecurity events; impediments to the implementation of gap-closing actions; regulatory initiatives and compliance with governmental regulations; litigation; Federal tax law changes; actions by the Federal government to reduce or disallow expected aid, including Federal aid authorized or appropriated by Congress, but subject to sequestration, administrative actions, or other actions that would reduce aid to the State; and various other events, conditions and circumstances. Many of these risks and uncertainties are beyond the control of the State. These forward-looking statements are based on the State’s expectations as of the date of this AIS.

Note that all FY 2021 financial results contained within this AIS are unaudited and preliminary. The annual independent audit of the State's Basic Financial Statements for the fiscal year ending March 31, 2021 is expected to be completed by July 29, 2021. Both the Comptroller's Annual Report to the Legislature on State Funds Cash Basis of Accounting and the State's Basic Financial Statements are due by July 29, 2021. These reports will contain the final FY 2021 financial results. Copies may be obtained by contacting the Office of the State Comptroller, 110 State Street, Albany, NY 12236. The Basic Financial Statements for FY 2020 are available in electronic form at www.osc.state.ny.us and at www.emma.msrb.org.

In addition to regularly scheduled quarterly updates to this AIS, the State may issue AIS supplements or other disclosure notices to this AIS as events warrant. The State intends to announce publicly whenever an update or a supplement is issued. The State may choose to incorporate by reference all or a portion of this AIS in official statements or related disclosure documents for State or State-supported debt issuances. The State has filed this AIS with the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access (EMMA) system. An electronic copy of this AIS can be accessed through EMMA at www.emma.msrb.org. An official copy of this AIS may be obtained by contacting the New York State Division of the Budget, State Capitol, Albany, NY 12224, Tel: (518) 474-2302.

Usage Notice

This AIS has been prepared and made available by the State pursuant to its contractual undertakings under various continuing disclosure agreements (CDAs) entered into by the State in connection with financings of the State, as well as certain issuers, including public authorities of the State, that may depend in whole or in part on State appropriations as sources of payments of their respective bonds, notes or other obligations.

This AIS is available in electronic form on the DOB website at www.budget.ny.gov. Such availability does not imply that there have been no changes in the financial position of the State subsequent to the posting of this information. Maintenance of this AIS on the DOB website, or on the EMMA website, is not intended as a republication of the information herein on any date subsequent to its release date. No incorporation by reference or republication of any information contained on any website is intended or shall be deemed to have occurred as a result of the inclusion of any website address in this AIS.

Neither this AIS nor any portion thereof may be: (i) included in a preliminary official statement, official statement, or other offering document, or incorporated by reference therein, unless DOB has expressly consented thereto following a written request to the State of New York, Division of the Budget, State Capitol, Albany, NY 12224, or (ii) considered to be continuing disclosure in connection with any offering unless a CDA relating to the offered series of bonds or notes has been executed by DOB. Any such use, or incorporation by reference, of this AIS or any portion thereof in a preliminary official statement, official statement, or other offering document or continuing disclosure filing without such consent and agreement by DOB is unauthorized and the State expressly disclaims any responsibility with respect to the inclusion, intended use, and updating of this AIS if so misused.

Budgetary and Accounting Practices

Significant Budgetary and Accounting Practices

Unless clearly noted otherwise, all financial information is presented on a cash basis of accounting.[2]

The State accounts for receipts and disbursements by the fund in which the activity takes place (such as the General Fund), and the broad category or purpose of that activity (such as State Operations). The Financial Plan tables present State projections and results by fund and category.

Fund types of the State include: the General Fund; State Special Revenue Funds, which receive certain dedicated taxes, fees, and other revenues used for specified purposes; Federal Special Revenue Funds, which receive certain Federal grants; State and Federal Capital Projects Funds, which account for costs incurred in the construction, maintenance, and rehabilitation of roads, bridges, prisons, university facilities, and other infrastructure projects; and Debt Service Funds, which account for the payment of principal, interest, and related expenses for debt issued by the State and on the State's behalf by its public authorities.

The State's **General Fund** receives most State taxes and all income not earmarked for a specified program or activity. State law requires the Governor to submit, and the Legislature to enact, a General Fund Budget that is balanced on a cash basis of accounting. The State Constitution and State Finance Law do not provide a precise definition of budget balance. In practice, the General Fund is considered balanced if sufficient resources are, or are expected to be, available during the fiscal year for the State to: (a) make all planned payments, including Personal Income Tax (PIT) refunds, without the issuance of deficit notes or bonds, or extraordinary cash management actions; (b) restore the balances in the Tax Stabilization Reserve Fund and the Rainy Day Reserve Fund (collectively, the "Rainy Day Reserves") to levels at or above those on deposit when the fiscal year began; and (c) maintain other reserves, as required by law. For purposes of calculating budget balance, the General Fund includes transfers to and from other funds.

The General Fund is the sole financing source for the School Tax Relief (STAR) fund and is typically the financing source of last resort for the State's other major funds, including the Health Care Reform Act (HCRA) funds, the Dedicated Highway and Bridge Trust Fund (DHBTF), and the Lottery Fund. Therefore, General Fund projections account for any estimated funding shortfalls in these funds. Since the General Fund is required by law to be balanced, the focus of the State's budgetary and gap-closing discussion in the Financial Plan is generally weighted toward the General Fund.

At times, DOB will informally designate unrestricted balances in the General Fund for specific policy goals (e.g., reserve for timing of payments). These amounts are typically, but not uniformly,

[2] State Finance Law also requires DOB to prepare a pro forma Financial Plan using, to the extent practicable, Generally Accepted Accounting Principles (GAAP). The GAAP-basis Financial Plan is informational only. DOB does not use it as a benchmark for managing State finances during the fiscal year and does not update it on a quarterly basis. The GAAP-basis Financial Plan follows, to the extent practicable, the accrual methodologies and fund accounting rules applied by the Office of the State Comptroller (OSC) in preparation of the audited Basic Financial Statements, but there can be no assurance that the pro forma GAAP financial plan conforms to all GAAP principles.

identified with the phrase “reserved for.” These unrestricted amounts are not held in distinct accounts within the General Fund and may be used for other purposes.

Projections for future years may show budget gaps or budget surpluses in the General Fund. Budget gaps represent the difference between: (a) the projected General Fund disbursements, including transfers to other funds, needed to maintain current service levels and specific commitments, and (b) the projected level of resources, including transfers from other funds, to pay for these disbursements. The General Fund projections are based on many assumptions and are developed by DOB in conjunction with other State agencies. Some projections are based on specific, known information (e.g., a statutory requirement to increase payments to a prescribed level), while others are based on more uncertain or speculative information (e.g., the pace at which a new program will enroll recipients). In general, the multi-year projections assume that money appropriated in one fiscal year will continue to be appropriated in future years, even for programs that were not created in permanent law and that the State has no obligation to fund. Funding levels for nearly all State programs are reviewed annually in the context of the current and projected fiscal positions of the State.

State Operating Funds is a broader measure of spending on operations (as distinct from capital purposes) that is funded with State resources. It includes financial activity in the General Fund, as well as State-funded Special Revenue Funds and Debt Service Funds (spending from Capital Projects Funds and Federal Funds is excluded). As significant financial activity occurs in funds outside the General Fund, the State Operating Funds perspective is, in DOB’s view, a more comprehensive measure of operations funded with State resources (e.g., taxes, assessments, fees and tuition). The State Operating Funds perspective eliminates certain distortions in operating activities that may be caused by, among other things, the State's complex fund structure and the transfer of money between funds. For example, the State funds its share of the Medicaid program from both the General Fund and State Special Revenue Funds. The State Operating Funds perspective captures Medicaid disbursements from both fund types, giving a more complete accounting of State-funded Medicaid disbursements. Accordingly, projections often emphasize the State Operating Funds perspective.

The Financial Plan projections reflect certain actions that have affected, or are intended to affect, the amount of annual spending reported on a State Operating Funds basis. Such actions include but are not limited to: (a) payment of certain operating costs using available resources outside the State Operating Funds basis of reporting; and (b) reclassification as Enterprise Funds of certain activities in which goods or services are provided to the public for a fee. If these or other transactions are not executed or reported in a manner consistent with DOB’s interpretation of the legislation and legislative intent, annual spending growth in State Operating Funds would be higher than projections.

Budgetary and Accounting Practices

The State also reports disbursements and receipts activity for **All Governmental Funds** (All Funds), which includes spending from Capital Projects Funds and Federal Funds, in addition to State Operating Funds. The All Funds basis provides the most comprehensive view of the cash-basis financial operations of the State.

Differences may occur from time to time between DOB and OSC's financial reports in presentation and reporting of receipts and disbursements. For example, DOB may reflect a net expenditure amount while OSC may report the gross expenditure. Any such differences in reporting between DOB and OSC could result in differences in the presentation and reporting for total receipts and disbursements under different fund perspectives (e.g., State Operating Funds and All Governmental Funds).

As of the FY 2022 Enacted Budget, the State is changing certain Financial Plan and AIS terminology to align with fiscal publications released by the State Comptroller. Previously, the State used the term "results" in the Financial Plan and AIS to mean year-end actual but unaudited performance data for the most recently completed fiscal year. While year-end cash results could be adjusted during the audit of the State's Financial Statements prepared under Generally Accepted Accounting Principles contained in the Annual Comprehensive Financial Report (ACFR), which must be released within 120 days after the end of the State Fiscal Year, revisions are not common. In prior updates to the Financial Plan and AIS released after the issuance of the ACFR, the term "results" reflected audited year-end performance data for the most recently completed fiscal year. Beginning with the FY 2022 Enacted Budget Financial Plan and this AIS, the term "actuals" will replace "results", but the meaning remains the same relative to the issuance of the ACFR.

Financial Plan Overview

Financial Plan Overview

The following table provides certain Financial Plan information for FY 2021 and FY 2022.

FINANCIAL PLAN AT-A-GLANCE: KEY MEASURES (millions of dollars)	FY 2021 Actuals	FY 2022 Projected
State Operating Funds Disbursements		
Size of Budget	$104,207	$112,220
Annual Growth	2.0%	7.7%
Other Disbursement Measures		
General Fund (Including Transfers)[1]	$74,095	$88,991
Annual Growth	-4.4%	20.1%
Capital Budget (Federal and State)	$12,331	$15,891
Annual Growth	2.8%	28.9%
Federal Operating Aid	$70,049	$80,776
Annual Growth	19.1%	15.3%
All Funds	$186,587	$208,887
Annual Growth	7.9%	12.0%
Inflation (CPI)	1.2%	3.0%
All Funds Receipts		
Taxes	$82,376	$91,093
Annual Growth	-0.6%	10.6%
Miscellaneous Receipts	$30,772	$26,052
Annual Growth	4.4%	-15.3%
Federal Receipts (Operating and Capital)	$78,152	$96,645
Annual Growth	20.1%	23.7%
Total All Funds Receipts	$191,300	$213,790
Annual Growth	7.8%	11.8%
General Fund Cash Balance	$9,161	$7,354
Rainy Day Reserves	$2,476	$3,301
Extraordinary Monetary Settlements	$2,083	$2,035
Economic Uncertainties	$1,490	$1,490
All Other Reserves/Fund Balances	$3,112	$528
Debt		
Debt Service as % All Funds Receipts[2]	4.6%	3.2%
State-Related Debt Outstanding	$58,881	$66,649
Debt Outstanding as % Personal Income	4.0%	4.4%

1 Includes planned transfer of Extraordinary Monetary Settlements from the General Fund to other funds for designated purposes.

2 Excludes $4.5 billion in short-term notes issued and repaid in FY 2021.

FY 2022 Enacted Budget Overview

Executive Budget Proposal

The Governor's Executive Budget Financial Plan for FY 2022 proposed actions to close a two-year budget gap estimated at $12.7 billion (FY 2021: $3.2 billion; FY 2022: $9.5 billion). [3] The gap-closing plan consisted of savings actions, tax increases, and "unrestricted" Federal aid (i.e., general aid that could be used to replace lost tax revenues or fund existing services).

At the time, the State lacked information on the level and timing of new Federal aid (or whether any new aid at all would be approved). The Executive Budget Financial Plan therefore included a $6 billion "placeholder" for new Federal aid, which was apportioned evenly between FY 2022 and FY 2023. The Governor pledged to modify the proposed spending cuts and tax increases if the State received unrestricted Federal aid above the amount in the proposed Financial Plan.

DOB estimated that the Executive Budget, if adopted without modification, would have provided for balanced General Fund operations in FY 2022, and leave budget gaps of $902 million in FY 2023, $3.6 billion in FY 2024, and $6.2 billion in FY 2025. The total gaps over the Financial Plan (FY 2022 through FY 2025) would have been reduced from $38.7 billion to $10.8 billion, an improvement of $27.9 billion.

Improved Fiscal Outlook

Enactment of the Federal American Rescue Plan (ARP) Act, stronger than expected tax collections, and favorable FY 2021 year-end results have improved the State's fiscal outlook since the Executive Budget proposal was submitted in February 2021.

The ARP is a $1.9 trillion economic stimulus bill intended to contain the COVID-19 pandemic and accelerate the nation's economic recovery.[4] The ARP provides the State with $12.75 billion in general aid ("recovery aid"), as well as $17.2 billion in categorical aid for schools, universities, childcare, housing, and other purposes. The recovery aid authorized in the ARP, while not as flexible as the unrestricted aid assumed in the Executive Budget Financial Plan, may be used for several broad purposes, including State revenue losses and for provision of aid to households, small businesses, and non-profit organizations, as well as certain industries, such as tourism and hospitality, that were uniquely affected by the pandemic-induced recession.[5] On May 10, 2021 the U.S. Department of Treasury issued interim guidance on, among other things, calculation of revenue losses and illustrative eligible uses of recovery aid. DOB is reviewing and expects to provide comments on the interim guidance. The categorical aid is for specified purposes flowing though Federal Funds and will have no direct impact on General Fund operations.

[3] See Executive Budget Financial Plan Updated for Governor's Amendments and Forecast Revisions, February 2021.
[4] Signed into law by President Biden on March 11, 2021.
[5] The ARP also provides $10 billion in recovery aid to localities in New York State.

The State's revenue picture also improved in the final quarter of FY 2021, with tax collections exceeding expectations. On March 1, 2021, the Executive and Legislature reached consensus that cumulative tax receipts over FY 2021 and FY 2022 would be at least $2.5 billion higher than estimated in the Executive Budget Financial Plan. Collections through the end of FY 2021 were even more favorable, providing the basis for the substantial upward revisions to tax receipts in the Enacted Budget Financial Plan. (See "State Financial Plan Multi-Year Projections – Receipts" herein.)

Lastly, the State finished FY 2021 in a stronger overall position in comparison to the Executive Budget Financial Plan. Results reflected both strong tax receipts, as noted above, and disbursements that fell substantially below budgeted levels. DOB applied excess resources that were available at the close of FY 2021 to reduce costs in each year of the Financial Plan with prepayments and other actions.

Enacted Budget Agreement

The Governor and Legislative leaders reached agreement on the outlines of the FY 2022 Budget in late March 2021. All debt service appropriations were passed on March 31, 2021, prior to the start of FY 2022. Both houses completed final action on the FY 2022 Budget on April 6, 2021. On April 19, 2021, the Governor completed his review of all budget bills, which included the veto of certain line-item appropriations, none of which had a material impact on the State's financial projections.

The improved fiscal outlook allowed for substantial revisions to the Executive Budget proposal during negotiations on the FY 2022 Enacted Budget. The revisions can be grouped into three categories: "restoration" (i.e., rejection) of savings proposals, time-limited pandemic recovery initiatives, and additions to current programs. (See "Negotiated Changes to the Executive Budget" in the "General Fund Cash-Basis Financial Plan" section herein.)

- **Restorations/Modifications.** The Executive Budget proposed reductions to School Aid, health care, and other services, as well as a one-year pause in the continuing phase-in of middle-class tax reductions initiated in FY 2016. These savings were not needed to provide for balanced operations in FY 2022 and therefore were restored as part of the budget agreement.

- **Recovery Initiatives.** The Enacted Budget agreement also provided for several time-limited recovery initiatives, the most significant of which provides payments to workers who lost employment during the recession but were ineligible to receive traditional unemployment benefits. The recovery initiatives are intended to respond to the immediate and unique economic dislocations caused by the COVID-induced recession and will not be funded on a recurring basis. Each of the recovery initiatives are described in more detail below.

- **Adds.** Lastly, the Enacted Budget included substantial new funding for existing programs, the most significant of which is the phase-in of full funding of the current Foundation Aid formula over three years, substantially increasing State support to school districts. Supplemental funding was also provided for tuition assistance, mental hygiene, public safety, and a range of other purposes.

In recognition that Federal recovery aid will run out over time, the negotiated agreement contained revenue enhancements, including increases in PIT rates for high-income earners through tax year 2027 and corporate franchise tax rates through tax year 2023. The new revenues will help fund increases approved for existing programs, as well as restorations of proposed cuts.

DOB estimates that the Enacted Budget Financial Plan is balanced in the General Fund on a cash basis of accounting in both the current year (FY 2022) and the first outyear (FY 2023). Outyear budget gaps are estimated at $1.4 billion in FY 2024 and $2.0 billion in FY 2025. The total gap of $3.4 billion over the Financial Plan (FY 2022 through FY 2025) is $7.4 billion lower than the Executive Budget proposal and $35.3 billion lower than the baseline projection.

The following table summarizes the changes from the baseline February 2021 Financial Plan projections to the Enacted Budget Financial Plan. It is followed by an explanation of the changes.

FY 2022 ENACTED BUDGET GENERAL FUND GAP-CLOSING PLAN SAVINGS/(COSTS) (millions of dollars)	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
BASELINE SURPLUS/(GAP) ESTIMATE	**(9,525)**	**(9,313)**	**(9,235)**	**(10,654)**
Receipts	**11,829**	**11,805**	**11,412**	**13,564**
Tax Receipts Revisions	4,093	5,102	5,402	6,099
Tax Actions:	3,490	3,926	3,790	4,022
Temporary High Income Surcharge	2,753	3,251	3,439	4,472
Temporary Business Tax Increase	750	1,073	796	0
Property Tax Relief Credit	0	(382)	(403)	(411)
Recovery Tax Credits	(20)	(40)	(50)	(25)
All Other Tax Actions	7	24	8	(14)
STAR	0	(1)	(1)	107
Debt Service Transfers	122	1,398	1,028	746
Miscellaneous Receipts	22	(26)	(20)	(18)
Federal Aid (Non-Tax Transfers)	4,500	2,350	2,250	3,645
Other Non-Tax Transfers	(398)	(944)	(1,037)	(1,037)
Disbursements	**(2,604)**	**(2,043)**	**(4,104)**	**(5,308)**
Local Assistance	(2,444)	(2,189)	(4,129)	(5,265)
Enhanced FMAP Extension	2,487	0	0	0
Medicaid Enrollment	(256)	(236)	0	0
Recovery Initiatives	(3,145)	(110)	(110)	(100)
Foundation Aid Increase	(980)	(2,192)	(3,773)	(4,396)
All Other	(550)	349	(246)	(769)
Agency Operations	157	328	236	(60)
Transfers	(317)	(182)	(211)	17
Debt Service Transfers	79	89	87	68
Capital Projects Transfers	(121)	(36)	(475)	(473)
Retiree Health Trust Fund	(320)	(320)	0	0
Other Transfers	45	85	177	422
Reclassification of Debt Service Transfers	**0**	**0**	**0**	**0**
Use of/(Deposit to) Reserves	**300**	**(449)**	**485**	**424**
Undesignated Fund Balance (Prior Year)	2,013	0	0	0
Community Projects	23	4	3	0
Rainy Day Reserve	(825)	0	0	0
Extraordinary Monetary Settlements	(911)	(453)	482	424
ENACTED BUDGET SURPLUS/(GAP) ESTIMATE	**0**	**0**	**(1,442)**	**(1,974)**

Receipts

General Fund receipts in FY 2022 are projected to be $11.8 billion above the baseline estimate. The improvement reflects the surge in tax collections as the State recovers from the recession, the impact of tax increases on high income earners and corporations, and the initial use of Federal recovery aid. General Fund receipts are estimated to be sufficient to balance operations in FY 2022.

Tax Receipts Revisions. The estimates for tax receipts, excluding the impact of FY 2022 tax increases and changes in annual debt service, have been revised upward by nearly $4.1 billion in FY 2022 and more than $20 billion over the Financial Plan (FY 2022-FY 2025). The revisions are concentrated in PIT and sales tax receipts, reflecting both collections experience through April 2021 and an updated economic outlook.

Tax Actions. The Enacted Budget includes $3.5 billion in FY 2022 revenue increases from tax actions. These include:

- **Temporary High Income Surcharge.** The Enacted Budget implements a surcharge on high earners through Tax Year 2027 that sets a top rate of 10.9 percent for all filers earning more than $25 million. The surcharge is expected to raise $2.8 billion in FY 2022 and $3.3 billion in FY 2023.

- **Temporary Business Tax Increase.** The Enacted Budget implements a surcharge on the corporate tax rate that increases the business income tax rate from 6.5 percent to 7.25 percent for three years through tax year 2023 for taxpayers with business income greater than $5 million. It also increases the capital base method of liability estimation to a 0.1875 percent rate from the prior year 0.025 percent rate. The capital base method increase continues to exempt qualified manufacturers, qualified emerging technology companies, and cooperative housing corporations and additionally exempts corporate small business beginning in tax year 2021. These changes are expected to raise revenue by $750 million in FY 2022 and $1 billion in FY 2023.

- **Property Tax Relief Credit.** New York resident homeowners with incomes up to $250,000 are eligible for a PIT STAR credit ranging from $250 to $350 if their total property tax exceeds a fixed percentage of their income. It is expected that claims will average about $340. Qualified homeowners will be able to claim this new Property Tax Relief credit for tax years 2021, 2022, and 2023.

- **Recovery Tax Credits.** The Enacted Budget provides new tax credits to support certain industries that were adversely impacted by the pandemic, including restaurants, theaters, and arts.

- **Other Tax Actions.** The Enacted Budget includes the Cannabis Regulation and Taxation Act, as well as various tax credits, extensions, enforcement initiatives and reforms.

Debt Service Transfers. The Financial Plan reflects the payment in FY 2022 of expenses previously planned to be paid in FY 2023 through FY 2025, as well as savings from expected refundings, continued use of competitive bond sales, and other debt management actions.

STAR. Changes include the mobile home conversion of benefit payments from a real property tax exemption to a PIT credit and updated estimates in FY 2025.

Miscellaneous Receipts. Changes include updated estimates for investment income and various other categories of miscellaneous receipts.

Federal Aid. The Enacted Budget Financial Plan apportions Federal recovery aid over four fiscal years: $4.5 billion in FY 2022, $2.4 billion in FY 2023, $2.3 billion in FY 2024, and $3.6 billion in FY 2025. DOB may adjust this initial apportionment when the US Treasury issues its final guidance and the State has a precise understanding of the eligible uses for the recovery aid. It is possible that a portion of the recovery aid will not be available to replace revenues or fund the continuation of current services at the level expected in the Financial Plan. If that were to happen, the budget gaps shown in the Financial Plan would increase.

Non-Tax Transfers. Other resource changes include updated estimates of various transfers from other funds, including an increase to the reserve for transaction risks.

Disbursements

General Fund spending in FY 2022 is projected to increase by $2.6 billion compared to the baseline estimate. The largest sources of growth are for aid to education and pandemic recovery initiatives.

Local Assistance. New spending for recovery initiatives (see below), School Aid, and other local aid programs totals nearly $4.7 billion. In addition, the estimate for Medicaid enrollment attributable to the recession has been revised upward based on updated data, leading to an increase in expected State-share Medicaid costs.

The growth in local aid is offset in part by the expected extension, through December 31, 2021, of the enhanced rate at which the Federal government reimburses eligible State Medicaid expenditures. The enhanced rate, which is 56.2 percent compared to the regular rate of 50 percent, reduces State/Local spending, and increases Federal spending by an equal amount, and therefore has no impact on total Medicaid payments. DOB estimates total State-share savings of $2.5 billion in FY 2022.

Agency Operations. Certain health and public safety payroll costs and COVID expenses that were paid in FY 2021 from State Funds are expected to be claimed against the Coronavirus Relief Fund (CRF) or FEMA. In addition, the Financial Plan assumes that during FY 2022 the State will pay planned general salary increases, as well as performance advances to non-represented employees, that had been withheld during the COVID-19 emergency.

Agency operations were reduced by 10 percent on a recurring basis beginning in FY 2021, with certain exceptions for facility operations and public health and safety. Incremental changes have been made to the savings estimates for several agencies.

Transfers. Savings in the debt service budget are expected from portfolio management, including refundings. Increased transfers to support capital projects reflect changes in the timing of capital reimbursements and higher capital costs, including the impact of projects delayed due to the pandemic. In addition, the timing of transfers of Extraordinary Monetary Settlements has been updated based on FY 2021 results and estimated activity over the multi-year Financial Plan.

Reserves and Liquidity

The Enacted Budget Financial Plan includes planned increases to the State's reserves. In FY 2022, deposits of $825 million to Rainy Day reserves and $320 million to the Retiree Health Benefit Trust Fund[6] are expected to be made, fiscal conditions permitting. Another $320 million deposit to the Retiree Health Benefit Trust Fund is planned in FY 2023. General Fund reserves at the close of FY 2022 are estimated at $5.3 billion, or 6 percent of estimated General Fund disbursements. In addition, the General Fund is expected to end FY 2022 with over $2 billion in monetary settlements designated to fund capital projects and other activities.

DOB expects that the State will have sufficient liquidity in FY 2022 to make all planned payments as they become due without having to temporarily borrow from the Short-Term Investment Pool (STIP). DOB continues to reserve money on a quarterly basis for debt service payments that are financed with General Fund resources. Money to pay debt service on bonds secured by dedicated receipts, including PIT bonds and Sales Tax bonds, continues to be set aside as required by law and bond covenants.

[6] In FY 2018, the State created a Retiree Health Benefit Trust Fund (the "Trust Fund"), a qualified trust under GASBS 75 that authorizes the State to reserve money for the payment of health benefits of retired employees and their dependents. The State may deposit into the Trust Fund, in any given fiscal year, up to 0.5 percent of total then-current unfunded actuarial accrued OPEB liability. The State has not made any deposits to the Trust Fund to date.

Recovery Initiatives

A unique feature of the FY 2022 Enacted Budget Financial Plan is a series of initiatives intended to help State residents and businesses recover as quickly as possible from the economic dislocation caused by COVID-19. The initiatives, which are expected to cost $9.45 billion over four years, will be funded from a combination of State and Federal resources. The following table summarizes the initiatives.

MAJOR RECOVERY INITIATIVES BY FUNDING SOURCES
(millions of dollars)

	FY 2022		Total (FYs 2022 to 2025)	
	State	**Federal**	**State**	**Federal**
TOTAL MAJOR INITIATIVES	**3,165**	**3,157**	**3,625**	**5,825**
Excluded Workers	2,100	0	2,100	0
Child Care	0	1,350	0	2,300
Rent & Homeowner Relief	100	1,200	100	2,300
Homeowner Mortgage Assistance	0	180	0	575
Rental Subsidy Program	100	0	400	0
Food Insecurity	0	50	0	50
Gun Violence/Securing Communities Against Hate Crimes	0	0	25	0
State Small Business Credit Incentive[1]	0	377	0	600
Small Business Recovery	865	0	1,000	0

[1] Federal funding for this program is allocated to the State and disbursed as State Funds spending per Federal guidance for past program execution and is included as spending in State Operating Funds.

The largest State recovery initiative is the Excluded Workers program, which is intended to provide cash payments to workers who have suffered income loss due to COVID-19 but who are ineligible for Unemployment Insurance or related Federal benefits due to their immigration status or other factors. The State is also funding small business grants to assist in recovery and reopening efforts. Grants will be provided to small businesses, for-profit independent and nonprofit arts and cultural organizations disrupted by the pandemic, including restaurants to cover the costs of food, preparation, and delivery of meals to vulnerable populations. State funding will compliment Federal funding through the State Small Business Credit Incentive. Other initiatives will support access to child care, affordable housing, and community food and safety needs.

State Operating Funds – Summary of Annual Spending Change

STATE OPERATING FUNDS DISBURSEMENTS
FY 2021 TO FY 2022
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Annual Change $	Annual Change %
LOCAL ASSISTANCE	**65,087**	**76,734**	**11,647**	**17.9%**
School Aid (School Year Basis)	26,515	29,505	2,990	11.3%
STAR	2,027	1,979	(48)	-2.4%
DOH Medicaid[1]	23,061	24,482	1,421	6.2%
Temporary eFMAP Increase	(3,420)	(2,487)	933	27.3%
Mental Hygiene (Gross)[2,3]	4,045	4,521	476	11.8%
Mental Hygiene Stabilization Fund[2]	(2,157)	0	2,157	100.0%
Transportation[3]	3,578	3,792	214	6.0%
Social Services[3]	2,538	2,997	459	18.1%
Higher Education[3]	2,706	2,943	237	8.8%
Other Education	1,828	2,403	575	31.5%
FY 2020 Timing of Payments[3]	1,385	0	(1,385)	-100.0%
All Other[3,4]	2,981	3,077	96	3.2%
Recovery Initiatives	0	3,522	3,522	0.0%
STATE OPERATIONS/GENERAL STATE CHARGES	**25,924**	**28,779**	**2,855**	**11.0%**
State Operations	18,006	19,261	1,255	7.0%
Executive Agencies	10,020	10,321	301	3.0%
University Systems	6,237	6,377	140	2.2%
Elected Officials	2,656	2,721	65	2.4%
Fund Eligible Expenses from CRF	(1,726)	0	1,726	100.0%
Pandemic Costs/(Reimbursement)	951	(940)	(1,891)	-198.8%
Ongoing Pandemic Related Expenses	(132)	200	332	251.5%
General Salary Increase	0	582	582	0.0%
General State Charges	7,918	9,518	1,600	20.2%
Pension Contribution	3,406	2,512	(894)	-26.2%
Health Insurance	4,415	4,736	321	7.3%
Fund Eligible Expenses from CRF	(996)	(80)	916	92.0%
Social Security Deferment	(674)	372	1,046	155.2%
Other Fringe Benefits/Fixed Costs	1,767	1,978	211	11.9%
DEBT SERVICE	**13,196**	**6,707**	**(6,489)**	**-49.2%**
TOTAL STATE OPERATING FUNDS	**104,207**	**112,220**	**8,013**	**7.7%**
Capital Projects (State and Federal Funds)	**12,331**	**15,891**	**3,560**	**28.9%**
Federal Operating Aid	**70,049**	**80,776**	**10,727**	**15.3%**
TOTAL ALL GOVERNMENTAL FUNDS	**186,587**	**208,887**	**22,300**	**12.0%**

1 Total State share Medicaid funding is reported prior to the spending offset from the application of Master Settlement Agreement (MSA) payments, which are deposited directly to a Medicaid Escrow Fund to cover a portion of the State's takeover of Medicaid costs for counties and New York City. The value of this offset is reported in "All Other" local assistance disbursements.

2 In FY 2021, roughly half of total Mental Hygiene spending was funded via the Mental Hygiene Stabilization Fund under the DOH Medicaid Global Cap. This spending appears in DOH rather than Mental Hygiene.

3 Due to the disruptions and uncertainties related to the COVID-19 pandemic, certain payments that would have been made in March 2020 were not paid until FY 2021. This spending is displayed discretely and adjusted (excluded from the FY 2021 spending totals of each functional area (higher education, social services, mental hygiene, and transportation.))

4 "All Other" includes spending for: various other functions; reclassifications between financial plan categories; a reconciliation between school year and State fiscal year spending for School Aid; and MSA payments deposited directly to a Medicaid Escrow Fund, which reduces reported disbursements.

State Operating Funds encompasses the General Fund and a wide range of State activities funded from revenue sources outside the General Fund, including dedicated tax revenues, tuition, income, fees, and assessments. Activities funded with these dedicated revenue sources often have no direct bearing on the State's ability to maintain a balanced budget in the General Fund, but nonetheless are captured in State Operating Funds.

In FY 2022 State Operating Funds spending is estimated at $112.2 billion, an increase of 7.7 percent from FY 2021. Excluding the recovery initiatives, which in State Operating Funds are expected to total $3.5 billion[7] in FY 2022, spending is projected to grow by 4.3 percent. School Aid, Medicaid, and funding of FY 2021 pandemic response costs from the CRF (which lowered FY 2021 State Operating Funds spending) account for most of the annual increase.

Local Assistance

Local assistance spending includes payments to local governments, school districts, health care providers, managed care organizations, and other entities, as well as financial assistance to, or on behalf of, individuals, families, and not-for-profit organizations. Local assistance comprises roughly two-thirds of State Operating Funds spending. School Aid and Medicaid account for roughly 70 percent of all local assistance spending. In FY 2021, the State withheld a percentage of local aid payments as a contingency measure. With certain exceptions, these withheld amounts were released for payment in March 2021. In most instances, the released payments were, or are expected to be processed in FY 2022, which affects annual spending growth.

The FY 2022 Enacted Budget includes $29.5 billion for School Aid in school year (SY) 2022, representing an annual increase of nearly $3 billion (11.3 percent). This annual increase includes a school year basis Foundation Aid increase of $1.4 billion (7.6 percent), as part of a three-year phase-in of the Foundation Aid formula. In addition to State School Aid, schools will receive $13.0 billion of Federal resources via the Elementary and Secondary School Emergency Relief (ESSER) and Governor's Emergency Education Relief (GEER) funds allocated to public schools by the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act and ARP. This funding, available for use over multiple years, is intended to help schools safely reopen for in-person instruction, address learning loss, and respond to students' academic, social, and emotional needs due to the disruptions of the COVID-19 pandemic.

STAR program spending is affected by the continuing conversion of benefit payments from a real property tax exemption to a PIT credit. The level of reported STAR disbursements will continue to decrease as STAR beneficiaries move into the PIT credit program.

[7] Includes $377 million for the State Small Business Credit Incentive program that is funded by the Federal government and disbursed as State Funds spending per Federal guidance for past program execution.

Department of Health (DOH) Medicaid spending is estimated at $24.5 billion in FY 2022, an annual increase of $1.4 billion (6.2 percent). Costs under the Global Cap are projected to increase by $580 million, consistent with the statutory growth index. Costs outside the Global Cap, which include minimum wage increases for health care providers and financial relief to counties and New York City associated with full coverage of the local share of spending growth, are projected to increase by $841 million.

The Federal government has provided a 6.2 percentage point base increase to the FMAP rate ("eFMAP") since the start of the COVID-19 public health emergency in January 2020. The Enacted Budget assumes the continuation of eFMAP through December 31, 2021. In FY 2022, eFMAP is expected to provide roughly $2.5 billion in State share savings.

In Mental Hygiene, the Enacted Budget provides increased funding for not-for-profit providers for the cost of minimum wage increases, a 1 percent cost-of-living adjustment (COLA), a return to pre-pandemic service utilization, and targeted investments to ensure adequate access to services and supports.

Funding for transportation is projected to increase by roughly $214 million in FY 2022. Projected operating aid to the Metropolitan Transportation Authority (MTA) and other transit systems mainly reflects the current receipts forecast and timing of certain payments delayed from FY 2021 to FY 2022.

The annual growth in social services spending is driven by forecasted increases in the public assistance caseload, which drives higher spending for Safety Net Assistance; timing of payments withheld in FY 2021 and will be paid in FY 2022, and funding for initiatives in the FY 2022 Enacted Budget, including additional funding for rental assistance.

Higher education spending is projected to increase by 8.8 percent in FY 2022, adjusted for the timing of Academic Year 2020 payments for CUNY Senior and Community colleges that occurred in FY 2021. Higher spending in FY 2022 primarily reflects increased State support for the Tuition Assistance Program (TAP) and scholarships in FY 2022.

Higher spending for other education programs, including Special Education, reflects a decline in reimbursable claims for Summer and Preschool Special Education programs in FY 2021 due to pandemic-related school closures and timing of planned FY 2021 payments that were previously withheld and will be paid in FY 2022.

All other local assistance mainly includes the reconciliation between school year and State fiscal year spending for School Aid and the timing of payments.

State Operations/General State Charges

Operating costs for State agencies include salaries, wages, fringe benefits, and Non-Personal Service (NPS) costs (e.g., supplies, utilities) and comprise more than a quarter of State Operating Funds spending.

Operational spending for executive agencies is affected by pandemic response and recovery efforts, including the anticipated timing of Federal reimbursement across several fiscal years for expenses incurred in FY 2021; payment of a 27th payroll; and FY 2022 planned payment of general salary increases that were scheduled to go into effect on April 1, 2020.

Pursuant to guidelines established by the U.S. Department of Treasury, the State charged $2.8 billion in eligible costs to the CRF in FY 2021. This included approximately $2.7 billion for payroll costs and fringe benefits, primarily for public health and safety employees, and other eligible pandemic response costs. Another $132 million in expenditures incurred in FY 2020 were subsequently canceled and refunded in FY 2021. The Financial Plan also assumes that additional costs incurred by the State in FY 2021 will be charged to the CRF in FY 2022.

Certain pandemic response expenses incurred in FY 2021, including Personal Protective Equipment (PPE), durable medical equipment, costs to build out field hospital facilities, testing, and vaccination activities are expected to be reimbursed by FEMA. DOB expects reimbursement over several years based on past claims experience. State agencies are expected to continue to incur costs to respond to the COVID-19 pandemic in FY 2022, which are expected to be funded with Federal aid made available in the CRF or FEMA reimbursement.

In FY 2022, State Operations spending for Executive agencies reflects the right sizing of corrections, mental health, and juvenile justice facilities and closing underused facilities.

University systems spending for FY 2022 is expected to increase as operations rebound following the COVID-19 closures and restrictions.

The operating costs for independent offices (Attorney General, Comptroller, Judiciary, and Legislature) are collectively expected to grow by 2.4 percent in FY 2022.

General State Charges (GSCs) spending is projected to increase by $1.6 billion, or 20.2 percent, in FY 2022. Pandemic-related anomalies drive the annual growth. First, the CARES Act allowed employers to defer the deposit and payment of the employer's share of Social Security taxes through December 2020. The State took advantage of this interest-free deferral and made no social security payments on the non-Medicare portion from April through December 2020, for a savings of $674 million in FY 2021. Repayment of half the deferral will be made in FY 2022, as required by the CARES Act. Second, the State charged eligible fringe benefits to the CRF in FY 2021, which reduced State-share GSC costs. Lastly, expected increases in the State’s health insurance program reflect medical inflation and the potential for more spending resulting from increased utilization following delayed medical visits and procedures during the pandemic. The growth caused by these factors is offset in part by the payment, at the end of FY 2021, of amortizations payable to the Common Retirement System in FY 2022 through FY 2026.

On June 4, 2021, the Public Employees Federation (PEF) reached a tentative collective bargaining agreement with the State covering FY 2020 through FY 2023, which is subject to ratification. The agreement, if ratified by PEF, would provide for 2 percent general salary increases in each year of the contract period, and the associated cost would be reflected in the Financial Plan upon ratification. In the past, agencies have been required to fund the ongoing costs associated with general salary increases within existing budgets through efficiencies and other savings initiatives.

Debt Service

Debt service consists of principal, interest, and related expenses paid on State debt. Debt service expenses are projected to decline from FY 2021 to FY 2022 due to the impact of the FY 2021 liquidity financing and prepayments executed in FY 2021 relative to prepayments planned for FY 2022. The State issued and repaid $4.5 billion of PIT notes in FY 2021 and prepaid $3.1 billion of debt service in FY 2021. In addition, the State plans to prepay another $1.4 billion of debt service in FY 2022, increasing total prepayments across FYs 2021 and 2022 to $4.5 billion. These resources will be used to reduce debt service that comes due in FY 2022 ($975 million), FY 2023 ($1.1 billion), FY 2024 ($1.1 billion), and FY 2025 ($1.3 billion).

General Fund Cash-Basis FY 2022 Financial Plan

General Fund receipts are affected by the deposit of dedicated taxes in other funds for debt service and other purposes, the transfer of balances between funds of the State, and other factors. Two significant factors affect reported General Fund tax receipts that are unrelated to actual collections. First, changes in debt service on State-supported revenue bonds affect General Fund tax receipts. The State utilizes bonding programs where tax receipts are deposited into dedicated debt service funds (outside the General Fund) and used to make debt service payments. After satisfying debt service requirements for these bonding programs, the balance is transferred to the General Fund. Second, the STAR program is funded from PIT receipts, with changes in the State supported cost of the program affecting reported PIT receipts.

General Fund disbursements are affected by the level of financing sources available in other funds, transfers of balances between funds of the State, and other factors that may change from year to year.

For a more comprehensive discussion of the State's projections for tax receipts, miscellaneous receipts, disbursements, and transfers, presented on a State Funds and All Funds basis, see “State Financial Plan Multi-Year Projections” herein.

The following table summarizes the projected annual change in General Fund receipts, disbursements, and fund balances from FY 2021 to FY 2022.

GENERAL FUND FINANCIAL PLAN
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Annual Change: Dollar	Annual Change: Percent
Opening Fund Balance	8,944	9,161	217	2.4%
Total Receipts	74,312	87,184	12,872	17.3%
Taxes[1,2]	69,052	77,779	8,727	12.6%
Miscellaneous Receipts[2]	3,015	1,775	(1,240)	-41.1%
Federal Receipts (Non-Tax Transfers)	0	4,500	4,500	0.0%
Non-Tax Transfers from Other Funds	2,245	3,130	885	39.4%
Total Disbursements	74,095	88,991	14,896	20.1%
Local Assistance	48,981	61,041	12,060	24.6%
State Operations	17,136	20,823	3,687	21.5%
Transfers to Other Funds	7,978	7,127	(851)	-10.7%
Net Change in Operations	217	(1,807)	(2,024)	-932.7%
Closing Fund Balance	9,161	7,354	(1,807)	-19.7%
Rainy Day Reserves	2,476	3,301	825	
Economic Uncertainties	1,490	1,490	0	
Undesignated Fund Balance	2,561	0	(2,561)	
All Other Reserves/Balances	551	528	(23)	
Extraordinary Monetary Settlements	2,083	2,035	(48)	

1 Includes the transfer of tax receipts from other funds after debt service.

2 Adjusted to exclude the affect of the short-term PIT note borrowing executed and repaid within FY 2021. This transaction added $4.5 billion to miscellaneous receipts and the repayment reduced tax receipts transferred from debt service funds.

Receipts

General Fund receipts, including transfers from other funds, are estimated to total nearly $87.2 billion in FY 2022, an increase of $12.9 billion (17.3 percent) from FY 2021 actuals. In FY 2021, the State issued short-term borrowing notes to manage the impact of the April 15, 2020 tax filing extension on monthly cash flows. The note proceeds were recorded as a miscellaneous receipt and the notes were repaid in full by year-end. For the General Fund, the proceeds increased miscellaneous receipts and the payment reduced PIT receipts. This transaction had no impact on operations or total receipts but does distort the annual change for both miscellaneous receipts and tax receipts.

Tax receipts, including transfers after payment of debt service, are estimated to total $77.8 billion in FY 2022, an increase of $8.7 billion from FY 2021. The increase is due to a combination of an improved revenue outlook consistent with the experience in the final quarter of FY 2021 and the updated economic forecast, and $3.5 billion in new revenue largely attributable to the enactment of a high-income PIT surcharge and business tax increase.

PIT receipts, net of transfers, are estimated to total $53.3 billion in FY 2022, an increase of $4.7 billion from FY 2021. The increase reflects the improved economic forecast and the enacted tax increases, which is partly offset by the actual and planned prepayments, in FY 2021 and FY 2022, of PIT debt service due in FY 2022 through FY 2025. These transactions reduce reported PIT receipts in the fiscal year in which the payments are made and increase PIT receipts in the fiscal years in which the debt service was originally scheduled to be paid. Therefore, these transactions reduced reported General Fund PIT receipts by $3.1 billion in FY 2021 and by $302 million in FY 2022 and increased reported General Fund PIT receipts by $1.1 billion in FY 2023, $1.1 billion in FY 2024, and $1.3 billion in FY 2025.

Consumption/use tax receipts, including transfers after payment of debt service on the Local Government Assistance Corporation (LGAC) and Sales Tax Revenue Bonds, are estimated to total $15.4 billion in FY 2022, an increase of $3.6 billion (30.8 percent) from FY 2021. Increases reflect sales tax base growth of 13.5 percent as the economy continues to recover from the impact of the COVID-19 economic downturn.

Business tax receipts are estimated at nearly $7 billion in FY 2022, an increase of $566 million (8.8 percent) from FY 2021. The increase is primarily attributable to an increase in Corporate Franchise Tax (CFT) gross receipts due to the recently enacted temporary increase in the business income and capital base rates.

Other tax receipts, including transfers after payment of debt service on Clean Water/Clean Air (CW/CA) Bonds, are expected to total $2.1 billion in FY 2022, a decrease of $208 million from FY 2021. This is primarily due to a decline in the estate tax due to a higher-than-typical number of extraordinary payments in FY 2021.

Miscellaneous receipts are estimated to decline by $1.2 billion in FY 2022 from FY 2021. The decline includes FY 2021 receipts that are not projected to recur ($600 million from Extraordinary Monetary Settlements and $250 million from the Distressed Provider Assistance Fund to offset State payments made to distressed providers), as well as lower projected resources available from abandoned property, motor vehicle fees and certain other fees.

Non-tax transfers are estimated to total $7.6 billion in FY 2022, an increase of $5.4 billion from FY 2021. The increase is mainly attributable to the transfer of a portion ($4.5 billion) of the $12.75 billion in Federal ARP recovery aid received in May 2021, an increase to the transaction risk reserve and the timing of various transfers that were held in prior years.

Disbursements

General Fund disbursements, including transfers to other funds, are expected to total nearly $89.0 billion in FY 2022, an increase of $14.9 billion (20.1 percent) from FY 2021. FY 2022 spending includes over $3 billion for time limited recovery initiatives, a substantial School Aid increase, and Medicaid growth of roughly 6 percent. In addition, several transactions executed in FY 2021 lowered spending temporarily, including the shift of $2.7 billion of certain health and public safety payroll costs to the CRF, certain temporary payment withholds that were released but not fully processed by the end of FY 2021, higher State share Medicaid savings from retroactive eFMAP processing and quarterly extensions, and the deferral of social security costs as provided in the CARES Act. Projected spending also reflects DOB's cautious estimates of disbursements in each financial category, a practice that provides a cushion for potential receipts shortfalls and other unanticipated costs.

Local assistance spending is estimated at $61.0 billion in FY 2022, an increase of $12.1 billion from FY 2021. The increase includes $3.1 billion in recovery initiatives and a decline in the number of months eFMAP will be available, shifting approximately $933 million in Medicaid costs from Federal to State funding sources in FY 2022. General Fund spending for education and health care represent 75 percent of total local assistance spending. General Fund support for these programs is affected by the level of financing sources (i.e., HCRA and lottery/gaming receipts) available in other funds, as well as the impact of eFMAP that temporarily lowers State spending and increases the Federal share of Medicaid costs. The explanation of annual spending changes for these programs is summarized later in the "State Financial Plan Multi-Year Projections" section.

General Fund agency operation costs, including fringe benefits, are expected to total $20.8 billion in FY 2022, an increase of $3.7 billion from FY 2021. The growth is due to the reclassification of $2.7 billion of personnel expenses for public health and public safety employees to the CRF in FY 2021; deferral of $674 million in Social Security taxes from FY 2021 to FY 2022 and FY 2023; the 27th administrative payroll in FY 2021[8]; and the general salary increases that are expected to be paid in FY 2022. Excluding these anomalies, most executive agencies are expected to hold operations spending at FY 2021 levels, which were reduced by 10 percent from the FY 2021 Enacted Budget levels.

General Fund transfers to Other Funds are projected to total $7.1 billion in FY 2022, a decrease of $851 million from FY 2021. Debt service supported by transfers from the General Fund is projected to increase by $66 million. Transfers for capital projects are projected to decrease by $677 million reflecting the timing of projects funded from monetary settlements and bond reimbursements. Transfers for other purposes are projected to decline by $240 million, mainly due to non-recurring transfers for School Aid in FY 2021 to offset lower lottery receipts.

[8] State employees are paid bi-weekly on Wednesday (administrative) or Thursday (institutional) which generally totals 26 payrolls per year. On occasion an "extra" payroll occurs within a fiscal year due to the number of Wednesdays or Thursdays in a particular calendar year.

FY 2022 Closing Balance

DOB projects the State will end FY 2022 with a General Fund cash balance of $7.4 billion, a decrease of $1.8 billion from FY 2021. The change is due to the expected payment in FY 2022 of certain local aid payments that had been withheld as a contingency in FY 2021 ($275 million), the first transfer to the Retiree Health Insurance Trust ($320 million), use of surplus tax revenues from FY 2021 as part of the consensus revenue agreement for FY 2022 ($1 billion), and routine changes in other balances based on expected activity.

TOTAL BALANCES (millions of dollars)			
	FY 2021 Actuals	FY 2022 Projected	Annual Change
TOTAL GENERAL FUND BALANCE	**9,161**	**7,354**	**(1,807)**
Statutory Reserves:			
Rainy Day Reserves	2,476	3,301	825
Community Projects	30	7	(23)
Contingency Reserve	21	21	0
Fund Balance Reserved for:			
Economic Uncertainties	1,490	1,490	0
Debt Management	500	500	0
Undesignated Fund Balance	2,561	0	(2,561)
Subtotal Excluding Settlements	**7,078**	**5,319**	**(1,759)**
Extraordinary Monetary Settlements	**2,083**	**2,035**	**(48)**

Negotiated Changes to the Executive Budget

The following table summarizes the negotiated restorations, modifications and additions to the Executive Budget proposal.

NEGOTIATED CHANGES TO THE EXECUTIVE BUDGET FINANCIAL PLAN
GENERAL FUND
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
SPENDING RESTORATIONS/ADDS	**(8,275)**	**(4,985)**	**(7,316)**	**(7,958)**
Restorations/Modifications:	(3,531)	(2,310)	(2,845)	(2,787)
School Aid/Local District Funding Adjustment	(1,878)	(2,060)	(2,050)	(2,028)
Prior Year Restorations/Legislative Adds	(275)	0	0	0
General Salary Increase Repayment	(582)	582	0	0
Other Restorations/Modifications	(796)	(832)	(795)	(759)
Recovery Initiatives:	(3,130)	(66)	(173)	(131)
Excluded Workers Fund	(2,100)	0	0	0
Small Business Recovery	(830)	40	0	0
Rental Assistance/Homeowner Relief	(200)	(100)	(100)	(100)
All Other	0	(6)	(73)	(31)
New Spending Adds:	(1,614)	(2,609)	(4,298)	(5,040)
School Aid - Foundation Aid Increase (SFY Basis)	(980)	(2,192)	(3,773)	(4,396)
Other Education Aid	(62)	(50)	(105)	(165)
Higher Education	(156)	(160)	(187)	(223)
Human Services	(99)	0	0	0
Health Care	(90)	(98)	(37)	(39)
All Other	(227)	(109)	(196)	(217)
TAX LAW/REVENUE CHANGES	**1,603**	**2,113**	**2,172**	**3,188**
Not Accepted:	(403)	(420)	(462)	(462)
Middle Class Tax Cut Phase-In Delay	(394)	(403)	(445)	(445)
Short-Term Renal Tax	(9)	(17)	(17)	(17)
Modified/New:	2,006	2,533	2,634	3,650
Personal Income Tax High Income Increase	1,216	1,847	2,244	4,105
Temporary Business Tax Increase	750	1,073	796	0
Property Tax Circuit Breaker	0	(382)	(403)	(411)
All Other	40	(5)	(3)	(44)

Cash Flow

State Finance Law authorizes the General Fund to borrow money temporarily from available funds held in STIP. The FY 2021 Enacted Budget amended the statute to permit the borrowings until the end of FY 2021. Previously, the borrowing period was limited to four months from the start of a fiscal year. The State last used this authorization in April 2011 when the General Fund needed to borrow funds from STIP for a period of five days. The amount of resources that can be borrowed by the General Fund is limited to available balances in STIP, as determined by the State Comptroller. Available balances include money in the State's governmental funds and a relatively small amount of other money belonging to the State, held in internal service and enterprise funds, as well as certain agency funds. Several accounts in Debt Service Funds and Capital Projects Funds that are part of All Governmental Funds are excluded from the balances deemed available in STIP. These excluded funds consist of bond proceeds and money obligated for debt service payments.

The Enacted Budget authorizes short-term financing for liquidity purposes during FY 2022. In doing so, it provides a tool to help the State manage cashflow, if needed, and more effectively deploy resources as the State continues to respond to the pandemic. Specifically, the authorization allows for the issuance of up to $3 billion of PIT revenue anticipation notes that must be issued before the end of December 2021 and mature no later than March 31, 2022. It also allows up to $2 billion in line of credit facilities, which are limited to 1 year in duration and may be drawn through March 31, 2022, subject to available appropriation. Neither authorization allows borrowed amounts to be extended or refinanced beyond their initial maturity. The Financial Plan does not currently assume short-term liquidity financing during FY 2022. DOB evaluates cash results regularly and may adjust the use of notes and/or the line of credit based on liquidity needs, market considerations, and other factors.

The State continues to reserve money on a quarterly basis for debt service payments financed with General Fund resources. Money to pay debt service on bonds secured by dedicated receipts, including PIT bonds and Sales Tax Revenue bonds, continues to be set aside as required by law and bond covenants.

PROJECTED MONTH-END CASH BALANCES FY 2022 (millions of dollars)			
	General Fund	**Other Funds**	**All Funds**
April 2021	12,218	12,716	24,934
May 2021	9,664	25,171	34,835
June 2021	9,698	26,272	35,970
July 2021	9,306	26,097	35,403
August 2021	8,435	24,840	33,275
September 2021	11,438	22,570	34,008
October 2021	9,528	22,424	31,952
November 2021	6,673	21,020	27,693
December 2021	7,163	22,720	29,883
January 2022	11,412	24,620	36,032
February 2022	9,055	26,552	35,607
March 2022	7,354	16,225	23,579

Other Matters Affecting the Financial Plan

Other Matters Affecting the Financial Plan

General

The Financial Plan is subject to economic, social, financial, political, public health, and environmental risks and uncertainties, many of which are outside the ability of the State to predict or control. DOB asserts that the projections of receipts and disbursements in the Financial Plan are based on reasonable assumptions but can provide no assurance that results will not differ materially and adversely from these projections.

DOB routinely executes cash management actions to manage the State’s large and complex budget. These actions are intended to improve the State’s cash flow, manage resources within and across State fiscal years, adhere to spending targets, and better position the State to address unanticipated costs, including economic downturns, revenue deterioration, and unplanned expenditures. In recent years, the State has prepaid certain payments, subject to available resources, to maintain budget flexibility.

The Financial Plan is based on numerous assumptions including the condition of the State and national economies, and the collection of economically sensitive tax receipts in the amounts projected. Uncertainties and risks that may affect economic and receipts forecasts include, but are not limited to national and international events; inflation; consumer confidence; commodity prices; major terrorist events, hostilities or war; climate change and extreme weather events; severe epidemic or pandemic events; cybersecurity threats; Federal funding laws and regulations; financial sector compensation; monetary policy affecting interest rates and the financial markets; credit rating agency actions; financial and real estate market developments which may adversely affect bonus income and capital gains realizations; technology industry developments and employment; effect of household debt on consumer spending and State tax collections; and outcomes of litigation and other claims affecting the State.

The Financial Plan is subject to various uncertainties and contingencies including, but not limited to wage and benefit increases for State employees that exceed projected annual costs; changes in the size of the State’s workforce; realization of the projected rate of return for pension fund asset assumptions with respect to wages for State employees affecting the State's required pension fund contributions; the willingness and ability of the Federal government to provide the aid projected in the Financial Plan; the ability of the State to implement cost reduction initiatives, including reductions in State agency operations, and the success with which the State controls expenditures; unanticipated growth in Medicaid program costs; and ability of the State and its public authorities to issue securities successfully in public credit markets. Some of these issues are described in more detail herein. The projections and assumptions contained in the Financial Plan are subject to revisions which may result in substantial changes. No assurance can be given that these estimates and projections, which depend in part upon actions the State expects to be taken but which are not within the State's control, will be realized.

Potential Long-Term Risks to the Financial Plan from COVID-19 Pandemic

Important State revenue sources, including personal income, consumption, and business tax collections, may be adversely affected by the long-term impact of COVID-19 on a range of activities and behaviors, including commuting patterns, remote working and education, business activity, social gatherings, tourism, public transportation, and aviation. It is not possible to assess or forecast the effects of such changes, if any, at this time.

For example, the COVID-19 pandemic has led to changes in the behavior of resident and nonresident taxpayers. Consistent with the growth in remote work arrangements, many residents and non-residents are no longer commuting into New York and instead are working remotely from home offices. However, under long-standing State policy, a nonresident working from home pays New York income taxes on wages from a New York employer unless that employer has established the nonresident's home office as a bona fide office of the employer.

The COVID-19 pandemic has also led some New York residents to shelter in locations outside of the State. In addition, some taxpayers who previously resided in New York have permanently relocated during the pandemic.

Budget Risks and Uncertainties

There can be no assurance that the State's financial position will not change materially and adversely from current projections. If this were to occur, the State would be required to take additional gap-closing actions. Such actions may include, but are not limited to, reductions in State agency operations; delays or reductions in payments to local governments or other recipients of State aid; delays in or suspension of capital maintenance and construction; extraordinary financing of operating expenses; and use of non-recurring resources. In some cases, the ability of the State to implement such actions requires the approval of the Legislature and cannot be implemented solely by the Governor.

The Financial Plan forecast assumes various transactions will occur as planned including, but not limited to receipt of certain payments from public authorities; receipt of revenue sharing payments under the Tribal-State Compacts; receipt of miscellaneous revenues at the levels set forth in the Financial Plan; and achievement of cost-saving measures including, but not limited to, transfer of available fund balances to the General Fund at levels currently projected and Federal approvals necessary to implement the Medicaid savings actions. Such assumptions, if they were not to materialize, could adversely impact the Financial Plan in the current year or future years, or both.

The Financial Plan also includes actions that affect spending reported on a State Operating Funds basis, including accounting and reporting changes. If these actions are not implemented or reported as planned, the annual spending change in State Operating Funds would increase above current estimates.

In developing the Financial Plan, DOB attempts to mitigate financial risks from receipts volatility, litigation, and unexpected costs, with an emphasis on the General Fund. It does this by, among other things, exercising caution when calculating total General Fund disbursements and managing the accumulation of financial resources that can be used to offset new costs. Such resources include, but are not limited to, fund balances that are not needed each year, reimbursement for capital advances, acceleration of tax refunds above the level budgeted each year, and prepayment of expenses. There can be no assurance that such financial resources will be enough to address risks that may materialize in a given fiscal year.

Statutory Growth Caps for School Aid and Medicaid

In FY 2012, the State enacted legislation intended to limit the year-to-year growth in the State's two largest local assistance programs, School Aid and Medicaid.

School Aid

In FY 2012, the State enacted a School Aid growth cap that was intended to limit the growth in School Aid to the annual growth in State Personal Income, as calculated in the Personal Income Growth Index (PIGI). Beginning in FY 2021, the statutory PIGI for School Aid was amended to limit School Aid increases to no more than the average annual income growth over a ten-year period.

This change reduces volatility in allowable growth and aligns the School Aid cap with the statutory Medicaid cap. Prior to FY 2021, the PIGI generally relied on a one-year change in personal income.

In FYs 2014 through 2019, the authorized School Aid increases exceeded the indexed levels. In FYs 2020 and 2021, the authorized School Aid increase was within the indexed levels. The increase in School Aid for SY 2022 of $3.0 billion (11.3 percent) is well above the indexed PIGI growth rate of 4.3 percent. This $3.0 billion increase includes a $1.4 billion increase in Foundation Aid[9] as part of a three-year phase-in of the formula. In SY 2023 and SY 2024, projected School Aid growth largely reflects a three-year phase-in of full funding of Foundation Aid. In SY 2025, School Aid is projected to increase consistent with the rate allowed under the personal income growth cap.

Medicaid Global Cap

Approximately 85 percent of DOH State Funds Medicaid spending growth, is subject to the Global Cap. The Global Cap is calculated using the ten-year rolling average of the medical component of the Consumer Price Index (CPI) and thus allows for growth attributable to increasing costs, but not increasing utilization.

The statutory provisions of the Global Cap grant the Commissioner of Health (the "Commissioner") certain powers to limit Medicaid disbursements to the level authorized by the Global Cap and allow for flexibility in adjusting Medicaid projections to meet unanticipated costs resulting from a disaster. The Commissioner's powers are intended to limit the annual growth rate to the levels set by the Global Cap for the then-current fiscal year, through actions which may include reducing reimbursement rates to providers. These actions may be dependent upon timely Federal approvals and other elements of the program that govern implementation. Additional State share Medicaid spending, outside of the Global Cap, includes State costs for the takeover of Medicaid growth from local governments and reimbursement to providers for increased minimum wage costs. It should be further noted that General Fund Medicaid spending remains sensitive to revenue performance in the State's HCRA fund that finances approximately one-quarter of DOH State-share Medicaid costs.

Since enactment of the Global Cap, subject to the management actions described below, the portion of State Funds Medicaid spending subject to the Global Cap has remained at or below indexed levels. However, in certain fiscal years DOH has taken management actions, including adjustments to the timing of Medicaid payments, consistent with contractual terms, to ensure compliance with the Global Cap.

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[9] Foundation Aid is formula-based, unrestricted aid provided to school districts. It is the largest aid category within School Aid and is projected to total $19.8 billion in SY 2022. The Foundation Aid formula consists of four components: a State-specified expected expenditure per pupil to which the State and districts will contribute, a State-specified expected minimum local contribution per pupil, the number of aid-eligible pupil units in the district, and additional adjustments based on phase-in factors and minimum or maximum increases.

Global Cap Imbalance and Medicaid Redesign Team II (MRT II) Solutions

At the close of FY 2019, DOH deferred, for three business days into FY 2020, the final cycle payment to Medicaid Managed Care Organizations, as well as other payments. The FY 2019 deferral had a State-share value of $1.7 billion and was paid from available funds in the General Fund in April 2019, consistent with contractual obligations. Absent the deferral and any other actions, Medicaid spending under the Global Cap would have exceeded the statutorily indexed rate for FY 2019 and the State would have used available General Fund resources to fund the payments in FY 2019. The deferral had no impact on provider services and the spending above the Global Cap was attributable to growth in managed care and long-term managed care enrollment and utilization costs above initial projections, as well as timing of certain savings actions and offsets not processed by the end of FY 2019.

Following the need to defer FY 2019 Medicaid payments to ensure compliance with the allowable indexed growth, DOB recognized that a structural imbalance existed within the Global Cap based on a review of price and utilization trends, and other factors.[10] A structural imbalance in this case meant that estimated expense growth in State-share Medicaid subject to the Global Cap, absent measures to control costs, was growing faster than allowed under the Global Cap spending growth index.

DOB estimated that, absent actions to control costs, State-share Medicaid spending subject to the Global Cap would have exceeded the indexed growth amount in the range of $3 billion to $4 billion annually, inclusive of the recurring $1.7 billion Managed Care payment restructuring initially executed at the end of FY 2019. In response to the estimated Global Cap imbalance, the Governor formed the MRT II as part of the FY 2021 Budget with the objective of restoring financial sustainability to the Medicaid program. The FY 2021 Enacted Budget included $2.2 billion in MRT II savings initiatives to address the Medicaid imbalance, including identifying efficiencies in the Managed Care and Managed Long-Term Care programs, as well as administrative reforms.

Over two-thirds of the $2.2 billion in savings actions have been implemented, with the remaining savings pending due to ongoing litigation, and Federal government approval of Federal maintenance-of-effort requirements associated with FFCRA COVID-19 and ARP Home and Community Based Services (HCBS) eFMAP provisions. The Financial Plan assumes the remaining savings actions will be implemented in FY 2022.

However, DOH and DOB are reviewing recent Federal guidance related to the HCBS eFMAP that may restrict or delay the implementation of certain savings actions.

[10] Factors that place upward pressure on State-share Medicaid spending include but are not limited to: reimbursement to providers for the cost of the increase in the minimum wage; phase-out of enhanced Federal funding; and increased enrollment and costs in managed long-term care.

Public Health Insurance Programs/Public Assistance

Historically, the State has experienced growth in Medicaid enrollment and public assistance caseloads during economic downturns due mainly to increases in unemployment. Many people who were laid off or otherwise experienced a decrease in family income in 2020 due to the COVID-19 pandemic became qualifying enrollees and began to participate in public health insurance programs such as Medicaid, the Essential Plan (EP), and Child Health Plus (CHP). Participants in these programs remain eligible for coverage for 12 continuous months regardless of changes in employment or income levels that may otherwise make them ineligible. Estimated costs for increased enrollment to date are budgeted in the Financial Plan through FY 2023 and are expected to return to pre-pandemic levels by FY 2024.

Likewise, the rise in unemployment and decrease in family income during the pandemic resulted in increased public assistance caseloads, particularly in New York City. In addition to existing family and safety net assistance programs, the Financial Plan includes time-limited emergency rental assistance using Federal resources and a recurring State-funded rent supplement program to assist individuals and families most impacted by the pandemic. The Financial Plan assumes the public assistance caseload will return to pre-pandemic levels after FY 2024.

Federal Impacts to the Financial Plan

Overview

The Federal government influences the economy and budget of New York State through grants, direct spending on its own programs such as Medicare and Social Security, and through Federal tax policy. Federal policymakers may place conditions on grants, mandate certain state actions, preempt State laws, change State and local tax (SALT) bases and taxpayer behavior through tax policies, and influence industries through regulatory action. Federal resources support vital services such as health care, education, transportation, as well as severe weather and emergency response and recovery. Any changes to Federal policy or funding levels could have a materially adverse impact on the Financial Plan.

Federal funding is a significant component of New York's budget. Roughly 40 percent of All Funds spending in FY 2022 is expected to occur in the Federal Funds category. Routine Federal aid is predominantly targeted at programs that support vulnerable populations and those living at or near the poverty level. Such programs include Medicaid, Temporary Assistance for Needy Families (TANF), Elementary and Secondary Education Act (ESEA) Title I grants, and Individuals with Disabilities Education Act (IDEA) grants. Other Federal resources are directed at infrastructure and public protection.

In response to the public health emergency, the Federal government has taken legislative, administrative, and Federal Reserve actions intended to stabilize financial markets; extend aid to large and small businesses, health care providers, and individuals; and reimburse governments for the direct costs of pandemic response. The Federal government passed several bills over a 12-month period to provide funding to assist State and local governments, schools, hospitals, transit systems, businesses, families and individuals in the COVID-19 pandemic response and recovery. The State also received additional Federal aid in the form of enhanced Unemployment Insurance funding, which is reported under Proprietary and Fiduciary Funds and is excluded from All Governmental Funds. A summary of the Federal legislation is provided later in this section.

Total Federal Funds spending for all purposes, inclusive of both capital and operating spending, is expected to total $83.1 billion in FY 2022 and includes $13.2 billion in spending related to pandemic assistance. Federal Funds spending is estimated to increase $11.4 billion over FY 2021 driven by increasing costs for health care, social welfare, education, and public protection, as well as pandemic assistance spending. Federal Funds spending is summarized in and after the chart below.

FEDERAL FUNDS DISBURSEMENTS (millions of dollars)					
	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
DISBURSEMENTS					
Medicaid	40,880	44,343	43,679	42,885	43,786
Health	7,055	8,499	8,489	8,319	8,266
Social Welfare	4,275	6,377	5,437	4,984	4,691
Education	2,660	3,857	3,857	3,857	3,857
Public Protection	2,152	3,933	2,737	1,306	1,298
Transportation	1,633	1,664	1,573	1,573	1,573
All Other[1]	1,196	1,197	1,258	1,187	1,146
Pandemic Assistance[2]	11,835	13,199	6,789	4,392	1,739
Education ARP Act Funds	0	1,693	2,969	2,365	1,739
eFMAP, including local passthrough	4,174	3,024	0	0	0
Coronavirus Relief Fund	2,824	2,317	0	0	0
Education Supplemental Appropriations Act	0	1,681	1,359	1,357	0
Lost Wages Assistance	4,101	19	0	0	0
Emergency Rental Assistance Program	0	1,801	624	0	0
Education CARES Act Funds	552	512	512	0	0
SUNY State Operated Campuses Federal Stimulus	184	300	290	290	0
FEMA Reimbursement of Eligible Pandemic Expenses	0	600	200	200	0
Coronavirus Local Fiscal Recovery Fund Non-Entitlement Pass Through	0	387	387	0	0
Homeowner Relief and Protection Program	0	180	180	180	0
Home Energy Assistance Program	0	268	268	0	0
FHWA Surface Transportation Block Grant	0	417	0	0	0
Total Disbursements	**71,685**	**83,070**	**73,819**	**68,503**	**66,356**

1 All Other includes housing and homeless services, economic development, mental hygiene, parks, environment, higher education, and general government areas.

2 Pandemic Assistance excludes $12.8 billion in State aid provided through the American Rescue Plan Act, as this funding is reflected as a receipt to Federal Funds and transfer to the General Fund.

- **Medicaid/Health.** Funding shared by the Federal government helps support health care costs for more than seven million New Yorkers, including more than two million children. Medicaid is the single largest category of Federal funding. The Federal government also provides support for several health programs administered by DOH, including the EP, which provides health care coverage for low-income individuals who do not qualify for Medicaid or CHP.

- **Social Welfare.** Funding provides assistance for several programs managed by the Office of Temporary and Disability Assistance (OTDA), including TANF-funded public assistance benefits and the Flexible Fund for Family Services, Home Energy Assistance Program (HEAP), Supplemental Nutrition Assistance Program (SNAP), and Child Support. Support from the Federal government also supports programs managed by the Office of Children and Family Services (OCFS), including the Foster Care program.

- **Education.** Funding supports K-12 education and special education. Like Medicaid and the social welfare programs, much of Federal education funding received is directed toward vulnerable New Yorkers, such as students in schools with high poverty levels or students with disabilities.

- **Public Protection.** Federal funding supports various programs and operations of the State Police, the Department of Corrections and Community Supervision (DOCCS), the Office of Victim Services, the Division of Homeland Security and Emergency Services (DHSES), and the Division of Military and Naval Affairs (DMNA). Federal funds are also passed on to municipalities to support a variety of public safety programs.

- **Transportation.** Federal resources support infrastructure investments in highway and transit systems throughout the State, including funding participation in ongoing transportation capital plans.

- **All Other Funding.** Other programs supported by Federal resources include housing, economic development, mental hygiene, parks and environmental conservation, higher education, and general government areas.

<u>Federal Funds Spending - Pandemic Assistance</u>

A large portion of the Federal pandemic assistance flows directly to various recipients (e.g., tax rebates to individuals, loans, or grants to large and small businesses) and is thus excluded from the State's Financial Plan. In addition, on May 18, 2021 the State received $12.75 billion in Federal aid authorized in ARP to offset revenue loss, ensure the continuation of essential services and assistance provided by government, and assist in the public health emergency response and recovery efforts. These funds are expected to be transferred to State Funds over multiple years to support eligible uses and spending. Thus, the spending of the ARP aid to the State does not appear in Federal Funds. DOB is in the process of reviewing Treasury's guidance on the permissible use of these funds.

- **Education American Rescue Plan Act Funds.** The ARP granted additional education funding for the ESSER and Emergency Assistance for Nonpublic Schools (EANS) programs, as well as funding for homeless education, IDEA, library services and the arts.

- **eFMAP.** In response to the COVID-19 pandemic, the Federal government increased its share of Medicaid funding (eFMAP) by 6.2 percent for each calendar quarter occurring during the public health emergency. The enhanced funding began January 1, 2020 and is currently expected to continue through December 2021, providing $3.0 billion in additional Federal resources in FY 2022 that are anticipated to reduce State and local government costs by approximately $2.5 billion and $500 million, respectively.

Other Matters Affecting the Financial Plan

- **Home & Community-Based Services (HCBS) eFMAP.** The ARP provided a temporary 10 percent increase to the Federal Medical Assistance Percentage (FMAP) for certain Medicaid HCBS through March 31, 2022. Such additional funding must supplement, not supplant, current funding. Accordingly, the Enacted Budget appropriated $1.6 billion over two years for such purposes.

- **CRF.** Established in the CARES Act, the CRF provides funding for states and local governments to respond to the COVID-19 pandemic. New York received $5.1 billion in FY 2021 to fund eligible costs incurred through December 31, 2021. Pursuant to guidelines established by the U.S. Treasury, the State charged $2.8 billion in eligible costs to the Federal CRF as of March 31, 2021. This includes approximately $2.7 billion in payroll costs, including fringe benefits, primarily for public health and safety employees through December 31, 2020 and certain other pandemic response costs incurred by the State. DOB expects to charge additional eligible costs incurred by the State in FY 2021, as well as eligible current-year expenses for pandemic response efforts and will fully expend the balance in the CRF in FY 2022.

- **Education Supplemental Appropriations Act.** As part of the CRRSA Act, additional funding for education was provided through the ESSER Fund and GEER Fund, including dedicated GEER funds to support pandemic-related services and assistance to nonpublic schools through the EANS program.

- **Lost Wages Assistance Program.** This program provided to grant eligible claimants that were unemployed or partially unemployed due to the pandemic a supplemental payment of $300 per week through December 27, 2020, in addition to their unemployment benefits.

- **Emergency Rental Assistance Program.** The CRRSA Act established the Emergency Rental Assistance program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. The ARP provided additional funding for the program.

- **Education CARES Act Funds**. Additional education support provided through the CARES Act included funding to school districts and charter schools.

- **SUNY State-Operated Campuses Federal Stimulus Spending.** Funding provided through various Federal stimulus bills results in greater Federal spending projections for SUNY State-Operated campuses.

- **FEMA Reimbursement of Eligible Pandemic Expenses.** The State has applied for FEMA reimbursement for expenses incurred to date related to emergency protective measures conducted because of the COVID-19 pandemic. The Financial Plan assumes reimbursement of $600 million in FY 2022, and $200 million in each of FY 2023 and FY 2024. However, there can be no assurance that FEMA will approve claims for the State to receive reimbursement in the amounts or for receipt in the State Fiscal Year as projected in the Financial Plan.

- **Coronavirus Local Fiscal Recovery Fund Non-Entitlement Pass-Through.** The ARP requires states to pass-through the allocations to non-entitlement cities, towns, and villages. The State is estimated to receive up to $774 million for this purpose, which will be distributed evenly in FY 2022 and FY 2023.

- **Homeowner Relief and Protection Program.** This program provides services to ensure that homeowners experiencing economic hardships associated with the pandemic can stay in their homes.

- **Home Energy Assistance Program.** The ARP provided supplemental funding to the existing Home Energy Assistance program that helps low-income households pay the cost of heating, cooling, and weatherizing their homes.

- **Federal Highway Administration (FHWA) Surface Transportation Block Grant**. This emergency funding was provided under the CRRSA Act to provide funding to address COVID-19 impacts related to Highway Infrastructure Programs.

Federal Coronavirus Response Legislation and Action

The Federal government enacted the following legislation in response to the ongoing COVID-19 pandemic. The table below summarizes the Federal pandemic assistance available to New York State, including direct recipients such as individuals, hospitals, businesses, and school districts, along with the funds expected to flow through the State's Financial Plan.

FEDERAL PANDEMIC ASSISTANCE LEGISLATION AND ACTION (millions of dollars)

Bill/Source	Total Funds Available	Funding Flowing through the Financial Plan
CARES Act	105,995	8,076
ARP, 2021	60,768	17,175
Families First Coronavirus Response Act	50,326	7,503
CRRSA Act, 2021	28,345	6,426
Lost Wage Assistance (Administrative Action)	4,120	4,120
Paycheck Protection Program and Health Care Enhancement Act	1,514	0
CPRSA Act, 2020	66	0
Total	**251,133**	**43,300**

- **CARES Act** provides aid for Federal agencies, individuals, businesses, states, and localities, as well as $100 billion for hospitals and health care providers, to respond to the COVID-19 pandemic. The law also authorized the Federal Reserve Bank to purchase revenue and bond anticipation notes of states and certain local governments through the Municipal Liquidity Facility (MLF).

  Assistance to states through the CARES Act is generally restricted to specific purposes and includes the CRF ($5.1 billion State allocation) and the Education Stabilization Fund ($1.2 billion State allocation). Pursuant to U.S. Treasury eligibility guidelines, CRF funds may be used for eligible expenses incurred, including payroll expenses for public health and safety employees through December 31, 2021.

- **The ARP of 2021** provides aid for Federal agencies, individuals, businesses, states and localities, and others, to respond to the COVID-19 pandemic. The ARP has provided the State with $12.75 billion in general aid ("recovery aid") and $17.2 billion in categorical aid for schools, universities, childcare, housing, and other purposes. The ARP also provides $10 billion in recovery aid to localities in New York State. The State aid provided through the ARP is included in the Financial Plan as a transfer of Federal aid to the General Fund.

- **Families First Coronavirus Response Act (FFCRA)** provides aid through paid sick leave, free testing, expanded food assistance and unemployment benefits, protections for health care workers, and increased Medicaid funding through the emergency 6.2 percent increase to the Medicaid FMAP during the public health emergency in response to the COVID-19 pandemic.

- **The CRRSA Act of 2021** provides funding for education, testing, tracing, vaccine distribution, unemployment assistance, small business programs, and housing.

- **The Paycheck Protection Program (PPP) and Health Care Enhancement Act** provides funding for small business programs, and healthcare programs, including $75 billion for hospitals, health care providers, and testing and tracing activities.

- **The Coronavirus Preparedness and Response Supplemental Appropriations Act (CPRSA) of 2020** provides emergency funding to respond to the COVID-19 pandemic, including support for vaccine development, the Public Health Emergency Preparedness program, and small businesses.

Federal Risks

The amount and composition of Federal funds received by the State have changed over time because of legislative and regulatory actions at the Federal level and will likely continue to change over the Financial Plan period. The Financial Plan may also be adversely affected by other Federal government actions including audits, disallowances, and changes to Federal participation rates or other Medicaid rules. Any reductions in Federal aid could have a materially adverse impact on the Financial Plan. Notable areas with potential for change include health care, human services, and infrastructure policy, as well as transportation. For example, the Fixing America's Surface Transportation (FAST) Act is projected to provide $3.3 billion in highway and transit funding to the State and State transit authorities and is set to expire September 30, 2021. This funding will be at risk if the Federal government does not act to capitalize the Federal Highway Trust Fund and ensure an extension of current law or enact a new authorization prior to October 1, 2021.

Medicaid Waivers

The CMS and the State have previously partnered to implement health care system reform through amendments to the State's Partnership Plan 1115 Medicaid Waiver. Previously, the Delivery System Reform Incentive Payment (DSRIP) waiver authorized up to $8 billion in Federal funding through March 31, 2021 to transform New York's health care system and ensure access to quality care for all Medicaid beneficiaries.

The State submitted a 1115 Medicaid waiver extension request that preserves the State's Medicaid Managed Care Programs, Children's HCBS, and self-direction, which was approved through at least March 31, 2022. The Department of Health is currently working on the details for submission of a new programmatic amendment to the 1115 waiver that will build on the work of DSRIP and promote health equity.

Medicaid Disallowance

The Financial Plan includes an annual $100 million adjustment to the Federal/State share to reimburse the Federal government pursuant to a March 2015 agreement between the State and the Centers for Medicare & Medicaid Services (CMS). The agreement resolved a pending disallowance for FY 2011 and all related payment disputes for State-operated services prior to April 1, 2013, including home and community-based waiver services. The State used $850 million in Extraordinary Monetary Settlement payments to finance the initial repayment amount in FY 2016 and must continue the annual reimbursements through FY 2027.

Federal Debt Limit

The Bipartisan Budget Act of 2019 (BBA 19) suspended the Federal debt limit through July 31, 2021 and ended the extraordinary measures the U.S. Treasury Department had been operating under since the prior suspension expired on March 1, 2019. A Federal government default on payments, particularly for a prolonged period, could have a materially adverse effect on national and state economies, financial markets, and intergovernmental aid payments. Specific effects on the Financial Plan of a future Federal government default are unknown and impossible to predict. However, data from past economic downturns suggests that the State's revenue loss could be substantial if there was an economic downturn due to a Federal default.

A payment default by the Federal government may also adversely affect the municipal bond market. Municipal issuers, including the State, could face higher borrowing costs and impaired access to capital markets. This would jeopardize planned capital investments in transportation infrastructure, higher education facilities, hazardous waste remediation, environmental projects, and economic development projects. Additionally, the market for and market value of outstanding municipal obligations, including municipal obligations of the State, could be adversely affected.

Federal Tax Law Changes

On December 22, 2017, President Trump signed into law the Tax Cuts and Jobs Act of 2017 (TCJA) (H.R. 1, P.L. 115-97), making major changes to the Federal Internal Revenue Code, most of which were effective in Tax Year 2018. The TCJA made extensive changes to Federal personal income taxes, corporate income taxes, and estate taxes.

The State's income tax system interacts with the Federal system. Changes to the Federal tax code have significant flow-through effects on State tax burdens and concomitantly State tax receipts. One key impact of the TCJA on New York State taxpayers is the $10,000 limit on the deductibility of SALT payments, which represents a large increase in the State's effective tax rate relative to historical experience and may adversely affect New York State's economic competitiveness.

Moreover, the TCJA contains numerous provisions that may adversely affect residential real estate prices in New York State and elsewhere, of which the SALT deduction limit is the most significant. A loss of wealth associated with a decline in home prices could have a significant impact on household spending in the State through the wealth effect, whereby consumers perceive the rise and fall of the value of an asset, such as a home, as a corresponding increase or decline in income, causing them to alter their spending practices. Reductions in household spending by New York residents, if they were to occur, would be expected to result in lower sales for the State's businesses which, in turn, would cause further reductions in economic activity and employment. Lastly, falling home prices could result in homeowners delaying the sale of their homes. The combined impact of lower home prices and fewer sales transactions could result in lower real estate transfer tax collections.

The TCJA changes may intensify migration pressures and the drag on the value of home prices, thereby posing risks to the State's tax base and current Financial Plan projections.

State Response to Federal Tax Law Changes

Pass-Through Entity Tax. As part of the State's continuing response to Federal tax law changes and in connection with the Enacted Budget, the State Legislature enacted an optional pass-through entity tax (PTET) on the New York-sourced income of partnerships and S corporations. Qualifying entities that elect to pay PTET will pay a tax of up to 10.9 percent on their taxable income at the partnership or corporation level, and their individual partners, members and shareholders will receive a refundable tax credit equal to the proportionate or pro rata share of taxes paid by the electing entity. Additionally, the program includes a resident tax credit that allows for reciprocity with other states that have implemented substantially similar taxes, which currently include Connecticut and New Jersey.

DOB expects that the PTET will be revenue-neutral for the State, although PIT receipts would decrease to the extent that qualifying entities elect to pay PTET. The Financial Plan does not currently include an estimate for PTET receipts or the corresponding decrease in PIT receipts as the opt-in rates for electing entities will not be known until late 2021. DOB expects to include estimates as opt-in rates and other information become known.

The U.S. Treasury Department and IRS have determined that State and local income taxes imposed on and paid by a partnership or an S corporation on its income, such as the PTET, are allowable as a Federal deduction to taxable income. In November 2020, the IRS released Notice 2020-75, which announced that the Treasury and IRS intend to issue clarifying regulations with respect to such pass-through taxes.

Employer Compensation Expense Program (ECEP) / Charitable Gifts Trust Fund. Other State tax reforms enacted in Tax Year 2018 to mitigate issues arising from the TCJA included decoupling many State tax provisions from the Federal changes, creation of an optional payroll tax program (ECEP), and establishment of a new State Charitable Gifts Trust Fund.

The ECEP authorizes electing employers to be subject to a 5 percent State tax on all annual payroll expenses in excess of $40,000 per employee, phased in over three years beginning on January 1, 2019 as follows: 1.5 percent in Tax Year 2019, 3 percent in Tax Year 2020, and 5 percent in Tax Year 2021. Employers must elect to participate in the ECEP for the upcoming tax year by December 1 of the preceding calendar year. For Tax Year 2019, 262 employers elected to participate in the ECEP and remitted $1.5 million. The number of participating employers increased to 299 for Tax Year 2020 and to 328 for Tax Year 2021.

The ECEP is intended to mitigate the tax burden for employees affected by the SALT deduction limit. While the TCJA limits deductibility for individuals, it does not cap deductibility for ordinary and necessary business expenses paid or incurred by employers in carrying on a trade or business. The ECEP is expected to be State revenue-neutral, with any decrease in New York State PIT receipts expected to be offset by a comparable increase in ECEP revenue.

The Charitable Gifts Trust Fund was established in Tax Year 2018 to accept gifts for the purposes of funding health care and education in New York State. Taxpayers who itemize deductions were able to claim these charitable contributions as deductions on their Federal and State income tax returns. Any taxpayer who donates may also claim a State tax credit equal to 85 percent of the donation amount for the tax year after the donation is made.[11] However, after enactment of this program, the IRS issued regulations that impaired the ability of taxpayers to deduct donations to the Charitable Gifts Trust Fund from Federal taxable income while receiving State tax credits for such donations.

Through FY 2021, the State received $93 million in charitable gifts deposited to the Charitable Gifts Trust Fund for healthcare and education ($58 million and $35 million, respectively). Charitable Gifts to date have been appropriated and used for the authorized purposes.

As part of State tax reforms enacted in 2018, taxpayers may claim reimbursement from the State for interest on underpayments of Federal tax liability for the 2019, 2020 and 2021 Tax Years, if the underpayments arise from reliance on the 2018 amendments to State Tax Law. To receive reimbursement, taxpayers are required to submit their reimbursement claims to the Department of Taxation and Finance (DTF) within 60 days of making an interest payment to the IRS. To date, the State has not received any claims for reimbursement of interest on underpayments of Federal tax liability.

The Financial Plan does not include any estimate of the magnitude of the possible interest expense to the State. Any such interest expense would depend on several factors including the rate of participation in the ECEP; magnitude of donations to the Charitable Gifts Trust Fund; amount of time between the due date of the Federal return and the date any IRS underpayment determination is issued; Federal interest rate applied; aggregate amount of Federal tax underpayments attributable to reliance on the 2018 amendments to State Tax Law; and frequency at which taxpayers submit timely reimbursement claims to the State.

Litigation Challenging TCJA Provisions. On July 17, 2018, the State, joined by Connecticut, Maryland, and New Jersey, filed a lawsuit to protect New York taxpayers from the Federal limit on the SALT deduction. On September 30, 2019, the U.S. District Court for the Southern District of New York found that the states failed to allege a valid legal claim that the SALT limit unconstitutionally encroaches on states' sovereign authority to determine their own taxation and fiscal policies. The State, in conjunction with Connecticut, Maryland, and New Jersey, filed a notice of appeal to the U.S. Court of Appeals for the Second Circuit on November 26, 2019. Oral argument was held on December 3, 2020 and a decision is pending.

[11] SUNY Research Foundation, CUNY Research Foundation, and Health Research, Inc. (HRI) can each accept up to $10 million in charitable gifts on an annual basis. State PIT receipts will also be reduced by the State tax deduction and 85 percent credit for these donations.

On June 13, 2019, the IRS issued final regulations (Treasury Decision 9864) that provided final rules and additional guidance with respect to the availability of Federal income tax deductions for charitable contributions when a taxpayer receives or expects to receive a State or local tax credit for such charitable contributions. These regulations require a taxpayer to reduce the Federal charitable contribution deduction by the amount of any State tax credit received due to such charitable contribution. This rule does not apply if the value of the State tax credit does not exceed 15 percent of the charitable contribution. Regulations were made retroactive to August 27, 2018 (the date on which the U.S. Treasury Department and IRS first published proposed regulatory changes).

On July 17, 2019, New York State, joined by Connecticut and New Jersey, filed a Federal lawsuit in the United States District Court for the Southern District of New York challenging these charitable contribution regulations. Among other things, the lawsuit seeks to restore the full Federal income tax deduction for charitable contributions, regardless of the amount of any State tax credit provided to taxpayers as a result of contributions made to the Charitable Gifts Trust Fund, in accordance with precedent since 1917. The Federal defendants moved to dismiss the complaint, or alternatively for summary judgment, on December 23, 2019. The states responded and filed their own motion for summary judgment on February 28, 2020. Briefing on the motions was completed in July 2020. The district court denied the states' request for oral argument but a decision on the outstanding motions to dismiss, and cross-motions for summary judgment, remains pending.

Climate Change Adaptation

Overview

Climate change poses significant long-term threats to physical, biological, and economic systems in New York and around the world. Potential hazards and risks related to climate change for the State include, among other things, rising sea levels, increased coastal flooding and related erosion hazards, intensifying storms, and more extreme heat. The potential effects of climate change could adversely impact the Financial Plan in current or future years. To mitigate and manage these impacts, significant long-term planning and investments by the Federal government, State, municipalities, and public utilities are expected to be needed to adapt existing infrastructure to climate change risks.

In October 2018, the Intergovernmental Panel on Climate Change of the United Nations (IPCC) projected that global warming is likely to reach 1.5°C of warming between 2030 and 2052 if temperatures continue to increase at the current rate. This increase is expected to produce a range of adverse outcomes. For example, the IPCC projects that the global risk of extreme weather events and coastal flooding would increase from moderate ("detectable") today to high ("severe and widespread") at 1.5°C of warming. The risk of severe impacts increases further at higher temperatures.

Consequences of Climate Change

Storms affecting the State, including Superstorm Sandy (on October 29, 2012), Hurricane Irene (in August 2011), and Tropical Storm Lee (in September 2011), have demonstrated vulnerabilities in the State's infrastructure (including mass transit systems, power transmission and distribution systems, and other critical lifelines) to extreme weather events including coastal flooding caused by storm surges.

The State continues to recover from damage sustained during these three powerful storms. Hurricane Irene disrupted power and caused extensive flooding in various counties. Tropical Storm Lee caused flooding in additional counties and, in some cases, exacerbated damage caused by Hurricane Irene two weeks earlier. Superstorm Sandy struck the East Coast, causing widespread infrastructure damage and economic losses to the greater New York region. The frequency and intensity of these storms present economic and financial risks to the State. Reimbursement claims for costs of the immediate response, recovery, and future mitigation efforts continue, largely supported by Federal funds. In January 2013, the Federal government approved approximately $60 billion in nationwide Federal disaster aid in response to Superstorm Sandy for general recovery, rebuilding, and mitigation activity in New York and other states. The State and its localities have committed $28.9 billion to repairing impacted homes and businesses, restoring community services, and mitigating future storm risks.

Key financial market participants are acknowledging climate change risks. In February 2021, the Federal Reserve Board created a new Supervision Climate Committee within its Supervision and Regulation Division to better understand the potential implications of climate change on financial institutions, infrastructure, and markets. Rating agencies are incorporating Environmental, Social, and Governance (ESG) factors into credit ratings for the State and other issuers. In November 2017, Moody's Investors Service issued guidance to state and local governments that climate change is forecast to heighten exposure to economic losses, placing potential pressure on credit ratings. The Moody's report identified rising sea levels and their effect on coastal infrastructure as the primary climate risks for the northeastern United States, including New York State. These risks are heightened by population and critical infrastructure concentration in coastal counties. Climate change risks increasingly fall within the maximum maturity term of current outstanding bonds of the State, its public authorities, and municipalities. State bonds may be issued with a term of up to 30 years under State statute.

State Response to Climate Change

The State is participating in efforts to reduce greenhouse gas emissions to mitigate the risk of severe impacts from climate change. The State's Climate Leadership and Community Protection Act of 2019 (CLCPA) set the State on a path toward developing regulations to reduce statewide greenhouse gas emissions to 40 percent below the 1990 level by 2030, and 85 percent below the 1990 level by 2050. The CLCPA requires the Department of Environmental Conservation (DEC) to issue a sector-specific report on emissions by the end of 2021 and develop rules and regulations for greenhouse gas limits by the end of 2023, including legally enforceable emissions limits and performance standards. As part of this target, the State plans to generate a minimum of 70 percent of electricity from renewable sources by 2030 and to fully transition its electricity sector away from carbon emissions by 2040. The CLCPA requires the New York Public Service Commission, which regulates public utilities, to establish a program by June 2021 to transition the energy sector on this timeline. The State is a member of the Regional Greenhouse Gas Initiative (RGGI) and has used a cap and trade mechanism to regulate carbon dioxide emissions from electric power plants operating within the State since 2008.

Extraordinary Monetary Settlements

Beginning in FY 2015, the State began receiving Extraordinary Monetary Settlements for violations of State laws by major financial institutions and other entities. The State separately tracks these one-time resources and uses them for non-recurring expenditures. These receipts are listed by firm and amount in the table below.

SUMMARY OF RECEIPTS OF EXTRAORDINARY MONETARY SETTLEMENTS BETWEEN REGULATORS AND FINANCIAL INSTITUTIONS
(millions of dollars)

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	Total
Extraordinary Monetary Settlements	**4,942**	**3,605**	**1,317**	**805**	**1,186**	**895**	**600**	**13,350**
Aetna Insurance Company	0	0	0	0	2	0	0	2
Agricultural Bank of China	0	0	215	0	0	0	0	215
American International Group, Inc.	35	0	0	0	0	0	0	35
Athene Life Insurance	0	0	0	0	15	0	45	60
AXA Equitable Life Insurance Company	20	0	0	0	0	0	0	20
Bank Hapoalim	0	0	0	0	0	0	220	220
Bank Leumi	130	0	0	0	0	0	0	130
Bank of America	300	0	0	0	0	0	0	300
Bank of America Merrill Lynch	0	0	0	0	42	0	0	42
Bank of Korea	0	0	0	0	0	0	35	35
Bank of Tokyo Mitsubishi	315	0	0	0	0	0	0	315
Barclays	0	670	0	0	15	0	0	685
BNP Paribas	2,243	1,348	0	350	0	0	0	3,941
Chubb	0	0	0	0	1	0	0	1
Cigna	0	0	0	2	0	0	0	2
Citigroup (State Share)	92	0	0	0	0	0	0	92
Commerzbank	610	82	0	0	0	0	0	692
Conduent Education Services	0	0	0	0	1	0	0	1
Credit Agricole	0	459	0	0	0	0	0	459
Credit Suisse AG	715	30	0	135	0	0	0	880
Deutsche Bank	0	800	444	0	205	0	150	1,599
FedEx	0	0	0	0	26	0	0	26
Goldman Sachs	0	50	190	0	55	0	150	445
Google/YouTube	0	0	0	0	0	34	0	34
Habib Bank	0	0	0	225	0	0	0	225
Intesa SanPaolo	0	0	235	0	0	0	0	235
Lockton Affinity	0	0	0	0	7	0	0	7
Mashreqbank	0	0	0	0	40	0	0	40
Mega Bank	0	0	180	0	0	0	0	180
MetLife Parties	50	0	0	0	20	0	0	70
Morgan Stanley	0	150	0	0	0	0	0	150
MUFG Bank	0	0	0	0	0	33	0	33
Nationstar Mortgage	0	0	0	0	5	0	0	5
New Day	0	1	0	0	0	0	0	1
Ocwen Financial	100	0	0	0	0	0	0	100
Oscar Insurance Company	0	0	0	0	1	0	0	1
PHH Mortgage	0	0	28	0	0	0	0	28
PricewaterhouseCoopers LLP	25	0	0	0	0	0	0	25
Promontory	0	15	0	0	0	0	0	15
RBS Financial Products Inc.	0	0	0	0	100	0	0	100
Société Générale SA	0	0	0	0	498	0	0	498
Standard Chartered Bank	300	0	0	0	40	322	0	662
Unicredit	0	0	0	0	0	506	0	506
UBS	0	0	0	0	41	0	0	41
Volkswagen	0	0	32	33	0	0	0	65
Wells Fargo	0	0	0	0	65	0	0	65
Western Union	0	0	0	60	0	0	0	60
William Penn	0	0	0	0	6	0	0	6
Other Settlements	7	0	(7)	0	1	0	0	1

Other Matters Affecting the Financial Plan

The following table summarizes past and planned uses of the Extraordinary Monetary Settlements received to date.

GENERAL FUND SUMMARY OF RECEIPTS AND USE/TRANSFER OF FUNDS FROM EXTRAORDINARY MONETARY SETTLEMENTS BETWEEN REGULATORS AND FINANCIAL INSTITUTIONS
(millions of dollars)

	FYs 2015 - 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total
Opening Settlement Balance in General Fund	**0**	**4,194**	**2,610**	**2,083**	**2,035**	**1,741**	**914**	**356**	**0**
Receipt of Extraordinary Monetary Settlements	**11,855**	**895**	**600**	0	0	0	0	0	**13,350**
Use/Transfer of Funds	**7,661**	**2,479**	**1,127**	**48**	**294**	**827**	**558**	**356**	**13,350**
Capital Purposes:	**4,134**	**1,345**	**527**	**48**	**294**	**827**	**558**	**356**	**8,089**
Dedicated Infrastructure Investment Fund	3,374	939	330	526	676	584	524	356	7,309
Environmental Protection Fund	120	0	0	0	0	0	0	0	120
Mass Transit	70	3	3	3	3	3	0	0	85
Healthcare	24	132	11	19	115	15	9	0	325
Clean Water Grants	0	0	0	0	0	225	25	0	250
Javits Center Expansion	546	271	183	0	0	0	0	0	1,000
Bond Proceed Receipts for Javits Center Expansion	0	0	0	(500)	(500)	0	0	0	(1,000)
Other Purposes:	**3,122**	**6**	**0**	**0**	**0**	**0**	**0**	**0**	**3,128**
Audit Disallowance - Federal Settlement	850	0	0	0	0	0	0	0	850
CSX Litigation Payment	76	0	0	0	0	0	0	0	76
Financial Plan - General Fund Operating Purposes	1,807	0	0	0	0	0	0	0	1,807
Mass Transit Operating	10	0	0	0	0	0	0	0	10
MTA Operating Aid	194	0	0	0	0	0	0	0	194
Department of Law - Litigation Services Operations	180	6	0	0	0	0	0	0	186
OASAS Chemical Dependence Program	5	0	0	0	0	0	0	0	5
Reservation of Funds:	**405**	**1,128**	**600**	**0**	**0**	**0**	**0**	**0**	**2,133**
Rainy Day Reserves	250	238	0	0	0	0	0	0	488
Reserve for Economic Uncertainties	0	890	600	0	0	0	0	0	1,490
Reserve for Retroactive Labor Agreements	155	0	0	0	0	0	0	0	155
Closing Settlement Balance in General Fund	**4,194**	**2,610**	**2,083**	**2,035**	**1,741**	**914**	**356**	**0**	**0**

Effective April 1, 2019, DOB no longer classifies or distinctly identifies any settlement receipt less than $25 million as an Extraordinary Monetary Settlement. Settlement receipts below the threshold are deposited to the General Fund and utilized for general operations consistent with past practice prior to the extraordinary levels that began in FY 2015.

Current Labor Negotiations and Agreements (Current Contract Period)

The State is negotiating with unions whose contracts have expired, including the two largest unions, Public Employees Federation (PEF) and Civil Service Employees Association (CSEA).

Once agreements are finalized any future costs will be reflected in future Financial Plan updates. In the past, agencies have been required to fund general salary increases within existing budgets through efficiencies and other savings initiatives.

UNION LABOR CONTRACTS

	Contract Period	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
NYSTPBA	FY 2019 - FY 2023	2%	2%	1.5%	1.5%	2%	2%	2%	2%	2%	TBD
NYSPIA	FY 2019 - FY 2023	2%	2%	1.5%	1.5%	2%	2%	2%	2%	2%	TBD
NYSCOPBA	FY 2017 - FY 2023	2%	2%	2%	2%	2%	2%	2%	2%	2%	TBD
GSEU	AY 2020 - AY 2023	2%	2%	2%	2%	2%	2%	2%	2%	2%	TBD
CUNY	AY 2018 - AY 2023	2.5%	2%	2%	1.5%	2%	2%	2%	2%	2%	TBD
UUP	AY 2017 - AY 2022	2%	2%	2%	2%	2%	2%	2%	2%	TBD	TBD
CSEA	FY 2017 - FY 2021	2%	2%	2%	2%	2%	2%	2%	TBD	TBD	TBD
DC-37	FY 2017 - FY 2021	2%	2%	2%	2%	2%	2%	2%	TBD	TBD	TBD
PEF	FY 2017 - FY 2019	2%	2%	2%	2%	2%	TBD	TBD	TBD	TBD	TBD
PBANYS	FY 2016 - FY 2019	2%	2%	2%	2%	2%	TBD	TBD	TBD	TBD	TBD
COUNCIL 82	FY 2010 - FY 2016	2%	2%	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

The Judiciary's contracts with all 12 unions represented within its workforce have expired. This includes contracts with the CSEA; the New York State Supreme Court Officers Association, the New York State Court Officers Association, and the Court Clerks Association; and eight other unions.

Pension Contributions

Overview

The State makes annual contributions to the New York State and Local Retirement System (NYSLRS) for employees in the New York State and Local Employee Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS). This section discusses contributions from the State, including the Judiciary, to the NYSLRS, which account for the majority of the State's pension costs.[12] All projections are based on estimated market returns and numerous actuarial assumptions which, if unrealized, could adversely and materially affect these projections.

Section 11 of the New York State Retirement and Social Security Law (RSSL) directs the actuary for NYSLRS to provide a report on the Systems' experience and to propose assumptions and methods for the actuarial valuations every five years. The last report was issued in August 2020. The report did not recommend significant changes due to the economic uncertainty surrounding the COVID-19 pandemic but recommended revisiting the assumptions in August 2021.

For FY 2022, the economic assumptions for NYSLRS remain unchanged, including inflation (2.5 percent) and cost-of-living adjustment (1.5 percent), investment return (6.8 percent), salary scale (4.5 percent for ERS and 5.7 percent for PFRS), and asset valuation method (five-year level smoothing of gains or losses above or below the assumed return applied to all assets and cash flows). However, demographic assumptions were updated to include pension mortality (Gender/Collar specific tables based upon FY 2016-2020 experience with Society of Actuaries Scale MP-2019 loading for mortality improvement) and active member decrements (based upon FY 2016-2020 experience). The impact of the updated demographic assumptions and a valuation date during a bear market is an increase in the average employer contribution rates for ERS (2020 - 16.2 percent) and PFRS (2020 - 28.3 percent). The percentage increases are 11 percent higher in ERS and 16 percent higher in PFRS than the previous fiscal year's rates.

The Financial Plan reflects a FY 2022 ERS/PFRS pension expense of $2.2 billion based on the February 2021 estimate provided by the State Comptroller. The estimate reflects a negative 2.68 percent return in the Common Retirement Fund in FY 2020 that is partially offset by the lower cost of Tier 6 entrants and the use of a new mortality improvement scale. The estimate also reflects the payoff of all prior year amortization balances for ERS (Non-Judiciary) and PFRS in March 2021, which reduces the FY 2022 costs by $335 million from prior estimates. The total payoff of outstanding prior-year amortization balances was $918 million, resulting in interest savings of roughly $65 million over the Financial Plan period.

[12] The State's aggregate pension costs also include State employees in the Teachers' Retirement System (TRS) for both the SUNY and the State Education Department (SED), the Optional Retirement Program (ORP) for both SUNY and SED, and the New York State Voluntary Defined Contribution Plan (VDC).

OSC does not forecast pension liability estimates for the later years of the Financial Plan. Thus, estimates for FY 2023 and beyond are developed by DOB. DOB's forecast assumes growth in the salary base consistent with collective bargaining agreements and a lower rate of return compared to the current assumed rate of return by NYSLRS.

The pension liability also reflects changes to military service credit provisions found in Section 1000 of the RSSL enacted during the 2016 legislative session (Chapter 41 of the Laws of 2016). All veterans who are members of NYSLRS may, upon application, receive extra service credit for up to three years of military duty if such veterans (a) were honorably discharged, (b) have achieved five years of credited service in a public retirement system, and (c) have agreed to pay the employee share of such additional pension credit. Costs to the State for employees in the ERS are incurred at the time each member purchases credit, as documented by OSC at the end of each calendar year. Additionally, Section 25 of the RSSL requires the State to pay the ERS employer contributions associated with this credit on behalf of local governments, with the option to amortize these costs. ERS costs are estimated to be $25 million in FY 2022 and $15 million annually in the outyears. Costs for employees in PFRS are distributed across PFRS employers and billed on a two-year lag (e.g., FY 2017 costs were first billed in FY 2019).

Pension Amortization

Under legislation enacted in August 2010, the State and local governments may amortize (defer paying) a portion of their annual pension costs. Amortization temporarily reduces the pension costs that must be paid by public employers in a given fiscal year but results in higher costs overall when repaid with interest.

The full amount of each amortization must be repaid within ten years at a fixed interest rate determined by OSC. The State and local governments are required to begin repayment on new amortizations in the fiscal year immediately following the year in which the amortization was initiated.

The portion of an employer's annual pension costs that may be amortized is determined by comparing the employer's amortization-eligible contributions as a percentage of employee salaries (i.e., the normal rate[13]) to a system-wide amortization threshold (i.e., the graded rate). Graded rates are determined for ERS and PFRS according to a statutory formula, and generally move toward their system's average normal rate by up to one percentage point per year. When an employer's normal rate is greater than the system-wide graded rate, the employer can elect to amortize the difference. However, when the normal rate of an employer that previously amortized is less than the system-wide graded rate, the employer is required to pay the graded rate. Additional contributions are first used to pay off existing amortizations and are then deposited into a reserve account to offset future increases in contribution rates. Chapter 48 of the Laws of 2017 changed the graded rate computation to provide an employer-specific graded rate based on the employer's own tier and plan demographics.

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[13] For this discussion, the "normal rate" refers to all amortization-eligible costs (i.e., normal and administrative costs, as well as certain employer-provided options such as sick leave credit) divided by salary base.

Neither the State nor the Judiciary have amortized pension costs since FY 2016. As of year-end FY 2021, the State has paid the pension amortization liability in full. The Judiciary balance on outstanding prior-year amortizations totals $145 million as of March 1, 2021 and is expected to be repaid by FY 2026. The following table reflects projected pension contributions and historical amortizations exclusively for Executive branch and Judiciary employers participating in ERS and PFRS.

EMPLOYEE RETIREMENT SYSTEM AND POLICE AND FIRE RETIREMENT SYSTEM
IMPACTS OF AMORTIZATION ON PENSION CONTRIBUTIONS
(millions of dollars)

	Statewide Pension Payments[1]					Rates for Determining (Amortization Amount) / Excess Contributions			
Fiscal Year	Normal Costs[2]	(Amortization Amount) / Excess Contributions	Repayment of Amortization	Total Statewide Pension Payments	Interest Rate on Amortization Amount (%)[3]	System Average Normal Rate[4]		Amortization Threshold (Graded Rate)	
						ERS (%)	PFRS (%)	ERS (%)	PFRS (%)
2011	1,543.2	(249.6)	0.0	1,293.6	5.00	11.5	18.1	9.5	17.5
2012	2,037.5	(562.8)	32.3	1,507.0	3.75	15.9	21.6	10.5	18.5
2013	2,077.9	(778.5)	100.9	1,400.3	3.00	18.5	25.7	11.5	19.5
2014	2,633.6	(937.0)	192.1	1,888.7	3.67	20.5	28.9	12.5	20.5
2015	2,328.8	(713.1)	305.7	1,921.4	3.15	19.7	27.5	13.5	21.5
2016	1,972.1	(356.2)	390.0	2,005.9	3.21	17.7	24.7	14.5	22.5
2017	1,789.0	0.0	432.2	2,221.2	2.33	15.1	24.3	15.1	23.5
2018	1,788.7	0.0	432.2	2,220.9	2.84	14.9	24.3	14.9	24.3
2019	1,770.2	0.0	432.2	2,202.4	3.64	14.4	23.5	14.4	23.5
2020	1,782.2	0.0	432.2	2,214.4	2.55	14.2	23.5	14.2	23.5
2021[5]	1,827.2	0.0	1,350.3	3,177.5	1.33	14.1	24.4	14.1	24.4
2022 Est.	2,210.7	0.0	54.0	2,264.7	TBD	15.8	28.3	15.1	25.4
Projected by DOB[6]									
2023	2,403.5	0.0	45.2	2,448.7	TBD	17.4	30.7	16.1	26.4
2024	2,805.6	0.0	33.0	2,838.6	TBD	20.9	34.6	17.1	27.4
2025	3,527.5	0.0	18.1	3,545.6	TBD	26.2	40.5	18.1	28.4

1 Pension Contribution values in this table do not include pension costs related to the ORP, VDC, and TRS for SUNY and SED, whereas the projected pension costs in other Financial Plan tables include such pension disbursements.

2 Normal costs include payments from amortizations prior to FY 2011, which ended in FY 2016 as a result of early repayments.

3 Interest rates are determined by the Comptroller based on the market rate of return on comparable taxed fixed income investments (e.g., Ten-Year Treasuries). The interest rate is fixed for the duration of the ten-year repayment period.

4 The system average normal rate represents system-wide amortization-eligible costs (i.e. normal and administrative costs, as well as the cost of certain employer options) as a percentage of the system's total salary base. The normal rate does not include the following costs, which are not eligible for amortization: Group Life Insurance Plan (GLIP) contributions, deficiency contributions, previous amortizations, incentive costs, costs of new legislation in some cases, and prior-year adjustments. "(Amortization Amount) / Excess Contributions" are calculated for each employer in the system using employer-specific normal rates, which may differ from the system average.

5 Includes $918.1 million in prior year (non-Judiciary) amortization balances under the Contribution Stabilization Program. The prepayment eliminates the State's repayment obligations through FY 2026, and results in roughly $65 million interest savings over the financial plan period.

6 Outyear projections are prepared by DOB. The retirement system does not prepare, or make available, outyear projections of pension costs.

The “Normal Costs” column shows the State’s underlying pension cost in each fiscal year before the effects of amortization. The “(Amortization Amount)/Excess Contributions” column shows amounts amortized. The “Repayment of Amortization” column provides the amount paid in principal and interest towards the outstanding balance on prior-year amortizations. The “Total Statewide Pension Payments” column provides the State’s actual or planned pension contribution, including amortization. The “Interest Rate on Amortization Amount (%)” column provides the interest rate at which the State will repay the amortized contribution, as determined by OSC. The remaining columns provide information on the normal rate and graded rate, which are used to determine the maximum allowed "(Amortized)" amount or the mandatory "Excess Contributions" amount for a given fiscal year.

Social Security

The CARES Act allowed employers, including the State, to defer the deposit and payment of the employer's share of Social Security taxes through December 2020, and for the deferral to be repaid, interest free, in two equal installments in December 2021 and December 2022. The Executive and the Judiciary deferred $556 million and $69 million, respectively, in 2020. The Executive's deferments are scheduled to be repaid in December 2021 and 2022. The Judiciary's deferments are scheduled to be repaid in June 2021. The Financial Plan includes the repayments of these deferred social security taxes.

Other Post-Employment Benefits (OPEB)

State employees become eligible for post-employment benefits (e.g., health insurance) if they reach retirement while working for the State; are enrolled in either NYSHIP or the NYSHIP opt-out program at the time they reach retirement; and have the required years of eligible service. The cost of providing post-retirement health insurance is shared between the State and the retired employee. Contributions are established by law and may be amended by the Legislature. The State pays its share of costs on a Pay-As-You-Go (PAYGO) basis as required by law.

The State Comptroller adopted Governmental Accounting Standards Board (GASB) Statement (GASBS) 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, for the State's Basic Financial Statements for FY 2019. GASBS 75, which replaces GASBS 45 and GASBS 57, addresses accounting and financial reporting for OPEB that is provided to the employees of state and local governmental employers. GASBS 75 establishes standards for recognizing and measuring liabilities and expenses/expenditures, as well as identifying the methods and assumptions required to be used to project benefit payments, discount projected benefit payments to their actuarial determined present value, and attribute that present value to periods of employee service. Specifically, GASBS 75 now requires that the full liability be recognized.

The State's total OPEB liability equals the employer's share of the actuarial determined present value of projected benefit payments attributed to past periods of employee service. The total OPEB obligation less any OPEB assets set aside in an OPEB trust or similar arrangement represents the net OPEB obligation.

As reported in the State's Basic Financial Statements for FY 2020, the total ending OPEB liability for FY 2020 was $63.9 billion ($51.1 billion for the State and $12.8 billion for SUNY). The total OPEB liability as of March 31, 2020 was measured as of March 31, 2019 and was determined using an actuarial valuation as of April 1, 2018, with update procedures used to roll forward the total OPEB liability to March 31, 2019. The total beginning OPEB liability for FY 2020 was $63.4 billion ($50.9 billion for the State and $12.5 billion for SUNY). The total OPEB liability was calculated using the Entry Age Normal cost method. The discount rate is based on the Bond Buyer 20-year general obligation municipal bond index rate on March 31 (3.89 percent in FY 2019 and 3.79 percent in FY 2020). The total OPEB liability increased by $529 million (0.8 percent) during FY 2020.

The contribution requirements of NYSHIP members and the State are established by, and may be amended by, the Legislature. The State is not required to provide funding above the PAYGO amount necessary to provide current benefits to retirees. The State continues to fund these costs, along with all other employee health care expenses, on a PAYGO basis, meaning the State pays these costs as they become due.

In FY 2018, the State created a Retiree Health Benefit Trust Fund (the “Trust Fund”), a qualified trust under GASBS 75 that authorizes the State to reserve money for the payment of health benefits of retired employees and their dependents. The State may deposit into the Trust Fund, in any given fiscal year, up to 0.5 percent of total then-current unfunded actuarial accrued OPEB liability. The FY 2022 Financial Plan includes a planned deposit of $320 million in both FY 2022 and FY 2023, fiscal conditions permitting. These would be the first deposits to the Trust Fund.

GASBS 75 is not expected to alter the Financial Plan cash PAYGO projections for health insurance costs. DOB’s methodology for forecasting these costs over a multi-year period already incorporates factors and considerations consistent with the new actuarial methods and calculations required by the GASB Statement.

Litigation

Litigation against the State may include, among other things, potential challenges to the constitutionality of various actions. The State may also be affected by adverse decisions that are the result of various lawsuits. Such adverse decisions may not meet the materiality threshold to warrant a description herein but, in the aggregate, could still adversely affect the Financial Plan.

Cybersecurity

New York State government, like many other large public and private entities, relies on a large and complex technology environment to conduct its operations. As a recipient and provider of personal, private, or sensitive information, the State and its authorities, agencies and public benefit corporations as well as its political subdivisions (including counties, cities, towns, villages and school districts) face multiple cyber threats involving, among others, hacking, viruses, malware and other electronic attacks on computer and other sensitive digital networks and systems. Entities or individuals may attempt to gain unauthorized access to the State's digital systems for the purposes of misappropriating assets or information or causing operational disruption and damage. In addition, the tactics used in malicious attacks to obtain unauthorized access to digital networks and systems change frequently and are often not recognized until launched against a target. Accordingly, the State may be unable to anticipate these techniques or implement adequate preventative measures.

To mitigate the risk of business operations impact and/or damage from cyber incidents or cyber-attacks, the State invests in multiple forms of cybersecurity and operational controls. The State's Chief Information Security Office (CISO) within the State's Office of Information Technology Services (ITS) maintains comprehensive policies and standards, programs, and services relating to the security of State government networks, and annually assesses the maturity of State agencies' cyber posture through the Nationwide Cyber Security Review. In addition, the CISO maintains the New York State Cyber Command Center team, which provides a security operations center, digital forensics capabilities, and cyber incident reporting and response. CISO distributes real-time advisories and alerts, provides managed security services, and implements statewide information security awareness and training.

Occasionally, intrusions into State digital systems have been detected but they have generally been contained. While cybersecurity procedures and controls are routinely reviewed and tested, there can be no assurance that such security and operational control measures will be completely successful at guarding against future cyber threats and attacks. The results of any successful attacks could adversely impact business operations and/or damage State digital networks and systems, or State and local infrastructure, and the costs of remediation could be substantial.

The State has also adopted regulations designed to protect the financial services industry from cyberattacks. Banks, insurance companies and other covered entities regulated by the Department of Financial Services (DFS) are, unless eligible for limited exemptions, required to: (a) maintain a cybersecurity program, (b) create written cybersecurity policies and perform risk assessments, (c) designate a CISO with responsibility to oversee the cybersecurity program, (d) annually certify compliance with the cybersecurity regulations, and (e) report to DFS cybersecurity events that have a reasonable likelihood of materially harming any substantial part of the entity's normal operation(s) or for which notice is required to any government body, self-regulatory agency, or supervisory body.

Financial Condition of New York State Localities

The State's localities rely in part on State aid to balance their budgets and meet their cash requirements. As such, unanticipated financial need among localities can adversely affect the State's Financial Plan projections. The wide-ranging economic, health, and social disruptions caused by COVID-19 have adversely affected the City of New York and surrounding localities. Localities outside New York City, including cities and counties, have also experienced financial problems, and have been allocated additional State assistance during the last several State fiscal years. In 2013, the Financial Restructuring Board for Local Governments was created to aid distressed local governments. The Restructuring Board performs comprehensive reviews and provides grants and loans on the condition of implementing recommended efficiency initiatives. For additional details on the Restructuring Board, please visit www.frb.ny.gov.

Metropolitan Transportation Authority

The MTA operates public transportation in the New York City metropolitan area, including subways, buses, commuter rail, and tolled vehicle crossings. The services provided by MTA and its operating agencies are integral to the economy of New York City and the surrounding metropolitan region, as well as to the economy of the State. MTA operations are funded mainly from fare and toll revenue, dedicated taxes, and subsidies from the State and New York City.

MTA Capital Plans also rely on significant direct contributions from the State and New York City. The State is directly contributing $9.1 billion to the MTA's 2015-19 Capital Plan and $3 billion to the MTA's 2020-24 Capital Plan. These State commitment levels represent substantial increases from the funding levels for prior MTA Capital Plans (2010-2014: $770 million; 2005-2009: $1.45 billion). In addition, a substantial amount of new funding to the MTA was authorized in the FY 2020 Enacted Budget as part of a comprehensive reform plan expected to generate an estimated $25 billion in financing for the MTA's 2020-2024 Capital Plan.

The pandemic caused severe declines in MTA ridership and traffic in 2020, and ridership remains significantly depressed. To offset operating losses to MTA's Financial Plan from the estimated fare, toll, and dedicated revenue loss attributable to COVID-19, the MTA received, or expects to receive, significant Federal operating aid from the CARES Act ($4 billion), the CRRSA Act (estimated $4 billion), and the ARP (estimated $6.5 billion). The MTA also borrowed $2.9 billion through the Federal Reserve's MLF.

If financial impacts of the COVID-19 pandemic on the MTA's operating budget extend after the Federal funds are fully spent, and without additional Federal aid, the MTA may need to consider additional actions to balance its future budgets. If additional resources are provided by the State, either through additional subsidies or new revenues, it could have a material and adverse impact on the State's Financial Plan.

The State has taken action to address MTA financing issues that arose during the pandemic. Specifically, the pandemic adversely affected credit ratings on MTA Transportation Revenue Bonds, MTA's primary credit program, which increased the cost of borrowing for the MTA. As a result, the State issued PIT revenue bonds in FY 2021 to fund $2.8 billion of the State's portion of the MTA's 2015-19 Capital Plan. Previously, the Financial Plan assumed that the projects would be bonded by the MTA but funded by the State through additional operating aid to the MTA. The Financial Plan now assumes the State will fund its direct contributions to the MTA 2015-19 and 2020-24 Capital Plans through PIT and Sales Tax revenue bonds.

Bond Market and Credit Ratings

Successful implementation of the Financial Plan is dependent on the State's ability to market bonds. The State finances much of its capital spending, in the first instance, from the General Fund or STIP, which it then reimburses with proceeds from the sale of bonds. An inability of the State to sell bonds or notes at the level or on the timetable it expects could have a material and adverse impact on the State's financial position and the implementation of its Capital Plan. The success of projected public sales of municipal bonds is subject to prevailing market conditions and related ratings issued by national credit rating agencies, among other factors. The outbreak of COVID-19 in the United States temporarily disrupted the municipal bond market in 2020. In addition, future developments in the financial markets, including possible changes in Federal tax law relating to the taxation of interest on municipal bonds, may affect the market for outstanding State-supported and State-related debt.

The major rating agencies -- Fitch, Kroll, Moody's, and Standard & Poor's -- have assigned the State general credit ratings of AA+, AA+, Aa2, and AA+, respectively. The COVID-19 pandemic has affected the State's credit outlook. On April 10, 2020, Fitch changed the State's credit outlook from "stable" to "negative", citing "the considerable economic and fiscal uncertainty faced by the state as it confronts the coronavirus pandemic." On October 1, 2020, Moody's downgraded the State's credit rating from Aa1 to Aa2, citing the lasting economic consequences of the pandemic on the State, New York City, and the MTA. On December 11, 2020, Standard & Poor's changed the State's outlook from "stable" to "negative", citing risks from "potentially weaker economic growth compared to the rest of the country, uncertainty surrounding continuing Federal aid, and contagion risk from financial and economic stress associated with the MTA and New York City."

Debt Reform Act Limit

The Debt Reform Act of 2000 ("Debt Reform Act") restricts the issuance of State-supported debt funding to capital purposes only and limits the maximum term of bonds to 30 years. The Act limits the amount of new State-supported debt to 4 percent of State personal income, and new State-supported debt service costs to 5 percent of All Funds receipts. The restrictions apply to State-supported debt issued after April 1, 2000. DOB, as administrator of the Debt Reform Act, determined that the State complied with the statutory caps in the most recent calculation period for the period ending March 31, 2020.

State legislation enacted in connection with the FY 2021 and FY 2022 Enacted Budgets suspended certain provisions of the Debt Reform Act as part of the State response to the COVID-19 pandemic. Accordingly, any State-supported debt issued in FY 2021 and FY 2022 is not limited to capital purposes and is not counted towards the statutory caps on debt outstanding and debt service. In addition, FY 2022 issuances undertaken by the State for MTA capital projects may be issued with maximum maturities longer than 30 years. This change allows bonds to be issued over the full useful life of the assets being financed, subject to Federal tax law limitations, and it is consistent with the rules that would have been in effect if the projects had been directly financed by the MTA. Current projections anticipate that State-supported debt outstanding and State-supported debt service will continue to remain below the limits imposed by the Debt Reform Act due to the suspension of the debt cap during FY 2021 and FY 2022.

Based on the most recent personal income and debt outstanding forecasts, the available debt capacity under the debt outstanding cap is expected to fluctuate from $11.8 billion in FY 2021 to a low point of $4.0 billion in FY 2026. This calculation excludes all State-supported debt issuances in FY 2021 and FY 2022 but includes the estimated impact of the COVID-19 pandemic on personal income calculations and of funding increased capital commitment levels with State bonds after FY 2022. The debt service on State-supported debt issued after April 1, 2000 and subject to the statutory cap is projected at $4.9 billion in FY 2022, or roughly $5.8 billion below the statutory debt service limit.

	DEBT OUTSTANDING SUBJECT TO CAP (millions of dollars)							TOTAL STATE-SUPPORTED DEBT (millions of dollars)	
Year	Personal Income	Cap %	Cap $	Debt Outstanding Included in Cap [1]	$ Remaining Capacity	Debt as a % of PI	% Remaining Capacity	Debt Outstanding Excluded from Cap	Total State-Supported Debt Outstanding
FY 2021	$1,460,860	4.00%	58,434	46,651	11,783	3.19%	0.81%	12,062	58,713
FY 2022	$1,515,866	4.00%	60,635	43,783	16,852	2.89%	1.11%	22,759	66,542
FY 2023	$1,520,248	4.00%	60,810	50,033	10,777	3.29%	0.71%	21,837	71,870
FY 2024	$1,582,671	4.00%	63,307	56,107	7,200	3.55%	0.45%	20,917	77,024
FY 2025	$1,651,127	4.00%	66,045	61,233	4,812	3.71%	0.29%	19,777	81,010
FY 2026	$1,722,005	4.00%	68,880	64,878	4,002	3.77%	0.23%	18,685	83,563

	DEBT SERVICE SUBJECT TO CAP (millions of dollars)							TOTAL STATE-SUPPORTED DEBT SERVICE (millions of dollars)	
Year	All Funds Receipts	Cap %	Cap $	Debt Service Included in Cap [1]	$ Remaining Capacity	DS as a % of Revenue	% Remaining Capacity	Debt Service Excluded from Cap [2]	Total State-Supported Debt Service [3]
FY 2021	$191,300	5.00%	9,565	5,116	4,449	2.67%	2.33%	5,398	10,514
FY 2022	$213,790	5.00%	10,689	4,935	5,754	2.31%	2.69%	1,470	6,405
FY 2023	$200,383	5.00%	10,019	5,079	4,940	2.53%	2.47%	1,859	6,938
FY 2024	$198,865	5.00%	9,943	5,682	4,261	2.86%	2.14%	1,884	7,566
FY 2025	$199,702	5.00%	9,985	6,355	3,630	3.18%	1.82%	1,788	8,143
FY 2026	$199,607	5.00%	9,980	6,926	3,054	3.47%	1.53%	1,591	8,517

[1] Does not include debt issued prior to April 1, 2000. In addition, debt issued during FY 2021 and FY 2022 is not subject to caps pursuant to Chapter 56 of the Laws of 2020 and Chapter 59 of the Laws of 2021.

[2] Includes FY 2021 liquidity financing, consisting of $4.5 billion of short-term notes.

[3] Total State-supported debt service is adjusted for prepayments.

The State uses personal income estimates published by the Federal government, specifically the Bureau of Economic Analysis (BEA), to calculate the cap on debt outstanding, as required by statute. The BEA revises these estimates on a quarterly basis and such revisions can be significant. For Federal reporting purposes, BEA reassigns income from the state where it was earned to the state in which a person resides, for situations where a person lives and earns income in different states (the "residency adjustment"). The BEA residency adjustment has the effect of reducing reported New York State personal income because income earned in New York by nonresidents regularly exceeds income earned in other states by New York residents. The State taxes all personal income earned in New York, regardless of place of residency.

Enacted Budget - Debt Cap Changes

The FY 2022 Enacted Budget approved new bond-financed capital commitments that are expected to add $2.4 billion in new debt over the five-year Capital Plan period resulting in $1.5 billion impact on the debt cap by FY 2026. In addition, changes in the State's available debt capacity reflect personal income forecast adjustments, debt amortizations, and bond sale results. The debt capacity reflects the suspension of the Debt Reform Act for FY 2021 and FY 2022 issuances in response to the COVID-19 pandemic, as discussed previously. The State may adjust capital spending priorities and debt financing practices from time to time to preserve available debt capacity and stay within the statutory limits, as events warrant.

DEBT OUTSTANDING SUBJECT TO CAP [1]
REMAINING CAPACITY SUMMARY
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected
FY 2022 Executive Budget Financial Plan as Amended	**12,240**	**15,400**	**11,550**	**8,753**	**6,913**	**5,793**
Personal Income Forecast Update	(457)	1,452	(263)	(389)	(358)	(323)
Capital/Bond Sales	0	0	(510)	(1,164)	(1,743)	(1,468)
FY 2022 Enacted Budget Financial Plan	**11,783**	**16,852**	**10,777**	**7,200**	**4,812**	**4,002**

[1] Debt issued during FY 2021 and FY 2022 is not subject to cap pursuant to Chapter 56 of the Laws of 2020 and Chapter 59 of the Laws of 2021.

Secured Hospital Program

Under the Secured Hospital Program, the State entered service contracts to enable certain not-for-profit hospitals in financial distress to have tax-exempt debt issued on their behalf, to pay for upgrading their primary health care facilities. Revenues pledged to pay debt service on the bonds include hospital payments made under loan agreements between the Dormitory Authority of the State of New York (DASNY) and the hospitals, and certain reserve funds held by the applicable trustees for the bonds. In the event of hospital revenue shortfalls to pay debt service on the Secured Hospital bonds, the service contracts obligate the State to pay debt service, subject to annual appropriations by the Legislature, on bonds issued by DASNY through the Secured Hospital Program. As of March 31, 2021, approximately $100 million of bonds were outstanding under this program.

Three of the four remaining hospitals in the State's Secured Hospital Program are in poor financial condition. In relation to the Secured Hospital Program, the State's contingent contractual obligation was invoked to pay debt service for the first time in FY 2014. Since then the State has paid $182 million for debt service costs. DASNY estimates that the State will pay debt service costs of approximately $27 million in FY 2022, $22 million in both FY 2023 and FY 2024, $13 million in FY 2025, and $11 million in FY 2026. These amounts reflect all debt outstanding in the Secured Hospital Program and are based on the actual experience to date of the participants in the program. The State currently covers debt service costs for one hospital whose debt service obligation was discharged in bankruptcy, a second hospital which closed in 2010, and a third hospital that is currently delinquent in its payments. NY Downtown, the one hospital previously making all its debt service payments, retired its remaining outstanding bonds in February 2021.

Legislation enacted as part of the Enacted Budget authorizes the State to issue PIT or Sales Tax bonds to refund bonds issued under the Secured Hospital Program. Therefore, the State plans to refund the remaining Secured Hospital Program bonds in FY 2022, which will provide savings to the State.

SUNY Downstate Hospital and the Long Island College Hospital (LICH)

In May 2011, the New York State Supreme Court issued an order that approved the transfer of real property and other assets of LICH to a New York State not-for-profit corporation ("Holdings"), the sole member of which is SUNY. After such transfer, Holdings leased the LICH hospital facility to SUNY University Hospital at Brooklyn. In 2012, DASNY issued tax exempt State PIT Revenue Bonds ("PIT Bonds"), to refund approximately $120 million in outstanding debt originally incurred by LICH and assumed by Holdings.

Pursuant to a court-approved settlement in 2014, SUNY, together with Holdings, issued a request for proposals (RFP) seeking a qualified party to provide or arrange to provide health care services at LICH and to purchase the LICH property.

In accordance with the settlement, Holdings has entered into a purchase and sale agreement with (a) the Fortis Property Group (FPG) Cobble Hill Acquisitions, LLC (the "Purchaser"), an affiliate of Fortis Property Group, LLC ("Fortis") (also party to the agreement), which proposes to purchase the LICH property, and (b) New York University (NYU) Hospitals Center (now "NYU Langone"), which proposes to provide both interim and long-term health care services. The Fortis affiliate plans to develop a mixed-use project. The agreement was approved by the Offices of the Attorney General and the State Comptroller, and the sale of all or substantially all the assets of Holdings was approved by the State Supreme Court in Kings County. The initial closing was held as of September 1, 2015, and on September 3, 2015 sale proceeds of approximately $120 million were transferred to the trustee for the PIT Bonds, which were paid and legally defeased from such proceeds. Titles to 17 of the 20 properties were conveyed to the special purpose entities formed by the Purchaser to hold title.

The second closing occurred on March 13, 2020 (the New Medical Site (NMS) Closing) and title to the NMS portion of the LICH property was conveyed to NYU Langone.

The third and final closing is anticipated to occur within 36 months after the NMS Closing (i.e., by March 13, 2023). At the final closing, titles to the two remaining portions of the LICH properties will be conveyed to special purpose entities of Fortis, and Holdings will receive the balance of the purchase price, $120 million less the remaining down payment. The final closing is conditioned upon completion of the New Medical Building by NYU Langone, and relocation of the emergency department to the New Medical Building.

There can be no assurance that the resolution of legal, financial, and regulatory issues surrounding LICH, including the payment of outstanding liabilities, will not have a materially adverse impact on SUNY.

State Financial Plan Multi-Year Projections

Introduction

This section presents the State's multi-year Financial Plan projections for receipts and disbursements, reflecting the impact of FY 2021 actuals and forecast revisions in FY 2022 through FY 2025, with an emphasis on FY 2022 projections, which reflect the impact of the Financial Plan.

The State's cash-basis budgeting system, complex fund structure, and practice of earmarking certain tax receipts for specific purposes complicate the discussion of the State's receipts and disbursements projections. Therefore, to minimize the distortions caused by these factors and, equally important, to highlight relevant aspects of the projections, DOB has adopted the following approaches in summarizing the projections:

Receipts. The detailed discussion of tax receipts covers projections for both the General Fund and State Funds (including capital projects). The State Funds perspective reflects estimated tax receipts before distribution to various funds and accounts, including tax receipts dedicated to Capital Projects Funds (which fall outside the General Fund and State Operating Funds accounting perspectives). DOB believes this presentation provides a clearer picture of projected receipts, trends, and forecast assumptions, by factoring out the distorting effects of earmarking tax receipts for specific purposes.

Disbursements. Roughly 30 percent of projected State-financed spending for operating purposes (excluding transfers) is accounted for outside the General Fund, concentrated primarily in the areas of health care, School Aid, higher education, and transportation. To provide a clear picture of spending commitments, the multi-year projections and growth rates are presented, where appropriate, on both a General Fund and State Operating Funds basis.

In evaluating the State's multi-year operating forecast, it should be noted that the reliability of the estimates and projections in the later years of the Financial Plan are typically subject to more substantial revision than those in the current year and first "outyear". Accordingly, in terms of outyear projections, the first "outyear," FY 2023, is the most relevant from a planning perspective. In addition, the reliability of all projections is further complicated by the impacts of the COVID-19 pandemic, given the uncertainty as to its duration and the pace of a sustained recovery.

Differences may occur from time to time between DOB and OSC's financial reports in presentation and reporting of receipts and disbursements. For example, DOB may reflect a net expenditure while OSC may report the gross expenditure. Any such differences in reporting between DOB and OSC could result in differences in the presentation and reporting of receipts and disbursements for discrete funds, as well as differences in the presentation and reporting for total receipts and disbursements under different fund perspectives (e.g., State Operating Funds and All Governmental Funds).

State Financial Plan Multi-Year Projections

The following tables present the Financial Plan multi-year projections for the General Fund and State Operating Funds, as well as reconciliation between State Operating Funds projections and General Fund budget gaps. The Financial Plan continues to assume that all direct COVID-19 pandemic costs incurred by agencies will be fully covered with Federal aid, and thus are not included in the following tables. Such costs may include, but are not limited to, a wide range of pandemic control activities that could be needed to address a potential increase in COVID-19 cases and the safe, timely distribution of vaccines. The tables are followed by a summary of multi-year receipts and disbursements forecasts.

General Fund Projections

GENERAL FUND PROJECTIONS (millions of dollars)					
	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
RECEIPTS					
Taxes (After Debt Service)	64,552	77,779	84,798	87,697	90,281
Miscellaneous Receipts	7,515	1,775	1,750	1,794	1,858
Federal Receipts	0	0	0	0	0
Other Transfers	2,245	7,630	4,707	4,487	6,030
Total Receipts	**74,312**	**87,184**	**91,255**	**93,978**	**98,169**
DISBURSEMENTS					
Local Assistance	48,981	61,041	62,936	67,414	70,451
School Aid (SFY)	23,127	24,813	26,858	29,799	31,545
Medicaid	13,870	15,864	19,325	20,237	20,953
All Other	11,984	20,364	16,753	17,378	17,953
State Operations	10,104	12,388	12,348	12,571	12,824
Personal Service	7,154	9,835	9,386	9,527	9,558
Non-Personal Service	2,950	2,553	2,962	3,044	3,266
General State Charges	7,032	8,435	8,984	9,545	10,728
Transfers to Other Funds	7,978	7,127	7,285	6,720	6,698
Debt Service	326	392	400	458	506
Capital Projects	4,540	3,863	3,982	3,665	3,576
SUNY Operations	1,229	1,301	1,288	1,303	1,321
All Other	1,883	1,571	1,615	1,294	1,295
Total Disbursements	**74,095**	**88,991**	**91,553**	**96,250**	**100,701**
Use (Reservation) of Fund Balance:	**(217)**	**1,807**	**298**	**830**	**558**
Community Projects	1	23	4	3	0
Timing of Payments	1,313	0	0	0	0
Undesignated Fund Balance	(1,458)	2,561	0	0	0
Tax Stabilization Reserve	0	(175)	0	0	0
Rainy Day Reserves	0	(650)	0	0	0
Debt Management	0	0	0	0	0
Economic Uncertainties	(600)	0	0	0	0
Extraordinary Monetary Settlements[1]	527	48	294	827	558
BUDGET SURPLUS/(GAP) PROJECTIONS	**0**	**0**	**0**	**(1,442)**	**(1,974)**

[1] Reflects transfers of Extraordinary Monetary Settlement funds from the General Fund to the Dedicated Infrastructure Investment Fund, the Environmental Protection Fund, and the Capital Projects Fund.

State Operating Funds Projections

STATE OPERATING FUNDS DISBURSEMENTS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
RECEIPTS					
Taxes	81,200	89,767	96,113	99,475	102,334
Miscellaneous Receipts/Federal Grants	25,170	17,460	17,214	16,649	16,869
Total Receipts	**106,370**	**107,227**	**113,327**	**116,124**	**119,203**
DISBURSEMENTS					
Local Assistance	65,087	76,734	79,378	83,118	86,120
School Aid (School Year Basis)[1]	26,515	29,505	31,913	34,874	36,186
DOH Medicaid[2]	19,641	21,995	25,312	26,307	27,127
Transportation	3,648	3,792	4,195	4,196	4,196
STAR	2,027	1,979	1,851	1,743	1,636
Higher Education	3,313	2,943	3,034	3,102	3,173
Social Services	3,023	3,197	3,186	3,306	3,312
Mental Hygiene[3]	1,914	4,521	4,291	4,197	4,479
All Other[4]	5,006	8,802	5,596	5,393	6,011
State Operations	18,006	19,261	19,601	19,723	20,056
Personal Service	12,355	14,453	14,220	14,324	14,409
Non-Personal Service	5,651	4,808	5,381	5,399	5,647
General State Charges	7,918	9,518	10,098	10,673	11,870
Pension Contribution	3,406	2,512	2,703	3,099	3,807
Health Insurance	4,415	4,736	5,103	5,483	5,893
All Other	97	2,270	2,292	2,091	2,170
Debt Service	13,196	6,707	5,863	6,440	6,878
Capital Projects	0	0	0	0	0
Total Disbursements	**104,207**	**112,220**	**114,940**	**119,954**	**124,924**
Net Other Financing Sources/(Uses)	(1,439)	3,214	920	1,512	3,184
RECONCILIATION TO GENERAL FUND GAP					
Designated Fund Balances:	(724)	1,779	693	876	563
General Fund	(217)	1,807	298	830	558
Special Revenue Funds	(505)	(23)	394	59	16
Debt Service Funds	(2)	(5)	1	(13)	(11)
GENERAL FUND BUDGET SURPLUS/(GAP)	**0**	**0**	**0**	**(1,442)**	**(1,974)**

1 Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years.

2 Total State share Medicaid funding is reported prior to the spending offset from the application of Master Settlement Agreement (MSA) payments, which are deposited directly to a Medicaid Escrow Fund to cover a portion of the State's takeover of Medicaid costs for counties and New York City. The value of the offset is reported in "All Other" local assistance disbursements. Spending is offset by the benefit of eFMAP of 6.2 percent for 5 quarters in FY 2021, and 3 quarters in FY 2022.

3 Multi-year estimates exclude a portion of spending reported under the Medicaid Global Cap that has no impact on mental hygiene service delivery or operations.

4 All Other includes education, parks, environment, economic development, and public safety, as well as the MSA payment offset, and a reconciliation between school year and State fiscal year spending on School Aid.

Receipts

Financial Plan receipts results and projections include a variety of taxes, fees and assessments, charges for State-provided services, Federal grants, and other miscellaneous receipts. Multi-year receipts estimates are prepared by DOB with the assistance of DTF and other agencies which collect State receipts and are premised on economic analysis and forecasts.

Overall base growth (i.e., growth not due to law changes) in tax receipts is dependent on many factors. In general, base tax receipts growth rates are determined by economic changes including, but not limited to, changes in interest rates, prices, wages, employment, nonwage income, capital gains realizations, taxable consumption, corporate profits, household net worth, real estate prices and gasoline prices. Federal law changes can influence taxpayer behavior, which often alters base tax receipts. State taxes account for approximately half of total All Funds receipts.

Projections of Federal receipts generally correspond to the anticipated spending levels of a variety of programs including Medicaid, public assistance, mental hygiene, education, public health, and other activities.

Where noted, certain tables in the following section display General Fund tax receipts that exclude amounts transferred to the General Fund in excess of amounts needed for certain debt service obligations (e.g., PIT receipts in excess of the amount transferred for debt service on revenue bonds).

Overview of the Receipts Forecast

All Funds receipts in FY 2022 are projected to total $213.8 billion, an 11.8 percent ($22.5 billion) increase from FY 2021 results. FY 2022 State tax receipts are projected to increase $8.7 billion (10.6 percent) from FY 2021 results as the economy continues to recover from the COVID-19 downturn.

ALL FUNDS RECEIPTS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
Personal Income Tax	54,967	61,050	11.1%	65,494	7.3%	68,448	4.5%	71,348	4.2%
Consumption/Use Taxes	16,117	18,154	12.6%	19,089	5.2%	19,549	2.4%	20,032	2.5%
Business Taxes	8,792	9,601	9.2%	10,471	9.1%	10,308	-1.6%	9,661	-6.3%
Other Taxes	2,500	2,288	-8.5%	2,410	5.3%	2,525	4.8%	2,649	4.9%
Total State Taxes	**82,376**	**91,093**	**10.6%**	**97,464**	**7.0%**	**100,830**	**3.5%**	**103,690**	**2.8%**
Miscellaneous Receipts	30,772	26,052	-15.3%	26,598	2.1%	26,314	-1.1%	25,958	-1.4%
Federal Receipts	78,152	96,645	23.7%	76,322	-21.0%	71,721	-6.0%	70,054	-2.3%
Total All Funds Receipts	**191,300**	**213,790**	**11.8%**	**200,384**	**-6.3%**	**198,865**	**-0.8%**	**199,702**	**0.4%**

Further analysis of each tax component by fiscal year is below.

Personal Income Tax

PERSONAL INCOME TAX (millions of dollars)	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
STATE/ALL FUNDS	**54,967**	**61,050**	**11.1%**	**65,494**	**7.3%**	**68,448**	**4.5%**	**71,348**	**4.2%**
Gross Collections	65,531	71,605	9.3%	76,479	6.8%	79,925	4.5%	83,347	4.3%
Refunds (Incl. State/City Offset)	(10,564)	(10,555)	0.1%	(10,985)	-4.1%	(11,477)	-4.5%	(11,999)	-4.5%
GENERAL FUND[1]	**25,456**	**28,548**	**10.8%**	**30,899**	**8.2%**	**32,484**	**5.1%**	**34,041**	**4.8%**
Gross Collections	65,531	71,605	9.3%	76,479	6.8%	79,925	4.5%	83,347	4.3%
Refunds (Incl. State/City Offset)	(10,564)	(10,555)	0.1%	(10,985)	-4.1%	(11,477)	-4.5%	(11,999)	-4.5%
STAR	(2,027)	(1,979)	2.4%	(1,851)	6.5%	(1,743)	5.8%	(1,636)	6.1%
RBTF	(27,484)	(30,523)	-11.1%	(32,744)	-7.3%	(34,221)	-4.5%	(35,671)	-4.2%

[1]Excludes Transfers.

All Funds PIT receipts for FY 2022 are estimated to increase, primarily reflecting growth in withholding, current estimated payments, final returns, and delinquencies, partially offset by a decline in extensions and an increase in advanced credit payments.

The following table summarizes, by component, actual receipts for FY 2021 and forecast amounts through FY 2025.

ALL FUNDS PERSONAL INCOME TAX FISCAL YEAR COLLECTION COMPONENTS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
Receipts					
Withholding	44,218	47,945	49,250	51,514	53,236
Estimated Payments	16,441	18,195	21,682	23,095	24,540
Current Year	10,930	13,158	14,374	14,923	15,892
Prior Year[1]	5,511	5,037	7,308	8,172	8,648
Final Returns	3,572	3,982	4,014	3,731	3,932
Current Year	402	331	346	367	385
Prior Year[1]	3,170	3,651	3,668	3,364	3,547
Delinquent	1,300	1,483	1,533	1,585	1,639
Gross Receipts	65,531	71,605	76,479	79,925	83,347
Refunds					
Prior Year[1]	6,048	5,786	5,889	6,068	6,268
Previous Year	544	494	525	557	596
Current Year[1]	2,187	2,250	2,250	2,250	2,250
Advanced Credit Payment	593	751	922	1,078	1,234
State/City Offset[1]	1,192	1,274	1,399	1,524	1,651
Total Refunds	10,564	10,555	10,985	11,477	11,999
Net Receipts	**54,967**	**61,050**	**65,494**	**68,448**	**71,348**

[1]These components, collectively, are known as the "settlement" on the prior year's tax liability.

FY 2022 withholding is estimated to be higher compared to FY 2021, reflecting a combination of wage increases and the implementation of a high income PIT surcharge. Estimated payments for Tax Year 2021 are also expected to increase due to the surcharge coupled with growth in nonwage income. Delinquent collections and final return payments are also projected to increase. The increase in gross PIT collections for FY 2022 is offset slightly by a decrease in extension payments (i.e., prior year estimated) for Tax Year 2020.

Total refunds are nearly unchanged from the prior year. Decreases in Tax Year 2020 refunds and refunds related to tax years prior to 2020 are offset by increases in advanced credit payments attributable to Tax Year 2021 and the State-City offset. General Fund PIT receipts are net of deposits to the STAR Fund, which provides property tax relief, and the RBTF, which supports debt service payments on State PIT revenue bonds. The FY 2022 STAR transfer is expected to decline slightly. PIT RBTF receipts are statutorily set to 50 percent of net PIT receipts, and FY 2022 RBTF receipts therefore reflect the increase in All Funds receipts noted above. FY 2022 General Fund PIT receipts are expected to increase due to these changes.

The FY 2023 All Funds PIT receipts are projected to increase reflecting strong growth in extensions related to surcharge revenue and Tax Year 2021 nonwage income growth, as well as increases in withholding, Tax Year 2022 estimated payments, final returns, and delinquencies. These increases are partially offset by increases in the State-City offset, advanced credit payments attributable to Tax Year 2022, and Tax Year 2021 refunds. The projected increase in prior year refund payments is driven by the newly enacted Property Tax Circuit Breaker credit but suppressed by a decline related to the high income surcharge.

The FY 2023 STAR transfer is expected to decline. The FY 2023 RBTF is projected to increase based on the increase in FY 2023 All Funds receipts. General Fund PIT receipts for FY 2023 are also expected to increase, driven by the changes to All Funds receipts, the STAR transfer, and RBTF receipts.

All Funds PIT receipts for FY 2024 are projected to increase from FY 2023 projections. Gross PIT receipts are projected to increase as well, reflecting projected increases in withholding and total estimated payments, partially offset by a projected increase in total refunds.

General Fund PIT receipts for FY 2024 are expected to increase, reflecting an increase in All Funds PIT receipts coupled with a further decrease in the STAR transfer, partially offset by an increase in RBTF receipts.

All Funds PIT receipts and General Fund PIT receipts are both expected to increase in FY 2025 reflecting normal baseline growth in income and associated tax liability.

Consumption/Use Taxes

CONSUMPTION/USE TAXES (millions of dollars)	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
STATE/ALL FUNDS	**16,117**	**18,154**	**12.6%**	**19,089**	**5.2%**	**19,549**	**2.4%**	**20,032**	**2.5%**
Sales Tax	14,145	16,099	13.8%	16,969	5.4%	17,415	2.6%	17,847	2.5%
Cigarette and Tobacco Taxes	1,006	972	-3.4%	930	-4.3%	894	-3.9%	852	-4.7%
Vapor Excise Tax	32	22	-31.3%	22	0.0%	22	0.0%	22	0.0%
Motor Fuel Tax	425	497	16.9%	497	0.0%	496	-0.2%	495	-0.2%
Highway Use Tax	135	144	6.7%	144	0.0%	146	1.4%	147	0.7%
Alcoholic Beverage Taxes	271	269	-0.7%	272	1.1%	274	0.7%	277	1.1%
Opioid Excise Tax	30	34	13.3%	34	0.0%	34	0.0%	34	0.0%
Medical Cannabis Excise Tax	9	8	-11.1%	8	0.0%	8	0.0%	8	0.0%
Adult Use Cannabis Tax	0	20	0.0%	115	475.0%	158	37.4%	245	55.1%
Auto Rental Tax[1]	64	89	39.1%	98	10.1%	102	4.1%	105	2.9%
GENERAL FUND[2]	**7,250**	**4,389**	**-39.5%**	**8,568**	**95.2%**	**8,770**	**2.4%**	**8,965**	**2.2%**
Sales Tax	6,639	3,777	-43.1%	7,963	110.8%	8,172	2.6%	8,374	2.5%
Cigarette and Tobacco Taxes	310	309	-0.3%	299	-3.2%	290	-3.0%	280	-3.4%
Alcoholic Beverage Taxes	271	269	-0.7%	272	1.1%	274	0.7%	277	1.1%
Opioid Excise Tax	30	34	13.3%	34	0.0%	34	0.0%	34	0.0%

[1] No longer includes receipts remitted directly to the MTA without an appropriation beginning in FY 2020.

[2] Excludes Transfers.

All Funds consumption/use tax receipts for FY 2022 are estimated to increase significantly from FY 2021 results due to an expected bounce back in economic activity from the previous year. Sales tax receipts are estimated to increase due to a sizeable increase in taxable consumption (i.e., estimated sales tax base increase of 13.5 percent). Vapor excise tax receipts are estimated to significantly decrease from FY 2021 due to the first full year impact of the ban on flavored vapor products other than tobacco flavored products. Cigarette and tobacco tax collections are estimated to decrease, reflecting a continued trend decline in taxable cigarette consumption. Highway use tax (HUT) collections are estimated to increase, reflecting a bounce back in demand from the trucking sector. Motor fuel tax receipts are estimated to increase due to a recovery in both gasoline and diesel consumption. Auto rental tax receipts are estimated to increase, mainly due to the expected recovery of the travel industry. The opioid excise tax is expected to moderately increase. Legislation enacted in March 2021 to regulate and tax adult-use cannabis products is expected to generate $20 million in license fees within the first year.

In FY 2022, per statute, the portion of sales tax receipts initially deposited to the Local Government Assistance Tax Fund will remain at 25 percent, while the portion deposited into the Sales Tax Revenue Bond Fund will increase to 50 percent (previously 25 percent) and the portion deposited to the General Fund will be reduced from 50 to 25 percent. These funds are intended to support debt service payments on bonds issued under LGAC and State Sales Tax Revenue Bond programs, respectively. Receipts in excess of the debt service requirements of these funds and the local assistance payments to New York City, or its assignee, are subsequently transferred to the General Fund.

General Fund consumption/use tax receipts for FY 2022 are estimated to decrease, largely due to the statutory decrease in the General Fund distribution (from 50 percent to 25 percent).

All Funds consumption/use tax receipts for FY 2023 are projected to moderately increase primarily due to a projected increase in sales tax receipts (projected sales tax base growth of 5 percent). Auto rental tax receipts are estimated to moderately increase from FY 2022, reflecting the continued recovery of the travel industry from the effects of the COVID-19 pandemic. Along with the second year of license fees, the State's THC-based and retail excise taxes on the sale of adult-use cannabis products are projected to generate $115 million combined. These increases are partially offset by a continued decline in taxable cigarette consumption.

Effective in FY 2023 and annually thereafter, the portion of sales tax receipts that was initially deposited to the Local Government Assistance Tax Fund (25 percent) will be eliminated, while the portion deposited into the Sales Tax Revenue Bond Fund will remain at 50 percent (increased from 25 percent to 50 percent in FY 2022) and the portion deposited in the General Fund will revert back to 50 percent.

FY 2023 General Fund consumption/use tax receipts are projected to significantly increase, mainly due to the statutory elimination of the Local Government Assistance Tax Fund distribution.

All Funds consumption/use tax receipts for FY 2024 are projected to increase, largely reflecting a projected increase in sales tax receipts (projected base growth of 2.7 percent) and continued ramp-up of adult-use cannabis tax receipts as the market matures, partially offset by a continued decline in taxable cigarette consumption.

FY 2024 General Fund consumption/use tax receipts are projected to increase, mainly due to the All Funds sales tax trends noted above.

FY 2025 All Funds consumption/use tax receipts are projected to increase compared to the prior year, largely reflecting moderate growth in the sales tax base and continued ramp-up of adult-use cannabis tax receipts as the market matures, which is slightly offset by a continued decline in taxable cigarette consumption. Similarly, General Fund consumption/use tax receipts are projected to increase in FY 2025 primarily due to the All Funds tax trends noted above.

Business Taxes

BUSINESS TAXES (millions of dollars)									
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
STATE/ALL FUNDS	**8,792**	**9,601**	**9.2%**	**10,471**	**9.1%**	**10,308**	**-1.6%**	**9,661**	**-6.3%**
Corporate Franchise Tax	4,954	5,559	12.2%	6,475	16.5%	6,227	-3.8%	5,521	-11.3%
Corporation and Utilities Tax	550	543	-1.3%	559	2.9%	588	5.2%	582	-1.0%
Insurance Tax	2,190	2,283	4.2%	2,353	3.1%	2,409	2.4%	2,477	2.8%
Bank Tax	156	167	7.1%	0	-100.0%	0	0.0%	0	0.0%
Pass-Through-Entity Tax	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Petroleum Business Tax	942	1,049	11.4%	1,084	3.3%	1,084	0.0%	1,081	-0.3%
GENERAL FUND	**6,420**	**6,986**	**8.8%**	**7,660**	**9.6%**	**7,492**	**-2.2%**	**6,945**	**-7.3%**
Corporate Franchise Tax	3,890	4,390	12.9%	5,124	16.7%	4,883	-4.7%	4,281	-12.3%
Corporation and Utilities Tax	417	404	-3.1%	413	2.2%	437	5.8%	432	-1.1%
Insurance Tax	1,976	2,057	4.1%	2,123	3.2%	2,172	2.3%	2,232	2.8%
Bank Tax	137	135	-1.5%	0	-100.0%	0	0.0%	0	0.0%
Pass-Through-Entity Tax	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Petroleum Business Tax	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%

FY 2022 All Funds business tax receipts are estimated to increase, driven primarily by an increase in gross receipts from the CFT due to the recently enacted temporary increase in the business income and capital base rates. All other business taxes, except for the corporation and utilities tax, are estimated to increase.

CFT receipts are estimated to increase in FY 2022, reflecting higher gross receipts. The FY 2022 Enacted Budget included legislation that would increase the business income tax rate to 7.25 percent for taxpayers with business income above $5 million and increase the capital base rate, previously set to be completely phased out, to 0.1875 percent (with several exceptions for certain taxpayers including corporate small businesses and qualified manufacturers). These rate increases are in effect for Tax Years 2021 through 2023. Audit receipts are estimated to decrease moderately as fewer large cases are expected to materialize compared to FY 2021. Refunds are estimated to increase and include refunds from the Restaurant Return-To-Work Tax Credit that was included in the FY 2022 Enacted Budget.

Corporation and utilities tax (CUT) receipts for FY 2022 are estimated to decrease over the prior fiscal year, largely driven by a decrease in gross receipts due to the Utility COVID-19 Debt Relief Credit that was included in the FY 2022 Enacted Budget. Adjusted for this change, gross receipts would be flat with a decrease in the telecommunication sector offset by an increase in the utilities sector. Audit receipts are estimated to increase modestly while refunds are estimated to decrease significantly from the historically high level seen in FY 2021.

Insurance tax receipts for FY 2022 are estimated to increase due to an increase in gross receipts. Projected increases in corporate profits and insurance tax premiums drive estimated increases in gross receipts, following a decline in FY 2021 gross receipts compared to FY 2020. Audits are estimated to increase significantly based on large cases expected to close within the fiscal year, while refunds paid are expected to be in line with recent levels.

The FY 2022 Enacted Budget includes a new voluntary Pass-Through-Entity Tax designed to mitigate the impact of the cap on SALT deductions enacted in the 2017 Tax Cuts and Jobs Act. Pass-through entities can deduct this tax at the Federal level, thereby allowing partners of partnerships and shareholders of S corporations to receive the benefit of a full deduction for SALT paid before income is passed through to them. A credit will be allowed against regular State income tax to offset the new Entity tax. This proposal aligns with similar efforts in Connecticut and New Jersey, enabling individuals affected by the SALT cap to use IRS-allowed business deductibility to mitigate its impacts. Finally, the proposed amendments provide that 50 percent of receipts from the new tax will be deposited into the RBTF. The Financial Plan does not currently include an estimate for PTET receipts or the corresponding decrease in PIT receipts as the first collections will not be until March 2022, but the PTET proposal is expected to be revenue neutral for the State. DOB expects to include estimates as opt-in rates and other information becomes known.

Receipts from the repealed bank tax (all from prior liability periods) in FY 2022 are estimated to increase, primarily due to an estimated increase in audits based on large cases expected to close this fiscal year. PBT receipts are estimated to significantly increase from FY 2021 results, primarily due to a strong recovery in gasoline and diesel consumption, coupled with the impact of a 5 percent decline in the PBT rate index effective January 1, 2021, paired with a projected 5 percent increase in the PBT rate index effective January 1, 2022.

General Fund business tax receipts for FY 2022 are estimated to increase due to the trends in CFT, CUT, insurance tax, and bank tax receipts described above.

General Fund and All Funds business tax receipts for FY 2023 are projected to increase, primarily reflecting an increase in gross receipts from CFT due to the temporary tax rate increase previously described and its first impact on prepayments in March 2023. A projected decline in bank tax receipts is offset by increases in CUT, CFT, insurance tax, and PBT receipts.

All Funds business tax receipts for FY 2024 are projected to decline in CFT, partially offset by increases in CUT and insurance tax receipts while PBT receipts remain unchanged.

General Fund and All Funds business tax receipts for FY 2025 reflect projected trends in corporate profits, taxable insurance premiums, electric utility consumption and prices, consumption of taxable telecommunications services, and automobile fuel consumption and prices. Receipts sharply decline due to the expiration of the temporary CFT tax rate increase.

Other Taxes

OTHER TAXES (millions of dollars)									
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
STATE/ALL FUNDS	**2,500**	**2,288**	**-8.5%**	**2,410**	**5.3%**	**2,525**	**4.8%**	**2,649**	**4.9%**
Estate Tax	1,538	1,207	-21.5%	1,265	4.8%	1,327	4.9%	1,390	4.7%
Real Estate Transfer Tax	949	1,059	11.6%	1,122	5.9%	1,175	4.7%	1,235	5.1%
Employer Compensation Expense Program	3	6	100.0%	7	16.7%	7	0.0%	8	14.3%
Pari-Mutuel Taxes	10	14	40.0%	14	0.0%	14	0.0%	14	0.0%
All Other Taxes	0	2	0.0%	2	0.0%	2	0.0%	2	0.0%
GENERAL FUND[1]	**1,549**	**1,226**	**-20.9%**	**1,285**	**4.8%**	**1,347**	**4.8%**	**1,410**	**4.7%**
Estate Tax	1,538	1,207	-21.5%	1,265	4.8%	1,327	4.9%	1,390	4.7%
Employer Compensation Expense Program	1	3	200.0%	4	33.3%	4	0.0%	4	0.0%
Pari-Mutuel Taxes	10	14	40.0%	14	0.0%	14	0.0%	14	0.0%
All Other Taxes	0	2	0.0%	2	0.0%	2	0.0%	2	0.0%

[1]Excludes Transfers.

All Funds other tax receipts for FY 2022 are estimated to decrease from FY 2021 results, primarily due to the atypically high number of seven super-large estate tax payments (greater than $25 million) received in FY 2021. The estimated decline in estate tax receipts is marginally offset by an estimated increase in real estate transfer tax receipts corresponding with estimated growth in housing starts and housing prices as the real estate market continues to recover from the negative impact of the COVID-19 pandemic.

General Fund other tax receipts for FY 2022 are estimated to decrease, mainly due to the estimated decrease in estate tax trends noted above.

All Funds other tax receipts for FY 2023 and the outyears are projected to increase, largely due to increases in both estate tax and real estate transfer tax receipts, reflecting projected growth in household net worth, housing starts, and housing prices.

General Fund other tax receipts for the outyears are projected to increase, resulting from the projected increases in estate tax trends noted above.

Miscellaneous Receipts

All Funds miscellaneous receipts include moneys received from HCRA financing sources, SUNY tuition and patient income, lottery and gaming receipts for education, assessments on regulated industries, Tribal-State Compact receipts, Extraordinary Monetary Settlements, and a variety of fees. As such, miscellaneous receipts are driven in part by year-to-year variations in health care surcharges and other HCRA resources, bond proceeds, tuition income revenue and other miscellaneous receipts.

MISCELLANEOUS RECEIPTS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
ALL FUNDS	**30,772**	**26,052**	**-15.3%**	**26,598**	**2.1%**	**26,314**	**-1.1%**	**25,958**	**-1.4%**
General Fund	7,515	1,775	-76.4%	1,750	-1.4%	1,794	2.5%	1,858	3.6%
Special Revenue Funds	17,375	15,227	-12.4%	15,143	-0.6%	14,653	-3.2%	14,803	1.0%
Capital Projects Funds	5,481	8,671	58.2%	9,316	7.4%	9,474	1.7%	8,901	-6.0%
Debt Service Funds	401	379	-5.5%	389	2.6%	393	1.0%	396	0.8%

All Funds miscellaneous receipts in FY 2022 are projected to decrease from FY 2021 results, driven by the absence of the one-time receipt of $4.5 billion in PIT note proceeds in response to the COVID-19 pandemic, conservative estimation of non-general fund revenues, and partially offset by the projected increase of bond proceeds receipts that are expected to grow, primarily due to the increase in bond-eligible capital spending in FY 2022.

All Funds miscellaneous receipts are projected to increase in FY 2023, mainly reflecting growth in bond proceeds driven by higher bond-eligible capital spending and the timing of bond reimbursements. In later years of the Financial Plan period, receipts remain relatively flat.

Federal Grants

FEDERAL GRANTS (millions of dollars)									
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
ALL FUNDS	**78,152**	**96,645**	**23.7%**	**76,322**	**-21.0%**	**71,721**	**-6.0%**	**70,054**	**-2.3%**
General Fund	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Special Revenue Funds	76,124	93,891	23.3%	74,037	-21.1%	69,467	-6.2%	67,814	-2.4%
Capital Projects Funds	1,954	2,682	37.3%	2,215	-17.4%	2,187	-1.3%	2,178	-0.4%
Debt Service Funds	74	72	-2.7%	70	-2.8%	67	-4.3%	62	-7.5%

Aid from the Federal government helps to pay for a variety of programs including Medicaid, public assistance, mental hygiene, School Aid, public health, transportation, and other activities. Annual changes to Federal grants generally correspond to changes in Federally reimbursed spending. Accordingly, DOB typically projects Federal reimbursements will be received in the State fiscal year in which spending occurs, but due to the variable timing of Federal grant receipts, actual results often differ from projections.

Growth in All Funds Federal grants projections primarily reflect the receipt of Federal aid pursuant to the ARP which provides the State with $12.75 billion in general aid, received in May 2021, as well as $17.2 billion in categorical aid for schools, universities, childcare, housing, and other purposes expected to be received over the multi-year period. Other sources of growth include Federal Medicaid spending related to Federal health care transformation initiatives, a temporary increase in the FMAP, funding from the CRF, and funding for the Lost Wages Assistance (LWA) program partly offset by the projected phase-down of Federal disaster assistance.

Under the Biden administration and the new Congress, many of the policies that drive Federal aid may be subject to change. At this time, it is not possible to assess the potential fiscal impact of future policies that may be proposed and adopted. If Federal funding to the State were reduced, this could have a materially adverse impact on the Financial Plan.

Disbursements

In FY 2022, disbursements from the State's General Fund, including transfers, are expected to total $89.0 billion, and disbursements from State Operating Funds are expected to total $112.2 billion. School Aid, Medicaid, transportation, debt service, and health benefits are significant drivers of annual spending growth, as further described in this section.

The multi-year disbursements projections consider various factors including statutorily indexed rates, agency staffing levels, program caseloads, inflation, and funding formulas contained in State and Federal law. Factors that affect spending estimates vary by program. For example, public assistance spending is based primarily on anticipated caseloads that are estimated by analyzing historical trends and projected economic conditions. Projections also account for the timing of payments, since not all the amounts appropriated are disbursed in the same fiscal year. Consistent with past practice, the aggregate receipts and spending projections (i.e., the sum of all projected receipts and spending by individual agencies) in State Special Revenue Funds are centrally adjusted downward to reflect aggregate spending trends and patterns observed between estimated and actual results over time.

Local Assistance Grants

Local assistance spending includes payments to local governments, school districts, health care providers, and other entities, as well as financial assistance to, or on behalf of, individuals, families, and not-for-profit organizations. Local assistance spending is approximately two-thirds of total State Operating Funds spending. School Aid and health care spending account for approximately three-quarters of State Operating Funds local assistance spending.

Certain factors considered in preparing spending projections for the State's major local assistance programs and activities are summarized below.

The rise in unemployment and decrease in family income resulted in an increase to the public assistance caseload, particularly in New York City, that is not expected to return to pre-pandemic levels until FY 2024.

FORECAST FOR SELECTED PROGRAM MEASURES AFFECTING OPERATING ACTIVITIES (millions of dollars)

	FY 2021 Actuals[1]	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
HEALTH CARE[2]					
Medicaid - Individuals Covered	7,141,716	7,120,364	6,134,468	6,100,194	6,062,671
Essential Plan - Individuals Covered	871,304	962,915	924,779	906,702	896,464
Child Health Plus - Individuals Covered	391,932	436,838	429,943	431,588	434,168
State Takeover of County/NYC Costs[3]	$4,468	$4,818	$5,179	$5,551	$5,933
CY 2005 Local Medicaid Cap	$3,185	$3,353	$3,531	$3,720	$3,919
FY 2013 Local Takeover Costs	$1,283	$1,465	$1,648	$1,831	$2,014
EDUCATION					
School Aid (School Year-Basis Funding)[4]	$26,515	$29,505	$31,913	$34,874	$36,186
HIGHER EDUCATION					
Public Higher Education Enrollment (FTEs)	509,725	522,468	TBD	TBD	TBD
Tuition Assistance Program (Recipients)	239,592	253,563	TBD	TBD	TBD
PUBLIC ASSISTANCE					
Family Assistance Program (Families)	192,728	209,148	198,646	188,276	181,449
Safety Net Program (Families)	125,229	138,784	130,571	122,396	117,020
Safety Net Program (Singles)	217,838	210,068	207,482	208,728	211,406
MENTAL HYGIENE					
OMH Community Beds	47,306	48,763	50,018	50,618	51,118
OPWDD Community Beds	42,956	43,290	43,516	43,743	43,970
OASAS Community Beds	13,539	13,753	14,075	14,115	14,140
Total	103,801	105,806	107,609	108,476	109,228

[1] Reflects preliminary unaudited actuals.
[2] Enrollment in public health insurance programs is subject to risks related to the COVID-19 pandemic.
[3] Reflects the total State cost of taking over the local share of Medicaid growth, which was initially capped at approximately 3 percent annually, then fully transferred to the State as of calendar year 2015. A portion of the State takeover costs are funded from Master Settlement Agreement resources.
[4] Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years.

Education

School Aid

School Aid supports elementary and secondary education for New York pupils enrolled in the State's 673 major school districts. State aid is provided to districts based on statutory aid formulas and through reimbursement of categorical expenses, such as prekindergarten programs, education of homeless children, and bilingual education. State funding for schools assists districts in meeting locally defined needs, such as the construction of school facilities and the education of students with disabilities.

School Year (July 1 — June 30)

The Financial Plan includes $29.5 billion for School Aid in SY 2022, representing an annual increase of nearly $3 billion (11.3 percent). This annual increase includes a $1.4 billion (7.6 percent) increase in Foundation Aid, over 70 percent of which is targeted to high-need school districts, as measured by a district's level of student need relative to its local fiscal capacity; the full restoration of the $1.1 billion Pandemic Adjustment State aid reduction implemented in SY 2021; and a $460 million increase in expense-based reimbursement programs such as Transportation and Boards of Cooperative Education Services (BOCES) Aid.

In both SY 2023 and SY 2024, growth in School Aid largely reflects the final two years of the three-year phase-in of full funding of the current Foundation Aid formula. The SY 2023 and SY 2024 projections also assume growth in expense-based aids under current law and additional aid to provide a minimum annual increase and extra support to high-need districts. In SY 2025, current projections of growth in School Aid reflect the ten-year average growth in State personal income (PIGI).

SCHOOL AID - SCHOOL YEAR BASIS (JULY 1 - JUNE 30)[1]
(millions of dollars)

	SY 2021	SY 2022	Change	SY 2023	Change	SY 2024	Change	SY 2025	Change
Total	**26,515**	**29,505**	**2,990**	**31,913**	**2,408**	**34,874**	**2,961**	**36,186**	**1,312**
			11.3%		8.2%		9.3%		3.8%

[1] Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years.

In addition to State School Aid, the Enacted Budget programs the $13.0 billion of Federal ESSER and GEER funds allocated to public schools by CRRSA and ARP. This funding, available for use over multiple years, will help schools safely reopen for in-person instruction, address learning loss, and respond to students' academic, social, and emotional needs due to the disruptions of the COVID-19 pandemic. Approximately $12.1 billion of these funds are allocated to school districts and charter schools, largely in proportion to their federal Title I award, with broad local discretion over the funds' use. The Budget also allocates $629 million of these funds to school districts as targeted grants to address learning loss through activities such as summer enrichment and comprehensive after-school programs. An additional $210 million is allocated towards the expansion of full-day prekindergarten programs for four-year-old children.

State Fiscal Year

The State finances School Aid from the General Fund, commercial gaming receipts and Lottery Fund receipts, including revenues from Video Lottery Terminals (VLTs). Commercial gaming and Lottery Fund receipts are accounted for and disbursed from dedicated accounts. Because the State fiscal year begins on April 1 and the school year begins on July 1, the State typically pays approximately 70 percent of the annual school year commitment during the initial State fiscal year and the remaining 30 percent in the first three months of the following State fiscal year.

The table below summarizes the projected sources of School Aid spending on a State fiscal year basis.

SCHOOL AID - STATE FISCAL YEAR BASIS[1]
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**26,787**	**28,304**	**5.7%**	**31,103**	**9.9%**	**33,930**	**9.1%**	**35,716**	**5.3%**
General Fund Local Assistance	23,046	24,673	7.1%	26,719	8.3%	29,658	11.0%	31,405	5.9%
General Fund Gaming Guarantee[2]	789	0	-100.0%	0	0.0%	0	0.0%	0	0.0%
Medicaid	81	140	72.8%	140	0.0%	140	0.0%	140	0.0%
Lottery Aid	2,426	2,603	7.3%	3,006	15.5%	3,038	1.1%	3,080	1.4%
VLT Lottery Aid	382	755	97.6%	1,078	42.8%	941	-12.7%	938	-0.3%
Commercial Gaming	63	133	111.1%	160	20.3%	153	-4.4%	153	0.0%

1 Does not reflect a significant amount of Federal funding to school districts to be distributed over multiple years.
2 Reflects General Fund resources used to offset lower Lottery, VLT and Commercial Gaming receipts driven by the pandemic.

State fiscal year spending for School Aid on a State Operating Funds basis is projected to total $28.3 billion in FY 2022, a $1.5 billion, or 5.7 percent, increase from FY 2021. This growth is mainly driven by an additional $980 million ($1.4 billion school year) in Foundation Aid associated with the three-year phase-in schedule of the Foundation Aid formula. In addition to State aid, school districts will receive more than $3 billion annually in Federal aid, as well as funding provided by the CARES Act, CRRSA Act and ARP.

The Financial Plan includes upward revisions to the amount of School Aid spending financed by gaming receipts due to the continued easing and lifting of restrictions imposed during the COVID-19 pandemic.

Other Education Funding

The State provides funding and support for various other education-related programs. These include special education services; programs administered by the Office of Prekindergarten through Grade 12 Education; cultural education; higher and professional education programs; and adult career and continuing education services.

OTHER EDUCATION FUNDING (millions of dollars)									
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,828**	**2,403**	**31.5%**	**2,380**	**-1.0%**	**2,466**	**3.6%**	**2,587**	**4.9%**
Special Education	1,141	1,376	20.6%	1,424	3.5%	1,487	4.4%	1,553	4.4%
All Other Education	687	1,027	49.5%	956	-6.9%	979	2.4%	1,034	5.6%

The State helps fund special education services for approximately 500,000 students with disabilities, from ages 3 to 21. Major programs under the Office of Prekindergarten through Grade 12 address specialized student needs or reimburse school districts for education-related services, including the school breakfast and lunch programs, after-school programs, and other educational grant programs. Cultural education includes aid for operating expenses of the major cultural institutions, State Archives, State Library, and State Museum, as well as support for the Office of Educational Television and Public Broadcasting. Higher and professional education programs monitor the quality and availability of post-secondary education programs, and license and regulate over 50 professions. Adult career and continuing education services focus on the education and employment needs of the State's adult citizens, ensuring that such individuals have access to a one-stop source for all their employment needs, and are made aware of the full range of services available in other agencies.

Special Education costs beginning in FY 2022 are expected to increase from FY 2021 levels due to 2019-20 school closures, when certain special education services (e.g., transportation) were either not provided or were provided at a reduced level. Outyear growth is attributable to projected enrollment and cost growth as services return to normal levels.

The projected increase for All Other Education programs from FY 2021 levels is primarily due to the timing of certain payments, including Nonpublic School Aid payments, that were not made in FY 2021 and will occur in the first quarter of FY 2022, and the return to pre-pandemic utilization levels. The projected decrease in FY 2023 is largely attributable to the discontinuation of one-time aid and grants. Projected spending increases in FY 2024 and FY 2025 are primarily due to anticipated increases in State reimbursement to nonpublic schools for mandated services and school districts for charter school tuition payments.

School Tax Relief Program

The STAR program provides school tax relief to taxpayers by exempting the first $30,000 of every eligible homeowner's property value from the local school tax levy. Senior citizens with incomes below $90,550 will receive a $70,700 exemption in FY 2022.

Spending on STAR property tax exemptions reflects reimbursements made to school districts to offset the reduction in the amount of property tax revenue collected from homeowners. Since FY 2017, the STAR exemption program has been gradually transitioned from a spending program to an advance refundable PIT credit program. As a result, first-time homebuyers and homeowners who move receive a refundable PIT credit instead of a property tax exemption. This change did not change the value of the STAR benefit received by homeowners. Since FY 2020, homeowners who receive a property tax exemption will not see an increase in their STAR benefit (details below).

The STAR program also includes a credit for income-eligible resident New York City taxpayers. The New York City PIT rate reduction was converted into a State PIT tax credit starting with Tax Year 2017. As of FY 2019, New York City STAR payments are no longer a component of State Operating Funds spending. This change has no impact on the value of the STAR benefit received by taxpayers.

SCHOOL TAX RELIEF (STAR)
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STAR PROGRAM	**2,027**	**1,979**	**-2.4%**	**1,851**	**-6.5%**	**1,743**	**-5.8%**	**1,636**	**-6.1%**
Gross Program Costs	3,324	3,465	4.2%	3,518	1.5%	3,595	2.2%	3,636	1.1%
Personal Income Tax Credit	(1,297)	(1,486)	-14.6%	(1,667)	-12.2%	(1,852)	-11.1%	(2,000)	-8.0%
Basic Exemption	1,186	1,141	-3.8%	1,040	-8.9%	983	-5.5%	898	-8.6%
Gross Program Costs	1,677	1,765	5.2%	1,801	2.0%	1,863	3.4%	1,894	1.7%
Personal Income Tax Credit	(491)	(624)	-27.1%	(761)	-22.0%	(880)	-15.6%	(996)	-13.2%
Enhanced (Senior) Exemption	841	838	-0.4%	811	-3.2%	760	-6.3%	738	-2.9%
Gross Program Costs	935	966	3.3%	972	0.6%	958	-1.4%	948	-1.0%
Personal Income Tax Credit	(94)	(128)	-36.2%	(161)	-25.8%	(198)	-23.0%	(210)	-6.1%
New York City PIT	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Gross Program Costs	712	734	3.1%	745	1.5%	774	3.9%	794	2.6%
Personal Income Tax Credit	(712)	(734)	-3.1%	(745)	-1.5%	(774)	-3.9%	(794)	-2.6%

Starting in FY 2020, all homeowners with incomes above $250,000 were transitioned from the basic exemption benefit program to the advance credit program. Additionally, the zero percent growth cap on the STAR exemption benefit that was included in the FY 2020 Enacted Budget remains in effect. The decline in reported STAR disbursements in FYs 2023 through 2025 can be attributed to these actions. By moving taxpayers to the credit program, the State can more efficiently administer the program while strengthening its ability to prevent abuse. The move from the basic exemption to the credit program does not reduce the value of the benefit received by homeowners.

The Financial Plan further streamlines the administration of STAR by transitioning existing exemption beneficiaries who are mobile homeowners to the STAR Credit, beginning in FY 2023.

Higher Education

Local assistance for higher education spending includes funding for CUNY, SUNY, and the Higher Education Services Corporation (HESC).

HIGHER EDUCATION (millions of dollars)									
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**3,313**	**2,943**	**-11.2%**	**3,034**	**3.1%**	**3,102**	**2.2%**	**3,173**	**2.3%**
City University	**2,272**	**1,655**	**-27.2%**	**1,706**	**3.1%**	**1,765**	**3.5%**	**1,823**	**3.3%**
Senior Colleges	1,847	1,415	-23.4%	1,469	3.8%	1,529	4.1%	1,587	3.8%
Community College	425	240	-43.5%	237	-1.3%	236	-0.4%	236	0.0%
Higher Education Services	**607**	**845**	**39.2%**	**884**	**4.6%**	**893**	**1.0%**	**906**	**1.5%**
Tuition Assistance Program	541	704	30.1%	744	5.7%	744	0.0%	744	0.0%
Scholarships/Awards	62	129	108.1%	128	-0.8%	137	7.0%	150	9.5%
Aid for Part-Time Study	4	12	200.0%	12	0.0%	12	0.0%	12	0.0%
State University	**434**	**443**	**2.1%**	**444**	**0.2%**	**444**	**0.0%**	**444**	**0.0%**
Community College	430	438	1.9%	440	0.5%	440	0.0%	440	0.0%
Other/Cornell	4	5	25.0%	4	-20.0%	4	0.0%	4	0.0%

SUNY and CUNY operate 47 four-year colleges and graduate schools with a total enrollment of nearly 400,000 full- and part-time students. SUNY and CUNY also operate 37 community colleges, serving approximately 285,000 students. State funds support a significant portion of SUNY and CUNY operations. In addition to the spending reflected in the above table, the State provides annual subsidies of over $1 billion for SUNY campus operations through a General Fund transfer and approximately $2 billion to fully support fringe benefit costs of SUNY employees at State-operated campuses. The State is also projected to pay $1.3 billion in FY 2022 for debt service on bond financed capital projects at SUNY and CUNY. In FY 2022, an estimated $250 million in student financial aid support will be transferred from HESC to SUNY. This is the result of an accounting change first implemented in FY 2020 to reflect certain financial aid payments from HESC to SUNY as transfers instead of disbursements.

HESC is New York State's student financial aid agency. HESC oversees State-funded financial aid programs, including the Excelsior Scholarship, TAP, the Aid for Part-Time Study program, and 25 other scholarship and loan forgiveness programs. Together, these programs provide financial aid to approximately 350,000 students. HESC also partners with OSC in administering the College Choice Tuition Savings program.

Higher education spending is projected to decrease by $370 million, or 11.2 percent, from FY 2021 to FY 2022. This spending decrease largely reflects the timing of academic year 2020 payments for CUNY, whereby payments scheduled at the end of FY 2020 were not made until FY 2021. Lower spending for CUNY in FY 2022 is partially offset by an estimated increase in payments to colleges for TAP and scholarships attributable to a combination of payment delays from FY 2021 and an increase in the maximum TAP award authorized in the FY 2022 Enacted Budget.

Health Care

DOH works with local health departments and social services departments, including New York City, to coordinate and administer statewide health insurance programs and activities. Local assistance for health care-related spending includes Medicaid, statewide public health programs and a variety of mental hygiene programs. Most government-financed health care programs are included under DOH, however, several programs are also supported through multi-agency efforts.

In addition to State funding, DOH also engages in federally supported initiatives, including Medicaid redesign, public health, and COVID-19 pandemic response efforts. For more information on the MRT Medicaid Waiver and Federal COVID-19 response efforts please see "Other Matters Affecting the Financial Plan" herein.

Medicaid

Medicaid is a means-tested program that finances health care services for low-income individuals and long-term care services for the elderly and disabled, primarily through payments to health care providers. The Medicaid program is financed by a combination of State, Federal, and local government resources. The State share of DOH Medicaid spending is financed by a combination of the General Fund, HCRA resources, indigent care support, provider assessment revenue, and tobacco settlement proceeds. Medicaid services include inpatient hospital care, outpatient hospital services, clinics, nursing homes, managed care, prescription drugs, home care and services provided in a variety of community-based settings (including mental health, substance abuse treatment, developmental disabilities services, school-based services and foster care services).

Medicaid eligibility and enrollment fluctuates with economic cycles. From FY 2020 to FY 2021, enrollment increased by 1.06 million, driven by the steep rise in unemployment triggered by the COVID-19 pandemic. The Financial Plan forecast assumes that enrollment will remain elevated through FY 2022, declining by roughly 147,000 from the FY 2021 peak. As the economy recovers and unemployment trends towards pre-pandemic levels, costs associated with individuals temporarily enrolled but with a minimum of twelve-months continuous coverage are expected to begin declining in FY 2023.

Even though total enrollment is expected to decline, total Medicaid costs are expected to grow annually due to an increase in populations that typically drive higher service utilization and costs. Other factors that continue to place upward pressure on State-share Medicaid spending (which includes spending within and outside the Global Cap) include, but are not limited to: reimbursement to providers for the cost of the increase in the minimum wage; the phase-out of enhanced Federal funding; increased costs and enrollment growth in managed long-term care; and payments to financially distressed hospitals.

The following table provides information on financing sources for the Medicaid program.

DEPARTMENT OF HEALTH MEDICAID
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
STATE OPERATING FUNDS	**22,238**	**27,166**	**22.2%**	**30,221**	**11.2%**	**31,061**	**2.8%**	**32,105**	**3.4%**
Department of Health Medicaid	**19,637**	**21,934**	**11.7%**	**25,225**	**15.0%**	**26,225**	**4.0%**	**27,048**	**3.1%**
General Fund - DOH Medicaid Local	13,870	15,864	14.4%	19,325	21.8%	20,237	4.7%	20,953	3.5%
DOH Medicaid	12,553	15,287	21.8%	15,385	0.6%	15,605	1.4%	16,246	4.1%
Non-DOH Medicaid[1]	2,157	0	-100.0%	431	0.0%	755	75.2%	647	-14.3%
Minimum Wage	1,591	1,961	23.3%	2,223	13.4%	2,408	8.3%	2,408	0.0%
Local Takeover Cost[2]	1,283	1,465	14.2%	1,648	12.5%	1,831	11.1%	2,014	10.0%
MSA Payments (Share of Local Growth)[3]	(294)	(362)	-23.1%	(362)	0.0%	(362)	0.0%	(362)	0.0%
Enhanced FMAP[4]	(3,420)	(2,487)	27.3%	0	100.0%	0	0.0%	0	0.0%
General Fund - DOH Medicaid State Ops	224	236	5.4%	213	-9.7%	218	2.3%	221	1.4%
General Fund - Essential Plan	66	65	-1.5%	62	-4.6%	62	0.0%	62	0.0%
Local Assistance	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%
State Operations	66	65	-1.5%	62	-4.6%	62	0.0%	62	0.0%
Other State Funds - DOH Medicaid Local	5,477	5,769	5.3%	5,625	-2.5%	5,708	1.5%	5,812	1.8%
HCRA Financing	3,891	4,157	6.8%	3,976	-4.4%	4,032	1.4%	4,109	1.9%
Indigent Care Support	751	719	-4.3%	717	-0.3%	717	0.0%	717	0.0%
Provider Assessment Revenue	834	891	6.8%	930	4.4%	957	2.9%	984	2.8%
Medical Indemnity Fund	1	2	100.0%	2	0.0%	2	0.0%	2	0.0%
Other State Agency Medicaid Spending	**2,601**	**5,232**	**101.2%**	**4,996**	**-4.5%**	**4,836**	**-3.2%**	**5,057**	**4.6%**
Use of MSA Payments (Share of Local Growth)[3]	**294**	**362**	**23.1%**	**362**	**0.0%**	**362**	**0.0%**	**362**	**0.0%**
LOCAL SHARE OF MEDICAID[5,6]	**7,660**	**7,998**	**4.4%**	**8,214**	**2.7%**	**8,129**	**-1.0%**	**8,064**	**-0.8%**
FEDERAL SHARE OF MEDICAID	**49,592**	**53,044**	**7.0%**	**49,515**	**-6.7%**	**48,623**	**-1.8%**	**49,463**	**1.7%**
DOH Medicaid	45,054	47,368	5.1%	43,679	-7.8%	42,884	-1.8%	43,786	2.1%
Essential Plan	4,538	5,676	25.1%	5,836	2.8%	5,739	-1.7%	5,677	-1.1%
ALL FUNDING SOURCES	**79,784**	**88,570**	**11.0%**	**88,312**	**-0.3%**	**88,175**	**-0.2%**	**89,994**	**2.1%**

1 The DOH Medicaid budget funds a portion of Medicaid-related Mental Hygiene program costs under the Global Cap.

2 Beginning in FY 2013, the State began phasing (3-2-1-0) in takeover of the local government share of growth. As of County Year (CY) 2015 the State pays the full share of Medicaid program growth on behalf of local governments.

3 MSA payments are deposited directly to a Medicaid Escrow Fund to cover a portion of the State's share of local Medicaid growth.

4 Enhanced FMAP of 6.2 percent retroactive to January 2020 (24 months).

5 The Local Share of Medicaid is paid by the Local Social Service Districts (counties), and is not included in the State's All Governmental Funds disbursement totals. Fluctuation in the local share of Medicaid is related to certain supplemental payments made by local districts. Local Medicaid services payments are capped at CY 2015 levels.

6 Reflects the extension of the delay in the reduction to Federal DSH until October 1, 2023.

State share Medicaid spending also appears in the Financial Plan estimates for other State agencies and programs, including the mental hygiene agencies, child welfare programs, education aid and corrections. The following table provides information on other State agency Medicaid spending.

TOTAL STATE-SHARE MEDICAID DISBURSEMENTS[1]
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
Department of Health Medicaid	19,571	21,869	25,163	26,163	26,986
Local Assistance	23,061	24,482	25,312	26,307	27,127
State Operations	224	236	213	218	221
MSA Payments (Share of Local Growth)[2]	(294)	(362)	(362)	(362)	(362)
Enhanced FMAP[3]	(3,420)	(2,487)	0	0	0
Other State Agency Medicaid Spending	2,601	5,232	4,996	4,836	5,057
Mental Hygiene[4]	2,488	4,984	4,774	4,614	4,835
Foster Care	32	74	74	74	74
Education	81	140	140	140	140
Corrections[5]	0	34	8	8	8
Total State Share Medicaid (All Agencies)	**22,172**	**27,101**	**30,159**	**30,999**	**32,043**
Annual $ Change		4,929	3,058	840	1,044
Annual % Change		22.2%	11.3%	2.8%	3.4%
Essential Plan	**66**	**65**	**62**	**62**	**62**
Local Assistance	0	0	0	0	0
State Operations	66	65	62	62	62

1 DOH spending includes certain items that are excluded from the indexed provisions of the Medicaid Global Cap. This includes administrative costs, such as the takeover of local administrative responsibilities; Monroe County's decision to participate in the Medicaid local cap program rather than continuing the sales tax intercept option; increased Federal Financial Participation effective in January 2014; and a share of minimum wage increases.

2 MSA payments are deposited directly to a Medicaid Escrow Fund to cover a portion of the State share for Medicaid.

3 Enhanced FMAP of 6.2 percent retroactive to January 2020 (24 months).

4 Multi-year estimates exclude a portion of spending reported under the Medicaid Global Cap that has no impact on mental hygiene service delivery or operations.

5 Increased DOCCS Medicaid spending in FY 2022 reflects timing of reimbursements from retroactive reconciliations.

Global Cap

Medicaid spending under the Global Cap is projected to adhere to statutorily allowable levels through FY 2025. Forecasted Medicaid spending includes the recurring value of MRT II savings initiatives and the Managed Care payment restructuring totaling $1.7 billion initially executed at the end of FY 2019 in response to a structural imbalance at the time. Additional information on the Medicaid Global Cap construct, structural imbalance and MRT savings initiatives can be found in "Other Matters Affecting the Financial Plan" herein.

MEDICAID GLOBAL CAP FORECAST
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
Global Medicaid Cap[1]	**19,992**	**20,572**	**21,188**	**21,820**	**22,461**
Annual $ Change		580	616	632	641
Annual % Change		2.9%	3.0%	3.0%	2.9%

[1] Under the Global Cap, forecasted Medicaid services growth is indexed to the 10-year average of the medical component of the CPI. The Financial Plan assumes spending under the Global Cap to adhere to statutorily allowable growth in all years, which may require the implementation of certain cost controls and savings actions.

Temporary Enhanced FMAP

In March 2020, the Federal government signed into law the FFCRA which included a 6.2 percent base increase to the FMAP rate for each calendar quarter occurring during the public health emergency, with exemptions placed on spending already eligible for enhanced Federal support, including portions of the Affordable Care Act (ACA) expansion. The Federal government has extended eFMAP through September 2021.

Despite the Federal Health and Human Services Secretary's ability to revoke the emergency prior to the start of a new quarter (i.e., prior to October 2021), the Financial Plan assumes the eFMAP will continue through the end of calendar year 2021. The State benefit from the eFMAP is estimated at approximately $2.5 billion in FY 2022.

Minimum Wage

Medicaid spending includes the cost of increases in the minimum wage for employees in the health care sector. These costs are not subject to the Global Cap. The State costs of minimum wage increases in the health care sector are projected to grow $370 million to roughly $2.0 billion in FY 2022. Home health care workers in New York City and certain counties receive supplemental benefits in addition to their base wage. These benefits include paid leave, differential wages, premiums for certain shifts, education, and fringe benefits. The required supplemental benefits typically can be satisfied by increasing the base cash wage for home health care workers by a corresponding amount. As a result, wages for home health care workers in these regions exceed minimum wage levels by $4.09 for New York City and $3.22 for Westchester, Nassau, and Suffolk counties. However, State statute exempts the supplemental wages portion of total compensation from the minimum wage calculation to ensure home health care workers in these counties receive incremental growth in wage compensation commensurate with the new minimum wage schedule.

Local Medicaid Cap

The local Medicaid Cap was designed to relieve pressure on county property taxes and the New York City budget by capping local costs and having the State absorb all local program growth above a fixed statutory inflation rate. Beginning in January 2006, counties' Medicaid cost contributions were capped based on 2005 expenditures that were indexed at a growth rate of 3.5 percent in 2006, 3.25 percent in 2007, and 3 percent per year thereafter. In FY 2013, the State committed to phasing out over a three-year period all growth in the local share of Medicaid costs.

The State takeover, which capped local districts' Medicaid costs at calendar year 2015 levels is projected to save local districts a total of $4.8 billion in FY 2022 -- roughly $2.4 billion for counties outside New York City and $2.4 billion for New York City. The following table provides county specific savings.

LOCAL GOVERNMENT SAVINGS
STATE TAKEOVER OF LOCAL MEDICAID COSTS (2005 CAP AND GROWTH TAKEOVER)
FY 2021 to FY 2025

County	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Albany	45,924,447	49,145,707	52,460,384	55,871,186	59,380,902
Allegany	7,282,837	7,790,910	8,313,717	8,851,686	9,405,256
Broome	47,571,195	50,099,859	52,701,854	55,379,307	58,134,406
Cattaraugus	16,107,474	17,078,352	18,077,385	19,105,391	20,163,208
Cayuga	16,470,059	17,374,989	18,306,163	19,264,340	20,250,304
Chautauqua	32,422,534	34,300,740	36,233,414	38,222,136	40,268,530
Chemung	17,606,113	18,718,393	19,862,930	21,040,658	22,252,540
Chenango	9,211,451	9,774,926	10,354,742	10,951,372	11,565,305
Clinton	14,054,886	14,982,677	15,937,373	16,919,755	17,930,626
Columbia	13,567,329	14,291,940	15,037,564	15,804,811	16,594,309
Cortland	9,380,674	9,953,023	10,541,971	11,147,998	11,771,599
Delaware	9,433,363	9,966,352	10,514,798	11,079,148	11,659,865
Dutchess	59,419,628	62,411,561	65,490,261	68,658,242	71,918,095
Erie	189,303,042	201,049,829	213,137,272	225,575,252	238,373,933
Essex	6,001,647	6,376,876	6,762,988	7,160,296	7,569,126
Franklin	9,155,077	9,719,964	10,301,233	10,899,359	11,514,830
Fulton	11,419,990	12,162,806	12,927,165	13,713,689	14,523,023
Genesee	9,592,429	10,157,138	10,738,223	11,336,160	11,951,437
Greene	10,145,907	10,731,959	11,335,007	11,955,543	12,594,075
Hamilton	727,545	767,892	809,410	852,132	896,093
Herkimer	13,037,477	13,820,950	14,627,145	15,456,719	16,310,350
Jefferson	19,451,308	20,611,724	21,805,792	23,034,488	24,298,816
Lewis	4,527,009	4,809,201	5,099,576	5,398,373	5,705,834
Livingston	10,117,564	10,687,610	11,274,187	11,877,774	12,498,866
Madison	11,274,217	11,933,972	12,612,860	13,311,436	14,030,271
Monroe	172,706,043	183,074,797	193,744,244	204,723,105	216,020,353
Montgomery	14,050,740	14,815,117	15,601,660	16,411,013	17,243,838
Nassau	250,812,829	265,070,006	279,740,641	294,836,725	310,370,595
Niagara	42,088,881	44,668,758	47,323,452	50,055,132	52,866,031
Oneida	53,309,028	56,517,821	59,819,668	63,217,269	66,713,400
Onondaga	107,166,225	113,336,855	119,686,433	126,220,149	132,943,343
Ontario	17,271,271	18,257,491	19,272,311	20,316,561	21,391,095
Orange	95,303,291	100,206,057	105,251,004	110,442,254	115,784,050
Orleans	8,577,544	9,074,029	9,584,912	10,110,610	10,651,554
Oswego	27,054,376	28,581,761	30,153,439	31,770,697	33,434,854
Otsego	9,117,002	9,694,918	10,289,593	10,901,514	11,531,181
Putnam	12,045,986	12,682,592	13,337,660	14,011,725	14,705,337
Rensselaer	26,323,971	28,097,561	29,922,585	31,800,535	33,732,945
Rockland	88,391,821	92,942,167	97,624,473	102,442,566	107,400,384
St. Lawrence	19,484,562	20,761,529	22,075,528	23,427,634	24,818,950
Saratoga	28,503,780	30,066,880	31,675,310	33,330,384	35,033,456
Schenectady	39,623,716	41,787,173	44,013,370	46,304,127	48,661,316
Schoharie	5,498,147	5,828,803	6,169,049	6,519,161	6,879,427
Schuyler	3,240,753	3,446,828	3,658,879	3,877,080	4,101,609
Seneca	5,972,765	6,324,404	6,686,240	7,058,570	7,441,697
Steuben	18,381,710	19,497,022	20,644,679	21,825,618	23,040,804
Suffolk	300,519,369	316,662,330	333,273,436	350,366,264	367,954,785
Sullivan	23,346,278	24,629,350	25,949,631	27,308,200	28,706,168
Tioga	6,744,480	7,182,606	7,633,439	8,097,345	8,574,705
Tompkins	11,806,747	12,505,782	13,225,089	13,965,256	14,726,888
Ulster	44,016,950	46,377,060	48,805,613	51,304,594	53,876,045
Warren	10,615,110	11,288,103	11,980,612	12,693,204	13,426,461
Washington	12,646,329	13,349,724	14,073,518	14,818,302	15,584,685
Wayne	19,842,160	20,839,092	21,864,935	22,920,527	24,006,732
Westchester	187,832,130	199,747,277	212,007,964	224,624,210	237,606,327
Wyoming	5,861,491	6,193,427	6,534,990	6,886,458	7,248,118
Yates	3,975,272	4,217,903	4,467,571	4,724,478	4,988,836
Rest of State	**2,265,335,960**	**2,396,444,576**	**2,531,355,341**	**2,670,178,519**	**2,813,027,569**
New York City	**2,201,926,595**	**2,421,745,114**	**2,647,938,370**	**2,880,691,230**	**3,120,193,923**
Statewide	**4,467,262,556**	**4,818,189,690**	**5,179,293,711**	**5,550,869,749**	**5,933,221,492**

Master Settlement Agreement (MSA)

In FY 2018, all outstanding bonds secured by annual payments from tobacco manufacturers under the MSA were retired. In FY 2022, DOB expects to receive MSA payments totaling roughly $362 million. State law directs these payments be used to help defray costs of the State's takeover of Medicaid costs for counties and New York City. Consistent with State law, the MSA payments are deposited directly to the Medicaid Payment Escrow Fund to offset the non-Federal share of annual Medicaid growth, formerly borne by local governments, which the State now pays on behalf of local governments. The deposit mechanism has no impact on overall Medicaid spending funded with State resources but reduces reported State-supported Medicaid spending accounted for in State Operating Funds. The table below shows total State spending adjusted for MSA offset.

FUNDING SOURCES FOR STATE MEDICAID CONTRIBUTIONS (millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
State Share Support	**22,532**	**27,528**	**30,583**	**31,423**	**32,467**
State Funds Medicaid Disbursements	22,238	27,166	30,221	31,061	32,105
MSA Payments (Local Growth)	294	362	362	362	362

Health Care Transformation Fund (HCTF)

The HCTF was created in 2018 to account for receipts associated with health care asset sales and conversions. Resources in the HCTF are transferred to any other fund of the State, as directed by the Director of the Budget, to support health care delivery, including for capital investment, debt retirement or restructuring, housing and other social determinants of health, or transitional operating support to health care providers. The HCTF may be used as a repository for future proceeds related to asset sales and conversions, subject to regulatory approvals.

The table below summarizes the actual and projected receipts from several health care provider conversions and acquisitions and the support for health care transformation activities, including subsidies for housing rental assistance, State-only health care payments and capital projects spending to enhance health care information technology.

HEALTH CARE TRANSFORMATION FUND
PURSUANT TO PART FFF OF CHAPTER 59 OF THE LAWS OF 2018
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
Opening Balance	**315**	**255**	**87**	**0**	**0**
Receipts	**139**	**248**	**68**	**0**	**0**
Fidelis Payment	50	50	0	0	0
Centene Payment	68	68	68	0	0
CVS Payment	13	13	0	0	0
Cigna Payment	7	7	0	0	0
Affinity Payment	0	110	0	0	0
STIP Interest	1	0	0	0	0
Planned Uses	**199**	**416**	**155**	**0**	**0**
Housing Rental Subsidies	84	238	65	0	0
State-Only Payments	58	123	46	0	0
Capital Projects	57	55	44	0	0
Closing Balance	**255**	**87**	**0**	**0**	**0**

A summary of the individual asset sales and conversions is included in the Financial Plan and Accompanying Notes.

Essential Plan (EP)

The FY 2015 Enacted Budget authorized the State to participate in the EP, a health insurance program which receives Federal subsidies authorized through the ACA. The EP includes health insurance coverage for legally residing immigrants in New York not eligible for Medicaid, CHP, or other employer-sponsored coverage. Individuals who meet the EP eligibility standards are enrolled through the New York State of Health (NYSOH) insurance exchange, with the cost of insurance premiums subsidized by the State and Federal governments. The Exchange – NYSOH – serves as a centralized marketplace to shop for, compare, and enroll in a health plan. More than 960,000 New Yorkers are expected to be enrolled in the EP in FY 2022, an increase of nearly 92,000 from FY 2021.

ESSENTIAL PLAN
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL ALL FUNDS SPENDING	4,604	5,741	24.7%	5,898	2.7%	5,801	-1.6%	5,739	-1.1%
State Operating Funds	66	65	-1.5%	62	-4.6%	62	0.0%	62	0.0%
Local Assistance[1]	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%
State Operations	66	65	-1.5%	62	-4.6%	62	0.0%	62	0.0%
Federal Operating Funds	4,538	5,676	25.1%	5,836	2.8%	5,739	-1.7%	5,677	-1.1%

[1] The EP is not a Medicaid program; however, State savings associated with the EP local assistance program are realized within the Global Cap, where EP resources are managed.

On an All Funds basis, EP spending is anticipated to fluctuate over the Financial Plan period, reflecting a mix of factors. Spending growth in FY 2022 primarily reflects robust costs associated with robust growth in program enrollment, leveraging $381 million in available resources to support the elimination of health insurance premiums for over 400,000 program enrollees and promote coverage for upwards of 100,000 additional New Yorkers.

The Financial Plan also includes more than $200 million to further reduce out of pocket costs by eliminating Dental and Vision premiums, enhanced support to hospitals through a $420 million increase in reimbursement rates, as well as a $97 million commitment to expand the size of the EP Quality Incentive Program pool to $200 million. Due to a high Federal reimbursement rate for the EP under current methodology, local assistance spending for the EP is not anticipated to drive a commensurate increase in State support for the EP. Spending growth attributable to Enacted Budget actions, and subsequently enrollment growth, tapers in the outyears as premium eliminations and increased provider reimbursement rates taper in the outyears.

Public Health/Aging Programs

Public Health includes many programs. CHP, the largest program in this category, provides health insurance coverage for children of low-income families, up to the age of 19. General Public Health Work (GPHW) reimburses local health departments for the cost of providing certain public health services. Elderly Pharmaceutical Insurance Coverage (EPIC) program provides prescription drug insurance to seniors. The Early Intervention (EI) program pays for services provided to infants and toddlers under the age of three with disabilities or developmental delays. Many public health programs, such as the EI and GPHW programs, are run by county health departments that are reimbursed by the State for a share of program costs. State spending projections do not include the county share of these programs. In addition, a significant portion of HCRA spending is included under the Public Health budget.

The State Office for the Aging (SOFA) promotes and administers programs and services for New Yorkers 60 years of age and older. SOFA primarily oversees community-based services (including in-home services and nutrition assistance) provided through a network of county Area Agencies on Aging (AAA) and local providers.

PUBLIC HEALTH AND AGING
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,812**	**1,906**	**5.2%**	**1,945**	**2.0%**	**1,959**	**0.7%**	**1,977**	**0.9%**
Public Health	**1,677**	**1,751**	**4.4%**	**1,795**	**2.5%**	**1,804**	**0.5%**	**1,816**	**0.7%**
Child Health Plus[1]	577	724	25.5%	815	12.6%	823	1.0%	835	1.5%
General Public Health Work[2]	239	196	-18.0%	163	-16.8%	163	0.0%	163	0.0%
EPIC	98	103	5.1%	103	0.0%	103	0.0%	103	0.0%
Early Intervention[2]	181	80	-55.8%	80	0.0%	80	0.0%	80	0.0%
Unadjusted	254	163	-35.8%	163	0.0%	163	0.0%	163	0.0%
Health Services Initiatives Offset	(73)	(83)	-13.7%	(83)	0.0%	(83)	0.0%	(83)	0.0%
HCRA Program	269	332	23.4%	338	1.8%	338	0.0%	338	0.0%
All Other	313	316	1.0%	296	-6.3%	297	0.3%	297	0.0%
Aging	**135**	**155**	**14.8%**	**150**	**-3.2%**	**155**	**3.3%**	**161**	**3.9%**

[1] Increased spending for CHP in FY 2022 and beyond is attributable to the expiration of enhanced Federal resources, including enhanced FMAP retroactive to January 2020 (24 months).

[2] FY 2021 actuals for GPHW and EI reflect the timing of payments for prior year liabilities.

Public Health spending grows over the multi-year Financial Plan due to several factors, including increased enrollment in CHP, the transition of the "Aliessa" (i.e. legally residing immigrants in New York who meet the income eligibility requirements) population from the Medicaid budget to the Public Health budget, which has no impact on service delivery, and the scheduled phase down of enhanced resources provided in the ACA. Growth in FY 2022 reflects a reduction in expected enhanced FMAP for CHP as part of the FFCRA, and the timing of FY 2021 payment processing due to COVID-19. Increased spending in FY 2022 will be partially offset by State savings from the utilization of new Federal funding for Hunger Prevention and Nutrition Assistance programs.

The Financial Plan budgets $83 million in Federal funding to support public health programs that improve the health of children. The Health Services Initiatives option, available under CHP, will be used to offset State costs in the Early Intervention program.

The Financial Plan continues SOFA support to address locally identified capacity needs for services to maintain the elderly in their communities, support family and friends in their caregiving roles, and reduce future Medicaid costs by intervening earlier with less intensive services. The multi-year Financial Plan also reflects funding for an annual Human Services COLA.

HCRA Financial Plan

HCRA was established in 1996 to help fund a portion of State health care activities and is currently authorized through FY 2023. HCRA resources include surcharges and assessments on hospital revenues, a "covered lives" assessment paid by insurance carriers, and a portion of cigarette tax revenues. These resources are used to fund roughly 25 percent of State share Medicaid costs, and other programs and health care industry investments including CHP, EPIC, Physician Excess Medical Malpractice Insurance, Indigent Care payments to hospitals serving a disproportionate share of individuals without health insurance; Worker Recruitment and Retention; Doctors Across New York; and the Statewide Health Information Network for New York (SHIN-NY)/All-Payer Claims Database (APCD).

HCRA FINANCIAL PLAN
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
OPENING BALANCE	**16**	**16**		**0**		**0**		**0**	
TOTAL RECEIPTS	**5,833**	**6,226**	**6.7%**	**6,136**	**-1.4%**	**6,203**	**1.1%**	**6,250**	**0.8%**
Surcharges	3,523	3,706	5.2%	3,781	2.0%	3,858	2.0%	3,937	2.0%
Covered Lives Assessment	1,026	1,110	8.2%	1,110	0.0%	1,110	0.0%	1,110	0.0%
Cigarette Tax Revenue	696	663	-4.7%	631	-4.8%	604	-4.3%	572	-5.3%
Hospital Assessments	477	487	2.1%	502	3.1%	518	3.2%	518	0.0%
Excise Tax on Vapor Products	32	22	-31.3%	22	0.0%	22	0.0%	22	0.0%
NYC Cigarette Tax Transfer	19	21	10.5%	21	0.0%	21	0.0%	21	0.0%
EPIC Receipts/ICR Audit Fees	60	67	11.7%	69	3.0%	70	1.4%	70	0.0%
Distressed Provider Assistance[1]	0	150	0.0%	0	-100.0%	0	0.0%	0	0.0%
TOTAL DISBURSEMENTS AND TRANSFERS	**5,833**	**6,242**	**7.0%**	**6,136**	**-1.7%**	**6,203**	**1.1%**	**6,250**	**0.8%**
Medicaid Assistance Account	3,891	4,157	6.8%	3,976	-4.4%	4,032	1.4%	4,109	1.9%
Medicaid Costs	3,716	3,982	7.2%	3,801	-4.5%	3,857	1.5%	3,934	2.0%
Workforce Recruitment & Retention	175	175	0.0%	175	0.0%	175	0.0%	175	0.0%
Hospital Indigent Care	751	719	-4.3%	717	-0.3%	717	0.0%	717	0.0%
HCRA Program Account	276	340	23.2%	346	1.8%	346	0.0%	346	0.0%
Child Health Plus[2]	590	735	24.6%	826	12.4%	836	1.2%	848	1.4%
Elderly Pharmaceutical Insurance Coverage	108	114	5.6%	114	0.0%	114	0.0%	114	0.0%
Qualified Health Plan Administration	34	35	2.9%	35	0.0%	36	2.9%	36	0.0%
SHIN-NY/APCD	40	40	0.0%	40	0.0%	40	0.0%	40	0.0%
All Other	143	102	-28.7%	82	-19.6%	82	0.0%	40	-51.2%
ANNUAL OPERATING SURPLUS/(DEFICIT)	**0**	**(16)**		**0**		**0**		**0**	
CLOSING BALANCE	**16**	**0**		**0**		**0**		**0**	

1 The HCRA Financial Plan includes $150 million in FY 2022 to support State funded payments for distressed health care providers.

2 The fluctuation in CHP expenditures from FY 2021 to FY 2022 reflects the impact of transitioning certain funding from the Medicaid Assistance account to CHP, as well as an increase in State share CHP costs due to the scheduled phase down of enhanced Federal resources.

Total HCRA receipts are anticipated to increase in FY 2022, reflecting the assumption that collections from health care surcharges and assessments will begin trending closer to pre-pandemic levels.

Projected declines in cigarette tax revenues reflect expected continued declines in the consumption of cigarettes.

HCRA spending in FY 2022 is expected to increase in line with projected growth in receipts collections. The Financial Plan reflects roughly $4.0 billion in continued support for Medicaid spending, as well as over $700 million annually for the CHP program, in addition to several other programs and initiatives.

Increased CHP spending in FY 2022 through FY 2025 is attributable to the expiration of enhanced Federal resources provided through the ACA and expected growth in enrollment and utilization.

HCRA is expected to remain in balance over the multi-year Financial Plan period. Under the current HCRA appropriation structure, spending reductions will occur if resources are insufficient to maintain a balanced fund. Any such spending reductions could affect General Fund Medicaid funding or HCRA programs. Conversely, any unanticipated balances or excess resources in HCRA are expected to fund Medicaid costs that would have otherwise been paid from the General Fund.

Mental Hygiene

Mental Hygiene services are delivered by the Office for People with Developmental Disabilities (OPWDD), the Office of Mental Health (OMH), the Office of Addiction Services and Supports (OASAS), the Developmental Disabilities Planning Council (DDPC), and the Justice Center for the Protection of People with Special Needs (Justice Center). Services are provided for adults with mental illness, children with emotional disturbance, individuals with intellectual and developmental disabilities and their families, people with chemical dependencies, and individuals with compulsive gambling problems.

MENTAL HYGIENE
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,914**	**4,521**	**136.2%**	**4,291**	**-5.1%**	**4,197**	**-2.2%**	**4,479**	**6.7%**
People with Developmental Disabilities	**2,345**	**2,624**	**11.9%**	**2,731**	**4.1%**	**2,890**	**5.8%**	**2,990**	**3.5%**
Residential Services	1,363	1,429	4.8%	1,490	4.3%	1,576	5.8%	1,614	2.4%
Day Programs	599	791	32.1%	824	4.2%	872	5.8%	893	2.4%
Clinic	13	13	0.0%	13	0.0%	13	0.0%	13	0.0%
All Other Services (Net of Offsets)	370	391	5.7%	404	3.3%	429	6.2%	470	9.6%
Mental Health	**1,384**	**1,501**	**8.5%**	**1,588**	**5.8%**	**1,632**	**2.8%**	**1,685**	**3.2%**
Adult Local Services	1,155	1,243	7.6%	1,317	6.0%	1,356	3.0%	1,401	3.3%
Children Local Services	229	258	12.7%	271	5.0%	276	1.8%	284	2.9%
Addiction Services and Supports	**341**	**395**	**15.8%**	**402**	**1.8%**	**429**	**6.7%**	**450**	**4.9%**
Residential	91	99	8.8%	103	4.0%	115	11.7%	120	4.3%
Other Treatment	169	202	19.5%	203	0.5%	212	4.4%	223	5.2%
Prevention	49	58	18.4%	59	1.7%	61	3.4%	64	4.9%
Recovery	32	36	12.5%	37	2.8%	41	10.8%	43	4.9%
Justice Center	**1**	**1**	**0.0%**	**1**	**0.0%**	**1**	**0.0%**	**1**	**0.0%**
Total Spending Funded by DOH Medicaid Global Cap [1]	**(2,157)**	**0**	**100.0%**	**(431)**	**0.0%**	**(755)**	**-75.2%**	**(647)**	**14.3%**
People with Developmental Disabilities	(1,957)	0	100.0%	(431)	0.0%	(755)	-75.2%	(647)	14.3%
Mental Health	(200)	0	100.0%	0	0.0%	0	0.0%	0	0.0%
TOTAL MENTAL HYGIENE SPENDING[2]	**4,071**	**4,521**	**11.1%**	**4,722**	**4.4%**	**4,952**	**4.9%**	**5,126**	**3.5%**

[1] Reflects a portion of mental hygiene spending reported under the Medicaid Global Cap that has no impact on mental hygiene service delivery or operations.

[2] FY 2021 includes $26 million in payments that were not released at the end of FY 2020 due to interruptions and uncertainties as a result of the pandemic.

These agencies provide services directly to their clients through State-operated facilities and indirectly through community-based providers. Costs of providing these services are reimbursed by Medicaid, Medicare, third-party insurance, and State funding. Patient care revenues are pledged first to the payment of debt service on outstanding mental hygiene bonds, issued to finance infrastructure improvements at State mental hygiene facilities. Revenues exceeding debt service are used to support State operating costs associated with Mental Hygiene service delivery.

Mental Hygiene spending growth in FY 2022 and subsequent years reflects increased funding for not-for-profit providers to support minimum wage increases, a one percent cost-of-living adjustment, the anticipation that service utilization trends upwards towards pre-pandemic levels, and targeted investments to ensure adequate access to services and supports.

The Financial Plan includes continued support for individuals with developmental disabilities to ensure appropriate access to care. Additional funding will be utilized for the development of new certified housing supports, expanded independent living opportunities and growth in respite availability.

The Financial Plan also supports OMH community services and the transition of individuals to more cost-effective community settings. OMH has continued to enhance its service offerings in recent years by expanding supported housing units throughout the State, providing additional peer support services, and developing new services, such as mobile crisis teams.

Funding for OASAS addiction service programs in FY 2022 and beyond primarily reflects increased residential service opportunities and other investments in addiction prevention, treatment, and recovery programs operated by not-for-profit providers.

The level of Mental Hygiene spending reported under the DOH Medicaid Global Cap has no impact on mental hygiene service delivery or operations and may fluctuate depending on the availability of resources and other cost pressures within the Medicaid program.

Social Services

Office of Temporary and Disability Assistance (OTDA)

OTDA local assistance programs provide cash benefits and supportive services to low-income families. The State's three main programs are Family Assistance, Safety Net Assistance and SSI. The Family Assistance program, financed by the Federal government, provides time-limited cash assistance to eligible families. The Safety Net Assistance program, financed by the State and local districts, provides cash assistance for single adults, childless couples, and families that have exhausted their five-year limit on Family Assistance imposed by Federal law. The State SSI Supplementation program provides a supplement to the Federal SSI benefit for the elderly, visually handicapped, and disabled persons.

TEMPORARY AND DISABILITY ASSISTANCE (millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,362**	**1,498**	**10.0%**	**1,601**	**6.9%**	**1,646**	**2.8%**	**1,652**	**0.4%**
SSI	603	667	10.6%	667	0.0%	667	0.0%	667	0.0%
Public Assistance Benefits	657	599	-8.8%	583	-2.7%	574	-1.5%	541	-5.7%
Public Assistance Initiatives	8	13	62.5%	9	-30.8%	9	0.0%	9	0.0%
Homeless Housing and Services	90	14	-84.4%	239	1607.1%	294	23.0%	333	13.3%
Rental Assistance	0	200	0.0%	100	-50.0%	100	0.0%	100	0.0%
All Other	4	5	25.0%	3	-40.0%	2	-33.3%	2	0.0%

DOB's caseload models project a total of 558,000 public assistance recipients in FY 2022. Approximately 209,148 families are expected to receive benefits through the Family Assistance program in FY 2022, an increase of 8.5 percent from FY 2021. The Safety Net caseload for families is projected at 138,784 in FY 2022, an increase of 10.8 percent from FY 2021. The caseload for single adults and childless couples supported through the Safety Net program is projected at 210,068 in FY 2022, a decrease of 3.6 percent from FY 2021.

The rise in unemployment and decrease in family income resulted in an increase to the public assistance caseload, particularly in New York City, that increases Safety Net assistance. The Financial Plan reflects that spending for Safety Net assistance is not expected to return to pre-pandemic levels until after FY 2024. In addition, the Financial Plan includes time-limited emergency rental assistance using Federal resources and a new recurring State funded rental assistance program to assist individuals and families most impacted by the pandemic.

SSI spending is expected to remain level over the Financial Plan period, with no change in caseloads. Spending increases for homeless housing and services in the outyears reflect a transition from State settlement funds to the General Fund for the Empire State Supportive Housing Initiative (ESSHI), which funds supportive housing constructed for vulnerable homeless populations under the Governor's Affordable Housing and Homelessness Plan. This transition from settlement funds reflects all costs of the ESSHI program that are shared by multiple agencies and will be allocated to those agencies in a future update to the Financial Plan.

Office of Children and Family Services (OCFS)

OCFS provides funding for foster care, adoption, child protective services, preventive services, delinquency prevention, and child care. It oversees the State's system of family support and child welfare services administered by local social services districts and community-based organizations. Specifically, child welfare services, financed jointly by the Federal government, the State, and local districts, are structured to encourage local governments to invest in preventive services for reducing out-of-home placement of children. In addition, the Child Care Block Grant, which is also financed by a combination of Federal, State, and local sources, supports child care subsidies for public assistance and low-income families.

CHILDREN AND FAMILY SERVICES
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**1,661**	**1,699**	**2.3%**	**1,585**	**-6.7%**	**1,660**	**4.7%**	**1,660**	**0.0%**
Child Welfare Service	577	500	-13.3%	476	-4.8%	476	0.0%	476	0.0%
Foster Care Block Grant	420	409	-2.6%	390	-4.6%	390	0.0%	390	0.0%
Child Care	180	279	55.0%	246	-11.8%	321	30.5%	321	0.0%
Adoption	149	153	2.7%	145	-5.2%	145	0.0%	145	0.0%
Youth Programs	161	103	-36.0%	93	-9.7%	93	0.0%	93	0.0%
Medicaid	32	74	131.3%	74	0.0%	74	0.0%	74	0.0%
Adult Protective/Domestic Violence	78	57	-26.9%	54	-5.3%	54	0.0%	54	0.0%
Committees on Special Education	8	0	-100.0%	29	0.0%	29	0.0%	29	0.0%
All Other	56	124	121.4%	78	-37.1%	78	0.0%	78	0.0%

The Financial Plan includes recurring savings attributable to the permanent alignment of the fiscal responsibility with the school district responsible for residential school placements of children with special needs outside New York City. Higher projected spending in FY 2022 reflects the repayment of local aid withheld in FY 2021, as well as funding for legislative program adds.

Transportation

The Department of Transportation (DOT) directly maintains and improves approximately 43,700 State highway lane miles and nearly 7,900 bridges. The Department also partially funds regional and local transit systems, including the MTA; local government highway and bridge construction; and rail, airport, and port programs.

In FY 2022, the State expects to provide $6 billion in operating aid to mass transit systems, including $2.2 billion from the direct remittance of various dedicated taxes and fees to the MTA (not included in the table below) and $252 million from a State supplement to the Payroll Mobility Tax (PMT) tax collections. The MTA, the nation's largest transit and commuter rail system, is scheduled to receive $5.4 billion (approximately 90 percent) of the State's mass transit aid.

TRANSPORTATION
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
STATE OPERATING FUNDS SUPPORT	**3,648**	**3,792**	**3.9%**	**4,195**	**10.6%**	**4,196**	**0.0%**	**4,196**	**0.0%**
Mass Transit Operating Aid:	2,626	2,624	-0.1%	3,050	16.2%	3,050	0.0%	3,050	0.0%
Metro Mass Transit Aid	2,492	2,468	-1.0%	2,896	17.3%	2,896	0.0%	2,896	0.0%
Public Transit Aid	91	112	23.1%	110	-1.8%	110	0.0%	110	0.0%
18-b General Fund Aid	18	19	5.6%	19	0.0%	19	0.0%	19	0.0%
School Fare	25	25	0.0%	25	0.0%	25	0.0%	25	0.0%
Mobility Tax	237	252	6.3%	244	-3.2%	244	0.0%	244	0.0%
NY Central Business District Trust	145	156	7.6%	153	-1.9%	155	1.3%	155	0.0%
Dedicated Mass Transit	576	681	18.2%	676	-0.7%	676	0.0%	676	0.0%
AMTAP	64	79	23.4%	72	-8.9%	71	-1.4%	71	0.0%
All Other	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%

Projected operating aid to the MTA and other transit systems mainly reflects the current receipts forecast. A substantial amount of new funding to the MTA was authorized in the FY 2020 Enacted Budget as part of a comprehensive reform plan expected to generate an estimated $25 billion in financing for the MTA's 2020-2024 Capital Plan. This includes sales tax receipts from online marketplace provider sales tax collections on all sales facilitated through their platforms, and implementation and enforcement of regulations associated with the *Wayfair* decision, which is projected to provide the MTA with $156 million in dedicated revenues in FY 2022.

Local Government Assistance

Direct aid to local governments includes the Aid and Incentives for Municipalities (AIM) program, created in FY 2006 to consolidate various unrestricted local aid funding streams; miscellaneous financial assistance for certain counties, cities, towns, and villages; and efficiency-based incentive grants to local governments.

LOCAL GOVERNMENT ASSISTANCE - AIM PROGRAM
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**630**	**706**	**12.1%**	**703**	**-0.4%**	**703**	**0.0%**	**703**	**0.0%**
Big Four Cities	408	451	10.5%	429	-4.9%	429	0.0%	429	0.0%
Other Cities	207	228	10.1%	218	-4.4%	218	0.0%	218	0.0%
Towns and Villages	8	9	12.5%	9	0.0%	9	0.0%	9	0.0%
Restructuring/Efficiency	7	18	157.1%	47	161.1%	47	0.0%	47	0.0%

Higher spending in FY 2022 reflects the projected increases in awards from the Financial Restructuring Board to Local Governments pursuant to the Local Government Performance and Efficiency Program, as well as requests for State matching Funds through the County Wide Shared Service Initiative. Higher spending in FY 2022 also includes the payment of FY 2021 local aid payments that were withheld, as well as targeted legislative adds.

Agency Operations

Agency operating costs consist of Personal Service (PS), Non-Personal Service (NPS), and GSCs. PS includes salaries of State employees of the Executive, Legislative, and Judicial branches consistent with current negotiated collective bargaining agreements, as well as temporary/seasonal employees. NPS includes real estate rentals, utilities, contractual payments (e.g., consultants, Information Technology (IT), and professional business services), supplies and materials, equipment, and telephone service. GSCs, discussed separately, reflect the cost of fringe benefits (e.g., pensions and health insurance) provided to State employees and retirees of the Executive, Legislative and Judicial branches, as well as certain fixed costs such as litigation expenses and taxes on public lands. Certain agency operating costs of DOT and the Department of Motor Vehicles (DMV) are included in Capital Projects Funds and are not reflected in State Operating Funds.

Approximately 94 percent of the State workforce is unionized. The largest unions include CSEA, which represents office support staff and administrative personnel, machine operators, skilled trade workers, and therapeutic and custodial care staff; PEF, which represents professional and technical personnel (attorneys, nurses, accountants, engineers, social workers, and institution teachers); United University Professions (UUP), which represents faculty and nonteaching professional staff within the SUNY system; and New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), which represents security personnel (correction officers, safety and security officers).

The following table presents certain factors used in preparing the spending projections for agency operations.

FORECAST OF SELECTED PROGRAM MEASURES AFFECTING PERSONAL SERVICE AND FRINGE BENEFITS

	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
Negotiated Base Salary Increases[1]					
NYSTPBA /NYSPIA/NYSCOPBA/GSEU	2%	2%	2%	TBD	TBD
UUP	2%	2%	TBD	TBD	TBD
CSEA/DC-37 (Rent Regulation Unit)/MC	2%	TBD	TBD	TBD	TBD
Council 82/PEF/PBANYS	TBD	TBD	TBD	TBD	TBD
State Workforce[2]	111,230	115,291	TBD	TBD	TBD
ERS Contribution Rate[3]	15.1%	16.9%	18.3%	21.8%	27.1%
PFRS Contribution Rate[3]	25.0%	28.6%	30.7%	34.6%	40.5%
Employee/Retiree Health Insurance Growth Rates	2.6%	7.3%	7.7%	7.4%	7.5%
PS/Fringe as % of Receipts (All Funds Basis)	12.4%	11.6%	12.4%	12.9%	13.5%

[1] Reflects current collective bargaining agreements with settled unions. Does not reflect potential impact of future negotiated labor agreements.

[2] Reflects workforce that is subject to direct Executive control (before hiring freeze savings).

[3] ERS / PFRS contribution rate reflects the State's normal and administrative costs, contributions to the Group Life Insurance Plan (GLIP), and Chapter 41 of 2016 veteran's pension credit legislation (if applicable).

After adjustment for pandemic related expenses, agency operational costs are projected to remain stable over the Financial Plan period. In general, spending is held flat through a combination of a hiring freeze and controls on non-personal service expenditures.

STATE OPERATING FUNDS - PERSONAL SERVICE/NON-PERSONAL SERVICE COSTS (millions of dollars)	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
SUBJECT TO DIRECT EXECUTIVE CONTROL[1]	**9,888**	**11,103**	**10,631**	**10,658**	**10,713**
Mental Hygiene	2,799	2,831	2,911	2,959	3,006
Corrections and Community Supervision	2,563	2,642	2,663	2,663	2,660
State Police	776	789	809	809	809
Department of Health	689	660	680	688	688
Information Technology Services	517	537	548	548	548
Children and Family Services	174	309	296	301	306
Tax and Finance	326	315	308	309	309
Transportation	309	339	339	339	339
Environmental Conservation	213	233	219	218	218
GSI	0	582	0	0	0
Ongoing Pandemic Related Expenses	(132)	200	200	200	200
All Other	1,654	1,666	1,658	1,624	1,630
FUND ELIGIBLE EXPENSES FROM CRF	**1,726**	**0**	**0**	**0**	**0**
Corrections and Community Supervision	1,295	0	0	0	0
State Police	343	0	0	0	0
Mental Hygiene	40	0	0	0	0
Department of Health	38	0	0	0	0
Tax and Finance	6	0	0	0	0
All Other	4	0	0	0	0
PANDEMIC COSTS/(REIMBURSEMENT)	**951**	**(940)**	**(200)**	**(200)**	**0**
Mental Hygiene	47	(34)	0	0	0
Corrections and Community Supervision	0	(130)	0	0	0
Department of Health	789	(1,090)	0	0	0
Information Technology Services	18	(25)	0	0	0
Transportation	10	(2)	0	0	0
All Other	87	341	(200)	(200)	0
UNIVERSITY SYSTEMS	**6,237**	**6,377**	**6,478**	**6,573**	**6,651**
State University	6,136	6,377	6,478	6,573	6,651
City University	101	0	0	0	0
INDEPENDENT AGENCIES	**341**	**325**	**325**	**325**	**325**
Law	190	178	178	178	178
Audit & Control (OSC)	151	147	147	147	147
TOTAL, EXCLUDING JUDICIARY AND LEGISLATURE	**15,691**	**16,865**	**17,234**	**17,356**	**17,689**
Judiciary	**2,088**	**2,141**	**2,112**	**2,112**	**2,112**
Legislature	**227**	**255**	**255**	**255**	**255**
Statewide Total	**18,006**	**19,261**	**19,601**	**19,723**	**20,056**
Personal Service	12,355	14,453	14,220	14,324	14,409
Non-Personal Service	5,651	4,808	5,381	5,399	5,647

[1] Excludes expenses funded by the Coronavirus Relief Fund, as well as costs incurred, or expected to be incurred, in response to the COVID-19 pandemic that are expected to be reimbursed with Federal aid.

Operational spending for executive agencies is affected by pandemic response and recovery efforts, including the timing of Federal reimbursement of expenses across fiscal years; payment of a 27th payroll; and the expected payment in FY 2022 of general salary increases that were scheduled to go into effect on April 1, 2020.

Pursuant to guidelines established by the U.S. Treasury, the State charged roughly $1.7 billion in eligible costs to the Federal CRF in FY 2021. This includes approximately $1.6 billion in payroll costs (excluding fringe benefits) for public health and safety employees through December 31, 2020 and other eligible pandemic response costs. Another $132 million in expenditures that were incurred in FY 2020 were subsequently cancelled and refunded in FY 2021. The Financial Plan also assumes additional costs incurred by the State in the first instance in FY 2021 will be charged to the CRF in FY 2022.

Certain pandemic response expenses incurred in FY 2021, including PPE, durable medical equipment, costs to build out field hospital facilities, testing, and vaccination activities are expected to be reimbursed by FEMA. DOB expects reimbursement over several years based on past claims experience. State agencies are expected to continue to incur costs to respond to the COVID-19 pandemic in FY 2022 which are expected to be funded with Federal aid made available in the CRF or FEMA reimbursement.

Executive agency budgets, with exceptions for facility operations and public health and safety, were reduced by 10 percent from budgeted levels beginning in FY 2021 and continuing over the Financial Plan period. Savings are expected to be achieved through adherence to a strict freeze on hiring and transfers; and limiting new contracts or purchase orders for non-personal service expenditures to those needed to protect the health, safety and security of employees and citizens and to ensure the continuation of high priority operations and services. Other notable spending changes include:

- **Mental Hygiene.** Actions include closing vacant State-operated mental health inpatient beds across the State that have been vacant for at least 90 days, which will not have a negative impact on the availability of services. Funding is also added for public education and drug treatment to reduce the risks associated with cannabis use.

- **Corrections and Community Supervision.** Higher spending starting in FY 2022 reflects the new legislative initiative of Humane Alternatives to Long Term Solitary Confinement Act (HALT), offset by planned savings from a reduction in excess prison capacity due to declines in the prison population.

- **Children and Family Services.** The Financial Plan limits support to Voluntary Agency Not-for-Profit providers operating residential programs for 16- and 17-year old youth in the juvenile justice system to actual placements, as well as reducing bed capacity and closing two youth facilities with under-filled beds, to right-size the State juvenile justice facility system and eliminate excess bed capacity. Higher spending in FY 2022 is due to the shift of operating costs to local assistance in FY 2021.

- **State University.** Spending for SUNY has been revised upward to reflect additional funding for various programs requested by the legislature and adjust for an increase in COVID-19 related costs in hospitals.

- **City University.** Spending associated with CUNY Senior College operations is being reclassified from a special revenue fund and agency trust combination to an enterprise fund, resulting in a reduction in reported CUNY spending.

All Other Agencies. Agriculture and Markets has been working with Empire State Development (ESD) on the administration of seven marketing orders. The Enacted Budget makes permanent ESD's existing authority to promulgate market orders. DMV and DTF will also receive new funding from the Cannabis Revenue Fund for maintaining traffic safety and operational costs.

Workforce

In FY 2022, $14.5 billion, or 12.9 percent, of the State Operating Funds budget is dedicated to supporting Full-Time Equivalent (FTE) employees under direct Executive control; individuals employed by SUNY and Independent Agencies; employees paid on a nonannual salaried basis; and overtime pay. Roughly two-thirds of the Executive agency workforce is in the mental hygiene agencies and DOCCS.

STATE OPERATING FUNDS
FY 2022 FTEs[1] AND PERSONAL SERVICE SPENDING BY AGENCY
(millions of dollars)

	Dollars	FTEs
SUBJECT TO DIRECT EXECUTIVE CONTROL	**8,044**	**93,827**
Mental Hygiene	2,311	32,237
Corrections and Community Supervision	2,054	24,902
State Police	719	5,527
Department of Health	234	3,940
Information Technology Services	273	3,275
Tax and Finance	246	3,785
Children and Family Services	217	2,122
Environmental Conservation	190	2,124
Transportation	159	2,580
Financial Services	154	1,296
All Other	1,487	12,039
Hiring Freeze Savings	**0**	**(2,551)**
UNIVERSITY SYSTEMS	**4,233**	**46,708**
State University	4,233	46,708
INDEPENDENT AGENCIES	**2,176**	**18,386**
Law	126	1,528
Audit & Control (OSC)	117	1,582
Judiciary	1,734	15,273
Legislature[2]	199	3
Statewide Total	**14,453**	**156,370**

[1] FTEs represent the number of annual-salaried full-time filled positions (e.g., one FTE may represent a single employee serving at 100 percent full-time, or a combination of employees serving at less than full-time that, when combined, equal a full-time position). The reported FTEs do not include nonannual salaried positions, such as those filled on an hourly, per-diem or seasonal basis.

[2] Legislative employees who are nonannual salaried are excluded from this table.

General State Charges

The State provides a variety of fringe benefits to current and former employees, including health insurance, pensions, workers' compensation coverage, unemployment insurance, survivors' benefits, and dental and vision benefits (some of which are provided through union-specific Employee Benefit Funds). The GSC budget also pays the Social Security payroll tax and certain statewide fixed costs, including taxes on State-owned lands, Payments in Lieu of Taxes (PILOT) and judgments and settlements awarded in the Court of Claims. Many of these payments are mandated by law or collective bargaining agreements.

Employee fringe benefits paid through GSCs are financed from the General Fund in the first instance, then partially reimbursed by revenue collected from agency fringe benefit assessments. In FY 2021, fringe benefit assessments reflect the reclassification of Personal Service and related fringe benefits costs for State Police, first responders and public safety officers to the Federal CRF pursuant to Treasury guidelines. This resulted in higher Federal fringe benefit assessments and lower General Fund spending in FY 2021.

GSC spending is projected to increase by an average of 10.7 percent over the multi-year Financial Plan period mostly due to the deferment of payroll tax payments in the current year. In response to the COVID-19 pandemic, the Federal CARES Act authorized employers to defer payment of non-Medicare payroll taxes from April – December 2020, and for the deferral to be repaid without interest in two equal payments on December 31, 2021 and December 31, 2022. Payroll taxes are 7.65 percent of personal service costs (6.2 percent for Social Security and 1.45 percent for Medicare). The State deferred the allowable non-Medicare payment through December 2020 for a total of $556 million for the Executive, $69 million for the Judiciary and $49 million for SUNY Hospitals.

Growth in the health insurance program over the plan period reflects medical inflation and the potential for more spending resulting from increased utilization following delayed medical visits and procedures during the pandemic.

At the end of FY 2021, the State paid off $918 million in pension amortizations that were due from FY 2022 through FY 2026. The prepayment of those costs saved a total of $64.5 million in interest expense, of which nearly half will be realized in FY 2022 ($31 million).

The one-time prepayment of $918 million in FY 2021 has reduced future liabilities through FY 2026. The growth in pension costs reflects updated actuarial demographic assumptions and a valuation date during a bear market (See "Other Matters Affecting the Financial Plan" herein.) Increases in workers' compensation, other fringe benefits, and fixed costs are reflective of current spending trends. Under the Federal CARES Act and the Continued Assistance Act, the Federal government is covering 50 percent of the costs of the State's employer charges for Unemployment Insurance. Pursuant to authority granted by the Governor, the Commissioner of the New York State Department of Labor ordered the elimination of the remaining 50 percent of charges for reimbursable employers. The FY 2021 actual for Unemployment Insurance is reflective of these actions.

GENERAL STATE CHARGES (millions of dollars)									
	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
TOTAL STATE OPERATING FUNDS	**7,918**	**9,518**	**20.2%**	**10,098**	**6.1%**	**10,673**	**5.7%**	**11,870**	**11.2%**
Fringe Benefits	**7,508**	**9,057**	**20.6%**	**9,624**	**6.3%**	**10,198**	**6.0%**	**11,395**	**11.7%**
Health Insurance	4,415	4,736	7.3%	5,103	7.7%	5,483	7.4%	5,893	7.5%
Pensions	3,406	2,512	-26.2%	2,703	7.6%	3,099	14.7%	3,807	22.8%
Social Security (Gross)	1,126	1,110	-1.4%	1,133	2.1%	1,175	3.7%	1,175	0.0%
Social Security (CRF)	(674)	372	155.2%	302	-18.8%	0	-100.0%	0	0.0%
Workers' Compensation	502	520	3.6%	580	11.5%	638	10.0%	702	10.0%
Employee Benefits	103	111	7.8%	121	9.0%	121	0.0%	121	0.0%
Dental Insurance	56	65	16.1%	66	1.5%	66	0.0%	66	0.0%
Unemployment Insurance	2	25	1150.0%	13	-48.0%	13	0.0%	13	0.0%
All Other/Non-State Escrow	(432)	(314)	27.3%	(397)	-26.4%	(397)	0.0%	(382)	3.8%
Non-State Escrow (CRF)	(996)	(80)	92.0%	0	100.0%	0	0.0%	0	0.0%
Fixed Costs	**410**	**461**	**12.4%**	**474**	**2.8%**	**475**	**0.2%**	**475**	**0.0%**
Public Land Taxes/PILOTS	279	289	3.6%	302	4.5%	302	0.0%	302	0.0%
Litigation	130	172	32.3%	172	0.0%	172	0.0%	172	0.0%

Transfers to Other Funds (General Fund Basis)

General Fund resources are transferred to other funds to finance a range of other activities, including debt service for bonds that do not have dedicated revenues, SUNY operating costs, and certain capital projects.

GENERAL FUND TRANSFERS TO OTHER FUNDS (millions of dollars)	FY 2021 Actuals	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
TOTAL TRANSFERS TO OTHER FUNDS	**7,978**	**7,127**	**7,285**	**6,720**	**6,698**
Debt Service	326	392	400	458	506
SUNY University Operations	1,229	1,301	1,288	1,303	1,321
Capital Projects	4,540	3,863	3,982	3,665	3,576
Extraordinary Monetary Settlements:	**527**	**48**	**294**	**827**	**558**
Dedicated Infrastructure Investment Fund	330	526	676	584	524
Javits Center Expansion	183	0	0	0	0
Bond Proceeds Receipts for Javits Center Expansion	0	(500)	(500)	0	0
Clean Water Grants	0	0	0	225	25
Mass Transit Capital	3	3	3	3	0
Health Care	11	19	115	15	9
Dedicated Highway and Bridge Trust Fund	786	251	472	518	679
Environmental Protection Fund	28	28	96	96	96
All Other Capital	3,199	3,536	3,120	2,224	2,243
ALL OTHER TRANSFERS	**1,883**	**1,571**	**1,615**	**1,294**	**1,295**
Department of Transportation (MTA Payroll Tax)	244	244	244	244	244
SUNY - Medicaid Reimbursement	262	243	243	243	243
NY Central Business District Trust	150	152	153	155	155
Judiciary Funds	116	103	110	110	110
Dedicated Mass Transportation Trust Fund	64	65	65	65	65
Banking Services	37	44	44	44	44
Indigent Legal Services	1	28	75	75	75
Business Services Center	27	32	30	30	30
Mass Transportation Operating Assistance	13	21	21	21	21
Correctional Industries	21	23	21	21	21
General Services	20	13	10	10	10
Public Transportation Systems	17	16	16	16	16
Health Income Fund	8	16	16	16	16
Health Insurance Internal Services Account	12	12	12	12	12
Centralized Technology Services	11	11	11	11	11
Spinal Cord Injury Fund	9	9	9	9	9
Video Lottery Terminal (School Aid Support)	596	0	0	0	0
Commercial Gaming Revenue (School Aid Support)	96	0	0	0	0
Retiree Health Benefit Trust Fund	0	320	320	0	0
All Other	179	219	215	212	213

In FY 2022, a total of $7.1 billion of General Fund resources are expected to be transferred to other funds, a $851 million decrease from FY 2021. The decline is mainly attributable to capital projects and transfers to support School Aid executed in FY 2021 because of the drop in lottery and gaming revenues available, partially offset by planned deposits to the Retiree Health Benefit Trust Fund in FY 2022 and FY 2023.

The decrease in transfers for capital projects is primarily timing related and includes bond receipts to offset costs initially funded by monetary settlements; reimbursements to the capital projects fund; increased pay-as-you-go capital spending; and a significantly larger transfer to support the DHBTF in FY 2021 due to the substantial decline in tax receipts.

The DHBTF receives motor vehicle fees, Petroleum Business Tax (PBT), the motor fuel tax, HUT, the auto rental tax, utilities taxes, and miscellaneous transportation-related fees. These resources are used to pay debt service on transportation bonds, finance capital projects, and pay for certain operating expenses of the DOT and DMV. The General Fund subsidizes DHBTF expenses that are not covered by revenue and bond proceeds.

Debt Service

The State pays debt service on all outstanding State-supported bonds. These include General Obligation Bonds for which the State is constitutionally obligated to pay debt service, as well as certain bonds issued by State public authorities, such as ESD, DASNY, and the New York State Thruway Authority (NYSTA). Depending on the credit structure, debt service is financed by transfers from the General Fund, dedicated taxes and fees, and other resources such as patient income revenues.

DEBT SERVICE SPENDING PROJECTIONS
(millions of dollars)

	FY 2021 Actuals	FY 2022 Projected	Change	FY 2023 Projected	Change	FY 2024 Projected	Change	FY 2025 Projected	Change
General Fund	326	392	20.2%	400	2.0%	458	14.5%	506	10.5%
Other State Support	8,488	6,315	-25.6%	5,463	-13.5%	5,982	9.5%	6,372	6.5%
Liquidity Financing[1]	4,382	0	-100.0%	0	0.0%	0	0.0%	0	0.0%
State Operating	**13,196**	**6,707**	**-49.2%**	**5,863**	**-12.6%**	**6,440**	**9.8%**	**6,878**	**6.8%**

[1] FY 2021 short-term notes issued at a premium in order to generate $4.5 billion of proceeds.

State Operating Funds debt service is projected to be $6.7 billion in FY 2022, of which $392 million is paid from the General Fund and $6.3 billion is paid from other State funds supported by dedicated tax receipts. The General Fund finances debt service payments on General Obligation and service contract bonds. Debt service for other State-supported bonds is paid directly from other dedicated State funds, subject to appropriation, including PIT and Sales Tax Revenue bonds, DHBTF bonds, and mental health facilities bonds.

Debt service declines from FY 2021 to FY 2022 due to the repayment of $4.5 billion of PIT notes, which were issued during FY 2021 to help manage the adverse cash flow impact that resulted from the Federal extension of tax filing deadlines in response to the pandemic (the "FY 2021 liquidity financing"). In addition, debt service declines year-over-year due to the FY 2021 prepayment of $3.1 billion of debt service due in future years. In March 2021, the State terminated an undrawn $3.0 billion line of credit that was to expire at the end of FY 2021. The interest expense on the notes and the commitment fee on the credit facility were reimbursed with Federal aid from the CRF, as the financings were due solely to the Federal decision to extend tax filing deadlines in response to the pandemic, and therefore, are not reflected in debt service actuals.

The Enacted Budget authorizes liquidity financing in the form of up to $3.0 billion of PIT notes and $2.0 billion of line of credit facilities in FY 2022. The Financial Plan does not assume any PIT note issuances or use of the line of credit. DOB evaluates cash results regularly and may adjust the use of notes and/or the line of credit based on liquidity needs, market considerations, and other factors.

The Financial Plan estimates for debt service spending have been revised to reflect bond sale results, including executed refundings through the end of FY 2021, projections of future refunding savings, and the adjustment of debt issuances to align with projected bond-financed capital spending. Estimates also continue to reflect the issuance of PIT or Sales Tax bonds for the State's $10.3 billion contribution to the MTA's 2015-19 and 2020-24 Capital Plans. The State converted its contribution to bond-financed capital in 2020 to help MTA after the pandemic impaired the MTA's ability to access cost-effective financing through their Transportation Revenue Bond credit. Previously, the Financial Plan had assumed that the projects would be bonded by the MTA but funded by the State through additional operating aid to the MTA. The State issued PIT Revenue Bonds in FY 2021 to fund $2.8 billion of the State's portion of the MTA's 2015-19 Capital Plan.

The Financial Plan reflects debt service prepayments of $3.1 billion in FY 2021 and $1.4 billion in FY 2022 of debt service that comes due in FY 2022 ($975 million), FY 2023 ($1.1 billion), FY 2024 ($1.1 billion), and FY 2025 ($1.3 billion).

Financial Plan Tables

The following tables present the multi-year projections for State Operating Funds and All Governmental Funds, as well as monthly cashflow detail for the General Fund. [14]

[14] Differences may occur from time to time between the State's Financial Plan and OSC's financial reports in the presentation and reporting of receipts and disbursements. For example, the Financial Plan and the AIS may reflect a net expenditure amount while OSC may report the gross amount of the expenditure. Any such differences between DOB and OSC could result in differences in the presentation and reporting of receipts and disbursements for discrete funds, as well as differences in the presentation and reporting for total receipts and disbursements under different fund perspectives (e.g., State Operating Funds and total All Governmental Funds).

CASH RECEIPTS
ALL GOVERNMENTAL FUNDS
FY 2022 THROUGH FY 2025
(millions of dollars)

	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected	FY 2025 Projected
Taxes:				
Withholdings	47,945	49,250	51,514	53,236
Estimated Payments	18,195	21,682	23,095	24,540
Final Payments	3,982	4,014	3,731	3,932
Other Payments	1,483	1,533	1,585	1,639
Gross Collections	**71,605**	**76,479**	**79,925**	**83,347**
State/City Offset	(1,274)	(1,399)	(1,524)	(1,651)
Refunds	(9,281)	(9,586)	(9,953)	(10,348)
Reported Tax Collections	**61,050**	**65,494**	**68,448**	**71,348**
STAR (Dedicated Deposits)	0	0	0	0
RBTF (Dedicated Transfers)	0	0	0	0
Personal Income Tax	**61,050**	**65,494**	**68,448**	**71,348**
Sales and Use Tax	16,099	16,969	17,415	17,847
Cigarette and Tobacco Taxes	972	930	894	852
Vapor Excise Tax	22	22	22	22
Motor Fuel Tax	497	497	496	495
Alcoholic Beverage Taxes	269	272	274	277
Opioid Excise Tax	34	34	34	34
Medical Cannabis Excise Tax	8	8	8	8
Adult Use Cannabis Tax	20	115	158	245
Highway Use Tax	144	144	146	147
Auto Rental Tax	89	98	102	105
Gross Consumption/Use Taxes	**18,154**	**19,089**	**19,549**	**20,032**
LGAC/STBF (Dedicated Transfers)	0	0	0	0
Consumption/Use Taxes	**18,154**	**19,089**	**19,549**	**20,032**
Corporation Franchise Tax	5,559	6,475	6,227	5,521
Corporation and Utilities Tax	543	559	588	582
Insurance Taxes	2,283	2,353	2,409	2,477
Bank Tax	167	0	0	0
Pass Through Entity Tax	0	0	0	0
Petroleum Business Tax	1,049	1,084	1,084	1,081
Business Taxes	**9,601**	**10,471**	**10,308**	**9,661**
Estate Tax	1,207	1,265	1,327	1,390
Real Estate Transfer Tax	1,059	1,122	1,175	1,235
Employer Compensation Expense Program	6	7	7	8
Gift Tax	0	0	0	0
Real Property Gains Tax	0	0	0	0
Pari-Mutuel Taxes	14	14	14	14
Other Taxes	2	2	2	2
Gross Other Taxes	**2,288**	**2,410**	**2,525**	**2,649**
Real Estate Transfer Tax (Dedicated)	0	0	0	0
RBTF (Dedicated Transfers)	0	0	0	0
Other Taxes	**2,288**	**2,410**	**2,525**	**2,649**
Payroll Tax	**0**	**0**	**0**	**0**
Total Taxes	**91,093**	**97,464**	**100,830**	**103,690**
Licenses, Fees, Etc.	503	528	578	628
Abandoned Property	450	450	450	450
Motor Vehicle Fees	1,234	1,230	1,226	1,241
ABC License Fee	66	63	63	67
Reimbursements	70	70	66	66
Investment Income	24	12	10	8
Extraordinary Settlements	0	0	0	0
Other Transactions	23,705	24,245	23,921	23,498
Miscellaneous Receipts	**26,052**	**26,598**	**26,314**	**25,958**
Federal Receipts	**96,645**	**76,322**	**71,721**	**70,054**
Total	**213,790**	**200,384**	**198,865**	**199,702**

Source: NYS DOB.

CASH FINANCIAL PLAN
STATE OPERATING FUNDS BUDGET
FY 2022
(millions of dollars)

	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Opening Fund Balance	**9,161**	**5,708**	**65**	**14,934**
Receipts:				
Taxes	41,149	5,823	42,795	89,767
Miscellaneous Receipts	1,775	14,877	379	17,031
Federal Receipts	0	357	72	429
Total Receipts	**42,924**	**21,057**	**43,246**	**107,227**
Disbursements:				
Local Assistance	61,041	15,693	0	76,734
State Operations:				
Personal Service	9,835	4,618	0	14,453
Non-Personal Service	2,553	2,231	24	4,808
General State Charges	8,435	1,083	0	9,518
Debt Service	0	0	6,707	6,707
Capital Projects	0	0	0	0
Total Disbursements	**81,864**	**23,625**	**6,731**	**112,220**
Other Financing Sources (Uses):				
Transfers from Other Funds	44,260	2,537	1,930	48,727
Transfers to Other Funds	(7,127)	54	(38,440)	(45,513)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**37,133**	**2,591**	**(36,510)**	**3,214**
Excess (Deficiency) of Receipts and Other Financing Sources (Uses) Over Disbursements	**(1,807)**	**23**	**5**	**(1,779)**
Closing Fund Balance	**7,354**	**5,731**	**70**	**13,155**

Source: NYS DOB.

CASH FINANCIAL PLAN STATE OPERATING FUNDS BUDGET FY 2023 (millions of dollars)	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Receipts:				
Taxes	48,412	5,988	41,713	96,113
Miscellaneous Receipts	1,750	14,800	389	16,939
Federal Receipts	0	205	70	275
Total Receipts	**50,162**	**20,993**	**42,172**	**113,327**
Disbursements:				
Local Assistance	62,936	16,442	0	79,378
State Operations:				
Personal Service	9,386	4,834	0	14,220
Non-Personal Service	2,962	2,376	43	5,381
General State Charges	8,984	1,114	0	10,098
Debt Service	0	0	5,863	5,863
Capital Projects	0	0	0	0
Total Disbursements	**84,268**	**24,766**	**5,906**	**114,940**
Other Financing Sources (Uses):				
Transfers from Other Funds	41,093	2,587	1,736	45,416
Transfers to Other Funds	(7,285)	792	(38,003)	(44,496)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**33,808**	**3,379**	**(36,267)**	**920**
Use (Reservation) of Fund Balance:				
Community Projects	4	0	0	4
Extraordinary Monetary Settlements	294	0	0	294
Total Use (Reservation) of Fund Balance	**298**	**0**	**0**	**298**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**(394)**	**(1)**	**(395)**

Source: NYS DOB.

CASH FINANCIAL PLAN
STATE OPERATING FUNDS BUDGET
FY 2024
(millions of dollars)

	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Receipts:				
Taxes	50,093	5,930	43,452	99,475
Miscellaneous Receipts	1,794	14,412	393	16,599
Federal Receipts	0	(17)	67	50
Total Receipts	**51,887**	**20,325**	**43,912**	**116,124**
Disbursements:				
Local Assistance	67,414	15,704	0	83,118
State Operations:				
Personal Service	9,527	4,797	0	14,324
Non-Personal Service	3,044	2,312	43	5,399
General State Charges	9,545	1,128	0	10,673
Debt Service	0	0	6,440	6,440
Capital Projects	0	0	0	0
Total Disbursements	**89,530**	**23,941**	**6,483**	**119,954**
Other Financing Sources (Uses):				
Transfers from Other Funds	42,091	2,610	1,791	46,492
Transfers to Other Funds	(6,720)	947	(39,207)	(44,980)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**35,371**	**3,557**	**(37,416)**	**1,512**
Use (Reservation) of Fund Balance:				
Community Projects	3	0	0	3
Extraordinary Monetary Settlements	827	0	0	827
Total Use (Reservation) of Fund Balance	**830**	**0**	**0**	**830**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**(1,442)**	**(59)**	**13**	**(1,488)**

Source: NYS DOB.

CASH FINANCIAL PLAN
STATE OPERATING FUNDS BUDGET
FY 2025
(millions of dollars)

	General Fund	State Special Revenue Funds	Debt Service Funds	State Operating Funds Total
Receipts:				
Taxes	51,361	5,807	45,166	102,334
Miscellaneous Receipts	1,858	14,570	396	16,824
Federal Receipts	0	(17)	62	45
Total Receipts	**53,219**	**20,360**	**45,624**	**119,203**
Disbursements:				
Local Assistance	70,451	15,669	0	86,120
State Operations:				
Personal Service	9,558	4,851	0	14,409
Non-Personal Service	3,266	2,338	43	5,647
General State Charges	10,728	1,142	0	11,870
Debt Service	0	0	6,878	6,878
Capital Projects	0	0	0	0
Total Disbursements	**94,003**	**24,000**	**6,921**	**124,924**
Other Financing Sources (Uses):				
Transfers from Other Funds	44,950	2,634	1,839	49,423
Transfers to Other Funds	(6,698)	990	(40,531)	(46,239)
Bond and Note Proceeds	0	0	0	0
Net Other Financing Sources (Uses)	**38,252**	**3,624**	**(38,692)**	**3,184**
Use (Reservation) of Fund Balance:				
Extraordinary Monetary Settlements	558	0	0	558
Total Use (Reservation) of Fund Balance	**558**	**0**	**0**	**558**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**(1,974)**	**(16)**	**11**	**(1,979)**

Source: NYS DOB.

CASH FINANCIAL PLAN
ALL GOVERNMENTAL FUNDS
FY 2022
(millions of dollars)

	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Opening Fund Balance	**9,161**	**10,669**	**(1,144)**	**65**	**18,751**
Receipts:					
Taxes	41,149	5,823	1,326	42,795	91,093
Miscellaneous Receipts	1,775	15,227	8,671	379	26,052
Federal Receipts	0	93,891	2,682	72	96,645
Total Receipts	**42,924**	**114,941**	**12,679**	**43,246**	**213,790**
Disbursements:					
Local Assistance	61,041	90,683	7,262	0	158,986
State Operations:					
Personal Service	9,835	5,446	0	0	15,281
Non-Personal Service	2,553	6,692	0	24	9,269
General State Charges	8,435	1,538	0	0	9,973
Debt Service	0	42	0	6,707	6,749
Capital Projects	0	0	8,629	0	8,629
Total Disbursements	**81,864**	**104,401**	**15,891**	**6,731**	**208,887**
Other Financing Sources (Uses):					
Transfers from Other Funds	44,260	2,537	4,251	1,930	52,978
Transfers to Other Funds	(7,127)	(6,614)	(1,305)	(38,440)	(53,486)
Bond and Note Proceeds	0	0	433	0	433
Net Other Financing Sources (Uses)	**37,133**	**(4,077)**	**3,379**	**(36,510)**	**(75)**
Excess (Deficiency) of Receipts and Other Financing Sources (Uses) Over Disbursements	**(1,807)**	**6,463**	**167**	**5**	**4,828**
Closing Fund Balance	**7,354**	**17,132**	**(977)**	**70**	**23,579**

Source: NYS DOB.

CASH FINANCIAL PLAN ALL GOVERNMENTAL FUNDS FY 2023 (millions of dollars)	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Receipts:					
Taxes	48,412	5,988	1,351	41,713	97,464
Miscellaneous Receipts	1,750	15,143	9,316	389	26,598
Federal Receipts	0	74,037	2,215	70	76,322
Total Receipts	**50,162**	**95,168**	**12,882**	**42,172**	**200,384**
Disbursements:					
Local Assistance	62,936	85,356	6,526	0	154,818
State Operations:					
Personal Service	9,386	5,520	0	0	14,906
Non-Personal Service	2,962	4,386	0	43	7,391
General State Charges	8,984	1,490	0	0	10,474
Debt Service	0	0	0	5,863	5,863
Capital Projects	0	0	9,818	0	9,818
Total Disbursements	**84,268**	**96,752**	**16,344**	**5,906**	**203,270**
Other Financing Sources (Uses):					
Transfers from Other Funds	41,093	2,587	4,364	1,736	49,780
Transfers to Other Funds	(7,285)	(3,512)	(1,489)	(38,003)	(50,289)
Bond and Note Proceeds	0	0	529	0	529
Net Other Financing Sources (Uses)	**33,808**	**(925)**	**3,404**	**(36,267)**	**20**
Use (Reservation) of Fund Balance:					
Community Projects	4	0	0	0	4
Extraordinary Monetary Settlements	294	0	0	0	294
Total Use (Reservation) of Fund Balance	**298**	**0**	**0**	**0**	**298**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**0**	**(2,509)**	**(58)**	**(1)**	**(2,568)**

Source: NYS DOB.

CASH FINANCIAL PLAN ALL GOVERNMENTAL FUNDS FY 2024 (millions of dollars)	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Receipts:					
Taxes	50,093	5,930	1,355	43,452	100,830
Miscellaneous Receipts	1,794	14,653	9,474	393	26,314
Federal Receipts	0	69,467	2,187	67	71,721
Total Receipts	**51,887**	**90,050**	**13,016**	**43,912**	**198,865**
Disbursements:					
Local Assistance	67,414	79,405	5,933	0	152,752
State Operations:					
Personal Service	9,527	5,485	0	0	15,012
Non-Personal Service	3,044	4,224	0	43	7,311
General State Charges	9,545	1,505	0	0	11,050
Debt Service	0	0	0	6,440	6,440
Capital Projects	0	0	10,163	0	10,163
Total Disbursements	**89,530**	**90,619**	**16,096**	**6,483**	**202,728**
Other Financing Sources (Uses):					
Transfers from Other Funds	42,091	2,610	4,031	1,791	50,523
Transfers to Other Funds	(6,720)	(3,248)	(1,539)	(39,207)	(50,714)
Bond and Note Proceeds	0	0	434	0	434
Net Other Financing Sources (Uses)	**35,371**	**(638)**	**2,926**	**(37,416)**	**243**
Use (Reservation) of Fund Balance:					
Community Projects	3	0	0	0	3
Extraordinary Monetary Settlements	827	0	0	0	827
Total Use (Reservation) of Fund Balance	**830**	**0**	**0**	**0**	**830**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**(1,442)**	**(1,207)**	**(154)**	**13**	**(2,790)**

Source: NYS DOB.

CASH FINANCIAL PLAN ALL GOVERNMENTAL FUNDS FY 2025 (millions of dollars)	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	All Funds Total
Receipts:					
Taxes	51,361	5,807	1,356	45,166	103,690
Miscellaneous Receipts	1,858	14,803	8,901	396	25,958
Federal Receipts	0	67,814	2,178	62	70,054
Total Receipts	**53,219**	**88,424**	**12,435**	**45,624**	**199,702**
Disbursements:					
Local Assistance	70,451	77,764	5,368	0	153,583
State Operations:					
Personal Service	9,558	5,536	0	0	15,094
Non-Personal Service	3,266	3,762	0	43	7,071
General State Charges	10,728	1,519	0	0	12,247
Debt Service	0	0	0	6,878	6,878
Capital Projects	0	0	9,741	0	9,741
Total Disbursements	**94,003**	**88,581**	**15,109**	**6,921**	**204,614**
Other Financing Sources (Uses):					
Transfers from Other Funds	44,950	2,634	3,874	1,839	53,297
Transfers to Other Funds	(6,698)	(4,585)	(1,671)	(40,531)	(53,485)
Bond and Note Proceeds	0	0	365	0	365
Net Other Financing Sources (Uses)	**38,252**	**(1,951)**	**2,568**	**(38,692)**	**177**
Use (Reservation) of Fund Balance:					
Extraordinary Monetary Settlements	558	0	0	0	558
Total Use (Reservation) of Fund Balance	**558**	**0**	**0**	**0**	**558**
Excess (Deficiency) of Receipts and Use (Reservation) of Fund Balance Over Disbursements	**(1,974)**	**(2,108)**	**(106)**	**11**	**(4,177)**

Source: NYS DOB.

CASHFLOW
GENERAL FUND
FY 2022
(dollars in millions)

	2021 April Actuals	May Projected	June Projected	July Projected	August Projected	September Projected	October Projected	November Projected	December Projected	2022 January Projected	February Projected	March Projected	Total
OPENING BALANCE	9,161	12,218	9,664	9,698	9,306	8,435	11,438	9,528	6,673	7,163	11,412	9,055	9,161
RECEIPTS:													
Personal Income Tax	3,263	3,153	2,882	1,665	1,626	2,914	1,293	1,511	2,590	3,081	2,277	2,293	28,548
Consumption/Use Taxes	351	271	397	365	351	434	353	350	445	392	304	376	4,389
Business Taxes	730	46	1,159	92	37	1,204	100	36	1,297	103	37	2,145	6,986
Other Taxes	121	115	100	100	100	100	99	99	99	98	98	97	1,226
Total Taxes	4,465	3,585	4,538	2,222	2,114	4,652	1,845	1,996	4,431	3,674	2,716	4,911	41,149
Abandoned Property	0	0	0	0	5	30	35	200	0	30	10	140	450
ABC License Fee	5	6	6	6	6	6	6	5	6	5	5	4	66
Investment Income	2	2	2	2	2	2	2	2	2	2	2	2	24
Licenses, Fees, etc.	77	35	55	20	45	50	25	35	45	15	35	66	503
Motor Vehicle Fees	20	25	9	26	18	18	25	7	30	21	13	34	246
Reimbursements	64	0	15	0	0	15	0	0	15	0	0	(39)	70
Extraordinary Settlements	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Transactions	5	13	61	16	15	82	35	13	61	12	17	86	416
Total Miscellaneous Receipts	173	81	148	70	91	203	128	262	159	85	82	293	1,775
Federal Receipts	0	0	0	0	0	0	0	0	0	0	0	0	0
PIT in Excess of Revenue Bond Debt Service	3,263	3,153	2,882	1,394	895	2,948	1,293	1,336	2,664	3,214	(652)	2,334	24,724
ECEP in Excess of Revenue Bond Debt Service	0	0	0	0	0	0	0	0	1	0	0	2	3
Tax in Excess of LGAC	297	227	346	298	303	377	297	300	398	325	271	338	3,777
Sales Tax Bond Fund	573	428	667	570	581	735	559	565	761	614	505	670	7,228
Real Estate Taxes in Excess of CW/CA Debt Service	87	77	79	79	87	79	67	72	70	72	71	58	898
All Other	108	152	221	197	147	454	149	179	174	190	288	5,371	7,630
Total Transfers from Other Funds	4,328	4,037	4,195	2,538	2,013	4,593	2,365	2,452	4,068	4,415	483	8,773	44,260
TOTAL RECEIPTS	8,966	7,703	8,881	4,830	4,218	9,448	4,338	4,710	8,658	8,174	3,281	13,977	87,184
DISBURSEMENTS:													
School Aid	449	3,766	2,191	423	685	1,686	1,108	1,685	2,280	726	894	8,919	24,812
Higher Education	27	19	1,084	227	49	149	191	27	183	32	333	622	2,943
All Other Education	33	103	231	604	32	76	156	64	436	30	147	477	2,389
Medicaid - DOH	2,745	1,874	556	1,564	1,733	1,165	1,434	1,686	827	1,580	648	52	15,864
Public Health	12	147	37	60	59	42	40	53	36	26	48	(4)	556
Mental Hygiene	32	61	826	176	112	855	118	173	870	109	632	551	4,515
Children and Families	(4)	222	116	97	97	297	97	97	241	97	97	242	1,696
Temporary & Disability Assistance	48	112	137	114	112	152	128	127	152	128	127	161	1,498
Transportation	9	26	12	6	19	0	0	25	12	0	14	0	123
Unrestricted Aid	0	46	391	3	2	55	9	2	189	2	2	67	768
All Other	27	202	333	132	159	214	603	651	639	621	672	1,624	5,877
Total Local Assistance	3,378	6,578	5,914	3,406	3,059	4,691	3,884	4,590	5,865	3,351	3,614	12,711	61,041
Personal Service	708	859	738	873	712	898	771	774	842	802	770	1,088	9,835
Non-Personal Service	137	244	228	(74)	227	230	419	352	(84)	386	390	98	2,553
Total State Operations	845	1,103	966	799	939	1,128	1,190	1,126	758	1,188	1,160	1,186	12,388
General State Charges	810	2,277	512	484	416	538	506	418	755	467	577	675	8,435
Debt Service	163	0	0	41	(2)	(3)	66	0	(1)	160	(15)	(17)	392
Capital Projects	486	253	684	231	580	16	506	1,241	667	(1,291)	255	235	3,863
SUNY Operations	113	3	614	221	4	4	4	75	40	4	4	215	1,301
Other Purposes	114	43	157	40	93	71	92	115	84	46	43	673	1,571
Total Transfers to Other Funds	876	299	1,455	533	675	88	668	1,431	790	(1,081)	287	1,106	7,127
TOTAL DISBURSEMENTS	5,909	10,257	8,847	5,222	5,089	6,445	6,248	7,565	8,168	3,925	5,638	15,678	88,991
Excess/(Deficiency) of Receipts over Disbursements	3,057	(2,554)	34	(392)	(871)	3,003	(1,910)	(2,855)	490	4,249	(2,357)	(1,701)	(1,807)
CLOSING BALANCE	12,218	9,664	9,698	9,306	8,435	11,438	9,528	6,673	7,163	11,412	9,055	7,354	7,354

Source: NYS DOB.

APPENDIX B

SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL RESOLUTION

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APPENDIX B-I

SUMMARY OF CERTAIN PROVISIONS OF DORMITORY AUTHORITY OF THE STATE OF NEW YORK STATE PERSONAL INCOME TAX REVENUE BONDS (GENERAL PURPOSE) GENERAL RESOLUTION

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APPENDIX B-I

SUMMARY OF CERTAIN PROVISIONS OF DORMITORY AUTHORITY OF THE STATE OF NEW YORK STATE PERSONAL INCOME TAX REVENUE BONDS (GENERAL PURPOSE) GENERAL RESOLUTION

The following sections contain definitions of certain terms used in this general summary ("Summary") of certain provisions of the Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (General Purpose) General Bond Resolution (the "Resolution"). The definitions and Summary are not to be considered a full statement of all terms used in the Resolution and, accordingly, are qualified by reference to and are subject to the full text of the Resolution. A copy of the General Resolution may be obtained upon request from the Dormitory Authority of the State of New York.

Definitions

Acts shall mean the Issuer Act and the Enabling Act.

Administrative Fund shall mean the Fund designated as the Administrative Fund established in the Resolution.

Authorized Officer shall mean (i) in the case of the Issuer, the Chairman, the Vice Chairman, the Treasurer, an Assistant Treasurer, the Secretary, an Assistant Secretary, the Executive Director, the First Deputy Executive Director, the Chief Financial Officer, any Managing Director, the General Counsel, or any other person authorized by a Resolution or bylaws of the Issuer, from time to time, to perform any specific act or execute any specific document, and when used with reference to any act or document also means any other person authorized by resolution or by laws of the Issuer to perform such act or execute such document; and when used with reference to any act or document, any other person authorized by resolution of the Issuer to perform such act or sign such document, (ii) in the case of the State, the Director of the Budget and when used with reference to any act or document, any other person authorized by law or by the Director of the Budget to perform such act or sign such document, (iii) in the case of the Trustee, the President, any Vice President, any Assistant Vice President, any Senior Trust Officer, any Trust Officer or any Assistant Trust Officer, or any other officer of the Trustee customarily performing functions similar to those performed by any of the above designated officers and also, with respect to a particular matter, any other officer to whom such matter is referred because of such officer's knowledge and familiarity with the particular subject matter, and (iv) any other officer or employee so designated on its behalf by resolution of the Issuer or the Trustee, respectively.

Bond Proceeds Fund shall mean the Fund designated as the Bond Proceeds Fund established in the Resolution.

Cost of Issuance Account shall mean the account within the Bond Proceeds Fund so designated, created and established pursuant to the Resolution.

Debt Service Fund shall mean the Fund designated as the Debt Service Fund established in the Resolution.

Financing Agreement shall mean the State Personal Income Tax Revenue Bonds (General Purpose) Financing Agreement between the Issuer and the State, acting through the Director of the Budget.

Issuer shall mean the Dormitory Authority of the State of New York, a body corporate and politic constituting a public benefit corporation of the State created by the Issuer Act, and its successors and permitted assigns.

Issuer Act shall mean the Dormitory Authority Act (being Chapter 524 of the Laws of 1944 of the State, as the same may be amended from time to time, and constituting Title 4 of Article 8 of the Public Authorities Law), together with any other provision of State law relating to the authorization or financing of Costs of a Project.

Rebate Fund shall mean the Fund designated as the Rebate Fund established in the Resolution.

Resolution shall mean the Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (General Purpose) General Bond Resolution (including the Standard Resolution Provisions set forth in Annex A) as from time to time amended or supplemented by Supplemental Resolutions in accordance with the terms and provisions of the Resolution.

Revenue Fund shall mean the Fund designated as the Revenue Fund established in the Resolution.

Subordinated Payment Fund shall mean the Fund designated as the Subordinated Payment Fund established in the Resolution.

(Section 101)

Standard Resolution Provisions

Except as otherwise specifically provided in the Resolution or by Supplemental Resolution, the Standard Resolution Provisions appended to the Resolution as Annex A constitute an integral part of the Resolution and have the same force and effect as if set forth in the forepart of the Resolution.

(Section 102)

Authority for the Resolution

The Resolution is adopted pursuant to the provisions of the Enabling Act and to the extent the same is applicable, the Issuer Act.

(Section 103)

Resolution to Constitute Contract

In consideration of the purchase and acceptance of any and all of the Bonds authorized to be issued under the Resolution by those who shall hold the same from time to time, the Resolution shall be deemed to be and shall constitute a contract between the Issuer and the Holders from time to time of the Bonds; and the pledge made in the Resolution and the covenants and agreements therein set forth to be performed on behalf of the Issuer shall be for the equal benefit, protection and security of the Holders of any and all of the Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the Bonds, over any other thereof except as expressly provided in or permitted by the Resolution.

(Section 104)

Authorization of Bonds

The Resolution authorizes one or more Series of Bonds of the Issuer for an Authorized Purpose to be designated as "State Personal Income Tax Revenue Bonds (General Purpose)" and creates a continuing pledge and lien to secure the full and final payment of the principal and Redemption Price of, interest on, and Sinking Fund Installments for, all the Bonds. The Bonds shall be special obligations of the Issuer secured by the pledge effected pursuant to the Standard Resolution Provisions and are payable solely out of the Pledged Property, without recourse against any other assets, revenues or funds of or other payments due to the Issuer. The aggregate principal amount of the Bonds which may be executed, authenticated and delivered under the Resolution is not limited except as provided in the Resolution or as limited by law.

The Bonds shall not be a debt of the State, and the State shall not be liable thereon, nor shall they be payable out of any funds other than those pledged therefor pursuant to the Resolution.

The Bonds may, if and when authorized by the Issuer pursuant to one or more Supplemental Resolutions, be issued in one or more Series, and the designation thereof, in addition to the name "State Personal Income Tax Revenue Bonds (General Purpose)", shall include such further appropriate particular designations added to or incorporated in such title for the Bonds of any particular Series, as the Issuer may determine; provided that with respect to any Bond denominated as a note, capital lease or other form of obligation, the Issuer may denominate such obligation as other than a "Bond". Each Bond shall bear upon its face the designation so determined for the Series to which it belongs.

Nothing contained in the Resolution shall be deemed to preclude or restrict the consolidation pursuant to a Supplemental Resolution of any Bonds of any two or more separate Series authorized pursuant thereto and to any such Supplemental Resolution to be issued pursuant to any of the provisions of the Standard Resolution Provisions into a single Series of Bonds for purposes of sale and issuance; provided, however, that each of the tests, conditions and other requirements contained in the Standard Resolution Provisions as applicable to each such separate Series shall be met and complied with. Except as otherwise provided in the Resolution or in such Supplemental Resolution, such a consolidated Series shall be treated as a single Series of Bonds for all purposes of the Resolution.

(Section 201)

Redemption

Bonds of a Series subject to redemption prior to maturity pursuant to the Resolution or to a Supplemental Resolution or Certificate of Determination shall be redeemable in accordance with the Standard Resolution Provisions, at such times, at such Redemption Prices and upon such terms as may otherwise be specified in the Resolution, in the Bonds or in the Supplemental Resolution authorizing such Series or the related Certificate of Determination.

(Section 401)

The Pledge Effected by the Resolution

The Bonds are special obligations of the Issuer payable solely from the sources set forth in the Resolution.

(Section 501)

Establishment of Funds

The Resolution establishes the following Funds, which shall be held and administered by the Trustee, except for the Bond Proceeds Fund which at the discretion of the Issuer may be held and administered by the Issuer. Each of such Funds and accounts shall have as a prefix "Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (General Purpose)"

1. Revenue Fund,
2. Debt Service Fund,
3. Rebate Fund,
4. Bond Proceeds Fund,
5. Administrative Fund,
6. Subordinated Payment Fund.

Additional Funds, or accounts and subaccounts within each of the foregoing Funds may from time to time be established in accordance with a Supplemental Resolution, Certificate of Determination or upon the direction of the Issuer evidenced by a certificate of an Authorized Officer of the Issuer. Except as otherwise provided in a Supplemental Resolution, all moneys at any time deposited in any Fund and account created by the Resolution (other than the Rebate Fund), including in any fund or account established to effect an economic defeasance of any Bonds under the Resolution, shall be held in trust separate and apart from all other funds by the Issuer or Trustee, as appropriate, for the benefit of the Holders of each Series of Bonds.

(Section 502)

Revenue Fund

There shall be deposited promptly upon receipt by the Trustee to the credit of the Revenue Fund all Revenues.

Financing Agreement Payments together with any other Pledged Property deposited in the Revenue Fund, shall be applied to the Funds and accounts established under the Resolution consistent with the requirements set forth in the Financing Agreement; provided, however, that if the amount of any such payment, together with other Pledged Property deposited in the Revenue Fund, is less than the amount certified, the payment shall be applied in the amounts certified, first, to the Debt Service Fund, second, to the Rebate Fund, third, to the Subordinated Payment Fund and, fourth, to the Administrative Fund; provided, however, that so long as the total amount held in the Debt Service Fund shall be sufficient to fully pay all Outstanding Bonds and Parity Reimbursement Obligations (including Principal or applicable Redemption Price of and interest on such Bonds) in accordance with their terms, no deposits shall be required to be made into the Debt Service Fund.

(Section 503)

Debt Service Fund

In addition to the moneys allocated from the Revenue Fund pursuant to the Resolution, the Trustee shall deposit into the Debt Service Fund such portion of the proceeds of the sale of Bonds of any Series, if any, as shall be prescribed in the Supplemental Resolution or related Certificate of Determination.

The Trustee shall on or before each Interest Payment Date, Redemption Date or other payment date, as the case may be, withdraw and pay from the Debt Service Fund:

1. The interest due on all Outstanding Bonds on such Interest Payment Date;

2. The Principal Installments due on all Outstanding Bonds on such Interest Payment Date;

3. The Sinking Fund Installments, if any, due on all Outstanding Bonds on such Interest Payment Date;

4. The Redemption Price due on all Outstanding Bonds on any Redemption Date in accordance with the Resolution; and

5. Amounts due with respect to Parity Reimbursement Obligations.

Except as otherwise provided in a Supplemental Resolution, the amounts paid out to any Paying Agent pursuant to the Resolution remain irrevocably pledged until, and shall be, applied to such payments.

In the event of the refunding of any Bonds, the Trustee shall, upon the direction of the Issuer, withdraw from the Debt Service Fund all or any portion of the amounts accumulated therein with respect to Debt Service on the Bonds being refunded and deposit such amounts with itself as Trustee or any other fiduciary selected by the Issuer to be held for the payment of the principal or Redemption Price, if applicable, of and interest on the Bonds being refunded; provided that such withdrawal shall not be made unless (i) upon such refunding, the Bonds being refunded shall be deemed to have been paid within the meaning and with the effect provided in the Resolution, and (ii) the amount remaining in the Debt Service Fund shall be not less than the amount needed to pay the Debt Service on all Outstanding Bonds accrued through such date.

Investment income on amounts in the Debt Service Fund shall be retained in such Fund or, upon direction of an Authorized Officer of the Issuer, shall be transferred to the Rebate Fund or, with the concurrence of the Director of the Budget, to the Bond Proceeds Fund.

(Section 504)

Rebate Fund

The Trustee shall deposit to the Rebate Fund any moneys delivered to it by the State for deposit therein and, notwithstanding any other provisions of the Resolution, shall transfer to the Rebate Fund in accordance with the directions of an Authorized Officer of the Issuer, moneys on deposit in any other Funds held by the Trustee under the Resolution at such times and in such amounts as shall be set forth in such directions. Moneys on deposit in the Rebate Fund shall be applied by the Trustee, in accordance with the direction of the Issuer, to make payments to the Department of the Treasury of the United States of America at such times and in such amounts as the Issuer shall determine to be required by the Code to be rebated to the Department of the Treasury of the United States of America in accordance with the provisions of the Arbitrage and Use of Proceeds Certificate, if any, delivered in connection with each Series of Bonds. Moneys which the Issuer determines to be in excess of the amount required to be so rebated shall be deposited to the Revenue Fund.

If and to the extent required by the Code or an Arbitrage and Use of Proceeds Certificate, the Issuer shall periodically, at such times as may be required to comply with the Code, determine the Rebate Amount with respect to each Series of Bonds and transfer from any other Fund or account held under the Resolution and deposit to the Rebate Fund all or a portion of the Rebate Amount with respect to such

Series of Bonds and pay out of the Rebate Fund to the Department of the Treasury of the United States of America the amount, if any, required by the Code to be rebated thereto.

(Section 505)

Bond Proceeds Fund

Except as otherwise provided in a Supplemental Resolution or related Certificate of Determination, the Issuer, or the Trustee at the direction of the Issuer, shall deposit into the Bond Proceeds Fund the proceeds of sale of each Series of Bonds, unless otherwise required to be deposited into and held in the Debt Service Fund, to enable the Issuer to comply with the conditions precedent to the issuance of any Bonds.

Except as may be otherwise provided in the Supplemental Resolution or related Certificate of Determination, amounts in the Bond Proceeds Fund shall be applied by the Issuer from time to time for any of the purposes for which revenue bonds may be issued pursuant to paragraphs (a) and (b) of subdivision one of Section 68-b through the payment of Costs of a Project consistent with terms of any Requisition.

Whenever the Issuer shall determine and the Director of the Budget shall agree that the amount on deposit to the credit of the Bond Proceeds Fund is in excess of its requirements for the purposes for which amounts in such Fund may be used as permitted by law, such excess amount shall be withdrawn therefrom and deposited into the Revenue Fund. Notwithstanding the foregoing, amounts in the Bond Proceeds Fund may be applied to the payment of Principal Installments and interest on the applicable Series of Bonds and of Parity Reimbursement Obligations when due, and to the extent that other moneys are not available therefor, amounts in the Bond Proceeds Fund may be applied to the payment of Principal Installments and interest on the Bonds and of Parity Reimbursement Obligations when due.

Except as otherwise provided in the Resolution or a Supplemental Resolution, investment income on amounts in the Bond Proceeds Fund from proceeds of a Series of Bonds shall be transferred to the Revenue Fund, or, upon the direction of an Authorized Officer of the Issuer, shall be transferred to the Rebate Fund, or with the concurrence of the Director of the Budget, shall be retained in the Bond Proceeds Fund or transferred to the Debt Service Fund.

(Section 506)

Application of Moneys in the Debt Service Fund for Redemption of Bonds and Satisfaction of Sinking Fund Installments

Moneys delivered to the Trustee, which by the provisions of the Resolution are to be applied for redemption of Bonds, shall upon receipt by the Trustee be deposited to the credit of the Debt Service Fund for such purpose to the extent not otherwise provided pursuant to a Supplemental Resolution.

Moneys in the Debt Service Fund to be used for redemption of Bonds of a Series may be applied by the Issuer to the purchase of Outstanding Bonds of such Series at purchase prices not exceeding the Redemption Price applicable on the next Interest Payment Date on which such Bonds are redeemable, plus accrued interest to such date, at such times, at such purchase prices and in such manner as the Issuer shall direct.

In satisfaction, in whole or in part, of any Sinking Fund Installment, the Issuer may deliver to the Trustee at least 45 days prior to the date of such Sinking Fund Installment, for cancellation, Bonds acquired by purchase or redemption, except Bonds acquired by purchase or redemption pursuant to the preceding paragraph, of the maturity and interest rate entitled to such Sinking Fund Installment. All Bonds so delivered to the Trustee in satisfaction of a Sinking Fund Installment shall reduce the amount thereof by the amount of the aggregate principal amount of such Bonds. Concurrently with such delivery of such Bonds the Issuer shall deliver to the Trustee a certificate of an Authorized Officer of the Issuer specifying (i) the principal amount, Series, maturity, interest rate and numbers of the Bonds so delivered, (ii) the date and Series of the Sinking Fund Installment in satisfaction of which such Bonds are so delivered, (iii) the aggregate principal amount of the Bonds so delivered, and (iv) the unsatisfied balance of each such Sinking Fund Installment after giving effect to the delivery of such Bonds.

The Trustee shall, in the manner provided in the Standard Resolution Provisions, call for redemption, on the date of each Sinking Fund Installment falling due prior to maturity, such principal amount of Bonds of the Series and maturity entitled to such Sinking Fund Installment as is required to exhaust the unsatisfied balance of such Sinking Fund Installment.

Notwithstanding the provisions of the second paragraph of this section, if the amount in the Debt Service Fund at any time (other than moneys required to pay the Redemption Price of any Outstanding Bonds of a Series theretofore called for redemption or to pay the purchase price of such Outstanding Bonds theretofore contracted to be purchased, including in both cases accrued interest on such Bonds to the Redemption Date or purchase date) is sufficient to make provision pursuant to the Standard Resolution Provisions for the payment of such Outstanding Bonds at the maturity or Redemption Date thereof, the Issuer may request the Trustee to take such action consistent with the Standard Resolution Provisions as is required thereby to deem such Bonds to have been paid within the meaning of the Standard Resolution Provisions. The Trustee, upon receipt of such request and irrevocable instructions of the Issuer to purchase Government Obligations sufficient to make any deposit required thereby, shall comply with such request.

(Section 507)

Administrative Fund

Amounts in the Administrative Fund shall be paid out from time to time by the Trustee at the request of the Issuer for reasonable and necessary Issuer Expenses, free and clear of the lien and pledge created by the Resolution.

Amounts in the Administrative Fund being held for Issuer Expenses, the payment of which is not immediately required may in the discretion of the Issuer be invested in Investment Obligations. The Issuer may by written instruction to the Trustee sell any such investments at any time and the proceeds of such sale and of all payments at maturity or upon redemption of such investments shall be held in the Administrative Fund. Whenever the Administrative Fund exceeds the amount reasonable and necessary for Issuer Expenses, the Issuer shall direct the Trustee to pay the excess to the Revenue Fund.

Investment income on amounts in the Administrative Fund shall be deposited into the Revenue Fund.

(Section 508)

Subordinated Payment Fund

The Issuer may, at any time, or from time to time, issue Subordinated Indebtedness payable out of, and which may be secured by a pledge of and lien on, such amounts as may from time to time be available for transfer to the Subordinated Payment Fund pursuant to the Resolution; *provided*, *however*, that (a) such pledge shall be, and shall be expressed to be, subordinate in all respects to the pledge created by the Resolution as security for the Bonds and Parity Reimbursement Obligations and (b) to the extent provided by Supplemental Resolution, any amounts so transferred shall thereafter be free and clear of any lien, pledge or claim of the Resolution. The Issuer may establish such priorities of payment and security among Subordinated Indebtedness as it deems appropriate; *provided*, *however*, that the Supplemental Resolution or indenture or other agreement providing for the issuance of such Subordinated Indebtedness shall not permit the holders of such Subordinated Indebtedness to declare the same, nor to instruct such holders' trustee to declare the same, to be immediately due and payable any time that any Bonds and Parity Reimbursement Obligations remain Outstanding.

Subject to the other provisions of the Resolution, the Trustee shall deposit into the Subordinated Payment Fund all Revenues for (i) payments on any Subordinated Indebtedness, or (ii) Qualified Swap Payments or payments on other financial instruments entered into by the Issuer.

The Trustee shall pay out of the Subordinated Payment Fund all amounts required for the payments described in this section pursuant to any resolution adopted by, or otherwise at the written direction of, the Issuer.

Except as otherwise provided in the Resolution or a Supplemental Resolution, investment income on amounts in the Subordinated Payment Fund shall be transferred to the Revenue Fund, or, upon the direction of an Authorized Officer of the Issuer, shall be transferred to the Rebate Fund, or with the concurrence of the Director of the Budget, shall be retained in the Subordinated Payment Fund or transferred to the Debt Service Fund.

(Section 509)

Transfer of Investments

Whenever moneys in any Fund or account established under the Resolution or under any Supplemental Resolution are to be paid in accordance with the Resolution to another such Fund or account, such payment may be made, in whole or in part, by transferring to such other Fund or account investments held as part of the Fund or account from which such payment is to be made, whose value, together with the moneys, if any, to be transferred, is at least equal to the amount of the payment then to be made, *provided* that no such transfer of investments would result in a violation of any investment standard or guideline applicable to such Fund or account.

(Section 510)

Power to Issue Bonds and Effect Pledge

The Issuer is duly authorized under all applicable laws to create and issue the Bonds, adopt the Resolution and pledge the Pledged Property in the manner and to the extent provided in the Resolution. The Pledged Property is and will be free and clear of any pledge, lien, charge or encumbrance thereon or with respect thereto prior to, or of equal rank with, the pledge created by the Resolution, and all corporate action on the part of the Issuer to that end has been duly and validly taken. The Bonds and the provisions of the Resolution are and will be the legally valid and binding special obligations of the Issuer enforceable in accordance with their terms and the terms of the Resolution. The Issuer shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Property and all the rights of the Holders of Bonds and other obligations under the Resolution against all claims and demands of all Persons whomsoever.

(Section 601)

APPENDIX B-II

SUMMARY OF CERTAIN PROVISIONS OF THE STATE PERSONAL INCOME TAX REVENUE BONDS STANDARD RESOLUTION PROVISIONS

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APPENDIX B-II

SUMMARY OF CERTAIN PROVISIONS OF THE STATE PERSONAL INCOME TAX REVENUE BONDS STANDARD RESOLUTION PROVISIONS

The following sections contain definitions of certain terms used in this general summary ("Summary") of certain provisions of the Standard Resolution Provisions. The definitions and Summary are not to be considered a full statement of all terms used in the Standard Resolution Provisions or the Resolution to which the Standard Resolution Provisions is appended and, accordingly, are qualified by reference to and are subject to the full text of the Standard Resolution Provisions and the Resolution. Copies of the Standard Resolution Provisions and the Resolution may be obtained upon request from the Dormitory Authority of the State of New York.

Definitions

Capitalized terms used but not otherwise defined in this Summary shall have the meanings set forth in the Resolution to which the Standard Resolution Provisions are appended. The following terms shall, for all purposes therein and (except as the context may otherwise require) in the Resolution to which these Standard Resolution Provisions are appended, have the following meanings:

Accreted Value shall mean, with respect to any Capital Appreciation Bonds (i) as of any Valuation Date, the amount set forth for such date in the Supplemental Resolution authorizing such Capital Appreciation Bonds and (ii) as of any date other than a Valuation Date, the sum of (a) the Accreted Value on the preceding Valuation Date and (b) the product of (1) a fraction, the numerator of which is the number of days having elapsed from the preceding Valuation Date and the denominator of which is the number of days from such preceding Valuation Date to the next succeeding Valuation Date and (2) the difference between the Accreted Values for such Valuation Dates. For purposes of this definition, the number of days having elapsed from the preceding Valuation Date and the number of days from the preceding Valuation Date to the next succeeding Valuation Date shall be calculated on the basis of a 360-day year of 12 30-day months, unless otherwise provided pursuant to a Supplemental Resolution.

Additional Bonds shall mean Bonds authenticated and delivered on original issuance pursuant to the Standard Resolution Provisions.

Amortized Value when used with respect to Investment Obligations purchased at a premium above or a discount below par, shall mean the value of such Investment Obligations computed by using an industry standard constant yield method selected by an Authorized Officer of the Issuer.

Appreciated Value shall mean with respect to any Deferred Income Bonds (i) as of any Valuation Date, the amount set forth for such date in the Supplemental Resolution authorizing such Deferred Income Bonds, (ii) as of any date prior to the Interest Commencement Date other than a Valuation Date, the sum of (a) the Appreciated Value on the preceding Valuation Date and (b) the product of (1) a fraction, the numerator of which is the number of days having elapsed from the preceding Valuation Date and the denominator of which is the number of days from such preceding Valuation Date to the next succeeding Valuation Date and (2) the difference between the Appreciated Values for such Valuation Dates, and (iii) as of any date on and after the Interest Commencement Date, the Appreciated Value on the Interest Commencement Date. For purposes of this definition, the number of days having elapsed from the preceding Valuation Date and the number of days from the preceding Valuation Date to the next succeeding Valuation Date shall be calculated on the basis of a 360-day year of 12 30-day months, unless otherwise provided pursuant to a Supplemental Resolution.

Arbitrage and Use of Proceeds Certificate shall mean, with respect to any Series of Bonds, the interest on which is intended by the Issuer to be excluded from gross income for federal income tax purposes, a certificate or certificates executed by an Authorized Officer of the Issuer in connection with the initial issuance and delivery of the Bonds of such Series and containing representations, warranties and covenants of the Issuer relating to the federal tax status of such Series of Bonds, as such certificate or certificates may be amended and supplemented from time to time.

Authorized Issuer shall mean any public authority or public benefit corporation enumerated by subdivision 1 of Section 68-a.

Authorized Newspaper shall mean The Bond Buyer or any other newspaper customarily published at least once a day for at least five days (other than legal holidays) in each calendar week, printed in the English language and of general circulation in the Borough of Manhattan, City and State of New York, designated by the Issuer.

Authorized Purpose shall mean a purpose as provided by the Enabling Act for the Issuer.

Bank shall mean any (i) bank or trust company organized under the laws of any state of the United States of America, (ii) national banking association, (iii) savings bank or savings and loan association chartered or organized under the laws of any state of the United States of America, or (iv) federal branch or agency pursuant to the International Banking Act of 1978 or any successor provisions of law, or domestic branch or agency of a foreign bank which branch or agency is duly licensed or authorized to do business under the laws of any state or territory of the United States of America.

Bond or **Bonds** shall mean any of the bonds or notes of the Issuer authorized and issued pursuant to the Resolution and to a Supplemental Resolution; provided, however, that such terms shall not include any Bond Anticipation Notes, or bonds, notes or other obligations, including Qualified Swaps, payable from the Subordinated Payment Fund.

Bond Anticipation Notes shall mean notes issued pursuant to the Standard Resolution Provisions.

Bond Counsel shall mean an attorney or law firm, appointed by the Issuer, having a national reputation in the field of municipal law whose opinions are generally accepted by purchasers of municipal bonds.

Bondholder, **Holder** or **Holder of Bonds**, or any similar term, shall mean any person who shall be the registered owner of any Outstanding Bond or Bonds.

Business Day shall mean a day of the year which is not a Saturday, Sunday, or a day on which the Trustee or banking institutions chartered by the State or the United States of America are required or authorized by law to close in The City of New York, or any day on which the New York Stock Exchange is closed.

Calculated Debt Service shall mean for any period, as of any date of calculation and with respect to any Series of Bonds or any Parity Reimbursement Obligations, the sum of Debt Service for such period determined by the Issuer based on the following adjustments:

(1) Interest on Variable Interest Rate Bonds shall be based on the Estimated Average Interest Rate applicable thereto.

(2) With respect to Put Bonds and any Bonds of a Series the interest on which is payable periodically and at least twenty-five per centum (25%) of the original principal amount of which is stated to mature at one time and for which maturing principal amount amortization requirements have not been designated, (i) Principal Installments shall be deemed to amortize over a 30-year period from their date of issuance (or any shorter period provided by Supplemental Resolution) based on substantially level debt service as estimated by the Issuer, and (ii) interest shall be based on the actual interest rate or the Estimated Average Interest Rate, as applicable.

(3) If the Issuer has irrevocably deposited Investment Obligations or money with the Trustee (or otherwise in trust) for the payment of any portion of Debt Service, the expected future cash flow from such Investment Obligations and money shall be deducted from Debt Service.

(4) If the Issuer has, at any time, irrevocably called for redemption of one or more Series of Bonds, including pursuant to a covenant to apply any portion of the Pledged Property to redeem Bonds or Parity Reimbursement Obligations (which particular Bonds or Parity Reimbursement Obligations need not be specifically identified in advance, except as to interest rate and maturity), the Issuer shall take into account such redemption for purposes of determining Calculated Debt Service.

(5) With respect to Parity Reimbursement Obligations, an interest rate calculated at a higher interest rate on the related Bonds shall only be taken into account if, at the time of calculation, such higher rates are then payable thereon.

Capital Appreciation Bonds shall mean Bonds of a Series denominated as such and issued as to which interest is payable only at the maturity or prior redemption of such Bonds. Except as otherwise provided by Supplemental Resolution, for the purposes of (i) receiving payment of the Redemption Price if a Capital Appreciation Bond is redeemed prior to maturity, (ii) computing the principal amount of Bonds held by the registered owner of a Capital Appreciation Bond in giving to the Issuer or the Trustee any notice, consent, request, or demand pursuant to the Resolution for any purpose whatsoever or (iii) computing Debt Service, the principal amount of a Capital Appreciation Bond shall be deemed to be its Accreted Value (which in the case of clause (ii) may be the Accreted Value as of the immediately preceding Valuation Date).

Certificate of Determination shall mean a certificate of an Authorized Officer of the Issuer fixing terms, conditions and other details of Bonds, Parity Reimbursement Obligations, Credit Facilities, Subordinated Indebtedness, or other matters in accordance with the delegation of power to do so under the Resolution or a Supplemental Resolution.

Code shall mean the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code shall be deemed to include the Regulations, including temporary and proposed Regulations, relating to such section which are applicable to the Resolution, including the Bonds or the use of Bond proceeds.

Comptroller shall mean the Comptroller of the State and, to the extent permitted by law in connection with the exercise of any specific right or duty, any other official of the State authorized to act on behalf of the Comptroller in connection therewith.

Cost or Costs of a Project shall mean costs and expenses or the refinancing of costs and expenses incurred or to be incurred in connection with a Project, including, (i) costs and expenses of the acquisition of the title to or other interest in real property, including easements, rights-of-way and licenses, (ii) costs and expenses for labor and materials and payments to consultants, contractors, builders and materialmen, for the acquisition, design, construction, reconstruction, rehabilitation, preservation, development, improvement or modernization of the Project, (iii) the cost of surety bonds and insurance of all kinds, including premiums and other charges in connection with obtaining title insurance, that may be required or necessary prior to completion of the Project, which is not paid by a contractor or otherwise provided for, (iv) the costs and expenses for design, test borings, surveys, estimates, plans and specifications and preliminary investigations therefor, and for supervising the construction of the Project, (v) costs and expenses required for the acquisition and installation of equipment or machinery, (vi) all other costs necessarily and appropriately incurred in connection with the acquisition, construction, reconstruction, rehabilitation, repair, improvement and equipping of the Project, (vii) any sums required to reimburse the State or the Issuer for advances made by either party for any of the above items or for other costs incurred and for work done by the State or Issuer in connection with the Project, and (viii) grants or loans by or on behalf of the State for any of the foregoing.

Cost or Costs of Issuance shall mean the items of expense incurred in connection with the authorization, sale and issuance of a Series of Bonds or Bond Anticipation Notes, which items of expense shall include Issuer Expenses, State bond issuance charges, document printing and reproduction costs, filing and recording fees, costs of credit ratings, initial fees and charges of the Trustee or a Securities Depository, legal fees and charges, professional consultants' fees, underwriting fees, fees and charges for execution, transportation and safekeeping of Bonds, premiums, fees and charges for Credit Facilities, Qualified Swaps and other similar financial arrangements, costs and expenses of refunding of Bonds or Prior Obligations and other costs, charges and fees, including those of the Issuer, in connection with the foregoing.

Counsel's Opinion shall mean an opinion signed by an attorney or firm of attorneys of nationally recognized standing in the practice of law relating to municipal, state and public agency financing selected by the Issuer.

Credit Facility shall mean any letter of credit, standby bond purchase agreement, line of credit, policy of bond insurance, surety bond, guarantee or similar instrument, or any agreement relating to the reimbursement of any payment thereunder (or any combination of the foregoing), which is obtained by the Issuer and is issued by a financial institution, insurance provider or other Person and which provides security or liquidity in respect of any Outstanding Bonds or Parity Reimbursement Obligations.

Debt Service for any period shall mean, as of any date of calculation and with respect to any Series of Bonds or any Parity Reimbursement Obligation Outstanding, the sum of: (i) interest on the Bonds of such Series and the interest components of Parity Reimbursement Obligations accruing during such period and (ii) that portion of each Principal Installment for such Bonds and Parity Reimbursement Obligations that would accrue during such period if such Principal Installment were deemed to accrue daily in equal amounts from the preceding Principal Installment payment date on Outstanding Bonds and Parity Reimbursement Obligations; *provided, however, that,* unless otherwise set forth in a Supplemental Resolution, no Principal Installment shall be deemed to begin accruing until *the later* of one year prior to such Principal Installment's due date and the date of issuance or incurrence of the related Bond or Parity Reimbursement Obligation.

Defeased Municipal Obligations shall mean pre-refunded municipal obligations rated in the highest Rating Category by each Rating Agency and meeting the following requirements:

(a) The municipal obligations (i) are not subject to redemption prior to maturity or (ii) the trustee or the paying agent has been given irrevocable instructions concerning their call and redemption and the issuer of the municipal obligations has covenanted not to redeem such municipal obligations other than as set forth in such instructions; and

(b) The municipal obligations are fully secured by cash or Government Obligations which may be applied only to payment of the principal of and interest and premium, if any, on such municipal obligations.

Deferred Income Bond shall mean any Bond (A) as to which interest accruing thereon prior to the Interest Commencement Date of such Bond is (i) compounded on each Valuation Date for such Deferred Income Bond and (ii) payable only at the maturity or prior redemption of such Bonds and (B) as to which interest accruing after the Interest Commencement Date is payable on the first interest payment date succeeding the Interest Commencement Date and periodically thereafter on the dates specified in or determined by Supplemental Resolution. Except as otherwise provided by Supplemental Resolution, for the purposes of (i) receiving payment of the Redemption Price if a Deferred Income Bond is redeemed prior to maturity, (ii) computing the principal amount of Bonds held by the registered owner of a Deferred Income Bond in giving to the Issuer or the Trustee any notice, consent, request, or demand pursuant to the Resolution for any purpose whatsoever or (iii) computing Debt Service, the principal amount of a Deferred Income Bond shall be deemed to be its Appreciated Value (which in the case of clause (ii) may be the Appreciated Value as of the immediately preceding Valuation Date).

Director of the Budget shall mean the Director of the Division of the Budget of the State and, to the extent permitted by law in connection with the exercise of any specific right or duty, any official of the State authorized to act on behalf of the Director of the Budget in connection therewith.

Enabling Act shall mean Article 5-c of the State Finance Law, Chapter 56 of the Consolidated Laws of the State of New York, as may be hereafter amended from time to time.

Estimated Average Interest Rate shall mean, as to any Variable Interest Rate Bonds or Qualified Swap and as of any date of calculation, the average interest rate or rates anticipated to be borne by such Bonds or Qualified Swap, or by the combination of such arrangements, over the period or periods for which such rate or rates are anticipated to be in effect, all as estimated by an Authorized Officer of the Issuer in consultation with the Director of the Budget.

Event of Default shall mean any Event of Default set forth in the Standard Resolution Provisions.

Fiduciary shall mean the Trustee, any Paying Agent, or any or all of them, as may be appropriate.

Fiduciary Capital Funds when used with respect to any Fiduciary shall mean the total of (i) paid in capital, (ii) surplus, (iii) undivided profits and (iv) the par value of outstanding capital notes issued and subordinated to the claims of creditors of such Fiduciary other than the holders of such capital notes.

Financing Agreement shall mean the applicable financing agreement authorized by subdivision 1 of Section 68-c, as amended and supplemented in accordance with the terms thereof and the Resolution and referred to in the Resolution.

Financing Agreement Payment shall refer to any payment obligation of the State incurred pursuant to a Financing Agreement and denominated therein as a "Financing Agreement Payment," to pay to the Issuer or the Trustee from amounts available therefor in the Revenue Bond Tax Fund.

Fund shall mean any one of the funds created and established pursuant to the Resolution.

Government Obligations shall mean (a) direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America and entitled to the full faith and credit thereof; (b) certificates, depositary receipts or other instruments which evidence a direct ownership interest in obligations described in clause (a) above or in any specific interest or principal payments due in respect thereof; provided, however, that the custodian of such obligations or specific interest or principal payments shall be a bank or trust company organized under the laws of the United States of America or of any state or territory thereof or of the District of Columbia, with a combined capital stock, surplus and undivided profits of at least $50,000,000 or the custodian is appointed by or on behalf of the United States of America; and provided, further, that except as may be otherwise required by law, such custodian shall be obligated to pay to the holders of such certificates, depositary receipts or other instruments the full amount received by such custodian in respect of such obligations or specific payments and shall not be permitted to make any deduction therefrom; (c) an obligation of any federal agency approved by the Issuer; (d) a share or interest in a mutual fund, partnership or other fund wholly comprised of obligations described in clauses (a), (b) and (c) above; (e) Defeased Municipal Obligations; or (f) any other Investment Obligation designated in a Supplemental Resolution as a Government Obligation for purposes of defeasing Bonds, which is not redeemable at the option of the issuer thereof and which shall be rated at the time of the investment in the highest long-term Rating Category by each Rating Agency.

Interest Commencement Date shall mean, with respect to any particular Deferred Income Bond, the date determined by Supplemental Resolution after which interest accruing on such Bond shall be payable on the first interest payment date succeeding such Interest Commencement Date and periodically thereafter on the dates determined pursuant to such Supplemental Resolution.

Interest Payment Date shall mean, with respect to a Series of Bonds, each date on which interest, if any, is payable pursuant to the Supplemental Resolution authorizing such Bonds.

Investment Obligations shall mean any of the following that are lawful investments at the time of the investment:

(a) Government Obligations,

(b) certificates of deposit issued by, and time deposits in, and bankers' acceptances of, any bank (including any Paying Agent or Trustee), any branch of any bank, national banking association or federally chartered savings and loan association; provided that, with respect to any of the foregoing institutions, whose long-term unsecured indebtedness is rated less than "A" by each Rating Agency, such certificates of deposit or time deposits or bankers' acceptances are (i) insured by the Federal Deposit Insurance Corporation for the full face amount thereof or (ii) to the extent not so insured, collateralized by direct obligations of the United States of America having a market value of not less than the face amount of such certificates and deposits,

(c) evidences of ownership of a proportionate interest in specified direct obligations of the United States of America, which obligations are held by a bank or trust company organized and existing under the laws of the United States of America or any state thereof in the capacity of custodian, or when "stripped" by the Department of the Treasury of the United States of America, then by the custodian designated by the Department of the Treasury of the United States of America,

(d) obligations of state or local government municipal bond issuers which are rated in one of the two highest Rating Categories by each Rating Agency,

(e) obligations of state or local government municipal bond issuers, the principal of and interest on which, when due and payable, have been insured by an insurance policy or guaranteed by a letter of credit and which are rated in one of the two highest Rating Categories by each Rating Agency,

(f) interests in a money market mutual fund registered under the Investment Company Act of 1940, 15 U.S.C. §§80-1, et seq., as from time to time amended, the portfolio of which is limited to obligations described in clause (a), (d), or (e) above and repurchase agreements fully collateralized thereby provided that such fund has total assets of at least $100,000,000 and is rated in the highest Rating Category by each Rating Agency,

(g) evidences of ownership of a proportionate interest in specified Defeased Municipal Obligations which Defeased Municipal Obligations are held by a bank or trust company organized and existing under the laws of the United States of America or any state thereof in the capacity of custodian,

(h) any repurchase agreement for Government Obligations by the Issuer or any Trustee that is with a bank, trust company (including any Trustee) or securities dealer which is a member of the Securities Investors Protection Corporation, each of which is a primary reporting dealer in government securities as determined by the Federal Reserve Bank, or if "primary reporting dealers" cease to be determined by the Federal Reserve Bank, such other comparable standard as the Issuer shall implement pursuant to a Supplemental Resolution; provided, however, that the Government Obligations must be transferred to the Issuer or any Trustee or a third party agent by physical delivery or by an entry made on the records of the issuer or registrar of such obligations or clearing agent or depository, and the collateral security must continually have a market value at least equal to the amount so invested and the collateral must be free of third party claims. Any investment in a repurchase agreement shall be considered to mature on the date the bank, trust company or recognized securities dealer providing the repurchase agreement is obligated to repurchase the Government Obligations,

(i) commercial paper rated in the highest Rating Category by each Rating Agency,

(j) investment agreements, secured or unsecured, with any institutions whose debt securities are rated in one of the two highest Rating Categories (or rated in the highest Rating Category for short-term obligations if the investment is for a period not exceeding one year) by each Rating Agency,

(k) forward purchase agreements effecting the periodic delivery of securities listed in (a), (c), (d), (e), (g) and (i) above, and

(l) shares or an interest in a mutual fund, partnership or other fund registered under the Securities Act of 1933, as amended, and operated in accordance with Rule 2a-7 of the Investment Company Act of 1940, as from time to time amended, whose objective is to maintain a constant share value of $1.00 per share and that is rated in the highest Rating Category for short-term obligations by at least one Rating Agency; and

(m) any other obligations from time to time permitted pursuant to the Issuer Act or other applicable law; provided, however, that if the funds invested in any such obligation are pledged for the payment of Bonds under the Resolution and the Bonds are then rated by a Rating Agency, such obligation shall be rated in one of the two highest Rating Categories of each such Rating Agency.

Any investment in any of the foregoing obligations may be made in the form of an entry made on the records of the issuer of the particular obligations or of a recognized Securities Depository.

Issuer Board shall mean the board or members of the Issuer duly appointed and acting pursuant to the Issuer Act, or their designees duly appointed and acting.

Issuer Expenses shall mean all proper items of cost or expenditure incurred or anticipated to be incurred by the Issuer in connection with the financing of any Project pursuant thereto, or direct and indirect administrative costs, fees and expenses and allocable portions of direct and indirect costs of the Issuer incurred in connection with financing such Project, including Costs of Issuance, initial fees and periodic fees to be paid in connection with Credit Facilities, legal fees, fees and expenses of trustees, remarketing agents, market agents, tender agents, auction agents, Depositories and Paying Agents, and financing charges and fees and expenses of financial advisors and consultants, costs of audits, and such other expenses not specified therein as may be necessary or incident to the financing of such Project, including through the issuance of Bonds or Bond Anticipation Notes and all other expenses of the Issuer relating to the financing of Projects set forth in the Enabling Act; provided, however, that Issuer Expenses shall not include any termination or other payments to be made in connection with Qualified Swaps or other similar arrangements or, except to the extent expressly provided above, Credit Facilities.

Outstanding, when used with reference to Bonds, shall mean, as of any date, all Bonds theretofore or thereupon being authenticated or otherwise validly executed and delivered under the Resolution except:

1. Any Bond canceled or delivered for cancellation at or prior to such date;

2. Any Bond (or portion of a Bond) deemed to have been paid in accordance with the Standard Resolution Provisions unless a Supplemental Resolution provides that Bonds of a Series having the benefit of a Credit Facility shall not thereby be deemed paid if payment is provided by the Credit Facility;

3. Any Bond in lieu of or in substitution for which other Bonds shall have been authenticated and delivered pursuant to the Standard Resolution Provisions; and

4. Put Bonds tendered or deemed tendered in accordance with the provisions of the Supplemental Resolution authorizing such Bonds on the applicable tender date, if the purchase price thereof and interest thereon shall have been paid or amounts are available and set aside for such payment as provided in such Supplemental Resolution, except to the extent such tendered Put Bonds thereafter may be resold pursuant to the terms thereof and of such Supplemental Resolution.

The principal component of any Parity Reimbursement Obligation shall be deemed to be Outstanding in a principal amount equal to the principal amount of the obligation then owed by the Issuer thereunder in lieu of the related Bond, regardless of the authorized amount of the principal component of such Parity Reimbursement Obligation or the related Bond and provided that, unless otherwise required pursuant to the related Supplemental Resolution, the principal component of such Parity Reimbursement Obligation shall not by itself increase the Outstanding principal amount of Bonds.

Parity Reimbursement Obligation has the meaning provided in the Standard Resolution Provisions.

Paying Agent or **Paying Agents** shall mean any paying agent for the Bonds of any Series appointed pursuant to the Standard Resolution Provisions, and its successor or successors and any other corporation which may at any time be substituted in its place pursuant to the Resolution, and in the event that for any reason there shall be a vacancy in the office of Paying Agent, the Trustee, if a different entity, or the Issuer shall act as such Paying Agent.

Person shall mean any individual, corporation, firm, partnership, joint venture, association, joint-stock company, trust, unincorporated association, limited liability company or other legal entity or group of entities, including any public benefit corporation, public instrumentality, quasi-governmental or governmental entity or any agency or subdivision thereof.

Pledged Property shall mean all of the Issuer's right, title and interest in and to (i) the Financing Agreements (other than (A) the Issuer's right to receive the payment of Issuer Expenses, (B) the right of the Issuer to enforce the obligation of the State to make Financing Agreement Payments, (C) the right of the Issuer to agree to the amendment of a Financing Agreement in accordance with the Standard Resolution Provisions, and (D) the right of the Issuer to enforce the provisions of any Financing Agreement independently of the Trustee, without limiting the right of the Trustee to enforce the payment of amounts (other than Financing Agreement Payments) under the Financing Agreements for the benefit of Bondholders or Fiduciaries), and (ii) the Revenues and Funds (other than the Rebate Fund and other Funds, and any accounts and subaccounts therein, established pursuant to a Supplemental Resolution in connection with Variable Interest Rate Bonds, Put Bonds, Parity Reimbursement Obligations, Reimbursement Obligations or Subordinated Indebtedness; *provided, however, that* such Funds, accounts and subaccounts are specifically excepted from Pledged Property by the Supplemental Resolution authorizing such Variable Interest Rate Bonds, Put Bonds, Parity Reimbursement Obligations, Reimbursement Obligations or Subordinated Indebtedness), including Investment Obligations held in such Funds under the Resolution, together with all proceeds and revenues of the foregoing and all other moneys, securities or funds pledged for the payment of the principal or Redemption Price of and interest on the Bonds in accordance with the terms and provisions of the Resolution; provided, however, that in no event shall any Project or any interest therein be deemed to be "Pledged Property".

Principal Installment shall mean, as of any date of calculation and with respect to any Series of Bonds or any Parity Reimbursement Obligation, as applicable, (a) the principal amount of Outstanding Bonds of such Series, due on the dates and in the amounts specified by Supplemental Resolution, reduced by the principal amount of such Bonds which would be retired by reason of the payment when due and application in accordance with the Resolution of Sinking Fund Installments payable before such dates, plus the unsatisfied balance of any Sinking Fund Installments due on any certain future date for Bonds of such Series, together with such redemption premiums, if any, applicable on any such future date, and (b) with respect to any Parity Reimbursement Obligation, the amount due thereunder on the dates and in the amounts established in accordance with the Standard Resolution Provisions as a principal component of such Parity Reimbursement Obligation payable on a parity with the Bonds.

Prior Obligations shall mean bonds, notes or other obligations previously issued or incurred by an Authorized Issuer not under the Resolution to finance Costs of a Project.

Project shall mean the land, buildings, improvements, betterments, equipment, furnishings, and other property, real or personal, and all appurtenances thereto and interests therein, comprising each of the projects to be acquired, constructed, reconstructed, renovated, or developed to effectuate an Authorized Purpose.

Put Bonds shall mean Bonds which by their terms may be tendered at the option of the Holder thereof, or are subject to a mandatory tender other than at the election of the Issuer for payment or purchase prior to the stated maturity or redemption date thereof.

Qualified Swap shall mean, to the extent from time to time permitted by law, with respect to Bonds, any financial arrangement (i) which is entered into by the Issuer with an entity that is a Qualified Swap Provider at the time the arrangement is entered into, (ii) which is a cap, floor or collar; forward rate; future rate; swap (such swap may be based on an amount equal either to the principal amount of such Bonds of the Issuer as may be designated or a notional principal amount relating to all or a portion of the principal amount of such Bonds); asset, index, price or market-linked transaction or agreement; other exchange or rate protection transaction agreement; other similar transaction (however designated); or any combination thereof; or any option with respect thereto, in each case executed by the Issuer for the purpose of moderating interest rate fluctuations, reducing debt service costs or creating either fixed interest rate Bonds or variable interest rate Bonds on a synthetic basis or otherwise, or other similar financial transaction, and (iii) which has been designated in writing to the Trustee by an Authorized Officer of the Issuer as a Qualified Swap with respect to such Bonds.

Qualified Swap Payment shall mean any payment required to be made by the Issuer under a Qualified Swap, such payment to be made only from the Subordinated Indebtedness Fund.

Qualified Swap Provider shall mean an entity whose senior long term obligations, other senior unsecured long term obligations, financial program rating, counterparty rating, or claims paying ability, or whose payment obligations under an interest rate exchange agreement are guaranteed by an entity whose senior long term debt obligations, other senior unsecured long term obligations, financial program rating, counterparty rating, or claims paying ability, are rated at least as high as the third highest Rating Category of each Rating Agency then maintaining a rating for the Qualified Swap Provider.

Rating Agency shall mean each nationally recognized statistical rating organization then maintaining a rating on the Bonds at the request of the Issuer.

Rating Category shall mean one of the generic rating categories of any Rating Agency without regard to any refinement or gradation of such rating by a numerical modifier or otherwise.

Rating Confirmation shall mean evidence that no rating then in effect from a Rating Agency will be withdrawn or reduced solely as the result of an action to be taken under the Resolution; provided, however, that no action requiring Rating Confirmation shall be undertaken unless at least one Rating Agency at that time maintains a rating on Bonds.

Rebate Amount shall mean, with respect to each Series of Bonds, the amount equal to the rebatable arbitrage and any income attributable to the rebatable arbitrage as required by the Code.

Record Date shall mean with respect to any Interest Payment Date, unless the applicable Supplemental Resolution authorizing a particular Series of Bonds provides otherwise with respect to Bonds of such Series, the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date; provided, however, with respect to any Interest Payment Date for the Series 2019 Bonds, the Record Date shall be the last day of the calendar month preceding such Interest Payment Date.

Redemption Date shall mean the date upon which Bonds are to be called for redemption pursuant to the Resolution.

Redemption Price shall mean, with respect to any Bonds, the principal amount thereof plus the applicable premium, if any, payable upon the redemption thereof.

Refunding Bonds shall mean all Bonds, whether issued in one or more Series of Bonds, authenticated and delivered pursuant to the Standard Resolution Provisions, on original issuance pursuant to the Standard Resolution Provisions, and any Bonds thereafter authenticated and delivered in lieu of or in substitution for such Bonds pursuant to the Standard Resolution Provisions.

Regulations shall mean the Income Tax Regulations promulgated by the Department of the Treasury of the United States of America from time to time.

Reimbursement Obligation has the meaning provided in the Standard Resolution Provisions.

Requisition shall mean any instructions as deemed necessary and delivered by the Director of the Budget to the Issuer, providing for the payment of Bond proceeds to the State or any other entity.

Revenues shall mean (i) all amounts appropriated and paid to the Issuer or the Trustee from the Revenue Bond Tax Fund pursuant to Section 92-z and the Financing Agreement, constituting Financing Agreement Payments, (ii) any other amounts appropriated and paid by the State to the Issuer or received from any other source by the Issuer and pledged by the Issuer as security for the payment of Bonds, and (iii) interest received or to be received on any moneys or securities held pursuant to the Resolution.

Revenue Bond Tax Fund shall mean the fund established by Section 92-z.

Section 92-z shall mean section 92-z of the State Finance Law, as it may be hereafter amended or supplemented from time to time.

Section 68-a shall mean section 68-a of the State Finance Law, as it may be hereafter amended or supplemented from time to time.

Section 68-b shall mean section 68-b of the State Finance Law, as it may be hereafter amended or supplemented from time to time.

Section 68-c shall mean section 68-c of the State Finance Law, as it may be hereafter amended or supplemented from time to time.

Securities Depository shall mean a recognized securities depository selected by the Issuer to maintain a book-entry system in respect to all or any portion of a Series of Bonds (including, as appropriate, any nominee thereof), and shall include any substitute for or successor to the Securities Depository initially acting as Securities Depository.

Series shall mean all of the Bonds authenticated and delivered on original issuance and denominated as part of the same series, and thereafter delivered in lieu of or in substitution of such Bonds pursuant to the Standard Resolution Provisions regardless of variations in maturity, interest rate, Sinking Fund Installments or other provisions.

Sinking Fund Installment shall mean, with respect to any Series of Bonds, as of any date of calculation and with respect to any Bonds of such Series, the amount of money required by the applicable Supplemental Resolution pursuant to which such Bonds were issued, to be paid in all events by the Issuer on a single future date for the retirement of any Outstanding Bonds of said Series which mature after said future date, but does not include any amount payable by the Issuer by reason only of the maturity of such Bond.

State shall mean the State of New York.

State Fiscal Year shall mean the fiscal year of the State as set forth in the State Finance Law.

State Legislature shall mean the Legislature of the State of New York.

State Revenue Bonds shall mean any notes, bonds or other obligations to be issued or incurred by the State or by a public corporation of the State on behalf of the State in accordance with a hereinafter enacted amendment to the State Constitution, payments with respect to which (i) are payable from specified, dedicated revenues and (ii) do not require an appropriation by the State Legislature in order to be made.

Subordinated Indebtedness shall mean any bond, note or other indebtedness authorized by Supplemental Resolution or other resolution of the Issuer and designated as constituting "Subordinated Indebtedness" in a certificate of an Authorized Officer of the Issuer delivered to the Trustee, which shall be payable and secured in a manner permitted by the Resolution, and any lien on and pledge of any portion of the Pledged Property securing Subordinated Indebtedness shall be junior and inferior to the lien on and pledge of the Pledged Property created in the Resolution for the payment of the Bonds and Parity Reimbursement Obligations.

Supplemental Resolution shall mean any resolution supplemental to or amendatory of the Resolution adopted by the Issuer in accordance with the Resolution and, except as the context may otherwise require, including any related Certificate of Determination.

Tax Law shall mean the tax law constituting Chapter 60 of the consolidated laws of the State.

Taxable Bonds shall mean any Bonds which are not Tax-Exempt Bonds.

Tax-Exempt Bonds shall mean any Bonds the interest on which is intended by the Issuer to be generally excluded from gross income for federal income tax purposes and which are designated as Tax-Exempt Bonds in the Supplemental Resolution authorizing such obligations.

Trustee shall mean a trustee appointed by the Issuer or as otherwise provided in the Resolution, its successor and assigns, and any other corporation or association which may at any time be substituted in its place as provided in the Resolution.

Valuation Date shall mean (i) with respect to any Capital Appreciation Bonds, the date or dates set forth in the Supplemental Resolution authorizing such Bond on which specific Accreted Values are assigned to such Capital Appreciation Bonds, and (ii) with respect to any Deferred Income Bonds, the date or dates on or prior to the Interest Commencement Date set forth in the Supplemental Resolution authorizing such Bonds on which specific Appreciated Values are assigned to the Deferred Income Bonds.

Variable Interest Rate Bonds shall mean Bonds which bear a variable interest rate but does not include any Bond which, during the remainder of the term thereof to maturity, bears interest at a fixed rate. The method of computing such variable interest rate shall be specified in the Supplemental Resolution authorizing such Series of Bonds.

(Section A-101)

The Resolution to Constitute Contract

In consideration of the purchase and acceptance of any and all of the Bonds and Parity Reimbursement Obligations authorized to be issued or incurred under the Resolution by those who shall hold the same from time to time, the Resolution shall be deemed to be and shall constitute a contract between the Issuer and the Holders from time to time of the Bonds and Parity Reimbursement Obligations; and the pledge made in the Resolution and the covenants and agreements therein set forth to be performed on behalf of the Issuer shall be for the equal benefit, protection and security of the Holders of any and all of the Bonds and Parity Reimbursement Obligations, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the Bonds or Parity Reimbursement Obligations over any other thereof except as expressly provided in or permitted by the Resolution.

(Section A-104)

General Provisions for Issuance of Bonds

The issuance of Bonds of a Series or subseries shall be authorized by the Resolution and a Supplemental Resolution or Resolutions adopted at the time of or subsequent to the adoption of the Resolution and which shall be subject to the express limitations of the Resolution. The Bonds of a Series or subseries authorized to be issued shall be executed in accordance with the Standard Resolution Provisions and delivered to the Trustee. Such Series of Bonds or subseries shall be authenticated or otherwise delivered by the Trustee from time to time in such amounts as directed by the Issuer and by it delivered to or upon the order of the Issuer upon receipt of the consideration therefor and upon delivery to the Trustee of:

(A) a copy of the Resolution and the Supplemental Resolution authorizing such Series which, among other things, shall specify the following items (or the manner of determining such items prior to the delivery of the Bonds):

1. The authorized principal amount, designation and Series of such Bonds;

2. The purposes for which such Series of Bonds are being issued, which shall be one or more of the following (a) one or more of the Authorized Purposes permitted by the Enabling Act, or (b) the refunding of Bonds as provided in the Standard Resolution Provisions;

3. The date or dates, and the maturity date or dates and principal amounts of each maturity of the Bonds of such Series;

4. The amount, or the method for determining such amount, and due date of each Sinking Fund Installment, if any, for Bonds of such Series;

5. The Record Date or Record Dates of Bonds of such Series for which the Record Date or Record Dates is other than the fifteenth (15th) day of the calendar month next preceding an Interest Payment Date for such Bonds;

6. If the Bonds of such Series are interest bearing Bonds, the interest rates of the Bonds of such Series and the Interest Payment Dates therefor;

7. If Bonds of such Series are Capital Appreciation Bonds, the Valuation Dates for such Bonds and the Accreted Value on each such Valuation Date;

8. If Bonds of such Series are Deferred Income Bonds, the Interest Commencement Date for such Obligations, the Valuation Dates prior to the Interest Commencement Date for such Bonds and the Appreciated Value on each such Valuation Date;

9. If Bonds of such Series are Capital Appreciation Bonds or Deferred Income Bonds, the manner in which and the period during which principal and interest shall be deemed to accrue on such Bonds;

10. If Bonds of such Series are Variable Interest Rate Bonds, the maximum interest rate, if any, or the method of calculating such maximum rate for such Bonds, and the provisions, if any, as to the calculation or change of variable interest rates;

11. If Bonds of such Series are Put Bonds, provisions regarding tender for purchase or redemption thereof and payment of the purchase or Redemption Price thereof;

12. The denomination or denominations of, and the manner of dating, numbering and lettering, the Bonds of such Series;

13. The Paying Agent or Paying Agents, if any, and the place or places of payment of the principal, Sinking Fund Installments, if any, or Redemption Price, if any, of and interest on the Bonds of such Series;

14. The redemption provisions, if any, applicable to the Bonds of such Series;

15. Provisions for time, place and manner of sale or exchange of the Bonds of such Series;

16. Any material change to the form of the Bonds of such Series and the form of the Trustee's certificate of authentication thereon from the forms set forth in Exhibit One to the Resolution. Except as otherwise provided pursuant to a Supplemental Resolution, all of the Bonds of each Series shall be in fully registered form without coupons;

17. Directions for the application of the proceeds of the Bonds of such Series;

18. To the extent applicable, direction to deliver such Series of Bonds in book-entry form to the extent materially different from the provisions of the Standard Resolution Provisions;

19. To the extent applicable, the provisions relating to (a) any Credit Facility, Qualified Swap or other similar financial arrangement entered into in connection with the issuance of the Bonds of such Series and (b) the obligations payable thereunder; and

20. Any other provision deemed advisable by an Authorized Officer of the Issuer, not in conflict with the provisions of the Resolution or of the applicable Supplemental Resolution.

An Authorized Officer of the Issuer to whom a Supplemental Resolution has delegated the power to determine any of the foregoing shall execute a Certificate of Determination evidencing such determinations or other actions taken pursuant to such delegation, and such Certificate of Determination shall be conclusive evidence of the determinations or actions of such Authorized Officer as to the matters stated therein. The matters set forth in any such Certificate of Determination shall have the same effect as if set forth in the related Supplemental Resolution;

(B) Counsel's Opinion in customary form to the effect that (i) the Issuer has the right and power under the Acts to adopt the Resolution, and the Resolution has been duly and lawfully adopted by the Issuer, is in full force and effect and is valid and binding upon the Issuer and enforceable in accordance with its terms, and no other authorization for the Resolution is required, (ii) the Resolution creates the valid pledge to the payment of the Bonds of the Pledged Property which it purports to create pursuant to the Standard Resolution Provisions, subject to the provisions of the Resolution permitting the withdrawal, payment, setting apart or appropriation thereof for the purposes and on the terms and conditions set forth in the Resolution, and (iii) upon the execution and delivery thereof and upon authentication by the Trustee, the Bonds of such Series will be valid and binding, special obligations of the Issuer payable as provided in, and enforceable in accordance with their terms and the terms of, the Resolution and entitled to the benefits of the Acts and the Resolution, and such Bonds have been duly and validly authorized and issued in accordance with law, including the Acts, as amended to the date of such Counsel's Opinion, and in accordance with the Resolution;

(C) A certificate of an Authorized Officer of the Issuer stating that upon the delivery of the Bonds of such Series, the Issuer will not be in default in the performance of any of the terms, provisions or covenants of the Resolution or of any of the Bonds; provided, however, that solely with respect to Refunding Bonds being delivered on original issuance pursuant to the Standard Resolution Provisions, such certificate shall not be a condition to the authentication and delivery of such Refunding Bonds if and to the extent that a certificate of an Authorized Officer of the Issuer is delivered stating that upon the delivery of such Refunding Bonds the Issuer will no longer be in default in the performance of the terms, provisions or covenants of the Resolution or of any of the Bonds as specified in such certificate;

(D) A certificate of an Authorized Officer of the State stating that (i) to the best of such Authorized Officer's knowledge, no event of default under any Financing Agreements has occurred and is continuing nor will an event of default under any Financing Agreements occur as a result of the issuance of such Bonds, and (ii) the approval of the Director of the Budget for such financing;

(E) A copy of the Certificate of Determination, if any, executed in connection with such Series of Bonds;

(F) To the extent authorized by the Issuer pursuant to a Supplemental Resolution, one or more Credit Facilities with respect to any Series of Bonds and any agreements deemed necessary in connection therewith;

(G) A written order of an Authorized Officer of the Issuer as to the delivery of such Series of Bonds, describing such Bonds to be delivered, designating the purchaser or purchasers to whom such Bonds are to be delivered and stating the consideration for such Bonds;

(H) A certificate of an Authorized Officer of the Issuer setting forth the amount of money, if any, to be deposited into the Debt Service Fund, equal to (a) the amount of capitalized interest funded with the proceeds of the Bonds of such Series, if any, and (b) the sum of the interest on the Bonds of such Series from the date of the Bonds of such Series to the date of delivery thereof;

(I) Any amounts (in the form of cash or Investment Obligations) required to be deposited with the Trustee at the time of issuance and delivery of the Bonds of such Series;

(J) Copies of the Financing Agreement applicable to such Series of Bonds; and

(K) Such further documents and moneys as are required by the provisions of the Standard Resolution Provisions or any Supplemental Resolution adopted pursuant to the Standard Resolution Provisions.

The Issuer may authorize by Supplemental Resolution the issuance of Capital Appreciation Bonds, Deferred Income Bonds, Variable Interest Rate Bonds, Put Bonds or any other form of Bond not in conflict with the provisions of the Resolution or of the applicable Supplemental Resolution.

The Issuer may authorize by Supplemental Resolution such other provisions relating to a Series of Bonds as are permitted by the Resolution.

The Bonds shall not be a debt of the State and the State shall not be liable thereon, nor shall they be payable out of any funds other than those of the Issuer pledged therefor pursuant to the Resolution.

(Section A-201)

Special Provisions for Additional Bonds

After the issuance of the initial Series of Bonds, one or more Series of Additional Bonds may be authorized and delivered upon original issuance for any Authorized Purpose, including payment of Costs of a Project and the refunding of Prior Obligations or Bonds or Parity Reimbursement Obligations or other indebtedness, upon receipt by the Trustee, in addition to any applicable requirements of the Standard Resolution Provisions, of the following:

1. A certificate by the Director of the Budget setting forth the most recent collections for any 12 consecutive calendar months ended not more than six months prior to the date of such certificate, of the taxes, fees, fines, penalties, or other monies which, as of the date of issuance of any such Series of Bonds, are levied, collected or imposed by or on behalf of the State and are required to be deposited into the Revenue Bond Tax Fund; provided, however, that if any taxes, fees, fines, penalties or other monies that are required to be deposited into such account were not so required to be deposited for all of such 12 calendar months, such certificate may nevertheless include the full amount of all such taxes, fees, fines, penalties, or other monies actually collected for such 12 calendar months;

2. (I) A certificate by an Authorized Officer of the Issuer setting forth the Calculated Debt Service on all Outstanding Bonds, including such Series of Additional Bonds to be issued and any additional amounts payable with respect to Parity Reimbursement Obligations for each State Fiscal Year for which such Bonds or Parity Reimbursement Obligations are Outstanding and (II) a certificate of the Director of the Budget, including the amount of Calculated Debt Service set forth in the certificate required by clause (2)(I) of this paragraph (based upon information furnished by each applicable Authorized Issuer pursuant to the related financing agreement), setting forth the calculated debt service (calculated in the same manner as Calculated Debt Service for Bonds and Parity Reimbursement Obligations) shall be made with respect to all Authorized Issuers that have issued bonds or parity reimbursement obligations pursuant to the Enabling Act, which bonds or parity reimbursement obligations are secured by payments to be made from the Revenue Bond Tax Fund for each State Fiscal Year for which such bonds or parity reimbursement obligations are outstanding; and

3. A certificate by the Director of the Budget stating that the amounts set forth pursuant to paragraph 1 above will be at least 2.0 times the maximum calculated debt service (calculated in the same manner as Calculated Debt Service for Bonds and Parity Reimbursement

Obligations) for all Authorized Issuers set forth in paragraph 2(II) above for any State Fiscal Year set forth pursuant to paragraph (2)(II) above.

(Section A-202)

Refunding Bonds

One or more Series of Refunding Bonds may be authenticated and delivered to refund all Outstanding Bonds of one or more Series of Bonds or Parity Reimbursement Obligations or any portion of a Series of Outstanding Bonds or Parity Reimbursement Obligations, or any outstanding Prior Obligations, in each case including all or any portion of a maturity. The Issuer may issue Refunding Bonds of a Series in an aggregate principal amount sufficient, together with other moneys available therefor, to accomplish such refunding (including by redemption, payment at maturity or in connection with exchanges or tenders) and to make such deposits required by the provisions of this section and of the Supplemental Resolution authorizing such Series of Refunding Bonds.

(A) In addition to the applicable requirements of the Standard Resolution Provisions, Refunding Bonds of any Series issued to refund Outstanding Bonds or Parity Reimbursement Obligations shall be authenticated by the Trustee or otherwise delivered by the Trustee upon the receipt by the Trustee of:

(1) If the Bonds to be refunded are to be redeemed, irrevocable instructions from the Issuer to the Trustee, satisfactory to it, to give due notice of redemption of all the Bonds to be refunded on a Redemption Date specified in such instructions;

(2) If Bonds to be refunded are to be deemed paid, evidence of due publication of the notice provided for in the Standard Resolution Provisions to the Holders of the Bonds being refunded;

(3) If Bonds to be refunded are to be deemed paid, either or both of

(i) moneys in an amount sufficient to effect payment of the principal at the maturity date therefor (or on exchange or tender) or the Redemption Price on the applicable Redemption Date of the Bonds to be refunded, together with accrued interest on such Bonds to the maturity or Redemption Date, which money shall be held by the Trustee or any one or more of the Paying Agents in a separate account irrevocably in trust for and assigned to the respective Holders of the Bonds to be refunded, and

(ii) Government Obligations in such principal amounts, of such maturities, bearing such interest and otherwise having such terms and qualifications, as shall be necessary to comply with the provisions of the Standard Resolution Provisions, which Government Obligations and moneys shall be held in trust and used only as provided in the Standard Resolution Provisions; and

(4) Either (i) a certificate of an Authorized Officer of the Issuer (a) setting forth (A) the greatest amount of Calculated Debt Service on all Outstanding Bonds and Parity Reimbursement Obligations for any future State Fiscal Year during the term of the Bonds (including the Refunding Bonds then proposed to be issued but excluding the Bonds or Parity Reimbursement Obligations to be refunded or purchased) and (B) the greatest amount of Calculated Debt Service on all Outstanding Bonds and Parity Reimbursement Obligations for any future State Fiscal Year during the term of the Bonds as calculated

immediately prior to the issuance of the Refunding Bonds (including the Bonds or Parity Reimbursement Obligations to be refunded or purchased but excluding the Refunding Bonds) and (b) stating that the greatest amount of Calculated Debt Service on all Outstanding Bonds and Parity Reimbursement Obligations for any future State Fiscal Year during the term of the Bonds set forth pursuant to (A) above is not greater than the greatest amount of Calculated Debt Service on all Outstanding Bonds and Parity Reimbursement Obligations for any future State Fiscal Year during the term of the Bonds set forth pursuant to (B) above; or (ii) the certificates required by the Standard Resolution Provisions with respect to such Series of Refunding Bonds, considering for all purposes of such certificate that the Refunding Obligations then proposed to be issued will be Outstanding but the Bonds or Parity Reimbursement Obligations to be refunded will no longer be Outstanding.

(B) In addition to the applicable requirements of the Standard Resolution Provisions, Refunding Bonds of any Series issued to refund in whole or in part any Prior Obligations shall be authenticated or otherwise delivered by the Trustee upon the receipt by the Trustee of the certificates required to be delivered in connection with the issuance of Additional Bonds in the Standard Resolution Provisions; and shall otherwise comply with any applicable requirements in connection with a refunding set forth in the resolutions which authorized the issuance of such Prior Obligations.

(C) The proceeds, including accrued interest, of such Refunding Bonds shall be applied simultaneously with the delivery of such Refunding Bonds in the manner provided in or determined in accordance with the Supplemental Resolution authorizing such Refunding Bonds or the related Certificate of Determination.

(Section A-203)

Credit Facilities; Qualified Swaps and other similar arrangements; Parity Reimbursement Obligations

The Issuer may include such provisions in a Supplemental Resolution or related Certificate of Determination authorizing the issuance of a Series of Bonds secured by a Credit Facility as the Issuer deems appropriate, including:

So long as the Credit Facility is in full force and effect, and payment on the Credit Facility is not in default and the provider of the Credit Facility is qualified to do business in the State, and (a) no proceeding shall have been instituted in a court having jurisdiction in the premises seeking a decree or order for relief in respect of the provider of the Credit Facility in an involuntary case under any applicable bankruptcy, insolvency or other similar law now or hereafter in effect, or for the appointment of a receiver, liquidator, assignee, custodian, trustee, sequestrator (or other similar official) for the provider of the Credit Facility or for any substantial part of its property or for the winding up or liquidation of the affairs of the provider of the Credit Facility and such proceeding shall remain undismissed or unstayed and in effect for a period of sixty (60) days or such court shall enter a decree or order granting the relief sought in such proceeding, or (b) the provider of the Credit Facility shall not have commenced a voluntary case under any applicable bankruptcy, insolvency or other similar law now or hereafter in effect, shall not have consented to the entry of an order for relief in an involuntary case under any such law, or shall not have consented to the appointment of or taking possession by a receiver, liquidator, assignee, custodian, trustee, sequestrator (or other similar official) for the provider of the Credit Facility or for any substantial part of its property, or shall not have made a general assignment for the benefit of creditors, or shall not have failed generally to pay its debts as they become due, or shall not have taken any corporate action with respect to any of the foregoing, then, in all such events, the provider of the Credit Facility shall be deemed to be the sole Holder of the Outstanding Bonds the payment of which such Credit Facility secures when the approval, consent or action of the Bondholders for such Bonds is required or may be exercised under the Resolution, including, without limitation, under the captions "Supplemental Resolutions" and "Amendments", and following a default under the caption "Defaults and Remedies; Defeasance", except where the Credit Facilities provide only liquidity support and not credit support.

In the event that the principal, Sinking Fund Installments, if any, and Redemption Price, if applicable, and interest due on any Bonds Outstanding, or the purchase price of puts in connection with such Bonds, shall be paid under the provisions of a Credit Facility, all covenants, agreements and other obligations of the Issuer to the Bondholders of such Bonds shall continue to exist and such provider of the Credit Facility shall be subrogated to the rights of such Bondholders in accordance with the terms of such Credit Facility.

(a) In addition, such Supplemental Resolution or related Certificate of Determination may establish such provisions as are necessary (i) to comply with the provisions of each such Credit Facility, (ii) to provide relevant information to the provider of the Credit Facility, (iii) to provide a mechanism for paying Principal Installments and interest on such Series of Bonds under the Credit Facility, and (iv) to make provision for any events of default or for additional or improved security required by the provider of a Credit Facility.

(b) In connection therewith the Issuer may enter into such agreements with the issuer of such Credit Facility providing for, inter alia: (i) the payment of fees and expenses to such provider for the issuance of such Credit Facility; (ii) the terms and conditions of such Credit Facility and the Series of Bonds affected thereby; and (iii) the security, if any, to be provided for the issuance of such Credit Facility.

(c) The Issuer may secure such Credit Facility by an agreement providing for the purchase of the Series of Bonds secured thereby with such adjustments to the rate of interest, method of determining interest, maturity, or redemption provisions as specified by the Issuer in the applicable Supplemental Resolution. The Issuer may also in an agreement with the provider of such Credit Facility agree to directly reimburse such issuer for amounts paid under the terms of such Credit Facility, together with interest thereon (the "Reimbursement Obligation") solely from Pledged Property; provided, however, that no Reimbursement Obligation shall be created, for purposes of the Resolution, until amounts are paid under such Credit Facility. Any such Reimbursement Obligation, which may include interest calculated at a rate higher than the interest rate on the related Bond, may be secured by a pledge of, and a lien on, Pledged Property on a parity with the lien created by the Resolution, but only to the extent principal amortization requirements with respect to such reimbursement are equal to the amortization requirements for such related Bonds, without acceleration. Any Reimbursement Obligation conforming with the provisions of the previous sentence shall be deemed a "Parity Reimbursement Obligation". Parity Reimbursement Obligations shall not include any payments of any fees, expenses, indemnification, or other obligations to any such provider, or any payments pursuant to term-loan or other principal amortization requirements in reimbursement of any such advance that are more accelerated than the amortization requirements on such related Bonds. Parity Reimbursement Obligations may be evidenced by Bonds designated as "Bank Bonds." Any such Parity Reimbursement Obligation shall be deemed to be a part of the Series of Bonds to which the Credit Facility which gave rise to such Parity Reimbursement Obligation relates.

(d) Any such Credit Facility shall be for the benefit of and secure such Series of Bonds or portion thereof as specified in the applicable Supplemental Resolution.

(e) In connection with the issuance of a Series of Bonds or at any time thereafter so long as a Series of Bonds remains Outstanding, the Issuer also may enter into Qualified Swaps or, to the extent from time to time permitted pursuant to law, other similar arrangements if the Issuer determines that such Qualified Swaps or other similar arrangements will assist the Issuer in more effectively managing its interest costs. To the extent provided in a Supplemental Resolution or related Certificate of Determination, the Issuer's obligation to pay Qualified Swap Payments under any Qualified Swap may be secured by a pledge of, and a lien on, the Subordinated Payment Fund. Qualified Swap Payments may include any payments of any termination or other fees, expenses, indemnification or other obligations to a Qualified Swap Provider, or any payments that represent payment of interest thereunder in advance of the payment of interest on the Bonds to which such Qualified Swap relates.

(f) Parity Reimbursement Obligations shall not be a debt of the State and the State shall not be liable thereon, nor shall Parity Reimbursement Obligations be payable out of any funds other than those of the Issuer pledged therefor pursuant to the Resolution.

(Section A-204)

Bond Anticipation Notes

Whenever the Issuer shall have, by Supplemental Resolution, authorized the issuance of a Series of Bonds, the Issuer, subject to certain special provisions for additional bonds under the Standard Resolution Provisions, may by adoption of a Supplemental Resolution authorize the issuance of Bond Anticipation Notes in anticipation of the issuance of such authorized Series of Bonds, in a principal amount not exceeding the principal amount of the Bonds of such Series so authorized. The principal of and premium, if any, and interest on such Bond Anticipation Notes and any renewals of such Bond Anticipation Notes shall be payable only from (i) the proceeds of any renewals of such Bond Anticipation Notes issued to repay such Bond Anticipation Notes, (ii) the proceeds of the sale of the Series of Bonds in anticipation of which such Bond Anticipation Notes are issued, (iii) any amounts provided by the State and/or the federal government expressly for payment of such Bond Anticipation Notes, or (iv) the proceeds of such Bond Anticipation Notes deposited in any Fund or account under the Resolution. Such proceeds and other amounts set forth in clauses (i), (ii), (iii) and (iv) may be pledged for the payment of the principal of and premium, if any, and interest on such Bond Anticipation Notes and any such pledge shall have priority over any other pledge created by the Resolution. In any case, such Bond Anticipation Notes shall be retired or provision shall be made for their retirement not later than the date of authentication and delivery of the Series of Bonds in anticipation of which they are issued. The proceeds of the sale of Bond Anticipation Notes, other than renewals thereof, shall be applied to the purposes for which the Bonds in anticipation of which such Bond Anticipation Notes are authorized and shall be deposited in the appropriate Fund or account established by the Resolution for such purposes and, if so provided in the resolution authorizing renewals of Bond Anticipation Notes issued to pay outstanding Bond Anticipation Notes, applied directly to such payment. Interest earned on any amounts on deposit in any Fund or account under the Resolution representing the proceeds of any Bond Anticipation Notes shall be applied in the manner set forth in the Supplemental Resolution authorizing such Bond Anticipation Notes or the related Certificate of Determination.

(Section A-205)

Additional Obligations

The Issuer reserves the right to issue bonds, notes or any other obligations or otherwise incur indebtedness pursuant to other and separate resolutions or agreements of the Issuer, so long as such bonds, notes or other obligations are not, or such indebtedness is not, except as provided in the Resolution, entitled to a charge, lien or right prior or equal to the charge or lien on the Pledged Property created by the Resolution, or prior or equal to the rights of the Issuer and Holders of Bonds.

(Section A-206)

Redemption at the Election of the Issuer; Redemption other than at Issuer's Election; Selection of Bonds to be Redeemed

In the case of any redemption of Bonds of a Series at the election of the Issuer, such Bonds may be redeemed at the option of the Issuer as provided in the Supplemental Resolution authorizing such Bonds. In exercising such option, the Issuer shall give written notice to the Trustee and any Paying Agent of its election to redeem, including the Series designation, the principal amounts and the maturities of such Bonds so elected. The Series designation, maturities and principal amounts thereof to be redeemed shall be determined by the Issuer in its sole discretion, subject to any limitations with respect thereto contained in the Resolution. Such notice shall be given to the Trustee at least forty-five (45) days prior to the date on which the Bonds of such Series are to be redeemed, or such fewer number of days as shall be acceptable to the Trustee.

Whenever by the terms of the Resolution, Bonds are required to be redeemed otherwise than at the election of the Issuer, the Trustee shall select the Bonds to be redeemed, give the notice of redemption and pay out of money available therefor the Redemption Price to the appropriate Paying Agents in accordance with the terms of the Standard Resolution Provisions. The Trustee shall have no liability in making such selection.

In the event of redemption of less than all of the Outstanding Bonds of a Series and maturity, the Trustee shall assign to each such Outstanding Bond of such Series and maturity or portion of a maturity to be redeemed a distinctive number for each unit of the principal amount of such Bond equal to the lowest denomination in which the Bonds of such Series are authorized to be issued and shall select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to such Bonds as many numbers as, at such unit amount equal to the lowest denomination in which the Bonds of such Series are authorized to be issued for each number, shall equal the principal amount of such Bonds to be redeemed. In making such selections the Trustee may draw such Bonds by lot (i) individually or (ii) by one or more groups, the grouping for the purpose of such drawing to be by serial numbers (or, in the case of Bonds of a denomination of more than the lowest denomination in which the Bonds of such Series are authorized to be issued, by the numbers assigned thereto as provided in the Standard Resolution Provisions) which end in the same digit or in the same two digits. In case, upon any drawing by groups, the total principal amount of Bonds of such Series drawn shall exceed the amount to be redeemed, the excess may be deducted from any group or groups so drawn in such manner as the Trustee may determine. The Trustee may in its discretion assign numbers to aliquot portions of such Bonds and select part of any such Bonds for redemption.

(Sections A-402, A-403, and A-404)

The Pledge Effected by the Resolution

The Bonds are special obligations of the Issuer payable solely from the sources set forth in this section. There is pledged for the payment of the principal and Redemption Price of, interest on, and Sinking Fund Installments for, the Bonds and of Parity Reimbursement Obligations, in accordance with their terms and the provisions of the Resolution, subject only to the provisions of the Resolution permitting the application thereof (and to the provisions authorizing Subordinated Indebtedness in the Resolution) for the purposes and on the terms and conditions set forth in the Resolution, all right, title and interest of the Issuer in the Pledged Property. Such pledge is for the equal and proportionate benefit and security of all and singular the present and future Holders of Bonds and obligees of Parity Reimbursement Obligations issued and to be issued under the Resolution, without preference, priority or distinction, except as otherwise provided in the Standard Resolution Provisions, of any one Bond or Parity Reimbursement Obligation over any other Bond or Parity Reimbursement Obligations, by reason of priority in the issue, sale or negotiation thereof or otherwise. The pledge and lien created by the

Resolution for the Bonds and Parity Reimbursement Obligations shall be superior in all respects to any pledge or lien now or hereafter created for indebtedness or other obligations secured by the Subordinated Payment Fund.

The Issuer represents and warrants that under the Enabling Act (i) the pledge set forth in the first paragraph of this section is and shall be valid and binding from and after the date of issuance and delivery of the first Series of Bonds, and the items set forth in such pledge are and shall be immediately subject to the lien of such pledge without any physical delivery thereof or further act and the lien of such pledge is and shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Issuer irrespective of whether such parties have notice thereof; and (ii) neither the Resolution nor any other instrument need be recorded or filed to protect the pledge set forth in the aforementioned section.

The revenues, facilities, properties and any and all other assets of the Issuer, or of any subsidiary thereof, other than the Pledged Property, shall not be used for, or as a result of any court proceeding or otherwise, applied to the payment of the principal, Sinking Fund Installments, if any, and Redemption Price, of and interest on the Bonds, and under no circumstances shall the aforementioned be available for such purpose, nor shall there be any recourse against any other assets, revenues or funds of or other payments due to the Issuer, other than the Pledged Property.

The State has no obligation to continue the imposition of the taxes or the sources of any other funds deposited in the Revenue Bond Tax Fund pursuant to Section 92-z, nor to maintain such taxes or the sources of any other funds at any minimum level, and moneys in the Revenue Bond Tax Fund are not pledged to the payment of the Bonds or Parity Reimbursement Obligations prior to appropriation and transfer to the Issuer or the Trustee.

The obligation of the Comptroller under Section 92-z with respect to moneys on deposit in the Revenue Bond Tax Fund are subject to the rights of holders of debt of the State.

Nothing contained in this section shall be deemed a limitation upon the authority of the Issuer to issue bonds, notes or other obligations under the Issuer Act secured by other income and funds other than the Pledged Property.

(Section A-501)

Payment of Bonds

The Issuer shall duly and punctually pay or cause to be paid the principal, Sinking Fund Installments, if any, Redemption Price of, and interest on every Bond, at the dates and places and in the manner set forth in the Bonds according to the true intent and meaning thereof.

(Section A-601)

Extension of Payment of Bonds

The Issuer shall not directly or indirectly extend or assent to the extension of the maturity of any of the Bonds or the time of payment of any claims for interest by the purchase or funding of such Bonds or claims for interest or by any other arrangement and, in case the maturity of any of the Bonds or the time for payment of any claims for interest shall be extended, such Bonds or claims for interest shall not be entitled, in case of any default under the Resolution, to the benefit of the Resolution or to any payment out of any assets of the Issuer or the Funds and accounts (except Funds and accounts held in trust for the payment of particular Bonds or claims for interest pursuant to the Resolution) held by the Trustee, except subject to the prior payment of the principal of all Bonds issued and Outstanding the maturity of which has not been extended and of such portion of the accrued interest on the Bonds as shall not be represented by such claims for interest. Nothing in the Resolution shall be deemed to limit the right of the Issuer to issue Refunding Bonds as permitted by the Resolution and by the Issuer Act and such issuance shall not be deemed to constitute an extension of the maturity of the Bonds refunded.

(Section A-602)

Offices for Servicing Bonds

The Issuer shall at all times maintain an office or agency in the State, where Bonds may be presented for payment, registration, transfer or exchange and where notices, presentations and demands upon the Issuer in respect of the Bonds or of the Resolution may be served. The Issuer appoints the Trustee as its agent to maintain such office or agency in the State for the registration, transfer or exchange of Bonds, for the authentication of Bonds, and for the payment of Bonds.

(Section A-603)

Further Assurance

At any time and all times the Issuer shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge and deliver, all and every such further resolutions, acts, deeds, conveyances, assignments, transfers and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the Pledged Property pledged or assigned by the Resolution, or intended so to be, or which the Issuer may hereafter become bound to pledge or assign. The Issuer further covenants that it shall use its best efforts, to the extent authorized by law, to cause the Director of the Budget to make and deliver the certificates referred to in the Standard Resolution Provisions at the times required therein and shall cause the amounts so received to be deposited in the appropriate Funds.

(Section A-604)

Power to Issue Bonds and Pledge Revenues and Other Funds

The Issuer is duly authorized under the Acts, and all applicable laws to create and issue the Bonds, to adopt the Resolution and to pledge the Pledged Property purported to be pledged by the Resolution in the manner and to the extent provided in the Resolution. Except to the extent otherwise provided in the Standard Resolution Provisions, the Pledged Property is and shall be free and clear of any pledge, lien, charge or encumbrance thereon or with respect thereto prior to, or of equal rank with, the pledge created by the Resolution, and all corporate action on the part of the Issuer to that end has been duly and validly taken. The Bonds and the provisions of the Resolution are and will be the valid and legally enforceable special obligations of the Issuer in accordance with their terms and the terms of the Resolution. The Issuer further covenants that it shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Property and all of the rights of the Bondholders under the Resolution against all claims and demands of all persons whomsoever.

(Section A-605)

Creation of Liens

Except in accordance with the provisions of the Standard Resolution Provisions, the Issuer shall not hereafter issue any bonds or other evidences of indebtedness, other than the Bonds, Parity Reimbursement Obligations and Bond Anticipation Notes, secured by an equal or prior pledge of all or any part of the Pledged Property, and shall not create or cause to be created any equal or prior lien or charge on the Pledged Property except as provided in the Resolution; provided, however, that nothing contained in the Resolution shall prevent the Issuer from issuing (i) evidences of indebtedness payable out of, or secured by a pledge of, Revenues to be derived on and after such date as the pledge of the Revenues provided in the Resolution shall be discharged and satisfied as provided in the Standard Resolution Provisions or (ii) evidences of indebtedness secured by the Subordinated Payment Fund.

(Section A-606)

Certificate of the Director of the Budget

In order to assure the maintenance of the Funds and accounts held under the Resolution, not later than thirty days after the submission of the executive budget for the ensuing State Fiscal Year in accordance with the State Constitution, the Issuer shall to the extent authorized by law use its best efforts to enforce the obligation set forth in the Financing Agreement of the Director of the Budget to certify to the Comptroller in accordance with subdivision 5(b) of Section 92-z and the Standard Resolution Provisions a schedule setting forth the following:

(a) The amount of receipts certified and estimated to be deposited on a monthly basis to the Revenue Bond Tax Fund; and

(b) The amount of monthly cash requirements so certified by the Director of the Budget for such State Fiscal Year which shall be at least equal to:

1. all payments of principal, Sinking Fund Installments, if any, and Redemption Price, of Outstanding Bonds due in such State Fiscal Year;

2. the amounts required to pay all interest on Outstanding Bonds (including interest at the Estimated Average Interest Rate for Variable Interest Rate Bonds or under the related Reimbursement Obligation) and any additional amounts due with respect to related Parity Reimbursement Obligations due in such State Fiscal Year;

3. all Issuer Expenses for such State Fiscal Year;

4. all principal of and interest or other amounts payable from the Subordinated Payment Fund and due in such State Fiscal Year;

5. any amounts required to rebate to the Department of the Treasury of the United States of America and not otherwise held in the Funds and accounts under the Resolution;

6. all other payment requirements referred to in the Enabling Act for such State Fiscal Year.

The schedule accompanying the certificate of the Director of the Budget shall also provide for payments as the Director of the Budget deems appropriate to ensure that sufficient funds will be available from the sources, including without limitation revenues derived from the taxes and fees deposited in the Revenue Bond Tax Fund in accordance with Section 92-z, to enable the Issuer to meet its obligations under the Resolution as they become due; provided, however, that such schedule shall require the Comptroller to set aside, on a monthly basis, amounts in the Revenue Bond Tax Fund such that the combined total of (i) the amounts previously set aside and on deposit in the Revenue Bond Tax Fund and (ii) the monthly amounts, as provided for in paragraph (a) above, required to be deposited to the Revenue Bond Tax Fund in such month is not less than one hundred twenty-five percent (125%) of the monthly cash requirements, as provided for in paragraph (b) above, to be paid by the Comptroller to the Trustee, on behalf of the Issuer, in the following month. Financing Agreement Payments shall be paid to the Trustee on or before the fifth Business Day preceding the date on which such payment is due; and provided, further, that to ensure sufficient funds will be available from the sources just described to meet the Issuer's obligations when due, such schedule shall require the Comptroller to pay (x) all moneys set aside pursuant to subdivision 5 of Section 92-z less (y) the Issuer's estimate of investment earnings available therefor on Funds and accounts established under the Resolution and other amounts available under the Resolution, which such estimate shall be made at least once each calendar month prior to the making of any transfer pursuant to subdivision 5 of Section 92-z.

The Financing Agreement shall require the Director of the Budget to promptly revise or amend such certification and the schedule required to accompany such certification, from time to time, to assure that such certification, together with the accompanying schedule, accurately sets forth any and all amounts required or projected by the Issuer for the purposes and at the times prescribed by subdivision 5 of Section 92-z. The Financing Agreement shall require the Director of the Budget to promptly revise or amend such certification and the accompanying schedule if additional amounts are required to make any payment of principal, Sinking Fund Installments, if any, and Redemption Price of or interest on Bonds or with respect to Parity Reimbursement Obligations.

In any event, whether or not there has been any intervening requirement to revise such certificate under this section, promptly but in no event later than 30 days after the date of the issuance of any Series of Bonds under the Resolution or the issuance of any Parity Reimbursement Obligation, or other evidence of indebtedness payable from the Subordinated Payment Fund or otherwise, the Director of the Budget shall submit a revised certification, together with the accompanying schedule, which accurately sets forth any and all amounts required or projected to be required by the Issuer as of such date for the purposes and at the times prescribed by the terms of this section.

The agreement of the State under Section 68-c shall be deemed executory only to the extent of appropriations available for payments under Section 68-c and no liability on account of any such payment shall be incurred by the State beyond such appropriations.

(Section A-607)

Agreement With the Director of the Budget

The Issuer shall only issue or incur Bonds (including Refunding Bonds), Parity Reimbursement Obligations or other obligations under the Resolution (including obligations incurred pursuant to the Standard Resolution Provisions) with the written approval of the Director of the Budget. The Issuer shall enter into one or more Financing Agreements with the State, acting through the Director of the Budget, as provided in subdivision 1 of Section 68-c providing for the specific manner, timing and amount of payments to be made under Section 68-c and the Resolution. The Issuer shall approve the form and substance of such Financing Agreement with respect to any Series of Bonds prior to or concurrently with the adoption of the applicable Supplemental Resolution and shall use its best efforts, to the extent permitted by law, to take all steps necessary or appropriate to enforce such Financing Agreement and to assure compliance by the State therewith. The Issuer shall not enter into any such Financing Agreement that is not in conformity with the Acts and the Resolution.

(Section A-608)

Agreement With the State

In accordance with the provisions of the Enabling Act and to the extent applicable, the Issuer Act, the Issuer includes in the Resolution, to the fullest extent enforceable under applicable federal and State law, the pledge to and agreement with the Holders of the Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations or other obligations issued or incurred under the Resolution made by the

State and set forth in the Acts that the State will not in any way impair the rights and remedies of such Holders until such Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations and other obligations issued or incurred under the Resolution, together with interest thereon, with interest, if any, on any unpaid installments of interest and all costs and expenses in connection with any action or proceedings by or on behalf of such Holders, are fully met and discharged.

Notwithstanding any other provision of the Resolution, nothing contained in the Acts or the Resolution shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to taxes imposed pursuant to Article 22 of the Tax Law. The Issuer and the Holders of the Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations and other obligations issued under the Resolution expressly agree that it shall be an integral part of the contract arising under the Resolution that no default thereunder occur as a result of the State exercising its right to amend, repeal, modify or otherwise alter any such tax.

(Section A-609)

Amendment of Financing Agreements

The Issuer shall not amend, change, modify, alter or terminate any Financing Agreement so as to materially adversely affect the right, security and interest of the Holders of the Outstanding Bonds without the prior written consent of the provider of a Credit Facility, if any, affected thereby, or, in the event that there is no Credit Facility in place with respect to the Series of Bonds affected thereby, without the prior written consent of at least a majority in aggregate principal amount of the Holders of the Bonds then Outstanding and affected thereby; provided, however, that if such modification or amendment will, by its terms, not take effect so long as any Bonds remain Outstanding, the consent of the providers of the Credit Facility, if any, or the Holders of such Bonds shall not be required and such Bonds shall not be deemed to be Outstanding for the purpose of any calculation of Outstanding Bonds under this section. Any Financing Agreement may be amended, supplemented, changed, modified or altered without the consent of the provider of the Credit Facility, if any, or the Holders of Outstanding Bonds to provide changes in connection with the acquisition, construction, reconstruction, rehabilitation, renovation and improvement or otherwise, or the providing, furnishing and equipping of a Project or which may be added to such Project, or to provide for additional Financing Agreement Payments; and any Financing Agreement may be amended, supplemented, changed, modified or altered without such consent to cure any ambiguity, or to correct or supplement any provisions contained in any Financing Agreement, which may be defective or inconsistent with any other provisions contained in the Resolution or in such Financing Agreement and which the Issuer determines will not materially adversely affect the right, security and interest of the Holders of Outstanding Bonds or the provider of a Credit Facility, as the case may be. In no event shall changes relating solely to Projects, including schedules related thereto, be deemed to materially adversely affect such Holders or providers of Credit Facilities. Upon execution by the Issuer of any amendment, a copy thereof certified by the Issuer shall be filed with the Trustee and each provider of the Credit Facility affected thereby.

For the purposes of this section, Bonds shall be deemed to be materially adversely affected by an amendment, change, modification or alteration of any Financing Agreement if the same materially adversely affects or diminishes the rights, security and interest of the Holders of the Bonds or the provider of a Credit Facility, as the case may be. The Issuer may in its discretion determine whether or not, in accordance with the foregoing provisions, Bonds or the right, security and interest of the Holders of Outstanding Bonds or the provider of a Credit Facility, as the case may be, would be materially adversely affected by any amendment, change, modification or alteration, and any such determination shall be binding and conclusive on the provider of a Credit Facility, the Trustee and all Holders of Bonds; and, provided further, however, any such amendments deemed necessary by the Issuer to effect any assumption, extinguishment and substitution authorized by the Standard Resolution Provisions shall not be deemed to materially adversely affect the Bonds.

For all purposes of this section, the Issuer shall be entitled to rely upon a Counsel's Opinion (a copy of which shall be provided by the Issuer to any provider of a Credit Facility thereby affected), with respect to whether any amendment, change, modification or alteration materially adversely affects the right, security and interest of any Holders of Bonds and any provider of a Credit Facility of a Series then Outstanding.

(Section A-610)

Enforcement of Duties and Obligations of the State

The Issuer shall use its best efforts, to the extent permitted by law, to cause the State to perform fully all duties and acts and comply fully with the covenants of the State required by any Financing Agreement in the manner and at the times provided in such Financing Agreement provided, however, that the Issuer may delay, defer or waive enforcement of one or more provisions of said Financing Agreement (other than provisions requiring the payment of moneys to any Fund or account established under the Resolution), if the Issuer determines such delay, deferment or waiver will not materially adversely affect the right, security and interest of the Holders of the Bonds of the applicable Series or the issuer of any Credit Facility.

(Section A-611)

Reservation of State Rights of Assumption, Extinguishment and Substitution

It is expressly understood and agreed by the Issuer and the Holders or other obligees of Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, and other obligations issued or incurred under the Resolution to be an integral part of the contract arising under the Resolution that, in accordance with subdivision 6 of Section 68-c, the State reserves the right, upon amendment of the State Constitution to permit the issuance of State Revenue Bonds, which may be payable from or secured by revenues that include the Revenues pledged under the Resolution, (i) to assume, in whole or in part, the Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, and other obligations of the Issuer issued or incurred under the Resolution, (ii) to extinguish the existing lien on Pledged Property created under the Resolution, and (iii) to substitute security or source of payment for such Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, and other obligations issued or incurred under the Resolution, in each case only so long as such assumption, extinguishment and substitution is accomplished in accordance with this section. (Any Bonds paid or deemed to have been paid in accordance with the Standard Resolution Provisions on or before the date of any assumption, extinguishment and substitution shall not be taken into account in determining compliance with the provisions of this section.)

Any such assumption, extinguishment and substitution may be effected if the following provisions are complied with and each such provision shall be a condition precedent to such assumption, extinguishment and substitution:

1. the State shall either (x) fully authorize the assumption and designation of such Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, or other obligations issued or incurred under the Resolution as State Revenue Bonds or (y) issue or cause to be issued State Revenue Bonds of like principal amounts, maturities, interest rates, terms of redemption and tenor (except as to the substitution of security) in substitution for such Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, or other obligations; and

2. any State Revenue Bonds resulting from such assumption, extinguishment and substitution shall be secured by revenues that may include all the Revenues securing the Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, or other obligations issued or incurred under the Resolution as of the day immediately preceding such assumption, extinguishment and substitution, and the provisions of the Enabling Act relating to security for or payment of the Bonds and Parity Reimbursement Obligations shall remain in full force and effect in substantially the form they existed immediately prior to such assumption, extinguishment and substitution and shall not have been amended in connection therewith except to the extent necessary or convenient to permit the Revenues and the Revenue Bond Tax Fund to be sources of payment or security for the State Revenue Bonds or other obligations resulting from such assumption, extinguishment and substitution; provided, however, that in connection with any such assumption, extinguishment and substitution, it is expressly understood and agreed by all Bondholders and all providers of Credit Facilities that the Enabling Act may be amended to delete the transfer from the general fund as set forth in paragraph (b) of subdivision 5 of Section 92-z and paragraph (a) of subdivision 5 of Section 92-z may be amended to delete the requirement that Financing Agreement Payments be appropriated before any moneys held pursuant to such Section 92-z are transferred to the general fund; and

3. any resolution or trust agreement securing the State Revenue Bonds or other obligations resulting from such assumption, extinguishment and substitution shall contain limitations on amendment powers no less restrictive than those set forth in the Standard Resolution Provisions, and shall include events of default to the effect of those contained in the Standard Resolution Provisions and shall grant the remedies contained in the Standard Resolution Provisions, provided that the Comptroller or the Attorney General of the State may serve in the capacity of the Trustee for such purposes and the State or other issuer of State Revenue Bonds may be substituted for the Issuer in the Standard Resolution Provisions, and shall include defeasance provisions no less restrictive than those set forth in the Standard Resolution Provisions; and

4. the State Revenue Bonds or other obligations resulting from such assumption, extinguishment and substitution of Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, and other obligations issued or incurred under the Resolution shall have the same or superior priority of claim on the revenues securing such obligations as that provided by the Resolution; and

5. any resolution or trust agreement securing the State Revenue Bonds resulting from such assumption, extinguishment and substitution of Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, and other obligations secured under the Resolution shall contain a covenant of the State substantially to the effect of the covenant contained in the Standard Resolution Provisions; and

6. the Issuer shall furnish the Trustee and any provider of a Credit Facility with a Counsel's Opinion, addressed to each of them, to the effect that the assumption, extinguishment and substitution (A) complies with the provisions of this section and the Enabling Act and (B) will have no adverse effect on the federal or State tax status of interest on the Bonds.

A copy of the provisions of law and documentation effecting any such assumption, extinguishment and substitution pursuant to this section (or brief summary thereof or reference thereto) shall be mailed by the Issuer to such Bondholders and providers of Credit Facilities to the extent affected thereby (but failure to mail such copy and request shall not affect the validity of such assumption, extinguishment and substitution when effected as in this section).

Any such assumption, extinguishment and substitution may be effected if the following provisions are complied with and each such provision shall be a condition precedent to such assumption, extinguishment and substitution:

1. the State shall either (x) fully authorize the assumption and designation of such Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, or other obligations issued or incurred under the Resolution as State Revenue Bonds or (y) issue or cause to be issued State Revenue Bonds of like principal amounts, maturities, interest rates, terms of redemption and tenor (except as to the substitution of security) in substitution for such Bonds, Bond Anticipation Notes, Parity Reimbursement Obligations, or other obligations; and

2. with respect to all Bonds Outstanding, written consent to such assumption, extinguishment and substitution shall be given as provided in the Resolution by the Holders of at least a majority in principal amount of such Bonds Outstanding at the time such consent is given; and

3. the Issuer shall furnish the Trustee and any provider of a Credit Facility with a Counsel's Opinion, addressed to each of them, to the effect that the assumption, extinguishment and substitution complies with the provisions of this section and the Enabling Act.

A copy of the provisions of law and documentation effecting any such assumption, extinguishment and substitution pursuant to this section (or brief summary thereof or reference thereto) together with a request to the Bondholders indicated above for their consent thereto, shall be mailed by the Issuer to such Bondholders (but failure to mail such copy and request shall not affect the validity of such assumption, extinguishment and substitution when consented to as in this section). No such assumption, extinguishment and substitution pursuant to this subdivision shall be effective unless and until there shall have been filed with the Issuer (i) the written consents of Holders of the percentages of Outstanding Bonds specified in this subdivision, and (ii) the aforementioned Counsel's Opinion. Each such consent of a Bondholder shall be effective only if accompanied by proof of the holding or owning, at the date of such consent, of the Bonds with respect to which such consent is given, which proof shall be such as is permitted by the Standard Resolution Provisions. A certificate or certificates by an Authorized Officer of the Issuer filed with the Issuer that such Authorized Officer has examined such proof and that such proof is sufficient in accordance with the Standard Resolution Provisions shall be conclusive that the consents have been given by the Holders of the Bonds described in such certificate or certificates of such Authorized Officer. Any such consent given by such Holder shall be binding upon such Holder of the Bonds giving such consent and, anything in the Standard Resolution Provisions to the contrary notwithstanding, upon any subsequent Holder of such Bonds and of any Bonds issued in exchange therefor (whether or not such subsequent Holder thereof has notice thereof), unless such consent is revoked in writing by such Holder of such Bonds giving such consent or a subsequent Holder thereof by filing with the Issuer prior to the time when the written statement of the Issuer provided for in this section is filed. The fact that a consent has not been revoked may likewise be proved by a certificate of an Authorized Officer of the Issuer filed with the Issuer to the effect that no revocation thereof is on file. At any time after such Holders of the required percentages of Bonds shall have filed their consents, the Issuer shall make and file with its records relating to the Bonds a written statement that the Holders of such required percentages of Bonds have filed such consents. Such written statement shall be conclusive that such consents have been so filed. At any time thereafter notice, stating in substance that such assumption, extinguishment and substitution have been consented to by the Holders of the required percentages of Bonds and will be effective as provided in this section, may be given to such Bondholders by the Issuer by mailing or causing the mailing of such notice to such Bondholders (but failure to mail such notice shall not prevent such assumption, extinguishment and substitution from becoming effective and binding as in this section) and, in the sole discretion of the Issuer, by publishing the same at least once not more than ninety (90) days after such Holders of the required percentages of Bonds shall have filed their consents and the written statement of the Issuer above provided for is filed (but failure to publish such notice shall not prevent such assumption, extinguishment and substitution from becoming binding as in this section). If such notice is published, the Issuer shall file with its records relating to the Bonds proof of the publication of such notice and, if the same shall have been mailed to such Bondholders, of the mailing thereof. A transcript consisting of the papers required or permitted by this section to be filed with the Issuer records relating to the Bonds, shall be proof of the matters therein stated. Such assumption, extinguishment and substitution shall be deemed conclusively binding upon the State, the Issuer, the Trustee, and the Holders of all Bonds upon filing with the Issuer records of proof of mailing of such notice or at the expiration of forty (40) days after such filing of the proof of the first publication of such last mentioned notice, if such notice is published, except in the event of a final decree of a court of competent jurisdiction setting aside such assumption, extinguishment and substitution in a legal action or equitable proceeding for such purpose commenced within such forty (40) day period; provided, however, that the Trustee and the Issuer during such forty (40) day period and any such further period during which any such action or proceeding may be pending shall be entitled in its absolute discretion to take such action, or to refrain from taking such action, with respect to such assumption, extinguishment and substitution as it may deem expedient.

Upon the effective date of any such assumption, extinguishment and substitution, then, at the option of the Issuer, the covenants, agreements and other obligations of the Issuer to the Bondholders shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Issuer shall execute and file with its records relating to the Bonds all such instruments as may be desirable to evidence such discharge and satisfaction, and the Trustee and any Paying Agents shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to the Resolution which are not required for the payment, or redemption, of Bonds not theretofore surrendered for such payment or redemption.

(Section A-612)

Accounts and Reports

The Issuer shall keep or cause to be kept proper books of record and account in which complete and correct entries shall be made of all its transactions relating to all Funds and accounts established by the Resolution which shall at all reasonable times be subject to the inspection of the Holders of an aggregate of not less than twenty-five per cent (25%) in the principal amount of the Bonds then Outstanding or their representatives duly authorized in writing. The Issuer may authorize or permit the Trustee or its duly authorized agents to keep any or all of such books on behalf of the Issuer.

(Section A-613)

Tax Covenants

The Issuer shall at all times do and perform all acts and things necessary or desirable in order to assure that interest paid on the Bonds issued as Tax-Exempt Bonds shall be not included in the gross income of the owners thereof for purposes of federal income taxation.

Notwithstanding the foregoing, the Issuer reserves the right, in a Supplemental Resolution authorizing the issuance of obligations, to elect to issue Taxable Bonds.

(Section A-614)

General

The Issuer shall do and perform or cause to be done and performed all acts and things required to be done or performed by or on behalf of the Issuer under the provisions of the Acts and the Resolution in accordance with the terms of such provisions.

Upon the date of issuance of any of the Bonds, all conditions, acts and things required by the Constitution and statutes of the State, including the Acts and the Resolution to exist, to have happened and to have been performed precedent to and in the issuance of such Bonds, shall exist, have happened and have been performed and the issue of such Bonds, together with all other indebtedness of the Issuer, shall be within every debt and other limit prescribed by the laws of the State.

(Section A-615)

Notice as to Event of Default

The Issuer shall notify the Director of the Budget, the Comptroller, each issuer of a Credit Facility and the Trustee in writing that an "Event of Default", as such term is defined in the Standard Resolution Provisions, has occurred and is continuing, which notice shall be given within thirty (30) days after the Issuer has obtained actual knowledge thereof; provided, however, that the Issuer shall provide each of the foregoing with immediate notice of any payment default after the Issuer has obtained actual knowledge thereof.

(Section A-616)

Other Bonds Authorized by the Enabling Act

The Bonds authorized by the Resolution are authorized by the Enabling Act. All bonds issued pursuant to the Enabling Act, whenever issued and by whichever Authorized Issuer, have equal claim to all moneys available subject to appropriation from the Revenue Bond Tax Fund pursuant to the Enabling Act, and further subject to provisions in the Resolution or other such resolutions authorizing such bonds relating to subordination.

(Section A-617)

Investment of Funds

Amounts in the Funds and accounts established by Section 502 of the Resolution may be invested only in Investment Obligations. The Trustee shall make such investments in any Funds or accounts held by the Trustee in accordance with any instructions received from an Authorized Officer of the Issuer. Except as otherwise provided in the resolution authorizing any series of Bond Anticipation Notes, interest earned by the investment of moneys in each Fund or account under the Resolution shall be held, deposited or transferred in accordance with the Resolution. The Trustee shall have no obligation to invest or reinvest amounts as contemplated by the Resolution except upon the direction of an Authorized Officer of the Issuer as to specific investments. Any such direction, if not in writing, shall be promptly confirmed in writing.

Investment Obligations on deposit in the Funds and accounts held under the Resolution shall have maturity dates, or shall be subject to redemption or tender at the option of the Issuer or the Trustee on the respective dates specified by an Authorized Officer of the Issuer, as appropriate, which dates shall be on or prior to the respective dates on which the moneys invested therein are expected to be paid for the purposes of such Funds and accounts. The Issuer, or the Trustee, upon the instructions of an Authorized Officer of the Issuer, shall sell any Investment Obligations held in any Fund or account to the extent required for payments from such Fund or account. The proceeds of such sales, and of all payments at maturity or upon redemption of such investments, shall be held in the applicable Fund or account to the extent required to meet the requirements of such Fund or account. Losses, if any, realized on Investment Obligations held in any Fund or account shall be debited to such Fund or account. In computing the amount of such Funds and accounts, investments shall be valued at par, or if purchased at other than par, shall be valued at Amortized Value, plus accrued interest. Accrued interest received upon the sale of any Investment Obligation to the extent such amount exceeds any accrued interest paid on the purchase of such Investment Obligation shall be treated as interest earned on such Investment Obligation for purposes of this section.

Nothing in the Resolution shall prevent any Investment Obligations acquired as investments of or security for any Fund, account or subaccount held under the Resolution from being held in book-entry form.

(Section A-701)

Trustee; Appointment and Acceptance of Duties

The Trustee shall be appointed in the Supplemental Resolution authorizing the issuance of the first Series of Bonds under the Resolution. The Trustee shall signify its acceptance of the duties and obligations imposed upon it by the Resolution by written instrument of acceptance delivered to the Issuer.

(Section A-801)

Paying Agents; Appointment and Acceptance of Duties

The Issuer may, in its discretion, appoint one or more Paying Agents for the Bonds of any Series in the Supplemental Resolution authorizing such Bonds at least one of which shall have an office for the transaction of business in the State, and may at any time or from time to time appoint one or more other Paying Agents in the manner and subject to the conditions set forth in the Standard Resolution Provisions for the appointment of a successor Paying Agent.

Each Paying Agent shall signify its acceptance of the duties and obligations imposed upon it by the Resolution by executing and delivering to the Issuer a written acceptance thereof.

The principal offices of the Paying Agents are designated as the respective offices or agencies of the Issuer for the payment of the principal, Sinking Fund Installments, if any, or Redemption Price of and interest on the Bonds.

(Section A-802)

Responsibilities of Fiduciaries

The recitals of fact in the Standard Resolution Provisions and in the Bonds shall be taken as the statements of the Issuer and no Fiduciary assumes any responsibility for the correctness of the same. No Fiduciary makes any representations as to the validity or sufficiency of the Resolution or of any Bonds issued thereunder or in respect of the security afforded by the Resolution, and no Fiduciary shall incur any responsibility in respect thereof. No Fiduciary shall be under any responsibility or duty with respect to (i) the issuance of the Bonds for value, (ii) the application of the proceeds thereof except to the extent the proceeds are received by it in its capacity as Fiduciary, or (iii) the application of any moneys paid to the Issuer or others in accordance with the Resolution except as to the application of any moneys paid to it in its capacity as Fiduciary. No Fiduciary shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect thereof, or to advance any of its own moneys, unless properly indemnified. No Fiduciary shall be liable in connection with the performance of its duties under the Resolution except for its own negligence or willful misconduct. Subject to the foregoing, the Issuer may designate any Fiduciary to undertake any duty in the Resolution of the Issuer with respect to collection, accounting, review of and notice for any consents required thereunder.

(Section A-803)

Evidence on Which Fiduciaries May Act

Each Fiduciary shall be protected in acting upon any notice, resolution, request, consent, order, certificate, report, opinion, bond, or other paper or document believed by it in good faith to be genuine, and to have been signed or presented by the proper party or parties. Each Fiduciary may consult with counsel, who may or may not be of counsel to the Issuer, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under the Resolution in good faith and in accordance therewith.

Whenever any Fiduciary shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under the Resolution, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of the Issuer. Such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of the Resolution upon the faith thereof, but in its discretion the Fiduciary may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may seem reasonable.

Except as otherwise expressly provided in the Resolution, any request, order, notice or other direction required or permitted to be furnished pursuant to any provision thereof by the Issuer to any Fiduciary shall be sufficiently executed if executed in the name of the Issuer by an Authorized Officer.

(Section A-804)

Compensation

The Issuer shall pay to each Fiduciary from time to time reasonable compensation for all services rendered under the Resolution, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of their attorneys, agents and employees, incurred in and about the performance of their powers and duties under the Resolution. The Issuer further agrees to the extent permitted by law to indemnify and save each such Fiduciary harmless against any liabilities which it may incur in the exercise and performance of its powers and duties under the Resolution, and which are not due to its negligence or willful misconduct. The Issuer's obligation to make any payment pursuant to this section shall be limited to payment from amounts made available therefor pursuant to the Financing Agreements.

(Section A-805)

Certain Permitted Acts

Any Fiduciary may become the owner of or deal in any Bonds as fully with the same rights it would have if it were not a Fiduciary. To the extent permitted by law, any Fiduciary may act as Securities Depository for, and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of Bondholders or to effect or aid in any reorganization growing out of the enforcement of the Bonds or the Resolution, whether or not any such committee shall represent the Holders of a majority in aggregate principal amount of the Bonds then Outstanding in respect of which any such action is taken.

(Section A-806)

Resignation of Trustee

The Trustee may at any time resign and be discharged of its duties and obligations created by the Resolution by giving not less than sixty (60) days' written notice to the Issuer, specifying the date when such resignation shall take effect, and mailing notice thereof, to the Holders of all Bonds then Outstanding, and such resignation shall take effect on the day specified in such notice unless previously a successor shall have been appointed as provided in the Resolution, in which event such resignation shall take effect immediately upon the appointment of such successor; provided, however, that any resignation or removal of the Trustee shall in no event take effect until a successor shall have been appointed and accepted the duties of Trustee.

(Section A-807)

Removal of Trustee

The Issuer may at any time remove the Trustee initially appointed or any successor thereto by written notice of such removal mailed by first class mail to the Trustee except that the Trustee may not be removed by the Issuer during the pendency of an Event of Default; provided, however, that any resignation or removal of the Trustee shall in no event take effect until a successor shall have been appointed and accepted the duties of Trustee. Notice of the removal of the Trustee shall be mailed by first class mail to the registered Holders of all Bonds then Outstanding at least 30 days prior to such removal.

(Section A-808)

Appointment of Successor Trustee

In case at any time the Trustee shall resign or shall be removed or shall become incapable of acting or shall be adjudged bankrupt or insolvent, or if a receiver, liquidator or conservator of the Trustee, or of its property, shall be appointed, or if any public officer shall take charge or control of the Trustee, or of its property or affairs, the Issuer shall appoint a successor Trustee. The Issuer shall cause notice of any such appointment to be mailed to all Holders of Bonds then Outstanding.

If in a proper case no appointment of a successor Trustee shall be made pursuant to the foregoing provisions of this section within 30 days after the Trustee shall have given to the Issuer written notice as provided in the Standard Resolution Provisions or after a vacancy in the office of the Trustee shall have occurred by reason of its inability to act, the Trustee or the Holder of any Bond may apply to any court of competent jurisdiction to appoint a successor Trustee. Said court may thereupon, after such notice, if any, as such court may deem proper, appoint a successor Trustee.

Any Trustee appointed under the provisions of this section in succession to the Trustee shall be a bank or trust company organized under the laws of the State of New York or a national banking association and having Fiduciary Capital Funds of at least $100,000,000, if there be such a bank or trust company or national banking association willing and able to accept the office on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by the Resolution.

(Section A-809)

Transfer of Rights and Property to Successor Trustee

Any successor Trustee appointed under the Resolution shall execute, acknowledge and deliver to its predecessor Trustee, and also to the Issuer, an instrument accepting such appointment, and thereupon such successor Trustee, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of such predecessor Trustee, with like effect as if originally named as Trustee; but the Trustee ceasing to act shall nevertheless, on the written request of the Issuer, or of the successor Trustee, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor Trustee all the right, title and interest of the predecessor Trustee in and to any property held by it under the Resolution, and shall pay over, assign and deliver to the successor Trustee any money or other property subject to the trusts and conditions set forth in the Resolution. Should any deed, conveyance or instrument in writing from the Issuer be required by such successor Trustee for more fully and certainly vesting in and confirming to such successor Trustee any such estates, rights, powers, and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by the Issuer. Any such successor Trustee shall promptly notify the Paying Agents, if any, of its appointment as Trustee.

(Section A-810)

Merger or Consolidation

Any company into which any Fiduciary may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it shall be a party, or any company to which such Fiduciary may sell or transfer all or substantially all of its business, or all of its non-private trust administration business, shall be the successor to such Fiduciary without the execution or filing of any paper or the performance of any further act; provided such company shall be a bank having trust powers or a trust company organized under the laws of the State or a national banking association and shall, if it previously had not had such an office, have an office for the transaction of its business in the State, and shall be authorized by law to perform all the duties imposed upon it by the Resolution.

(Section A-811)

Resignation or Removal of Paying Agent and Appointment of Successor

Any Paying Agent may at any time resign and be discharged of the duties and obligations created by the Resolution by giving at least sixty (60) days' written notice to the Issuer and the other Paying Agents. Any Paying Agent may be removed at any time by an instrument filed with such Paying Agent and signed by the Issuer. Any successor Paying Agent may be appointed by the Issuer and (subject to the requirements of the Standard Resolution Provisions) shall be a bank having trust powers or trust company in good standing organized under the laws of any state of the United States of America or a national banking association, duly authorized to exercise trust powers and subject to examination by federal or state Corporation, having Fiduciary Capital Funds of at least $100,000,000, and willing and able to accept the office on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by the Resolution.

In the event of the resignation or removal of any Paying Agent, such Paying Agent shall pay over, assign and deliver any moneys held by it as Paying Agent to its successor or if there shall be no successor, to the Issuer. In the event that for any reason there shall be a vacancy in the office of Paying Agent, the Issuer shall act as such Paying Agent.

(Section A-812)

Adoption and Filing

The Issuer may adopt at any time or from time to time a Supplemental Resolution to authorize the issue of the initial Series of Bonds and of additional Series of Bonds and the incurrence of Parity Reimbursement Obligations as provided in the Standard Resolution Provisions and to prescribe the terms and conditions thereof and any additional terms and conditions upon which such Bonds may be issued and Parity Reimbursement Obligations may be incurred.

(Section A-901)

Supplemental Resolutions Effective Upon Adoption

Notwithstanding any other provisions of the Standard Resolution Provisions, the Issuer may adopt, for any one or more of the following purposes and at any time or from time to time, a Supplemental Resolution which, upon adoption thereof and filing with the Trustee shall be fully effective in accordance with its terms:

1. To close the Resolution against, or provide limitations and restrictions contained in the Resolution on, the authentication or execution and delivery on original issuance of Bonds or the issuance of other evidences of indebtedness;

2. To add to the covenants and agreements of the Issuer contained in the Resolution other covenants and agreements to be observed by the Issuer which are not contrary to or inconsistent with the Resolution as theretofore in effect;

3. To add to the limitations or restrictions in the Resolution other limitations or restrictions to be observed by the Issuer which are not contrary to or inconsistent with the Resolution as theretofore in effect;

4. To surrender any right, power or privilege reserved to or conferred upon the Issuer by the Resolution, provided that the surrender of such right, power or privilege is not contrary to or inconsistent with the covenants and agreements of the Issuer contained in the Resolution;

5. To confirm, as further assurance, any pledge under, and the subjection to any lien, claim or pledge created or to be created by, the Resolution, or any Supplemental Resolution of the Pledged Property, including the Revenues or the Funds, and other moneys and securities;

6. To modify any of the provisions of the Resolution in any respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Bonds of any Series Outstanding at the date of the adoption of such Supplemental Resolution shall cease to be Outstanding and (ii) such Supplemental Resolution shall be specifically referred to in the text of all Bonds of any Series authenticated and delivered on original issuance after the date of the adoption of such Supplemental Resolution and of Bonds issued in exchange therefor or in place thereof;

7. To add to the Resolution any provisions required by law to preserve the exclusion from gross income for federal income tax purposes of interest received on Tax-Exempt Bonds then Outstanding or to be issued or the exemption of interest received on any Bonds from State income taxation;

8. To modify, amend or supplement the Resolution in any manner in order to provide for a Credit Facility, Qualified Swap or other similar arrangement with respect to any Series of Bonds, under the Resolution, so long as the Issuer determines that such Supplemental Resolution does not materially adversely affect the right, security and interest of the Holders of Outstanding Bonds;

9. To cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in the Resolution, so long as the Issuer determines that such Supplemental Resolution does not materially adversely affect the right, security and interest of the Holders of Outstanding Bonds;

10. To insert such provisions clarifying matters or questions arising under the Resolution as are necessary or desirable and are not contrary to or inconsistent with the Resolution as theretofore in effect;

11. To authorize Bonds of a Series and, in connection therewith, specify and determine the matters and things referred to in the Standard Resolution Provisions and also any other matters and things relative to such Bonds which are not contrary to or inconsistent with the Resolution as theretofore in effect, or to amend, modify or rescind any such authorization, specification or determination at any time prior to the first authentication and delivery of such Bonds;

12. To authorize Subordinated Indebtedness and, in connection therewith, specify and determine (or provide procedures for an Authorized Officer of the Issuer to specify or determine) the matters and things required or permitted by Article V of the Resolution in connection therewith, and also any other matters and things relative to such Subordinated Indebtedness which are not contrary to or inconsistent with the Resolution as then in effect, or at any time to amend, rescind or limit any authorization for any such Subordinated Indebtedness theretofore authorized but not issued or entered into; and in connection with the authorization of Subordinated Indebtedness, any such Supplemental Resolution may include provisions for the availability, transferability, use or application of amounts available to pay Subordinated Indebtedness in the Subordinated Payment Fund and any other funds, accounts or subaccounts created for the benefit of such Subordinated Indebtedness;

13. To provide, with prior written notice to each Rating Agency, for additional Investment Obligations that may be designated as Government Obligations consistent with clause (f) of the definition of Government Obligations;

14. Notwithstanding the Resolution, to the extent authorized by law and to the extent the Issuer shall have received a Counsel's Opinion that it will not adversely affect the exclusion of interest from the income of Holders of Bonds for federal income tax purposes for any Tax-Exempt Bonds, to provide for the delivery of Bonds that are not in registered form;

15. To modify the pledge effected by Section 501 of the Resolution and such other provisions of the Resolution solely to give effect to an assumption, extinguishment and substitution consistent with the Resolution;

16. Notwithstanding the terms and provisions of the Standard Resolution Provisions, to the extent authorized by law and to the extent that it will not adversely affect the exclusion of interest from the income of Holders of Bonds for federal income tax purposes for any Tax-Exempt Bonds, to provide for the delivery of a Series of Bonds or a portion of a Series of Bonds incorporating detachable call options;

17. To modify, with prior written notice to each Rating Agency, the definition of Qualified Swap Provider; or

18. To make any other modification or amendment of the Resolution which the Issuer shall in its sole discretion determine will not have a material adverse effect on the interests of the Holders of Outstanding Bonds or Parity Reimbursement Obligations.

In making any determination under the preceding paragraph, the Issuer may consult with and rely upon an Opinion of Counsel or opinions of other experts or professionals.

(Section A-902)

Supplemental Resolutions Effective with Consent of Trustee

Notwithstanding any other provision of the Standard Resolution Provisions, the Issuer may adopt a Supplemental Resolution amending any provision of the Resolution, effective upon filing with the Issuer of a written determination of the Trustee and a Counsel's Opinion that such amendment will not materially adversely affect the rights of any Holder of Bonds.

(Section A-903)

Supplemental Resolutions Effective with Consent of Bondholders

Except as permitted in the Standard Resolution Provisions, at any time or from time to time, a Supplemental Resolution may be adopted subject to consent by Bondholders, and in accordance with the Standard Resolution Provisions, which Supplemental Resolution, upon adoption and upon compliance with the Standard Resolution Provisions shall become fully effective in accordance with its terms as provided in the Standard Resolution Provisions.

(Section A-904)

General Provisions

Nothing contained in the Standard Resolution Provisions shall affect or limit the right or obligation of the Issuer to adopt, make, do, execute, acknowledge or deliver any resolution, act or other instrument pursuant to the Standard Resolution Provisions or the right or obligation of the Issuer to execute and deliver to the Trustee any instrument which elsewhere in the Resolution it is provided shall be so delivered.

Any Supplemental Resolution referred to and permitted or authorized by the Standard Resolution Provisions may be adopted by the Issuer without the consent of any of the Bondholders, but shall become effective only on the conditions, to the extent and at the time provided in the Standard Resolution Provisions. Every Supplemental Resolution adopted by the Issuer shall be (i) subject to the written approval of the Director of the Budget, and (ii) the subject of a Counsel's Opinion stating that such Supplemental Resolution has been duly and lawfully adopted in accordance with the provisions of the Resolution, is authorized or permitted by the Resolution, and is valid and binding upon the Issuer and enforceable in accordance with its terms. The Trustee shall be entitled to rely upon such opinion, which shall be conclusive evidence that such Supplemental Resolution is authorized or permitted by the Resolution.

The Trustee is authorized to accept delivery of a certified copy of any Supplemental Resolution permitted or authorized pursuant to the Resolution and to make all further agreements and stipulations which may be contained in the Resolution, and, in taking such action, the Trustee shall be fully protected in relying on the opinion of Bond Counsel that such Supplemental Resolution is authorized or permitted by the provisions of the Resolution.

No Supplemental Resolution changing, amending or modifying any of the rights or obligations of the Trustee or of any Paying Agent shall become effective without the written consent of the Trustee or Paying Agent affected thereby.

(Section A-905)

Mailing and Publication

Any provision in the Resolution or the Standard Resolution Provisions relating to the mailing of a notice or other paper to Bondholders shall be fully complied with if it is mailed postage prepaid to each Bondholder of any affected Bonds then Outstanding at such Bondholder's address, if any, appearing upon the registry books of the Issuer and to the Trustee; or, in each case, to such parties by facsimile or other means to the extent permitted by applicable law and arrangements.

Any provision in the Standard Resolution Provisions for publication of a notice or other matter shall require the publication thereof only in an Authorized Newspaper.

(Section A-1001)

Powers of Amendment

Any modification or amendment of the Resolution and of the rights and obligations of the Issuer and of the Holders of the Bonds thereunder, in any particular, may be made by a Supplemental Resolution, with the written consent given as provided in the Standard Resolution Provisions, (a) by the Holders of at least a majority in principal amount of the Bonds Outstanding at the time such consent is given, and (b) in case less than all of the Bonds then Outstanding are affected by the modification or amendment, by the Holders of at least a majority in principal amount of the Bonds so affected and Outstanding at the time such consent is given; provided, however, that if such modification or amendment will, by its terms, not take effect so long as any Bonds of any specified like Series and maturity remain Outstanding, the consent of the Holders of such Bonds shall not be required and such Bonds shall not be deemed to be Outstanding for the purpose of any calculation of Outstanding Bonds under this section. No such modification or amendment shall permit a change in the terms of redemption or maturity of the principal of any Outstanding Bond or of any installment of interest thereon or a reduction in the principal amount or the Redemption Price thereof or in the rate of interest thereon without the consent of the Holders of such Bonds, or shall reduce the percentages or otherwise affect the classes of Bonds the consent of the Holders of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee without its written assent thereto. For the purposes of this section, a Series shall be deemed to be affected by a modification or amendment of the Resolution if the same materially adversely affects or diminishes the right, security and interest of the Holders of Bonds of such Series. The Issuer may in its discretion determine whether or not in accordance with the foregoing, Bonds of any particular Series or maturity would be affected by any modification or amendment of the Resolution and any such determination shall be binding and conclusive on all Holders of Bonds. The Issuer shall, prior to making any such determination, receive a Counsel's Opinion as conclusive evidence as to whether the Bonds of a Series or maturity would be so affected by any such modification or amendment thereof. Notwithstanding anything in this section or the Resolution to the contrary, the consent of Holders of any Series of Additional Bonds to be issued under the Resolution shall be deemed given if the underwriters or initial purchasers for resale thereof consent in writing to any modification or amendment effected thereby, and such modification or amendment, as well as such consent, is disclosed in the official statement or other offering document pursuant to which such Series of additional Bonds is offered and sold.

(Section A-1002)

Consent of Bondholders

The Issuer may at any time adopt a Supplemental Resolution making a modification or amendment permitted by the Standard Resolution Provisions, to take effect when and as provided in this section. A copy of such Supplemental Resolution (or brief summary thereof or reference thereto in form approved by the Trustee) together with a request to the Bondholders for their consent thereto, shall be mailed by the Issuer to such Bondholders (but failure to mail such copy and request shall not affect the validity of the Supplemental Resolution when consented to as in this section). Such Supplemental Resolution shall not be effective unless and until there shall have been filed with the Issuer (i) the written consent of Holders of the percentages of Outstanding Bonds specified in the Standard Resolution Provisions, and (ii) a Counsel's Opinion stating that such Supplemental Resolution has been duly and lawfully adopted by the Issuer in accordance with the provisions of the Resolution, is authorized or permitted by the Resolution, and is valid and binding upon the Issuer and enforceable in accordance with its terms. Each such consent shall be effective only if accompanied by proof of the holding or owning, at the date of such consent, of the Bonds with respect to which such consent is given, which proof shall be such as is permitted by the Standard Resolution Provisions. A certificate or certificates by an Authorized Officer of the Issuer filed with the Issuer that he or she has examined such proof and that such proof is sufficient in accordance with the Standard Resolution Provisions shall be conclusive that the consents have been given by the Holders of the Bonds described in such certificate or certificates of such Authorized Officer of the Issuer. Any such consent given by such Holder shall be binding upon such Holder of the Bonds giving such consent and, anything in the Standard Resolution Provisions to the contrary notwithstanding, upon any subsequent Holder of such Bonds and of any Bonds issued in exchange therefor (whether or not such subsequent Holder thereof has notice thereof), unless such consent is revoked in writing by such Holder of such Bonds giving such consent or a subsequent Holder thereof by filing with the Issuer prior to the time when the written statement of the Issuer provided for in this section is filed. The fact that a consent has not been revoked may likewise be proved by a certificate of an Authorized Officer of the Issuer filed with the Issuer to the effect that no revocation thereof is on file. At any time after such Holders of the required percentages of Bonds shall have filed their consents to the Supplemental Resolution, the Issuer shall make and file with its records relating to the Bonds a written statement that the Holders of such required percentages of Bonds have filed such consents. Such written statement shall be conclusive that such consents have been so filed. At any time thereafter notice, stating in substance that the Supplemental Resolution (which may be referred to as a Supplemental Resolution adopted by the Issuer on a stated date, a copy of which is on file with the Issuer) has been consented to by the Holders of the required percentages of Bonds and will be effective as provided in this section, may be given to such Bondholders by the Issuer by mailing or causing the mailing of such notice to such Bondholders (but failure to mail such notice shall not prevent such Supplemental Resolution from becoming effective and binding as provided in this section) and, in the sole discretion of the Issuer, by publishing the same at least once not more than ninety (90) days after such Holders of the required percentages of Bonds shall have filed their consents to the Supplemental Resolution and the written statement of the Issuer provided for in the Resolution is filed (but failure to publish such notice shall not prevent such Supplemental Resolution from becoming binding as provided in this section). If such notice is published, the Issuer shall file with its records relating to the Bonds proof of the publication of such notice and, if the same shall have been mailed to such Bondholders, of the mailing thereof. A transcript consisting of the papers required or permitted by this section to be filed with the Issuer records relating to the Bonds, shall be proof of the matters therein stated. Such Supplemental Resolution making such amendment or modification shall be deemed conclusively binding upon the Issuer, the Trustee, or the Holders of all Bonds upon filing with the Issuer records of proof of mailing of such notice or at the expiration of forty (40) days after such filing of the proof of the first publication of such last mentioned notice, if such notice is published, except in the event of a final decree of a court of competent jurisdiction setting aside such Supplemental Resolution in a legal action or equitable proceeding for such purpose commenced within such forty (40) day period; provided, however, that the Trustee and the Issuer during such forty (40) day period and any such further period during which any such action or proceeding may be pending shall be entitled in its absolute discretion to take such action, or to refrain from taking such action, with respect to such Supplemental Resolution as it may deem expedient.

For the purpose of the Standard Resolution Provisions, the purchasers of the Bonds of a Series, whether purchasing as underwriters, for resale or otherwise, upon such purchase, may consent to a modification or amendment permitted by the Standard Resolution Provisions in the manner provided therein, except that no proof of ownership shall be required, and with the same effect as a consent given by the Holder of such Bonds; provided, however, that, if such consent is given by a purchaser who is purchasing as an underwriter or for resale, the nature of the modification or amendment and the provisions for the purchaser consenting thereto shall be described in the official statement, prospectus, offering memorandum or other offering document prepared in connection with the primary offering of the Bonds of such Series by the Issuer or with the remarketing of the Bonds.

(Section A-1003)

Modifications by Unanimous Consent

The terms and provisions of the Resolution and the rights and obligations of the Issuer and of the Holders of the Bonds thereunder may be modified or amended in any respect upon the adoption and filing by the Issuer of a Supplemental Resolution and the consent of the Holders of all of the Bonds then Outstanding, such consent to be given as provided in the Standard Resolution Provisions except that no notice to Bondholders either by mailing or publication shall be required; provided, however, that no such modification or amendment shall change or modify any of the rights or obligations of the Trustee without the filing with the Issuer of the written assent thereto of the Trustee in addition to the consent of the Bondholders.

(Section A-1004)

Exclusion of Bonds

Bonds owned or held by or for the account of the Issuer shall not be deemed Outstanding for the purpose of consent or other action or any calculation of Outstanding Bonds provided for in the Standard Resolution Provisions, and the Issuer shall not be entitled with respect to such Bonds to give any consent or take any other action provided for in the Resolution. At the time of any consent or other action taken under the Standard Resolution Provisions, the Issuer shall file with its records relating to the Bonds a certificate of an Authorized Officer of the Issuer describing all Bonds so to be excluded.

(Section A-1005)

Notation on Bonds

Bonds delivered after the effective date of any action taken as provided in the Standard Resolution Provisions may, and, if the Issuer so determines, shall, bear a notation by endorsement or otherwise in form approved by the Issuer and Trustee as to such action, and in that event upon demand of the Holder of any Bond Outstanding at such effective date and presentation to the Issuer of his or her Bond for such purpose, suitable notation shall be made on such Bond by the Issuer as to any such action. If the Issuer and Trustee shall so determine, new Bonds so modified as, in the opinion of the Issuer and Trustee conform to such action shall be prepared and delivered, and upon demand of the Holder of any Bond then Outstanding, shall be exchanged, without cost to such Bondholder, for Bonds of the same Series and maturity then Outstanding, upon surrender of such Bonds.

(Section A-1006)

Events of Default

The occurrence of one or more of the following events shall constitute an "Event of Default":

(a) payment of principal, Sinking Fund Installments, interest or premium on any Bond shall not be made when the same shall have become due, whether at maturity or upon call for redemption or otherwise, which default shall continue for a period of ten (10) Business Days; or

(b) in connection with financings for any Authorized Purpose authorized by Section 68-b, the Director of the Budget shall fail or refuse to comply with the provisions of subdivision 5(b) of Section 92-z and such failure or refusal shall continue for a period of thirty (30) days; or

(c) the Comptroller shall fail to pay to any Authorized Issuer from an appropriation, as and when provided by subdivision 3 of Section 68-c in accordance with a Financing Agreement, any amount as shall be certified by the Director of the Budget pursuant to subdivision 5(b) of Section 92-z, which default shall continue for a period of ten (10) Business Days; or

(d) the Governor shall fail or refuse to include in the appropriation bills required to be submitted by the Governor pursuant to Section 24 of the State Finance Law appropriations sufficient to pay any and all amounts as shall be certified by the Director of the Budget pursuant to subdivision 5(b) of Section 92-z, in connection with financings for any Authorized Purpose authorized by Section 68-b, and such failure or refusal shall continue for thirty (30) days from and after the date on which such bills are required to be submitted; or

(e) the State shall have enacted a moratorium or other similar law affecting payment of bonds, including the Bonds, in connection with financings for any Authorized Purpose authorized by Section 68-b; or

(f) the State or any officer of the State shall fail or refuse to comply with any of the provisions of Section 68-c or Section 92-z, either case relating to security for or payment of bonds, including the Bonds, in connection with financings for any Authorized Purpose authorized by Section 68-b; or

(g) failure by the Issuer to observe any of the covenants, agreements or conditions on its part contained in the Resolution or in the Bonds, and failure to remedy the same for a period of thirty (30) days after written notice thereof, specifying such failure and requiring the same to be remedied, shall have been given to the Issuer by the Trustee or to the Issuer and the Trustee by the Holders of not less than a majority in aggregate principal amount of Bonds at the time Outstanding; provided that, if such default cannot be corrected within such thirty (30)-day period, it shall not constitute an Event of Default if corrective action is instituted by the Issuer within such period and is diligently pursued until the default is corrected.

Except as provided above or, to the extent permitted by the Standard Resolution Provisions, in a Supplemental Resolution, no default under the Acts or any resolution, agreement, or other instrument shall constitute or give rise to an Event of Default under the Resolution.

It is expressly understood that nothing in section or elsewhere in the Resolution may be construed to restrict the right of the State under subdivision 5 of Section 68-c to amend, repeal, modify or otherwise alter statutes imposing or relating to any taxes or the sources of any other funds, including the taxes or the sources of any other funds to be deposited into the Revenue Bond Tax Fund without giving rise to an Event of Default under the Resolution.

(Section A-1101)

Remedies

Upon the occurrence and continuance of any Event of Default specified in the Standard Resolution Provisions, the Trustee shall, and upon the occurrence and continuance of any other Event of Default specified in the Standard Resolution Provisions, the Trustee may, and upon written request of the Holders of not less than a majority in aggregate principal amount of such Bonds then Outstanding, shall:

(a) by mandamus or other suit, action or proceeding at law or in equity enforce all rights of the Holders of Bonds under the Resolution;

(b) bring suit upon such Bonds;

(c) by action or suit in equity, require the Issuer to account as if it were the trustee of an express trust for the Holders of such Bonds; or

(d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the Holders of such Bonds.

The Trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the Holders of the Bonds in the enforcement and protection of their rights.

The Supreme Court of the State shall have jurisdiction of any suit, action or proceeding by the Trustee on behalf of the Holders of Bonds, and venue of any such suit, action or proceeding shall be laid in the County of Albany.

No remedy by the terms of the Resolution conferred upon or reserved to the Trustee or the Holders of the Bonds is intended to be exclusive of any other remedy but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Resolution or existing at law or in equity or by statute on or after the date of adoption of the Resolution, except that the rights of Bondholders pursuant to subdivision 2(g) of Section 68-b as in effect on the date of adoption of the Resolution are abrogated. It is further expressly understood that the Resolution does not permit the Trustee or the Holders of the Bonds to declare the Bonds to be immediately due and payable.

No Holder of any of the Bonds shall have any right to institute any suit, action or proceeding in equity or at law for the enforcement of any trust under the Resolution, or any other remedy under the Resolution or under the Bonds, unless such Holder previously shall have given to the Trustee written notice of an Event of Default as provided in the Resolution and unless also the Holders of not less than a majority in aggregate principal amount of the Bonds then Outstanding shall have made written request of the Trustee so to do, after the right to exercise such powers or rights of action, as the case may be, shall have accrued, and shall have afforded the Trustee a reasonable opportunity either to proceed to exercise the powers therein above granted, or to institute such action, suit or proceeding in its or their name; nor unless there also shall have been offered to the Trustee security and indemnity satisfactory to it against the costs, expenses and liabilities to be incurred therein or thereby, and the Trustee shall not have complied with such request within a reasonable time; and such notification, request and offer of indemnity are declared in every such case, at the option of the Trustee, to be conditions precedent to the execution of the trusts of the Resolution, or to enforce any right under the Resolution or under the Bonds, except in the manner provided in the Resolution, and that all proceedings at law or in equity shall be instituted, had and maintained in the manner provided in the Resolution and for the equal benefit of all Holders of Outstanding Bonds, subject, however, to the Standard Resolution Provisions. Nothing in the Resolution or in the Bonds contained shall affect or impair the right of action, which is also absolute and unconditional, of any Holder of any Bond to enforce payment of the principal of and premium, if any, and interest on such Bond at the respective dates of maturity of each of the foregoing and at the places therein expressed.

All rights of action under the Resolution or under any of the Bonds which are enforceable by the Trustee may be enforced by it without the possession of any of the Bonds, or the production thereof on the trial or other proceedings relative thereto, and any such suit, action or proceeding instituted by the Trustee shall be brought in its name, as trustee, for the equal and ratable benefit of the Holders of the Bonds, subject to the provisions of the Resolution.

No delay or omission of the Trustee or of any Holder of the Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default, or an acquiescence therein; and every power and remedy given by the Standard Resolution Provisions to the Trustee and to the Holders of the Bonds, respectively, may be exercised from time to time as often as may be deemed expedient.

(Section A-1102)

Priority of Payments After Default

In the event that the funds held by the Issuer, the Trustee or by the Paying Agents shall be insufficient for the payment of principal, Sinking Fund Installments, if any, or Redemption Price of and interest then due on the Bonds and for payments then due with respect to Parity Reimbursement Obligations, such funds (other than funds held for the payment of particular Bonds which have theretofore become due at maturity or by call for redemption and funds which at the time of their deposit into any Fund or account under the Resolution have been designated to be applied solely to the payment of the principal of and premium, if any, and interest on any series of Bond Anticipation Notes) and any other moneys received or collected by the Trustee or any Paying Agents, after making provision for the payment of any expenses necessary in the opinion of the Trustee to preserve the continuity of the Revenues, or otherwise protect the interests of the Holders of the Bonds, and after making provision for the payment of the reasonable charges and expenses and liabilities incurred and advances made by the Trustee or any Paying Agents in the performance of their duties under the Resolution, shall be applied as follows:

FIRST: To the payment to the Persons entitled thereto of all installments of interest then due with respect to Bonds or Parity Reimbursement Obligations in the order of the maturity of the installments of such interest, and, if the amount available shall not be sufficient to pay in full any installment, then to the payment thereof ratably, according to the amounts due on such installment, to the Persons entitled thereto, without any discrimination or preference, except as to the difference in the respective rates of interest specified in such Bonds and Parity Reimbursement Obligations; and

SECOND: To the payment to the Persons entitled thereto of the unpaid principal, Sinking Fund Installments or Redemption Price of any Bonds or Parity Reimbursement Obligations which shall have become due whether at maturity or by call for redemption in the order of their due dates and, if the amount available shall not be sufficient to pay in full all the Bonds due on any date, then to the payment thereof ratably, according to the amount of principal, Sinking Fund Installments or

Redemption Price due on such date, to the Persons entitled thereto, without any discrimination or preference.

The provisions of this section are in all respects subject to the provisions of the section entitled "Extension of Payment of Bonds" in the Standard Resolution Provisions.

If and when all overdue installments of interest on all Bonds and Parity Reimbursement Obligations, together with the reasonable and proper charges and expenses of the Trustee, and all other sums payable by the Issuer under the Resolution, including the principal and Redemption Price of and accrued unpaid interest on all Bonds and Parity Reimbursement Obligations which shall then be payable, shall either be paid by or for the account of the Issuer, or provision satisfactory to the Trustee shall be made for such payment, and all defaults under the Resolution or the Bonds or Parity Reimbursement Obligations shall be made good or secured to the satisfaction of the Trustee or provision deemed by the Trustee to be adequate shall be made therefor, the Trustee shall pay over to the Issuer all such Pledged Property then remaining unexpended in the hands of the Trustee (except Pledged Property deposited or pledged, or required by the terms of the Resolution to be deposited or pledged, with the Trustee), and thereupon the Issuer and the Trustee shall be restored, respectively, to their former positions and rights. No such payment to the Issuer by the Trustee or resumption of the application of Pledged Property as provided in Article V of the Resolution shall extend to or affect any subsequent default under the Resolution or impair any right consequent thereon.

(Section A-1103)

Defeasance

If the Issuer shall pay or cause to be paid, or there shall otherwise be paid, to the Holders of all Bonds then Outstanding, the principal, Sinking Fund Installments, if any, or Redemption Price, if applicable, thereof and interest to become due thereon, at the times and in the manner stipulated therein and in the Resolution, then, at the option of the Issuer, the covenants, agreements and other obligations of the Issuer to the Bondholders shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Issuer shall execute and file with its records relating to the Bonds all such instruments as may be desirable to evidence such discharge and satisfaction and the Trustee and any Paying Agents, if any, shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to the Resolution which are not required for the payment, or redemption, of Bonds not theretofore surrendered for such payment or redemption or required for payments to Fiduciaries pursuant to the Standard Resolution Provisions.

Bonds, or portions of Bonds, for the payment or redemption of which moneys shall have been set aside and shall be held by the Trustee (through deposit by the Issuer of funds for such payment or otherwise) at the maturity date or Redemption Date of such Bonds shall be deemed to have been paid within the meaning of the Standard Resolution Provisions. Any Bonds, or portions of Bonds, of any Series shall, prior to the maturity or Redemption Date thereof, be deemed to have been paid within the meaning and with the effect expressed in the Standard Resolution Provisions if (a) in case any of said Bonds are to be redeemed on any date prior to their maturity, the Issuer shall have given to the Trustee in form satisfactory to it irrevocable instructions to provide to Holders in accordance with the Standard Resolution Provisions notice of redemption on said date or dates of such Bonds, (b) there shall have been irrevocably deposited by the Issuer with the Trustee either moneys in an amount which shall be sufficient, or Government Obligations the principal of and the interest on which when due will provide moneys which, together with the moneys, if any, deposited by the Issuer with the Trustee at the same time, shall be sufficient to pay when due the principal, Sinking Fund Installments, if any, or Redemption Price, if applicable, and interest due and to become due on said Bonds on and prior to the Redemption Date or maturity date as the case may be, and (c) in the event such Bonds are not by their terms subject to redemption within the next succeeding sixty (60) days, the Issuer shall (i) publish, as soon as practicable, at least twice, at an interval of not less than seven (7) days between publications, in an Authorized Newspaper a notice to the Holders of such Bonds, and (ii) mail by registered or certified mail, postage prepaid, a notice to the Holders of such Bonds, in each case that the deposit required by (b) above has been made and that said Bonds are deemed to have been paid in accordance with this section and stating such maturity date or Redemption Date upon which moneys are to be available for the payment of the principal, Sinking Fund Installments, if any, or Redemption Price, if applicable, on said Bonds. The Trustee shall, at the discretion of the Issuer, select the Bonds of a Series and the maturity or portion of a maturity thereof shall be paid in accordance with this section in the manner provided in the Standard Resolution Provisions. Neither Government Obligations or moneys deposited pursuant to this section nor principal or interest payments on any such Government Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal, Sinking Fund Installments, if any, or Redemption Price, if applicable, and interest on said Bonds; provided that any moneys received from such principal or interest payments on such Government Obligations so deposited, if not then needed for such purpose, shall, to the extent practicable, be reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the principal, Sinking Fund Installments, if any, or Redemption Price, if applicable, and interest to become due on said Bonds on and prior to such Redemption Date, payment date or maturity date thereof, as the case may be. Any income or interest earned by, or increment to, the investment of any such moneys so deposited shall, to the extent in excess of the amounts required in the Resolution to pay principal, Sinking Fund Installments, if any, or Redemption Price, if applicable, of and interest on such Bonds, as realized, be applied as follows: first to the Rebate Fund, the amount, if any, required to be deposited therein; and, then the balance thereof to the Issuer, and any such moneys so paid shall be released of any trust, pledge, lien, encumbrance or security interest created by the Resolution. Prior to applying any such excess amounts pursuant to this paragraph or the following paragraph, the Issuer shall obtain written confirmation from an independent certified public accountant that the amounts remaining on deposit and held in trust are sufficient to pay the obligations set forth above.

For purposes of determining whether Variable Interest Rate Bonds shall be deemed to have been paid prior to the maturity or redemption date thereof, as the case may be, by the deposit of moneys, or Government Obligations and moneys, if any, in accordance with the second sentence of the preceding paragraph, the interest to come due on such Bonds on or prior to the maturity date or redemption date thereof, as the case may be, shall be calculated at the maximum rate permitted by the terms thereof; provided, however, that if on any date, as a result of such Bonds having borne interest at less than such maximum rate for any period, the total amount of moneys, Government Obligations on deposit with the Trustee for the payment of interest on such Bonds is in excess of the total amount which would have been required to be deposited with the Trustee on such date in respect of such Bonds in order to satisfy the second sentence of the preceding paragraph, the Trustee shall, if requested, by the Issuer, pay the amount of such excess to the Issuer free and clear of any trust, pledge, lien, encumbrance or security interest securing the Bonds or otherwise existing under the Resolution.

Anything in the Resolution to the contrary notwithstanding, any moneys held by the Trustee in trust for the payment and discharge of any of the Bonds which remain unclaimed for two (2) years after the date when such Bonds have become due and payable either at their stated maturity dates or earlier Redemption Dates or for two (2) years after the date of deposit of such moneys if deposited with the Trustee, after the said date when such Bonds became due and payable, shall, at the written request of the Issuer, be repaid by the Trustee to the Issuer, as its absolute property and free from trust, and the Trustee shall thereupon be released and discharged with respect thereto and the Bondholders shall look only to the Issuer for the payment of such Bonds. Before being required to make any such payment to the Issuer, the Trustee shall, at the expense of the Issuer, (i) cause to be published at least twice, at an interval of not less than seven (7) days between publications, in an Authorized Newspaper, and (ii) cause to be mailed postage prepaid to each registered owner of Bonds then Outstanding at his or her address, if any, appearing upon the registry books of the Issuer, a notice that said moneys remain unclaimed and that, after a date named in said notice, which date shall be not less than thirty (30) days after the date of the first publication or mailing of such notice, the balance of such moneys then unclaimed will be returned to the Issuer.

(Section A-1104)

Certain Provisions Relating to Economic Defeasance

Any Bonds of any Series for which prior to the maturity or Redemption Date thereof, the Issuer shall have given to the Trustee or other fiduciary selected by the Issuer in form satisfactory to it irrevocable instructions to maintain on deposit in a Fund or account held by the Trustee or other fiduciary selected by the Issuer established for such purpose for the benefit of the Holders of such Bonds, Investment Obligations, other than Government Obligations, the principal of and the interest on which when due will provide moneys which, together with the moneys, if any, deposited with the Trustee or other fiduciary selected by the Issuer at the same time, as verified in the report of a firm of certified public accountants, shall be sufficient to pay when due the principal, Sinking Fund Installments, if any, or Redemption Price, if applicable, and interest due and to become due on said Bonds on and prior to the Redemption Date or maturity date as the case may be, shall not be counted as Outstanding under the Resolution solely for the purpose of the calculation of Calculated Debt Service required under the Standard Resolution Provisions.

(Section A-1105)

Evidence of Signatures of Bondholders and Ownership of Bonds

Any request, consent, revocation of consent or other instrument which the Resolution may require or permit to be signed and executed by the Bondholders may be in one or more instruments of similar tenor, and shall be signed or executed by such Bondholders in person or by their attorneys appointed in writing. Proof of (i) the execution of any such instrument, or of an instrument appointing any such attorney, or (ii) the holding by any person of the Bonds, shall be sufficient for any purpose of the Resolution (except as otherwise therein expressly provided) if made in the following manner, or in any other manner satisfactory to the Issuer, which may nevertheless in its discretion require further or other proof in cases where it deems the same desirable:

1. The fact and date of the execution by any Bondholder or his attorney of such instrument may be proved by certificate, which need not be acknowledged or verified, of an officer of a bank or trust company satisfactory to the Issuer or any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he purports to act, that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer. The authority of the person or persons executing any such instrument on behalf of a corporate Bondholder may be established without further proof if such instrument is signed by a person purporting to be the president or a vice-president of such corporation with a corporate seal affixed and attested by a person purporting to be its secretary or an assistant secretary.

2. The ownership of Bonds and the amount, numbers and other identification, and date of holding the same shall be proved by the registry books. Any request or consent by the owner of any Bond shall bind all future owners of such Bond in respect of anything done or suffered to be done by the Issuer, the Trustee or any Paying Agent in accordance therewith except as otherwise provided in the Standard Resolution Provisions.

(Section A-1201)

Moneys Held for Particular Bonds

The amounts held by the Trustee or any Paying Agent for the payment of the principal, Sinking Fund Installments, if any, or Redemption Price of and interest due on any date with respect to particular Bonds shall, on and after such date and pending such payment, be set aside on its books and held in trust by it for the Holders of the Bonds entitled thereto and for the purposes thereof such principal, Sinking Fund Installments, if any, or Redemption Price of and interest on such Bonds, due after such date thereof, consistent with the provisions of the Standard Resolution Provisions, shall no longer be deemed to be Outstanding.

(Section A-1301)

General Regulations as to Moneys and Funds

Each of the Funds and Accounts established by the Resolution shall be a trust fund for the purposes thereof.

All amounts of the Issuer held or set aside under the Resolution shall, until paid over to the Fiduciaries or otherwise invested or applied as provided in the Resolution, be deposited by the Issuer in its name, on demand or time deposit, in such Banks as shall be selected by the Issuer. Any amounts held by any Fiduciary under the Resolution shall be deposited in such Banks as the Issuer may select. Any such deposit may be made in the commercial banking department of any Fiduciary which may honor checks on such deposit with the same force and effect as if it were not such Fiduciary, and without any duty to inquire into whether any withdrawals of such funds are in accordance with or might violate any of the provisions of the Resolution. Such deposits shall be continuously secured by the obligations of the United States of America or of the State, which obligations shall have a market value (exclusive of accrued interest) at all times at least equal to the amount of such deposits, which obligations shall be segregated in trust for the account of the Issuer, or shall be otherwise held as the Issuer and the depository may agree. Securities deposited with the Federal Reserve Bank to secure all trust accounts of a depository shall be deemed to comply with the foregoing requirement.

Unless otherwise specified in a Supplemental Resolution authorizing the issuance of Bonds, all money held by any Fiduciary, as such, may be deposited by such Fiduciary in its banking department on demand or, if and to the extent directed by the Issuer and acceptable to such Fiduciary, on time deposit, and all such deposits shall be continuously secured by the obligations of the United States of America or of the State which obligations shall have a market value (exclusive of accrued interest) at all times at least equal to the amount of such deposits. Securities deposited with the Federal Reserve Bank to secure all trust accounts of the Fiduciary shall be deemed to comply with the foregoing requirement. Such Fiduciary shall allow and credit on such money such interest, if any, as it customarily allows upon similar funds of similar size and under similar conditions or as required by law.

(Section A-1302)

Preservation and Inspection of Documents

All documents received by the Trustee or any Paying Agent under the provisions of the Resolution or any Supplemental Resolution shall be retained in its possession and shall be subject at all reasonable times to the inspection of the Issuer, the Trustee or any other Paying Agent, as applicable, and any Bondholder and their agents and their representatives; provided, however, that with respect to inspection by a Holder of a Bond of any Series a written request of such Bondholder must have been made and received by the Trustee at least five (5) Business Days prior to the date of inspection. The Issuer or its representatives may make copies of any such documents.

(Section A-1303)

Parties of Interest

Nothing in the Resolution or in any Supplemental Resolution, expressed or implied, is intended or shall be construed to confer upon, or give to, any person or party, other than the Issuer, the Trustee, any Paying Agent, the Holders of the Bonds, the Holders of Parity Reimbursement Obligations and the providers of Credit Facilities any right, remedy or claim under or by reason of the Resolution or any Supplemental Resolution or any covenant, condition or stipulation thereof; and all of the covenants, stipulations, promises and agreements in the Resolution or any Supplemental Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Trustee, the Paying Agents, the Holders of the Bonds, the Holders of Parity Reimbursement Obligations and the providers of Credit Facilities.

(Section A-1304)

No Recourse Under Resolution or on the Bonds

All covenants, stipulations, promises, agreements and obligations of the Issuer contained in the Resolution shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the Issuer and not of any member, officer or employee of the Issuer in his or her individual capacity, and no recourse shall be had for the payment of the principal, Sinking Fund Installments, if any, or Redemption Price or interest on the Bonds or for any claim based thereon or on the Resolution against any member, officer or employee of the Issuer or any person executing the Bonds, all such liability, if any, being expressly waived and released by every Holder of a Bond by the acceptance of such Bonds.

(Section A-1305)

Publication of Notices

Any publication to be made under the provisions of the Resolution in successive weeks or on successive dates may be made in each instance upon any Business Day of the week and need not be made in the same Authorized Newspaper for any or all of the successive publications but may be made in different Authorized Newspapers.

(Section A-1306)

Successors and Assigns

Whenever in the Resolution the Issuer is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in the Resolution contained by or on behalf of the Issuer shall bind and inure to the benefit of its successors and assigns whether so expressed or not.

(Section A-1307)

Severability of Invalid Provisions

If any one or more of the covenants, stipulations, promises, agreements or obligations provided in the Resolution on the part of the Issuer, the Trustee or any Paying Agent to be performed should be determined by a court of final jurisdiction to be contrary to law, then such covenant or covenants, stipulation or stipulations, agreement or agreements or obligation or obligations shall be deemed and construed to be severable from the remaining covenants, stipulations, promises, agreements and obligations contained in the Resolution and shall in no way affect the validity of the other provisions of the Resolution.

(Section A-1308)

Other Resolutions

The Issuer expressly reserves the right to adopt one or more other bond resolutions and to issue bonds, bond anticipation notes, notes and other obligations thereunder without compliance with and not subject to the Standard Resolution Provisions.

(Section A-1309)

Survival of Particular Covenants

Notwithstanding that Bonds may no longer be Outstanding, the obligations of the Issuer (i) to pay amounts to any Fiduciary pursuant to the Standard Resolution Provisions shall remain in full force and effect until all such amounts are paid and (ii) to comply with the provisions of Section 505 of the Resolution in connection with any Tax-Exempt Bonds, with respect to the rebate to the Department of the Treasury of the United States of America of any Rebate Amount relating to the Bonds of a Series shall remain in full force and effect so long as the Issuer shall be required by the Code to rebate any such Rebate Amount.

(Section A-1310)

Actions by the Issuer

Any time the Issuer is permitted or directed to act pursuant to the Standard Resolution Provisions or a Supplemental Resolution, such action may be taken by an Authorized Officer of the Issuer except that the following actions may only be taken by resolution of the members of the Issuer: authorization and issuance of Bonds; adoption of resolutions; and modifications and amendments pursuant to the Standard Resolution Provisions. Any certificates of the Issuer to be delivered under the Resolution shall be executed by an Authorized Officer of the Issuer. *(Section A-1311)*

Governing Laws

The Resolution, including the Standard Resolution Provisions, shall be governed by and interpreted in accordance with internal laws of the State, without regard to conflict of law principles thereof.

(Section A-1312)

Payments due on Other Than a Business Day

In any case where the date of maturity of interest on or principal of the Bonds or the date fixed for redemption of any Bonds shall be on a day that is not a Business Day, then payment of interest or principal and premium, if any, need not be made on such date but may be made (unless otherwise provided in a Supplemental Resolution without additional interest) on the next succeeding Business Day, with the same force and effect as if made on the date of maturity or the date fixed for redemption, as the case may be.

(Section A-1313)

APPENDIX C

FORM OF FINANCING AGREEMENT

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APPENDIX C

CONFORMED COPY OF
STATE PERSONAL INCOME TAX REVENUE BONDS
(GENERAL PURPOSE)
FINANCING AGREEMENT

STATE PERSONAL INCOME TAX REVENUE BONDS (GENERAL PURPOSE) FINANCING AGREEMENT (the "Financing Agreement"), dated as of July 1, 2009, by and between the Dormitory Authority of the State of New York, a corporate governmental agency of the State of New York (the "Issuer"), and the State of New York (the "State"), acting by and through the Director of the Budget of the State (the "Director of the Budget").

WHEREAS, the Issuer has, pursuant to the Dormitory Authority of the State of New York Act, constituting Title 4 of Article 8 of the Public Authorities Law, as amended, together with any other provisions of State law relating to the authorization or financing of Costs of a Project, (the "Issuer Act") and Article 5-C of the State Finance Law, as may be hereafter amended from time to time (the "Enabling Act", which together with the Issuer Act is referred to herein as the "Acts"), adopted its State Personal Income Tax Revenue Bonds (General Purpose) General Bond Resolution on April 29, 2009 (including Annex A thereto), and a Supplemental Resolution (collectively, the "Resolution") for the purpose of issuing from time to time one or more series of bonds (the "Bonds"), notes or other obligations to be secured by this Financing Agreement, as may be amended or supplemented from time to time, with the State; and

WHEREAS, in order to assist the Issuer in the financing of one or more authorized purposes as provided in the Enabling Act ("Authorized Purposes") pursuant to applicable law and in consideration of the benefits to be derived therefrom by the people of the State, the Director of the Budget, acting on behalf of the State, is authorized to enter into one or more Financing Agreements with the Issuer whereunder the State agrees, subject to the making of annual appropriations therefor by the State Legislature, to make annual payments to the Issuer, and authorize the Issuer to pledge and assign the State payments to be made as security for Bonds or other obligations which the Issuer may issue or incur in order to finance Authorized Purposes; and

WHEREAS, the State and the Issuer agree that their mutual public purposes and their best interests will be promoted by the execution of this Financing Agreement, as the same may be modified, supplemented or amended from time to time; and

WHEREAS, the Issuer Board authorized its Authorized Officer to enter into, execute and amend this Financing Agreement;

NOW, THEREFORE, the parties mutually agree as follows:

I. ISSUANCE OF BONDS BY THE ISSUER

1.1 The State agrees that the Issuer may, subject to the provisions of this Financing Agreement and the Acts, issue one or more Series of its State Personal Income Tax Revenue Bonds (General Purpose), secured by this Financing Agreement and the payments to be made by the State as herein provided. The Bonds shall be issued in such principal amounts and at such times so that the Issuer may realize from the sale thereof net proceeds sufficient to fund Authorized Purposes having a cost not in excess of the amount specified by applicable law. The State recognizes that in order to realize net proceeds in the aforesaid amounts from the sale of Bonds, the Issuer may also issue Bonds in amounts sufficient to pay Costs of Issuance, and the amount of capitalized interest, if any, included in the issuance and sale of the Bonds.

1.2 The Bonds issued by the Issuer pursuant to the provisions of Section 1.1 hereof shall be subject to the following conditions and limitations:

(a) The Resolution shall have been approved by the Issuer Board in accordance with the Acts.

(b) Unless the Issuer and the State shall otherwise agree (and any such agreement may include, among other things, the agreement of the State to pay or to reimburse the Issuer in the manner set forth in the Resolution for any additional fees, costs and expenses incurred in connection with the issuance and administration of Variable Interest Rate Bonds or costs and expenses relating to a Qualified Swap, including without limitation, the fees, costs and expenses of any provider of a Credit Facility, except to the extent any such fees, costs or expenses are deemed costs and expenses incurred in connection with the issuance and sale of such Variable Interest Rate Bonds for purposes of Section 1.1 of this Financing Agreement and are paid from Bond proceeds), each Bond shall bear a fixed rate of interest determined at the time of its issuance, which rate of interest shall not be subject to change or adjustment prior to the scheduled maturity of such Bond.

(c) Unless the Issuer and the State shall otherwise agree, the aggregate amount of principal, principal installments and interest payable in each State Fiscal Year during which principal payments or installments are made or provided for shall, with respect to each Series of Bonds (other than Variable Interest Rate Bonds), or the aggregate of all Bonds (not including Variable Interest Rate Bonds), as the Issuer shall elect, be as nearly equal as practicable.

1.3 The Issuer agrees that prior to its issuance of any Bonds it will inform the Director of the Budget of the approximate date on which it anticipates entering into a bond purchase agreement or other binding commitment with the prospective underwriters or purchasers of such Bonds and of the estimated interest rate or rates thereof. If the Director of the Budget shall request the Issuer to postpone the sale of such Bonds, or if the Issuer shall for any reason determine to defer the issuance and sale of any Bonds, the Issuer may, in accordance with the provisions of the Resolution, issue and sell State Personal Income Tax Revenue (General Purpose) Bond Anticipation Notes ("BANs") in such principal amount so that the Issuer may realize from the sale thereof an amount not exceeding the aggregate of (i) an amount equal to the net proceeds available for Costs of a Project which the Issuer would have realized from the sale of the Bonds in anticipation of which the BANs are issued (or, in the case of renewal BANs, an amount necessary to pay the outstanding BANs in full), (ii) an amount sufficient to pay interest on the BANs until their scheduled maturity and (iii) an amount equal to Issuer Expenses incurred and to be incurred in connection with the issuance and sale of the BANs. Unless the State shall pay to the Issuer an amount sufficient to pay the BANs at their maturity or upon an earlier redemption date in accordance with their terms, the State shall, in accordance with Section 5.1 hereof, timely furnish such information to the Issuer as shall be deemed necessary by the Issuer in order to enable it to disseminate an official statement and issue the Bonds in anticipation of which the BANs had been issued on or prior to the scheduled maturity or redemption date of the BANs. Notwithstanding the provisions of Section 1.1 hereof, in the event the Issuer shall issue BANs as herein provided, the Issuer (i) may issue Bonds in such principal amounts and at such times so that the Issuer may realize from the sale thereof net proceeds sufficient to pay or redeem such BANs in accordance with their terms, and (ii) may use and pledge the proceeds from the sale of the Bonds in anticipation of which the BANs had been issued for and to the payment of such BANs and related Issuer Expenses in accordance with the Resolution.

1.4 The Issuer and the State agree that this Financing Agreement is executed in part in order to induce persons to purchase the Bonds to be issued to finance Authorized Purposes and for the purposes of securing such Bonds and, accordingly, all of the covenants and agreements on the part of the Issuer and the State set forth in this Financing Agreement are hereby declared to be for the benefit of the Holders from time to time of the Bonds. Accordingly:

(a) The Issuer may pledge, assign, or transfer the right to receive and collect Financing Agreement Payments from moneys on deposit and paid from the Revenue Bond Tax Fund and other sources authorized under Section 68-b, together with the Issuer's rights to enforce this Financing Agreement, and from and after such pledge, assignment, or transfer, such assignee shall have the Issuer's rights and privileges hereunder to the extent, and as conferred, in such pledge, assignment, and transfer and as further provided in the Resolution.

(b) In connection with the State's exercise of its right under Section 68-c and under the Resolution, upon the amendment of the State Constitution allowing the issuance or assumption of bonds, notes or other obligations secured by revenues, which may include the Revenues securing the Bonds, (i) to assume, in whole or part, the Bonds, (ii) to extinguish the existing lien of such Resolution, and (iii) to substitute security for the Bonds, in each case only so long as such assumption, extinguishment or substitution is completed in accordance with such Resolution, the Issuer may make such pledge, assignment and transfer set forth in paragraph (a) above to such successor entity, as provided by law. Upon completion of such assumption, extinguishment or substitution, the Issuer shall no longer be obligated under this Financing Agreement or under the Resolution.

1.5 Each Series of Bonds or other obligations issued pursuant to the Acts and the Resolution shall be enumerated in a schedule appended to this Agreement. It shall be sufficient, with the approval of the parties hereto, in connection with the issuance by the Issuer of Bonds or other obligations to cause a supplemental schedule to be certified by the Director of the Budget with the same force and effect as if incorporated herein. The foregoing provisions shall be applicable, subject to the Resolution, to the issuance of Subordinated Indebtedness or other obligations under the Resolution and the Acts.

II. DUTIES OF AND PAYMENTS BY THE STATE

2.1 No later than thirty (30) days after the submission of the executive budget in accordance with Article VII of the State Constitution, the Director of the Budget shall prepare a certificate setting forth the amount of monthly receipts anticipated to be deposited in the Revenue Bond Tax Fund during the fiscal year beginning April first of that year together with the monthly amounts necessary to be set aside from the receipts of such Fund, as shall be sufficient to meet the total cash requirements of the Issuer during such fiscal year, based on information that shall be provided by the Issuer and in the manner required by Section A-607 of the Resolution.

The Director of the Budget may revise such certification at such times as necessary, provided, however, that the Director of the Budget shall (i) promptly revise such certification if additional amounts are necessary to meet the cash requirements of the Issuer and (ii) as necessary, revise such certification not later than thirty (30) days after the issuance of any Bonds, including Refunding Bonds, and after the adoption of any Parity Reimbursement Obligation, Reimbursement Obligation, Qualified Swap, Subordinated Indebtedness or other financial arrangement affecting the cash requirements of the Issuer and as authorized by the Resolution.

2.2 (a) Subject to the provisions of Section 2.7 hereof, the State agrees to pay to the Trustee, on behalf of the Issuer, no later than five Business Days prior to the time payment is required to be made to Holders of the Bonds or holders of Parity Reimbursement Obligations or other obligations in any year for which the Issuer shall have Bonds Outstanding or Parity Reimbursement Obligations or other obligations outstanding, a sum of money constituting Financing Agreement Payments equal to the amount necessary to provide for the payment of the principal of (including Mandatory Sinking Fund payments) and interest on the Bonds or amounts due on any Parity Reimbursement Obligations or other obligations coming due on the next succeeding Bond payment date, as certified in writing by an Authorized Officer of the Issuer to the Director of the Budget. Such Financing Agreement Payments shall include Issuer Expenses, as certified by such Authorized Officer, with the concurrence of the Director of the Budget, and amounts due on any Subordinated Indebtedness or other obligations incurred under the Resolution, to the Director of the Budget.

(b) In the event any Bonds, Parity Reimbursement Obligations or other obligations shall bear interest at other than a fixed interest rate, the State shall pay interest as follows: (i) the amount accrued at the actual rate or rates borne, to the extent such rate or rates are known in advance of the Bond payment date, plus; (ii) if necessary, an amount accrued at the Estimated Average Interest Rate through the next scheduled Bond payment date, less; (iii) any amount paid pursuant to (ii) relating to the preceding Bond payment date in excess of the amount paid to Bondholders and holders of Parity Reimbursement Obligations or other obligations through such preceding Bond payment date.

2.3 (a) The State may, at any time in its sole discretion, choose to prepay all or any part of the payments payable under Section 2.2 hereof. Any amounts so prepaid shall be credited to the payments to be made by the State under Section 2.2 hereof.

(b) The State may, at any time in its sole discretion, make payments to the Issuer for the purpose of (i) directly funding Authorized Purposes which will not be funded with the proceeds of Bonds; (ii) paying BANs at their maturity or earlier redemption date, as provided in Section 1.3 hereof; (iii) redeeming Bonds pursuant to the exercise by the Issuer of any option it may have under the Resolution; and (iv) defeasing Bonds or BANs prior to their maturity or redemption date as permitted by and in accordance with the procedures for defeasance set forth in the Resolution or otherwise. Any payments made by the State to the Issuer for the purposes set forth in this subsection shall, subject to the provisions of the Resolution, be applied by the Issuer to such purpose, and, if so directed herein or in the Resolution, shall be deposited in a Fund or account established under the Resolution or set aside with the Trustee, if any, or the Paying Agent as provided herein or in the Resolution.

2.4 The State further agrees upon request of the Issuer to pay all amounts constituting Financing Agreement Payments (i) which may become due to any provider of a Credit Facility in connection with a Credit Facility which may have been obtained if and to the extent such obligation arises as a result of the State's failure to make any payment pursuant to Section 2.1 hereof and (ii) which may become due pursuant to any agreement relating to a Parity Reimbursement Obligation, Reimbursement Obligation, Qualified Swap or the issuance of Variable Interest Rate Bonds as contemplated by Section 1.2(b) of this Financing Agreement.

2.5 The State agrees to pay to the Issuer such amounts (constituting Financing Agreement Payments) as may be necessary in order for the Issuer to maintain the exclusion from gross income of interest on Bonds issued as Tax-Exempt Bonds under the Code, including without limitation, amounts required to be paid by the Issuer to the United States as rebate of investment earnings and amounts required to be deposited by the Issuer in a yield restricted sinking fund, at such times as the Issuer deems necessary to maintain such exclusion.

2.6 The State agrees that, subject to the provisions of Section 2.7 hereof, its obligation to make the payments provided for in this Financing Agreement shall be absolute and unconditional, without any rights of set-off, recoupment or counterclaim the State may have against the Issuer or any other person or entity having an interest in this Financing Agreement or the payments made hereunder.

2.7 Notwithstanding anything in this Financing Agreement to the contrary (i) the obligation of the State acting by and through the Director of the Budget to make any Financing Agreement Payments required to be paid under this Financing Agreement is subject to annual appropriation by the State Legislature; and (ii) the obligation of the State acting by and through the Director of the Budget to pay any Financing Agreement Payments hereunder shall not constitute a debt of the State within the meaning of any constitutional or statutory provisions and shall be deemed executory only to the extent of monies available and no liability shall be incurred by the State beyond the moneys available for that purpose. Furthermore, this Financing Agreement does not constitute a debt of the State or a contractual obligation in excess of the amounts appropriated therefore and the State has no continuing legal or moral obligation to appropriate moneys for any Financing Agreement Payment due hereunder.

2.8 The term of this Financing Agreement shall continue until all Bonds or other obligations incurred under the Resolution, have been paid at maturity or the debt service on such Bonds or other obligations has been provided for and the Bonds are no longer Outstanding under the Resolution and the State has fulfilled all its obligations under this Agreement.

III. DUTIES OF THE ISSUER

3.1 The Issuer agrees to issue the Bonds for the purpose of carrying out the provisions of the Resolution and the Acts.

3.2 The Issuer agrees to apply the proceeds derived from the sale of the Bonds and from Financing Agreement Payments in accordance with the applicable provisions of the Resolution and the Acts.

3.3 Upon the issuance of the Bonds, the provisions of the Resolution relating to all Funds and accounts and the application and investment thereof shall apply.

3.4 No later than ten (10) Business Days after the issuance of Bonds or any other obligation under the Resolution, the Issuer shall furnish to the Director of the Budget a schedule of the Financing Agreement Payments, including debt service to be made on each date with respect to such Bonds or other obligations and related Issuer Expenses. Interest on Bonds or other obligations bearing interest at other than a fixed rate shall be calculated using the Estimated Average Interest Rate.

3.5 Upon payment to the Issuer of the amount required therefore and the State's direction to the Issuer to do so, the Issuer shall exercise any option it may have under the Resolution to redeem all or any portion of the Bonds, and the Issuer shall deposit into the Debt Service Fund all payments received from the State and designated for such purpose.

3.6 In addition to the duties of the Issuer with respect to the constitutional and statutory audit powers granted the State or any officer thereof, the Issuer agrees to keep or cause to be kept accounts and records which clearly identify the purposes for which moneys received by the Issuer (including Bond proceeds) pursuant to this Financing Agreement have been expended. The Issuer agrees to submit annual financial reports to the State within ninety (90) days after the end of each Issuer fiscal year during which this Financing Agreement is in force. The Issuer agrees to make available for inspection by the State its accounts and records as may be determined necessary or desirable by the State.

3.7 During each year the Issuer shall have Outstanding Bonds or other obligations outstanding under the Resolution, the Issuer shall, no later than October first, certify in writing to the Director of the Budget the schedule of anticipated cash requirements due from the State pursuant to Sections 2.1, 2.2, 2.4 and 2.5 of this Financing Agreement for the next State Fiscal Year, and for the four State Fiscal Years following such Fiscal Year, in such detail as the Director of the Budget may require. Any such schedule of anticipated cash requirements shall set forth any amounts held in Funds or accounts under the Resolution and available for a credit against such Financing Agreement Payment requirements as provided in this Financing Agreement. In calculating the amount of anticipated cash requirements with respect to Qualified Swaps, the Issuer shall include an amount not less than eighteen percent (18%) of the aggregate notional amount of all Qualified Swaps then in effect (or such other percentage as may be agreed by the Issuer and the State from time to time).

3.8 Any moneys received by the Issuer from a Qualified Swap Provider shall be deposited in the Debt Service Fund.

3.9 In order to allow the Director of the Budget to comply with his or her obligations under the Enabling Act or the Resolution, the Issuer, upon the request of the Director of the Budget, shall provide to the Director current cash requirements relating to Finance Agreement Payments due to the Issuer.

3.10 The Issuer agrees, upon request of the State, to use its best efforts to issue Bonds to refund or otherwise repay, in accordance with the terms of the Resolution, all or any portion of Outstanding Bonds or Prior Obligations. Such Refunding Bonds shall be deemed Bonds for all purposes of this Financing Agreement, except that, notwithstanding the provisions of Section 3.1 hereof, the net proceeds derived from the sale of such Refunding Bonds shall be used by the Issuer to pay or provide for the payment of the Bonds or Prior Obligations to be refunded or repaid and Issuer Expenses.

3.11 When all Bonds issued under the Resolution and all other obligations incurred under the Resolution have been paid or deemed paid within the meaning of the Resolution, the Issuer shall promptly remit or cause to be remitted to the State any moneys remaining in any of the Funds and accounts not required for the payment or redemption of Bonds or other obligations not theretofore surrendered for such payment or redemption (all after transfer of any necessary moneys to the Rebate Fund). Any moneys or investments paid by the State to the Issuer or the Trustee or other fiduciary for the purposes of economically defeasing Bonds, shall be held for such purpose for the benefit of the Holders of such Bonds in accordance with the instructions of the Director of the Budget, consistent with the terms of the Resolution.

IV. PLEDGE AND ASSIGNMENT

4.1 The State hereby consents to the pledge and assignment by the Issuer to the Holders of any of its Bonds, or to any trustee acting on their behalf, of all or any part of the benefits or rights of the Issuer herein, and to the holders or trustees of other obligations issued under the Resolution, of the payments by the State as provided herein and of the Funds and accounts established under the Resolution (except for the Rebate Fund and other Funds as provided in the Resolution).

V. SPECIAL COVENANTS

5.1 The State agrees that whenever requested by the Issuer, with reasonable advance notification, it shall provide and certify information concerning the State and various other related entities (i) for publication in an official statement, placement memorandum or other similar disclosure document relating to the sale or issuance of the Bonds or other obligations under the Resolution, and (ii) necessary to allow the Issuer to make undertakings or contractual commitments which would permit underwriters or dealers to comply with federal securities law including, without limitation, the provisions of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. Such information shall be in the standard format utilized for State issuances. The State also agrees to make available any information necessary to enable the Issuer to make any reports required by law or government regulations in connection with the Bonds or other obligations under the Resolution.

5.2 Neither the Issuer nor the State will terminate this Financing Agreement for any cause including, without limiting the generality of the foregoing, an Event of Default by either party, any acts or circumstances which may constitute failure of consideration or frustration of purpose or the failure of either party to perform and observe any duty, liability or obligation arising out of or connected with this Financing Agreement.

5.3 Subject to the limitations contained in the Resolution, the State and the Issuer reserve the right to amend, modify or rescind this Financing Agreement or any supplemental agreement entered into pursuant to this Section 5.3 in any manner; provided that no such amendment, modification or rescission shall materially adversely affect the interest of the Holders of Bonds or holders of Parity Reimbursement Obligations or other obligations. Specifically, and without limiting the generality of the foregoing, this Financing Agreement may be amended or modified (i) to provide for additional payments to the Issuer, (ii) to provide for modified payment provisions, including timing thereof, consistent with the provisions of the Resolution in connection with the issuance of Bonds, Parity Reimbursement Obligations or other obligations (iii) to cure any ambiguity or (iv) to correct or supplement any provisions contained in this Financing Agreement which may be defective or inconsistent with any other provisions contained herein. For the purposes of this Section, Bonds, Parity Reimbursement Obligations or other obligations shall be deemed to be materially adversely affected by an amendment, modification or rescission of this Financing Agreement, if the same materially adversely affects or diminishes the rights of the Holders of the Bonds, holders of Parity Reimbursement Obligations or other obligations or any provider of a Credit Facility. The Issuer may in its discretion determine whether or not, in accordance with the foregoing provision, Bonds, Parity Reimbursement Obligations or other obligations would be materially adversely affected by any amendment, modification or rescission, and such determination shall be binding and conclusive on the State, Bondholders, holders of Parity Reimbursement Obligations or other obligations, the Trustee and the provider of a Credit Facility.

5.4 The State acknowledges and agrees that, in the event of any conflict between any of the provisions of this Financing Agreement and any of the provisions of the Resolution, the provisions of the Resolution shall be controlling; provided, however, that neither the Resolution nor any supplement or amendment thereto shall purport to limit or supersede the provisions set forth in Section 2.7 hereof.

5.5 The State, acknowledges and agrees that moneys in the Funds and accounts established under the Resolution may be invested in Investment Obligations authorized by the Resolution and that the Issuer may restrict such investments, or the yield to be realized therefrom, as it may deem necessary or appropriate in order to maintain the exclusion from gross income of interest on the Bonds issued as Tax-Exempt Bonds under the Code. Investment earnings shall be applied as permitted by the Resolution.

5.6 The State, to the extent authorized by law, shall indemnify and save harmless the Issuer from and against any and all liability, loss, damage, interest, judgments and liens growing out of, and any and all costs and expenses (including, but not limited to, counsel fees and disbursements) arising out of or incurred in connection with any and all claims, demands, suits, actions or proceedings which may be made or brought against the Issuer arising out of any determinations made or actions taken or omitted to be taken or compliance with any obligations under or pursuant to the Enabling Act, including the issuance, incurrence and delivery of Bonds, BANs, Parity Reimbursement Obligations, Subordinated Indebtedness or other obligations under the Resolution.

5.7 The State agrees to request appropriations during the term of this Financing Agreement in an amount at least equal to the amounts certified to by the Issuer pursuant to Section 3.7 of this Financing Agreement. The State also agrees to request appropriations during the term of all financing agreements entered into with all Authorized Issuers pursuant to the Enabling Act in amounts at least equal to the amounts certified by each Authorized Issuer pursuant to such financing agreements and to meet its other obligations under such financing agreements.

VI. EVENTS OF DEFAULT BY THE STATE AND REMEDIES

6.1 If for any reason, other than a failure by the State Legislature to appropriate moneys for such purpose, the State shall fail to pay when due any Financing Agreement Payments, or shall fail to observe or perform any other covenant, condition or agreement on its part to be observed or performed, the Issuer shall, if such default has not been cured, have the right to institute any action in the nature of mandamus or take whatever action at law or in equity may appear necessary or desirable to collect the payments then due or thereafter to become due or to enforce performance and observance of any obligation, agreement or covenant of the State hereunder.

6.2 The remedies conferred upon or reserved to the Issuer under Section 6.1 hereof in respect of any default described therein are not intended to be exclusive of any other available remedy or remedies and shall be in addition to every other remedy now or hereafter existing at law or in equity; provided, however, that such remedy or remedies may in no event include a termination of this Financing Agreement, nor may they include any amendment, change, modification or alteration of this Financing Agreement that is prohibited by Section 5.2 or 5.3 hereof.

6.3 The State shall promptly notify the Issuer in writing that an Event of Default has occurred under the Resolution, including any events of default under resolutions or financing agreements of any Authorized Issuer related to obligations authorized by the Enabling Act. The State also agrees that upon the occurrence of an Event of Default, or event of default described in the preceding sentence, funds available through appropriation from the Revenue Bond Tax Fund will be available on an equitable basis among Authorized Issuers under the Enabling Act.

VII. EVENTS OF DEFAULT BY THE ISSUER AND REMEDIES

7.1 If the Issuer shall fail to observe or perform any covenant, condition or agreement contained in this Financing Agreement or the Resolution on its part to be observed or performed and such failure to observe or perform shall have continued for sixty (60) days after written notice, specifying such failure and requesting that it be remedied, is given to the Issuer by the State, the State shall, if the default has not been cured, have the right to institute an action in the nature of mandamus or take whatever action at law or in equity may appear necessary or desirable to enforce performance and observance of any obligation, agreement or covenant of the Issuer hereunder.

7.2 The remedies conferred upon or reserved to the State under Section 7.1 hereof in respect of any default described therein are not intended to be exclusive of any other available remedy or remedies and shall be in addition to every other remedy now or hereafter existing at law or in equity; provided, however, that such remedy or remedies may in no event include a termination of the Financing Agreement or of the obligations of the State to make the payments provided for in Article II hereof, nor may they include any amendment, change, modification or alteration of this Financing Agreement that is prohibited by Section 5.2 or 5.3 hereof.

VIII. MISCELLANEOUS

8.1 The revenues, facilities, properties and any and all other assets of the Issuer of any name and nature, other than the Pledged Property, may not be used for, or as a result of any court proceedings or otherwise applied to, the payment of Bonds, any redemption premium therefore or the interest thereon or any other obligations under the Resolution, and under no circumstances shall these be available for such purposes.

8.2 The waiver by either party of a breach by the other shall not be deemed to waive any other breach hereunder nor shall any delay or omission to exercise any right or power upon any default impair any such right or power or be construed as a waiver thereof.

8.3 In the event any provision of this Financing Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

8.4 All notices provided for in this Financing Agreement shall be in writing and shall be delivered personally to or sent by certified or registered mail to the respective offices of the State and the Issuer as follows:

If to the State:	Director of the Budget State of New York Executive Department Division of the Budget State Capitol, Room 113 Albany, New York 12224
If to the Issuer:	General Counsel Dormitory Authority of the State of New York 515 Broadway Albany, New York 12207

The Issuer or the State may from time to time designate in writing other representatives with respect to receipt of notices.

8.5 This Financing Agreement, including any schedules referred to in Section 1.5, represents the entire agreement between the parties. It may not be amended or modified otherwise than by a written instrument executed by both parties. Such amendments shall not be contrary to the provisions of Section 5.2 or 5.3 hereof.

8.6 Nothing in this Financing Agreement shall be construed to confer upon or to give to any person or corporation other than the State, the Issuer, a Holder of any Bonds, a holder of other obligations under the Resolution, or any trustee acting under the Resolution, any right, remedy or claim under or by reason of this Financing Agreement or any provision thereof.

8.7 This Financing Agreement shall be construed and interpreted in accordance with the laws of the State of New York and any suits or actions arising out of this Financing Agreement shall be instituted in a court of competent jurisdiction in the State.

8.8 This Financing Agreement may be executed in several counterparts, each of which shall be deemed to be an original but such counterparts together shall constitute one and the same instrument.

8.9 Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Resolution.

IN WITNESS WHEREOF, the State has caused this Financing Agreement to be executed in its name by the Director of the Budget and the Issuer has caused this instrument to be signed by its Authorized Officer all as of the date and year first above written.

State of New York

____

Director of the Budget

Dormitory Authority of the State of New York

____

Authorized Officer

Approval as to form:
Attorney General

By: ____

Date:______________________

Approved:

By:____
State Comptroller

Date: ______________________

APPENDIX D

PROPOSED FORMS OF CO-BOND COUNSEL OPINIONS

FORM OF APPROVING OPINION OF NIXON PEABODY LLP,
CO-BOND COUNSEL TO DASNY FOR THE SERIES 2022 BONDS

Upon delivery of the Series 2022 Bonds, Nixon Peabody LLP, Co-Bond Counsel to DASNY, proposes to issue its legal opinion in substantially the following form:

[CLOSING DATE]

Dormitory Authority of the
State of New York
515 Broadway
Albany, New York 12207

Re: Dormitory Authority of the State of New York
State Personal Income Tax Revenue Bonds (General Purpose)
Series 2022A (Tax-Exempt) and Series 2022B (Federally Taxable)

Ladies and Gentlemen:

We, as Co-Bond Counsel to the Dormitory Authority of the State of New York (the "Authority"), a body corporate and politic of the State of New York (the "State"), constituting a public benefit corporation created and existing under the Dormitory Authority Act, being Chapter 524 of the Laws of New York of 1944, as amended (the "Dormitory Authority Act"), have examined a record of proceedings relating to the issuance of the Authority's $2,422,335,000 aggregate principal amount of State Personal Income Tax Revenue Bonds (General Purpose), Series 2022A (Tax-Exempt) (the "Series 2022A Bonds") and $667,735,000 aggregate principal amount of State Personal Income Tax Revenue Bonds (General Purpose), Series 2022B (Federally Taxable) (the "Series 2022B Bonds", and together with the Series 2022A Bonds, the "Series 2022 Bonds").

The Series 2022 Bonds are authorized to be issued pursuant to the Dormitory Authority Act, the New York State Medical Care Facilities Finance Agency Act, being Chapter 392 of the Laws of New York of 1973, as amended, and the Health Care Financing Consolidation Act, being a part of Chapter 83 of the Laws of New York of 1995 (collectively, the "Act"), Part I of Chapter 383 of the Laws of New York of 2001, as amended (the "Enabling Act"), and the State Personal Income Tax Revenue Bonds (General Purpose) General Bond Resolution adopted by the Authority on April 29, 2009 (the "General Resolution"), as supplemented by the Authority's supplemental resolutions authorizing State Personal Income Tax Revenue Bonds (General Purpose), adopted on February 2, 2022 and November 10, 2021 (the "2021-2022 Supplemental Resolutions") and the Certificates of Determination relating to the Series 2022 Bonds (the "Certificates of Determination" and, together with the 2021-2022 Supplemental Resolutions, the "Supplemental Resolution"). The General Resolution and the Supplemental Resolution are herein collectively referred to as the "Resolutions". Capitalized terms not otherwise defined herein shall have the meanings ascribed thereto in the Resolutions.

The Authority has heretofore issued Bonds and has reserved the right hereafter to issue additional Bonds pursuant to the General Resolution, in addition to the Series 2022 Bonds, upon the terms and conditions and for the purposes set forth in the General Resolution. Under and subject to the terms of the General Resolution, the Series 2022 Bonds, when issued, and all Bonds heretofore and hereafter issued under the General Resolution, shall be entitled to the equal benefit, protection and security of the provisions, covenants and agreements of the General Resolution. In addition, all State Personal Income Tax Revenue Bonds issued pursuant to the Enabling Act by Authorized Issuers are on a parity with each other as to payments from the Revenue Bond Tax Fund established by Section 92-z of the New York State Finance Law (the "Revenue Bond Tax Fund"), subject to annual appropriation by the State Legislature. However, pursuant to the Enabling Act, neither the Authority nor the owners of the Series 2022 Bonds have or will have a lien on the monies on deposit in the Revenue Bond Tax Fund. In addition, pursuant to the Enabling Act, nothing contained therein shall be deemed to restrict the right of the State of New York to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to Article 22 of the New York Tax Law.

The Authority and the State, acting by and through the Director of the Budget, have entered into a Financing Agreement, dated as of July 1, 2009, as supplemented (the "Financing Agreement"), which provides for the payment, subject to annual appropriation by the State Legislature, of Financing Agreement Payments by the State Comptroller to U.S. Bank Trust Company, National Association, as successor in interest to U.S. Bank National Association, as trustee (the "Trustee") on behalf of the Authority in amounts sufficient to pay the principal of, redemption premium, if any, and interest on the Series 2022 Bonds.

The Series 2022 Bonds are issuable in the form of fully registered bonds, without coupons, in the denominations of $5,000 or any integral multiple thereof and, when issued, will be registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York, which will act as securities depository for the Series 2022 Bonds. The Series 2022 Bonds shall be lettered and numbered as provided in the Resolutions.

The Series 2022 Bonds are dated their date of delivery and bear interest payable on March 15 and September 15 in each year until maturity, commencing September 15, 2022. The Series 2022 Bonds will mature on the dates and in the principal amounts, will bear interest at the respective rates per annum, and will be subject to redemption prior to maturity, all as set forth in the Resolutions.

The Internal Revenue Code of 1986, as amended (the "Code"), imposes certain requirements that must be met subsequent to the issuance and delivery of the Series 2022A Bonds for interest thereon to be and remain excluded from gross income for Federal income tax purposes. Noncompliance with such requirements could cause the interest on the Series 2022A Bonds to be included in gross income for Federal income tax purposes retroactive to the date of issue of the Series 2022A Bonds. Pursuant to the Resolution and the Tax Certificate as to Arbitrage and the Provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the "Tax Certificate"), the Authority and certain departments, agencies and authorities of the State of New York (the "Departments") have covenanted to comply with the applicable requirements of the Code in order to maintain the exclusion of the interest on the Series 2022A Bonds from gross income for federal income tax purposes pursuant to Section 103 of the Code. In addition, the Authority and the Departments have made certain representations and certifications in the Resolutions and the Tax Certificate. We will not independently verify the accuracy of those representations and certifications.

Based upon and subject to the foregoing, and in reliance thereon, and subject to the limitations set forth below, we are of the opinion that:

1. The Authority has been duly created and is validly existing under the Dormitory Authority Act and has the right, power and authority under the Dormitory Authority Act and the Enabling Act to adopt the Resolutions.

2. The Resolutions have been duly and lawfully adopted by the Authority, are in full force and effect and constitute valid and binding obligations of the Authority enforceable in accordance with their terms. The Resolutions create the valid pledge of the Pledged Property which they purport to create, to secure the payment of the principal of and interest on the Series 2022 Bonds, including the Revenues and any other amounts (including proceeds of the sale of the Series 2022 Bonds) held by the Trustee in any fund or account established pursuant to the Resolutions, except the Administrative Fund and the Rebate Fund, subject to the provisions of the Resolutions permitting the application thereof for the purposes and on the terms and conditions set forth in the Resolutions.

3. The Series 2022 Bonds have been duly and validly authorized and issued by the Authority in accordance with applicable law, and constitute valid and binding special limited obligations of the Authority, enforceable in accordance with their terms and the terms of the Resolutions, payable solely from the sources provided therefor in the Resolutions.

4. The Financing Agreement has been duly authorized, executed and delivered by the Authority and, assuming the due and valid authorization, execution and delivery thereof by the Director of the Budget of the State, constitutes a legal, valid and binding agreement of the Authority, enforceable against the Authority in accordance with its terms.

5. Neither the Authority nor the owners of the Series 2022 Bonds have or will have a pledge of or lien on the Revenue Bond Tax Fund, or of the moneys deposited therein.

6. Under existing law, assuming compliance with the tax covenants described herein, and the accuracy of the aforementioned representations and certifications, interest on the Series 2022A Bonds (including any original issue discount properly allocable thereto) is excluded from gross income for federal income tax purposes under Section 103 of the Code. We are also of the opinion that such interest is not treated as a preference item in calculating the alternative minimum tax imposed under the Code.

7. Interest on the Series 2022B Bonds is not excluded from gross income for federal income tax purposes pursuant to the Code.

8. Under existing law, interest on the Series 2022 Bonds is, by virtue of the Dormitory Authority Act, exempt from personal income taxes imposed by the State or any political subdivision thereof (including The City of New York).

The opinions contained in paragraphs 2, 3 and 4 above are qualified only to the extent that the enforceability of the Resolutions, the Financing Agreement and the Series 2022 Bonds may be limited by applicable bankruptcy, insolvency, moratorium, reorganization or other laws heretofore or hereafter enacted and judicial decisions relating to or affecting the enforcement of creditors' rights or remedies or contractual obligations generally and is subject to general principles of equity (regardless of whether such enforceability is considered in a proceeding in equity or at law).

Except as stated in paragraphs 6, 7 and 8 above, we express no opinion as to any other federal, state or local tax consequences of the ownership or disposition of, or the accrual or receipt of interest on, the Series 2022 Bonds. Furthermore, we express no opinion as to any federal, state or local tax law consequences with respect to the Series 2022 Bonds, or the interest thereon, if any action is taken with respect to the Series 2022 Bonds or the proceeds thereof upon the advice or approval of any other counsel.

We have not undertaken to determine, or to inform any person, whether any actions taken, or not taken, or events occurring, or not occurring, after the date of issuance of the Series 2022A Bonds may affect the tax status of interest on the Series 2022A Bonds. Further, although interest on the Series 2022A Bonds is not included in gross income for purposes of federal income taxation, receipt or accrual of the interest may otherwise affect the tax liability of a holder of a Series 2022A Bond depending upon the tax status of such holder and such holder's other items of income and deduction.

In rendering the foregoing opinions we have made a review of such legal proceedings as we have deemed necessary to approve the legality and validity of the Series 2022 Bonds. In rendering the foregoing opinions we have not been requested to examine any document or financial or other information concerning the Authority or the State other than the record of proceedings referred to above, and we express no opinion as to the adequacy or sufficiency of any financial or other information which has been or will be supplied to purchasers of the Series 2022 Bonds.

This opinion is rendered solely with regard to the matters expressly opined on above and no other opinions are intended nor should they be inferred. This opinion is issued as of the date hereof, and we assume no obligation to update, revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law, or in interpretations thereof, that may hereafter occur, or for any other reason whatsoever.

We have examined an executed Series 2022A Bond and an executed Series 2022B Bond and, in our opinion, the forms of said Series 2022 Bonds and their execution are regular and proper.

Very truly yours,

FORM OF APPROVING OPINION OF BRYANT RABBINO LLP,
CO-BOND COUNSEL TO DASNY FOR THE SERIES 2022 BONDS

Upon delivery of the Series 2022 Bonds, Bryant Rabbino LLP, Co-Bond Counsel to DASNY, proposes to issue its legal opinion in substantially the following form:

[CLOSING DATE]

Dormitory Authority of the
State of New York
515 Broadway
Albany, New York 12207

Re: Dormitory Authority of the State of New York
State Personal Income Tax Revenue Bonds (General Purpose)
Series 2022A (Tax-Exempt) and Series 2022B (Federally Taxable)

Ladies and Gentlemen:

We, as Co-Bond Counsel to the Dormitory Authority of the State of New York (the "Authority"), a body corporate and politic of the State of New York (the "State"), constituting a public benefit corporation created and existing under the Dormitory Authority Act, being Chapter 524 of the Laws of New York of 1944, as amended (the "Dormitory Authority Act"), have examined a record of proceedings relating to the issuance of the Authority's $2,422,335,000 aggregate principal amount of State Personal Income Tax Revenue Bonds (General Purpose), Series 2022A (Tax-Exempt) (the "Series 2022A Bonds") and $667,735,000 aggregate principal amount of State Personal Income Tax Revenue Bonds (General Purpose), Series 2022B (Federally Taxable) (the "Series 2022B Bonds", and together with the Series 2022A Bonds, the "Series 2022 Bonds").

The Series 2022 Bonds are authorized to be issued pursuant to the Dormitory Authority Act, the New York State Medical Care Facilities Finance Agency Act, being Chapter 392 of the Laws of New York of 1973, as amended, and the Health Care Financing Consolidation Act, being a part of Chapter 83 of the Laws of New York of 1995 (collectively, the "Act"), Part I of Chapter 383 of the Laws of New York of 2001, as amended (the "Enabling Act"), and the State Personal Income Tax Revenue Bonds (General Purpose) General Bond Resolution adopted by the Authority on April 29, 2009 (the "General Resolution"), as supplemented by the Authority's supplemental resolutions authorizing State Personal Income Tax Revenue Bonds (General Purpose), adopted on February 2, 2022 and November 10, 2021 (the "2021-2022 Supplemental Resolutions") and the Certificates of Determination relating to the Series 2022 Bonds (the "Certificates of Determination" and, together with the 2021-2022 Supplemental Resolutions, the "Supplemental Resolution"). The General Resolution and the Supplemental Resolution are herein collectively referred to as the "Resolutions". Capitalized terms not otherwise defined herein shall have the meanings ascribed thereto in the Resolutions.

The Authority has heretofore issued Bonds and has reserved the right hereafter to issue additional Bonds pursuant to the General Resolution, in addition to the Series 2022 Bonds, upon the terms and conditions and for the purposes set forth in the General Resolution. Under and subject to the terms of the General Resolution, the Series 2022 Bonds, when issued, and all Bonds heretofore and hereafter issued under the General Resolution, shall be entitled to the equal benefit, protection and security of the provisions, covenants and agreements of the General Resolution. In addition, all State Personal Income Tax Revenue Bonds issued pursuant to the Enabling Act by Authorized Issuers are on a parity with each other as to payments from the Revenue Bond Tax Fund established by Section 92-z of the New York State Finance Law (the "Revenue Bond Tax Fund"), subject to annual appropriation by the State Legislature. However, pursuant to the Enabling Act, neither the Authority nor the owners of the Series 2022 Bonds have or will have a lien on the monies on deposit in the Revenue Bond Tax Fund. In addition, pursuant to the Enabling Act, nothing contained therein shall be deemed to restrict the right of the State of New York to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to Article 22 of the New York Tax Law.

The Authority and the State, acting by and through the Director of the Budget, have entered into a Financing Agreement, dated as of July 1, 2009, as supplemented (the "Financing Agreement"), which provides for the payment, subject to annual appropriation by the State Legislature, of Financing Agreement Payments by the State Comptroller to U.S. Bank Trust Company, National Association, as successor in interest to U.S. Bank National Association, as trustee (the "Trustee") on behalf of the Authority in amounts sufficient to pay the principal of, redemption premium, if any, and interest on the Series 2022 Bonds.

The Series 2022 Bonds are issuable in the form of fully registered bonds, without coupons, in the denominations of $5,000 or any integral multiple thereof and, when issued, will be registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York, which will act as securities depository for the Series 2022 Bonds. The Series 2022 Bonds shall be lettered and numbered as provided in the Resolutions.

The Series 2022 Bonds are dated their date of delivery and bear interest payable on March 15 and September 15 in each year until maturity, commencing September 15, 2022. The Series 2022 Bonds will mature on the dates and in the principal amounts, will bear interest at the respective rates per annum, and will be subject to redemption prior to maturity, all as set forth in the Resolutions.

Based upon and subject to the foregoing, and in reliance thereon, and subject to the limitations set forth below, we are of the opinion that:

1. The Authority has been duly created and is validly existing under the Dormitory Authority Act and has the right, power and authority under the Dormitory Authority Act and the Enabling Act to adopt the Resolutions.

2. The Resolutions have been duly and lawfully adopted by the Authority, are in full force and effect and constitute valid and binding obligations of the Authority enforceable in accordance with their terms. The Resolutions create the valid pledge of the Pledged Property which they purport to create, to secure the payment of the principal of and interest on the Series 2022 Bonds, including the Revenues and any other amounts (including proceeds of the sale of the Series 2022 Bonds) held by the Trustee in any fund or account established pursuant to the Resolutions, except the Administrative Fund and the Rebate Fund, subject to the provisions of the Resolutions permitting the application thereof for the purposes and on the terms and conditions set forth in the Resolutions.

3. The Series 2022 Bonds have been duly and validly authorized and issued by the Authority in accordance with applicable law, and constitute valid and binding special limited obligations of the Authority, enforceable in accordance with their terms and the terms of the Resolutions, payable solely from the sources provided therefor in the Resolutions.

4. The Financing Agreement has been duly authorized, executed and delivered by the Authority and, assuming the due and valid authorization, execution and delivery thereof by the Director

of the Budget of the State, constitutes a legal, valid and binding agreement of the Authority, enforceable against the Authority in accordance with its terms.

5. Neither the Authority nor the owners of the Series 2022 Bonds have or will have a pledge of or lien on the Revenue Bond Tax Fund, or of the moneys deposited therein.

6. Under existing law, interest on the Series 2022 Bonds is exempt from personal income taxes imposed by the State or any political subdivision thereof (including The City of New York).

The opinions contained in paragraphs 2, 3 and 4 above are qualified only to the extent that the enforceability of the Resolutions, the Financing Agreement and the Series 2022 Bonds may be limited by applicable bankruptcy, insolvency, moratorium, reorganization or other laws heretofore or hereafter enacted and judicial decisions relating to or affecting the enforcement of creditors' rights or remedies or contractual obligations generally and is subject to general principles of equity (regardless of whether such enforceability is considered in a proceeding in equity or at law).

Except as stated in paragraph 6 above, we express no opinion as to federal, state or local tax consequences of the ownership or disposition of, or the accrual or receipt of interest on, the Series 2022 Bonds.

In rendering the foregoing opinions we have made a review of such legal proceedings as we have deemed necessary to approve the legality and validity of the Series 2022 Bonds. In rendering the foregoing opinions we have not been requested to examine any document or financial or other information concerning the Authority or the State other than the record of proceedings referred to above, and we express no opinion as to the adequacy or sufficiency of any financial or other information which has been or will be supplied to purchasers of the Series 2022 Bonds.

This opinion is rendered solely with regard to the matters expressly opined on above and no other opinions are intended nor should they be inferred. This opinion is issued as of the date hereof, and we assume no obligation to update, revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law, or in interpretations thereof, that may hereafter occur, or for any other reason whatsoever.

We have examined an executed Series 2022A Bond and an executed Series 2022B Bond and, in our opinion, the forms of said Series 2022 Bonds and their execution are regular and proper.

Very truly yours,

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APPENDIX E

EXECUTED COPY OF MASTER CONTINUING DISCLOSURE AGREEMENT

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NEW YORK STATE PERSONAL INCOME TAX REVENUE BONDS

MASTER CONTINUING DISCLOSURE AGREEMENT

THIS MASTER CONTINUING DISCLOSURE AGREEMENT dated as of May 1, 2002, as amended and restated as of July 1, 2009, as of December 1, 2010, and as of June 10, 2019 (as so amended and restated, the "Agreement"), is made by and among each Authorized Issuer, the State, and the respective Trustees, each as defined below in Section 1.

In order to permit the Underwriters of each series of Bonds issued from and after the date hereof to comply with the provisions of Rule 15c2-12, each of the parties hereto (as applicable), in consideration of the mutual covenants herein contained and other good and lawful consideration, hereby agree, for the sole and exclusive benefit of the Holders and, for the purposes of Section 5, the beneficial owners of Bonds, as follows:

SECTION 1. Definitions; Rules of Construction. (i) Capitalized terms used but not defined herein shall have the respective meanings ascribed to them in the Authorizing Document."*Annual Information*" shall mean the information specified in Section 3.

"*Authorized Issuer*" shall mean, individually, the Dormitory Authority of the State of New York, the New York State Environmental Facilities Corporation, the New York State Housing Finance Agency, the New York State Thruway Authority, and the New York State Urban Development Corporation, each a public corporation or a public benefit corporation of the State of New York that is designated as an Authorized Issuer under the Enabling Act, and any successors thereto or any other public benefit corporation of the State of New York which may be authorized from time to time by the Enabling Act to issue Bonds.

"*Authorizing Document*" shall mean the applicable Authorized Issuer's State Personal Income Tax Revenue Bond General Resolution, including Annex A thereto, as supplemented and amended from time to time.

"*Bonds*" shall mean all of the State Personal Income Tax Revenue Bonds issued from time to time by Authorized Issuers and outstanding pursuant to the applicable Authorizing Document.

"*Comptroller*" shall mean the Comptroller of the State of New York.

"*Director*" shall mean the Director of the Budget of the State of New York.

"*DOB*" shall mean the Division of the Budget of the State of New York.

"*EMMA*" shall mean the Electronic Municipal Market Access system described in Securities Exchange Act Release No. 34-59062 (or any successor electronic information system) and maintained by the MSRB as the sole repository for the central filing of electronic disclosure pursuant to Rule 15c2-12.

"*Enabling Act*" shall mean Article 5-C of the New York State Finance Law, Chapter 56 of the Consolidated Laws of the State of New York, as supplemented and amended from time to time.

"*GAAP*" shall mean generally accepted accounting principles as prescribed from time to time for governmental units in the United States by the Governmental Accounting Standards Board.

"*GAAS*" shall mean generally accepted auditing standards as in effect from time to time in the United States.

"*Holder*" or "*Bondholder*" shall mean a registered owner of any Bond or Bonds.

"*MSRB*" shall mean the Municipal Securities Rulemaking Board established in accordance with the provisions of Section 15B(b)(1) of the Securities Exchange Act of 1934.

"*Rule 15c2-12*" shall mean Rule 15c2-12 under the Securities Exchange Act of 1934, as amended through the date of this Agreement, including any official interpretations thereof promulgated on or prior to the effective date of this Agreement.

"*State*" shall mean the State of New York, acting by and through the Director or the Comptroller.

"*Trustee*" shall mean the applicable trustee appointed by the applicable Authorized Issuer pursuant to an Authorizing Document, and their respective successors and assigns.

"*Underwriters*" shall mean the underwriter or underwriters that have contracted to purchase one or more series of Bonds from an Authorized Issuer at initial issuance.

(ii) Unless the context clearly indicates to the contrary, the following rules shall apply to the construction of this Agreement:

(a) Words importing the singular number shall include the plural number and vice versa.

(b) Any reference herein to a particular Section or subsection without further reference to a particular document or provision of law or regulation is a reference to a Section or subsection of this Agreement.

(c) The captions and headings herein are solely for convenience of reference and shall not constitute a part of this Agreement nor shall they affect its meaning, construction or effect.

SECTION 2. Obligations to Provide Continuing Disclosure.

(i) Obligations of the State and the Trustees.

(a) The State, acting by and through the Director, hereby undertakes, for the benefit of Holders of the Bonds, to electronically file with the MSRB, no later than 120 days after the end of each of its fiscal years, commencing with the fiscal year ending March 31, 2002, the Annual Information relating to such fiscal year.

(b) The State, acting by and through the Comptroller, hereby undertakes, for the benefit of the Holders of the Bonds, to electronically file with the MSRB, no later than 120 days after the end of each of its fiscal years, commencing with the fiscal year ending March 31, 2002, audited financial statements of the State for such fiscal year; provided, however, that if audited financial statements are not then available, unaudited financial statements shall be so provided and such audited financial statements shall be electronically filed with the MSRB if and when they become available.

(c) The Director and each Trustee shall notify the applicable Authorized Issuer upon the occurrence of any of the events listed in Section 2(ii)(a) promptly upon becoming aware of the occurrence of any such event. With respect to the foregoing, no Trustee shall be deemed to have become aware of the occurrence of any such event unless an officer in its corporate trust department becomes aware of the occurrence of any such event.

(ii) Obligations of each Authorized Issuer. Each Authorized Issuer hereby undertakes, for the benefit of Holders of the Bonds issued by it, to provide the following:

(a) to the MSRB in a timely manner not in excess of ten business days after the occurrence of any of the events listed below, notice of any of such events with respect to the Bonds issued by it:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults, if material;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on credit enhancements reflecting financial difficulties;

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;

(7) modifications to rights of security holders, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the securities, if material

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar event of the obligated person;

(13) the consummation of a merger, consolidation or acquisition involving an obligated person, or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee, or the change of name of a trustee, if material;

(15) incurrence of a financial obligation[1] of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and

(16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation[1] of the obligated person, any of which reflect financial difficulties.

(b) to the MSRB, in a timely manner, notice of a failure by the State to comply with Section 2(i)(a) or (b).

(iii) (a) Termination or Modification of Disclosure Obligation. The obligations of the State hereunder may be terminated if the State is no longer an "obligated person" as defined in Rule 15c2-12; provided, however, that if the State has hereby obligated itself to provide information relating to any entity that thereafter continues to constitute such an "obligated person", obligations of the State to provide such information shall not be so terminated. Upon any such termination, the State shall so advise each Authorized Issuer and each such Authorized Issuer shall electronically file notice thereof with the MSRB.

(b) Other Information. Nothing herein shall be deemed to prevent the Authorized Issuers or the State from disseminating any other information in addition to that required hereby in the manner set forth herein or in any other manner. If the Authorized Issuers or the State should disseminate any such additional information,

[1] In accordance with Rule 15c2-12, for purposes of the events identified in clauses (15) and (16) above, the term "financial obligation" means (i) debt obligation; (ii) derivative instrument entered into by the obligated person in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term "financial obligation" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12.

neither the Authorized Issuers nor the State shall have any obligation hereunder to update such information or to include it in any future materials disseminated hereunder.

(c) Credit Enhancement. Each agreement governing the provision of a Credit Facility, if any, shall require the provider thereof to provide the applicable Authorized Issuer with prompt written notice of any change in the name, address, and telephone number of a place where then current information regarding such provider may be obtained. In addition, such agreement shall require each provider of a Credit Facility promptly to notify the applicable Authorized Issuer of a change in any rating relating to such provider that would affect the rating of the Bonds by any rating agency then rating the Bonds. The applicable Authorized Issuer shall promptly provide the Comptroller, the Director and the applicable Trustee with copies of all notices received by it under this Section 2(c). The provisions of this Section 2(c) shall also apply to each provider of a substitute Credit Facility.

(d) Disclaimer. Each of the Director, the Comptroller, the Authorized Issuers and the Trustees shall be obligated to perform only those duties expressly provided for such entity in this Agreement, and none of the foregoing shall be under any obligation to the Holders or other parties hereto to perform, or monitor the performance of, any duties of such other parties. Without limiting the general application of the foregoing, the Authorized Issuers shall be under no obligation to the Holders or any other party hereto to review or otherwise pass upon the Annual Information or the financial statements provided pursuant to Section 2(i), and its obligations hereunder shall be limited solely to the undertaking set forth in Section 2(ii) and to the requirements of Section 2(iii)(c) and Section 8.

(iv) MSRB Prescribed Identifying Information. All documents provided to the MSRB pursuant to this Agreement shall be accompanied by identifying information as prescribed from time to time by the MSRB.

SECTION 3. Annual Information.

(i) Specified Information. The Annual Information shall consist of the following:

(a) *financial information and operating data of the type included in the Official Statement for each series of Bonds, under the headings "PART 3 – "SECURITY AND SOURCES OF PAYMENT FOR STATE PERSONAL INCOME TAX REVENUE BONDS", and "PART 4 – SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND" which shall include information relating to the following:*

(1) a description of the personal income tax imposed by Article 22 of the New York State Tax Law, which shall include a description of the tax rates, the tax base and the components of the State personal income tax (unless the personal income tax has been materially changed or modified, in which case similar information about the changed or modified tax will be provided);

(2) a historical summary of the New York State Personal Income Tax Receipts, the Withholding Component, and deposits to the Revenue Bond Tax Fund for a period of at least the five most recent completed State fiscal years then available, together with an explanation of the factors affecting collection levels; and

(b) *financial information and operating data of the type included in the Annual Information Statement of the State set forth as an Appendix to, or incorporated by cross reference in, the Official Statement for the Bonds, under the headings or sub-headings "Prior Fiscal Years", "Debt and Other Financing Activities", "State Government Employment", "State Retirement Systems", and "Authorities and Localities"*, including, more specifically, information consisting of:

(1) *for prior fiscal years*, an analysis of cash-basis results for the State's three most recent fiscal years, and a presentation of the State's results in accordance with GAAP for at least the two most recent fiscal years for which that information is then-currently available;

(2) *for debt and other financing activities*, a description of the types of financings the State is authorized to undertake, a presentation of the outstanding debt issued by the State and certain public authorities, as well as information concerning debt service requirements on that debt;

(3) *for authorities and localities,* information on certain public authorities and local entities whose financial status may have a material impact on the financial status of the State; and

(4) material information regarding State government employment and retirement systems; together with

(c) *such narrative explanation* as may be necessary to avoid misunderstanding and to assist the reader in understanding the presentation of financial information and operating data and in judging the financial condition of the State.

(ii) Cross Reference. All or any portion of the Annual Information may be incorporated in the Annual Information by cross reference to any other documents which have been electronically filed with the MSRB or filed with the Securities and Exchange Commission; provided, however, that if the document is an official statement, it shall have been electronically filed with the MSRB and need not have been filed elsewhere. The audited or unaudited financial statements of the State may be provided in the same manner.

(iii) Informational Categories. The requirements contained in this Agreement under Section 3(i) are intended to set forth a general description of the type of financial information and operating data to be provided; such descriptions are not intended to state more than general categories of financial information and operating data; and where the provisions of Section 3(i) call for information that no longer can be generated because the operations to which it related have been materially changed or discontinued, a statement to that effect shall be provided.

(iv) Providers of Credit Support. If known to the applicable Authorized Issuer, such Authorized Issuer shall inform the State, and the required Annual Information shall include the name, address and telephone number of a place where current information regarding each issuer of a Credit Facility may be obtained.

(v) Omnibus Annual Information Undertaking. The parties to this Agreement recognize, understand and agree that the information described in this Section 3 shall be set forth in the same manner in the respective Official Statements of each of the Authorized Issuers. Accordingly, a single electronic filing of the Annual Information with EMMA, shall be deemed to satisfy the Annual Information filing obligation created by this Agreement.

SECTION 4. Financial Statements.

The State's annual financial statements for each fiscal year shall be prepared in accordance with GAAP (unless applicable accounting principles are otherwise disclosed) and audited by an independent accounting firm in accordance with GAAS (but only if audited financial statements are otherwise available for such fiscal year).

SECTION 5. Remedies.

If any party hereto should fail to comply with any provision of this Agreement, then each of the other parties and, as a direct or third-party beneficiary, as the case may be, any Holder of Bonds may enforce, for the equal benefit and protection of all Holders similarly situated, by mandamus or other suit or proceeding at law or in equity, this Agreement against such party and any of its officers, agents and employees, and may compel such party or any such officers, agents or employees to perform and carry out their duties under this Agreement; provided, however, that the sole and exclusive remedy for breach of this Agreement shall be an action to compel specific performance of the obligations of such party hereunder and no person or entity shall be entitled to recover monetary damages hereunder under any circumstances; and provided further, that the rights of any Holder to challenge the adequacy of the information provided in accordance with Section 2 hereunder are conditioned upon the provisions of the Authorizing Document with respect to the enforcement of remedies of Holders upon the occurrence of an Event of Default described in Section A-1001(g) of the Authorizing Document as though such provisions applied hereunder. Each of the Director, the Comptroller, the applicable Authorized Issuer and the applicable Trustee reserves the right, but shall not be obligated, to enforce the obligations of the others. Failure by any party to perform its obligations hereunder shall not constitute an Event of Default under the Authorizing Document or any other agreement executed and delivered in connection with the issuance of the Bonds. In consideration of the third-party beneficiary status of beneficial owners of Bonds pursuant to Section 6, beneficial owners shall be deemed to be Holders of Bonds for purposes of this Section 5.

SECTION 6. Parties in Interest.

This Agreement is executed and delivered solely for the benefit of the Holders of the Bonds and, for the purposes of Section 5, beneficial owners of Bonds. For the purposes of such Section 5, beneficial owners of Bonds shall be third-party beneficiaries of this Agreement. No person other than those described in Section 5 shall have any right to enforce the provisions hereof or any other rights hereunder.

SECTION 7. Amendments.

(i) Without the consent of any Holders (except to the extent required under clause (c)(II) of this sentence) or provider of any Credit Facility, the Authorized Issuers, the State, and the Trustees at any time and from time to time may enter into amendments or changes to this Agreement for any purpose, if (a) the amendment is made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of one or more of the Authorized Issuers or the State or any type of business or affairs conducted by either; (b) the undertakings set forth herein, as amended, would have complied with the requirements of Rule 15c2-12 at the time of the primary offering of the Bonds, after taking into account any amendments to, or interpretation by the staff of the Securities and Exchange Commission of, Rule 15c2-12, as well as any change in circumstances; and (c) either (I) the amendment does not materially impair the interests of the Holders, as determined either by each of the Trustees or by a nationally recognized bond counsel approved by the State or (II) the Holders consent to the amendment to this Agreement pursuant to the same procedures as are required for amendments to the Authorizing Document with the consent of Holders pursuant to Section A-1003 of the Authorizing Documents. In determining whether there is such a material impairment, the Trustees may rely upon an opinion of a nationally recognized bond counsel approved by the State. The interests of Holders shall be deemed not to have been materially impaired by an amendment (1) to add a dissemination agent for the information to be provided hereunder and to make any necessary or desirable provisions with respect thereto, (2) to evidence the succession of another entity to the State, an Authorized Issuer or a Trustee and the assumption by any such successor to the obligations of such party hereunder, or (3) to add to the obligations of the State or any Authorized Issuer for the benefit of the Holders, or to surrender any right or power herein conferred upon the State or any Authorized Issuer.

(ii) Annual Information for any fiscal year containing any amended operating data or financial information for such fiscal year shall explain, in narrative form, the reasons for such amendment and the impact of the change on the type of operating data or financial information in the Annual Information being provided for such fiscal year. If a change in accounting principles is included in any such amendment, such Annual Information shall present a comparison between the financial statements or information prepared on the basis of the amended accounting principles and those prepared on the basis of the former accounting principles. Such comparison shall include a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information. To the extent reasonably feasible such comparison shall also be quantitative. A notice of any such change in accounting principles shall be electronically filed with the MSRB.

SECTION 8. Termination.

This Agreement shall remain in full force and effect until such time as all principal, redemption premiums, if any, and interest on all Bonds (in each case in this Section 8, "Bonds" shall refer to each series of Bonds, respectively) shall have been paid in full or all Bonds shall have otherwise been paid or defeased in accordance with the applicable Authorizing Documents (a "Legal Defeasance"); provided, however, that if Rule 15c2-12 (or any successor provision) shall be amended, modified or changed so that all or any part of the information currently required to be provided thereunder shall no longer be required to be provided thereunder, then such information shall no longer be required to be provided hereunder; and provided further, that if and to the extent Rule 15c2-12 (or successor provision), or any provision thereof, shall be declared by a court of competent and final jurisdiction to be, in whole or in part, invalid, unconstitutional, null and void, or otherwise inapplicable to the Bonds, then the information required to be provided hereunder, insofar as it was required to be provided by a provision of Rule 15c2-12 so declared, shall no longer be required to be provided hereunder. Upon any Legal Defeasance of a series of Bonds, the applicable Authorized Issuer shall electronically file with the MSRB notice of such defeasance, and such notice shall state whether the applicable series of Bonds have been defeased to maturity or to redemption and the timing of such maturity or redemption. Upon any other termination pursuant to this Section 8, the applicable Authorized Issuer shall electronically file with the MSRB notice of such termination.

SECTION 9. The Trustees.

(i) Except as specifically provided herein, this Agreement shall not create any obligation or duty on the part of any Trustee and no Trustee shall be subject to any liability hereunder for acting or failing to act as the case may be.

(ii) Each Trustee shall be indemnified and held harmless in connection with this Agreement, to the same extent provided in the applicable Authorizing Document for matters arising thereunder.

SECTION 10. Governing Law.

This Agreement shall be governed by the laws of the State of New York determined without regard to principles of conflict of law.

SECTION 11. Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all shall together constitute one and the same instrument.

SECTION 12. Effective Date.

This Agreement, as amended and restated as of June 10, 2019 (primarily to incorporate the listed events described in clauses (15) and (16) of Section 2(ii)(a)), shall become effective with respect to the State, an Authorized Issuer and a trustee under an Authorizing Document, only as of the amended effective date of such party's execution of this Agreement by its duly authorized officer, as set forth on the following signature pages.

IN WITNESS WHEREOF, the undersigned have duly authorized, executed and delivered this amended and restated Master Continuing Disclosure Agreement as of the respective dates set forth below.

AUTHORIZED ISSUERS:

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

By: Portia Lee
Name: Portia Lee
Title: Managing Director

Amended Effective Date: June 10, 2019

NEW YORK STATE THRUWAY AUTHORITY

By: Matthew Howard
Name: Matthew Howard
Title: Chief Financial Officer

Amended Effective Date: *July 12, 2021*

NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION

By:
Name:
Title:

Amended Effective Date: ____________

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
d/b/a Empire State Development

By: Elaine A. Kloss
Name: Elaine A. Kloss
Title: Chief Financial Officer

Amended Effective Date: June 10, 2019

NEW YORK STATE HOUSING FINANCE AGENCY

By:
Name:
Title:

Amended Effective Date: ____________

[Signature Page of Authorized Issuers of New York Personal Income Tax Revenue Bonds Master Continuing Disclosure Agreement]

THE STATE OF NEW YORK
Obligated Person

By: Thomas P. DiNapoli, Comptroller

By: Robert B. Ward
Name: Robert B. Ward
Title: Deputy Comptroller

Amended Effective Date: June 10, 2019

By: Robert F. Mujica, Jr., Director of the Budget

By: Robt F Mujica
Name: Robert F. Mujica, Jr.
Title: Director of the Budget

Amended Effective Date: June 10, 2019

[Signature Page of State Officials for State of New York Personal Income Tax Revenue Bonds Master Continuing Disclosure Agreement]

TRUSTEES:

U.S. BANK NATIONAL ASSOCIATION *Amended Effective Date: June 10, 2019*

as Trustee or successor Trustee for the benefit of Dormitory Authority of the State of New York Bondholders

By: ______________________________
Authorized Signatory

THE BANK OF NEW YORK MELLON *Amended Effective Date: June 10, 2019*

as Trustee for the benefit of New York State Environmental Facilities Corporation Bondholders

By: ______________________________
Authorized Signatory

U.S. BANK NATIONAL ASSOCIATION *Amended Effective Date: June 10, 2019*

as successor Trustee for the benefit of New York State Housing Finance Agency Bondholders

By: ______________________________
Authorized Signatory

THE BANK OF NEW YORK MELLON *Amended Effective Date: June 10, 2019*

as Trustee for the benefit of New York State Thruway Authority Bondholders

By: ______________________________
Authorized Signatory

THE BANK OF NEW YORK MELLON *Amended Effective Date: June 10, 2019*

as Trustee for the benefit of New York State Urban Development Corporation Bondholders

By: ______________________________
Authorized Signatory

[Signature Page of Trustees for State of New York Personal Income Tax Revenue Bonds Master Continuing Disclosure Agreement]

APPENDIX F

REFUNDED BONDS

The following is a list of the bonds that are expected to be refunded with a portion of the proceeds of the Series 2022 Bonds. The following list of bonds is not final and is subject to change prior to issuance of the Series 2022 Bonds. DASNY reserves the right to refund all, none or only a portion of the bonds listed below and also reserves the right to refund bonds other than in addition to those listed below. All of the bonds listed below are the Refunded Bonds as described in "PART 7 – THE REFUNDING PLAN."

Dormitory Authority of the State of New York
State Personal Income Tax Revenue Bonds (General Purpose), Series 2012B

Maturity Date	Interest Rate	Principal Amount	Redemption Date	Redemption Price	CUSIP Number†
3/15/2023	5.00%	$ 25,405,000	04/11/22	100%	64990EEX1
3/15/2024	5.00	26,675,000	04/11/22	100	64990EEY9
3/15/2025	5.00	28,005,000	04/11/22	100	64990EEZ6
3/15/2026	5.00	29,410,000	04/11/22	100	64990EFA0
3/15/2027	5.00	30,875,000	04/11/22	100	64990EFB8
3/15/2028	5.00	31,920,000	04/11/22	100	64990EFC6
3/15/2029	5.00	33,515,000	04/11/22	100	64990EFD4
3/15/2030	5.00	35,185,000	04/11/22	100	64990EFE2
3/15/2031	5.00	36,950,000	04/11/22	100	64990EFF9
3/15/2032	5.00	38,795,000	04/11/22	100	64990EFG7
3/15/2033	5.00	34,415,000	04/11/22	100	64990EFH5
3/15/2034	5.00	36,135,000	04/11/22	100	64990EFJ1
3/15/2035	5.00	37,940,000	04/11/22	100	64990EFK8
3/15/2037	5.00	81,670,000	04/11/22	100	64990EFL6
3/15/2042	5.00	$242,680,000	04/11/22	100	64990FND2

Dormitory Authority of the State of New York
Third General Resolution Revenue Bonds (State University Educational Facilities Issue), Series 2012A

Maturity Date	Interest Rate	Principal Amount	Redemption Date	Redemption Price	CUSIP Number†
5/15/2023	5.00%	$56,095,000	05/15/22	100%	64990HML1
5/15/2024	5.00	61,385,000	05/15/22	100	64990HMM9
5/15/2025	5.00	73,040,000	05/15/22	100	64990HMN7
5/15/2026	5.00	71,445,000	05/15/22	100	64990HMP2
5/15/2027	5.00	65,030,000	05/15/22	100	64990HMQ0
5/15/2028	4.00	30,000,000	05/15/22	100	64990HMR8
5/15/2028	5.00	23,485,000	05/15/22	100	64990HNE6
5/15/2029	5.00	36,660,000	05/15/22	100	64990HMS6
5/15/2030	5.00	20,540,000	05/15/22	100	64990HMT4

† Copyright, American Bankers Association ("ABA"). CUSIP numbers are assigned by, and managed on behalf of the ABA by, an organization not affiliated with DASNY, and are provided solely for the convenience of the holders of the Refunded Bonds. Neither DASNY nor the Underwriters are responsible for the selection or uses of these CUSIP numbers, nor is any representation made as to their correctness on the Refunded Bonds or as indicated above. The CUSIP number for a specific maturity may have been subject to change since the date the Refunded Bonds were originally issued as a result of various subsequent actions including, but not limited to, a refunding in whole or in part or as a result of the procurement of secondary market portfolio insurance or other similar enhancement by investors that is applicable to all or a portion of certain maturities of the Refunded Bonds.

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DORMITORY AUTHORITY OF THE STATE OF NEW YORK • STATE PERSONAL INCOME TAX REVENUE BONDS (GENERAL PURPOSE)
SERIES 2022A (TAX-EXEMPT) AND SERIES 2022B (FEDERALLY TAXABLE)

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