

STATE OF NEW YORK

S. 56

A. 156

SENATE - ASSEMBLY

(Prefiled)

January 7, 2009

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to expanding the use of funds deposited in the criminal justice improvement account (Part A); to amend the tax law, in relation to imposing a state public safety communications surcharge, and clarifying the distribution of revenue from the surcharge; and to repeal section 309 of the county law relating to the state wireless communications service surcharge (Part B); to amend the retirement and social security law, in relation to authorizing the state civil service commission to charge local government employers a processing fee for waiver requests under section 211 of the retirement and social security law (Part C); to amend the not-for-profit corporation law and the executive law, in relation to establishing a corporation to provide cyber security and critical infrastructure coordination services and to repeal section 715 of the executive law relating to records and data (Part D); to amend the executive law, in relation to the sexual assault forensic exam reimbursement fee and for a time limitation on claims for reimbursement, and the criminal procedure law and the judiciary law, in relation to allowing payment of restitution by credit card (Part E); to amend the insurance law, in relation to requiring any person who applies to be licensed as an insurance agent, broker, adjuster, consultant, or intermediary to submit their fingerprints as part of a criminal background check (Part F); to amend the executive law, in relation to imposing fees for the certification and certification renewal of security guard instructors and training schools (Part G); to amend the correction law, in relation to authorizing the commissioner of correctional services to close a correctional facility by means of an accelerated procedure, providing for the custody by the department of correctional services of inmates serving definite sentences and providing for custody of federal prisoners (Part H); to

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

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amend the correction law, in relation to delaying the implementation date for certain mental health programs in the department of corrections until July 2014; limiting certain mental health programs to level one and level two correctional facilities; and in relation to training requirements for these programs; and repealing certain provisions of such law relating thereto (Part I); to amend the executive law and the penal law, in relation to the eligibility criteria for medical parole (Part J); to amend the correction law, in relation to authorizing the sale of food products to charitable organizations (Part K); to amend the correction law, in relation to expanding eligibility for the shock incarceration program and to permitting time credit allowances for certain inmates (Part L); to amend the executive law and the correction law, in relation to eliminating reimbursement to localities for housing technical parole violators and state ready inmates except in situations where the department of correctional services is unable to provide a general confinement bed within ten business days of notification; and to repeal certain provisions of such laws relating thereto (Part M); to amend the executive law, in relation to supporting the use of graduated sanctions for parole violators and allowing parole board members to use a risk and needs assessment instrument in making their release determinations (Part N); to amend the criminal procedure law, in relation to permitting a term of interim probation to be credited against a subsequent sentence of probation; and to amend the executive law, in relation to allowing for the implementation of a probation registration fee (Part O); to repeal section 576 of the executive law, relating to eliminating the batterers program that is administered by the office for the prevention of domestic violence (Part P); to amend the correction law and the executive law, in relation to providing that the state commission of correction is not mandated to have oversight over facilities accredited with the American Correctional Association; to amend the correction law and the criminal procedure law, in relation to providing county jails with options to reduce their operating costs; and to repeal certain provisions of the correction law relating thereto (Part Q); to amend the executive law, in relation to increasing the fee paid by nuclear power generating plant operators in support of state and local radiological emergency preparedness requirements; and to repeal certain provisions of such law relating thereto (Part R); to amend the vehicle and traffic law, in relation to the denial of registration or renewal for certain violations; in relation to the suspension of registration for failure to answer or pay penalties with respect to certain violations; and in relation to establishing a photo-monitoring program to impose fines for failing to obey work zone speed limits and for failing to obey certain posted speed limits (Part S); to amend the insurance law, in relation to the motor vehicle law enforcement fee; to amend the state finance law, in relation to the motor vehicle theft and insurance fund and the state police motor vehicle law enforcement account; to amend the executive law, in relation to making permanent the applicability of the plan of operation and grant award process of the motor vehicle theft and insurance fraud prevention demonstration program; to amend chapter 62 of the laws of 2003, amending the insurance law and other laws relating to motor vehicle law enforcement fees, to amend chapter 56 of the laws of 2004, amending the insurance law and the state finance law relating to motor vehicle law enforcement fees and chapter 57 of the laws of 2000, amending the state finance law relating to a report on automobile theft prevention activ-



ities of the state police, in relation to making certain provisions permanent; to repeal certain provisions of the insurance law, relating to providing funding to the motor vehicle theft and insurance fraud and prevention fund; and to repeal subdivision (bbb) of section 427 of chapter 55 of the laws of 1992 amending the tax law generally and enacting the omnibus revenue act of 1992 relating to taxes, surcharges, fees and funding, relating to making the motor vehicle theft and insurance fraud prevention fund permanent (Part T); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to extending the expiration of such chapter; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to extending the expiration of such chapter; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to extending the expiration of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee



provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 56 of the laws of 2000, amending the public health law, the general business law and the insurance law relating to the sale and possession of hypodermic syringes and needles in relation to extending the expiration thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 377 of the laws of 2007 amending the correction law and the criminal procedure law relating to establishing a probation detainer warrant pilot project, in relation to extending such chapter; to amend chapter 894 of the laws of 1990 amending the criminal procedure law relating to electronic court appearances, in relation to the effectiveness thereof; to repeal section 9 of part B of chapter 58 of the laws of 2007, amending the public health law, the general business law and the insurance law, relating to the sale and possession of hypodermic syringes and needles; to repeal subdivision (r) of section 427 of chapter 55 of the laws of 1992 amending the tax law and other laws relating to taxes (Part U); to amend the civil service law, the labor law and the executive law, in relation to abolishing the state employment relations board and shift responsibilities to the public employment relations board; and to repeal certain provisions of the labor law relating thereto (Part V); to amend the executive law, the state finance law and the general municipal law, in relation to establishing the office for procurement services (Part W); to amend the state finance law, in relation to the distribution of funds to counties for the cost of legal services for the indigent (Part X); to amend the civil service law and the state finance law, in relation to allowing the New York state employee health insurance plan to have the option to be self insured; and to amend the parks, recreation and historic preservation law, in relation to the health benefit plan for employees (Part Y); to amend the civil service law, in relation to contributions for health insurance coverage of retired state employees (Part Z); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part AA); to implement a wage freeze; and providing for the expiration thereof (Part BB); to amend the retirement and social security law, the education law, and the general municipal law, in relation to the retirement benefits available to newly hired employees (Part CC); to amend the retirement and social security law and the administrative code of the city of New York, in relation to the New York city police or fire revised plan (Part DD); to amend the state finance law, in relation to implementing a payroll deferral (Part EE); to amend the real property tax law, in relation to the payment of taxes by the state; and to amend the public lands law, in relation to



taxes and assessments for local improvements on state lands and state aid for certain state-leased or state-owned lands (Part FF); to amend the state finance law, in relation to aid and incentives for municipalities (Part GG); to amend the general municipal law, the state finance law, the public housing law, the education law, the public authorities law, chapter 560 of the laws of 1980 authorizing the city of New York to adopt a solid waste management law, chapter 892 of the laws of 1971 amending the public authorities law and other laws relating to enabling the dormitory authority to construct and finance dormitories, buildings and health facilities, and the labor law, in relation to separate specifications for public works contracts; to amend chapter 738 of the laws of 1988, amending the administrative code of the city of New York and other laws relating to establishing the New York city school construction authority, in relation to extending the effectiveness thereof; to amend the civil practice law and rules, in relation to the impact of collateral source payments upon tort claims for personal injury, property damage or wrongful death; to amend the general municipal law, the public housing law, the state finance law and chapter 585 of the laws of 1939 relating to the rate of interest to be paid by certain public corporations upon judgments and accrued claims, in relation to the rate of interest paid on judgments; to amend the general municipal law, in relation to purchasing requirements; to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority; to amend chapter 868 of the laws of 1975 constituting the New York state financial emergency act for the city of New York, in relation to bond anticipation notes and to amend the New York city charter, in relation to bond anticipation notes; to repeal subdivisions (a) and (b) of section 4545 of the civil practice law and rules relating to the admissibility of collateral source of payment; and to repeal subdivisions (d) and (e) of rule 4111 of the civil practice law and rules relating to itemized verdicts in certain actions against a public employer for personal injury and wrongful death; and providing for the repeal of certain provisions of this act upon expiration thereof (Part HH); to amend chapter 540 of the laws of 1992 amending the real property tax law relating to oil and gas charges, in relation to the effective date of such chapter (Part II); to amend the real property law and the state finance law, in relation to when conveyances of real property are not to be recorded and the fees associated with such conveyances and where such fees shall be deposited (Part JJ); to amend the state finance law, in relation to state assistance to cities and municipalities where a video lottery gaming facility is located (Part KK); to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in certain counties and cities; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to the effectiveness of such chapter; to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York, relating to civil liability of vehicle owners for traffic control signal violations, in relation to the effectiveness thereof; and to repeal certain provisions of the vehicle and traffic law and the administrative code of the city of New York relating to an owner liability



demonstration program (Part LL); to amend the general city law and the village law, in relation to authorizing the imposition of locally administered utility taxes on mobile telecommunications service (Part MM); to amend the insurance law, in relation to municipal cooperative health benefit plans, a study of community rating and the provision of claims experience to a municipality; to amend the agriculture and markets law and the county law, in relation to the sharing of the duties of weights and measures between municipalities; to amend the general municipal law and the highway law, in relation to mutual aid; to amend the public health law, in relation to the composition of county and part-county boards of health; to amend the town law, in relation to eliminating compensation for town special district commissioners; to amend the town law, in relation to the provision of sanitary services in the areas of towns outside of villages; to amend the general municipal law, in relation to processes for municipal consolidation or dissolution; to amend the village law, in relation to submissions for a proposition of the dissolution or consolidation of a village; to amend the town law, in relation to consolidation of fire districts proposed to be included within a consolidated district; to amend the town law, in relation to the elective offices of town clerk, superintendent of highways and office of receiver of taxes, in relation to the collection of taxes by the town clerk and in relation to the office of the town superintendent of highways; and to repeal certain provisions of the village law and the town law relating thereto (Part NN); to amend the domestic relations law, the executive law and the public health law, in relation to authorizing the city clerk of New York city to collect various fees for performing marriage ceremonies, for issuing marriage certificates and certified copies of such certificates, for performing searches of public records and from persons appointed as commissioners of deeds (Part OO); and to provide for the administration of certain funds and accounts related to the 2009-2010 budget; to authorize certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend chapter 57 of the laws of 2008 providing for the administration of certain funds and accounts related to the 2008-2009 budget, in relation to the effectiveness of certain provisions thereof; to amend chapter 60 of the laws of 1993, amending the public authorities law and other laws relating to the bonding authority of the environmental facilities corporation, and the state finance law, in relation to the rainy day reserve fund; to amend the state finance law, in relation to temporary loans of money or other financial resources to the general fund; to direct the comptroller to transfer and deposit certain moneys; to amend the state finance law, in relation to variable rate bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority and the New York state environmental facilities corporation; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds by the urban development corporation; to amend the state finance law, in relation to issuance of certificates of participation; to amend chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth improvement fund, in relation to issuance of debt by the urban development



corporation; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to economic development initiatives and the state's right to require redemption of bonds; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to reducing funding therefor; to amend the state finance law, in relation to the issuance of revenue bonds; to amend the private housing finance law and the public authorities law, in relation to the state's right to require redemption or bonds; to amend the state finance law, in relation to state-supported debt; to repeal certain provisions of chapter 59 of the laws of 2008, amending chapter 57 of the laws of 2007, providing funding for certain community projects, relating to increasing such funding, relating to transfers of moneys for such projects; to repeal subdivision (b) of section 1 of part P of chapter 57 of the laws of 2007 providing funding for certain community projects, relating thereto; and providing for the repeal of certain provisions upon the expiration thereof (Part PP)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2009-2010
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through PP. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Subdivision 3 of section 97-bb of the state finance law, as
14 added by chapter 309 of the laws of 1996, is amended to read as follows:
15 3. Monies of the criminal justice improvement account, following
16 appropriation by the legislature and allocation by the director of the
17 budget shall be made available for local assistance [services] programs
18 to support law enforcement efforts to prosecute, control and reduce
19 crime and expenses of programs to provide services to crime victims and
20 witnesses, including operations of the crime victims board, and for
21 payments to victims in accordance with the federal crime control act of
22 1984, as administered pursuant to article twenty-two of the executive
23 law.
24 § 2. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after April 1, 2009.

26 PART B

27 Section 1. Section 309 of the county law is REPEALED.

1 § 2. Subdivision 8 of section 186-e of the tax law, as added by chap-
2 ter 2 of the laws of 1995, is amended to read as follows:

3 8. Enhanced emergency telephone system surcharge fee and public safety
4 communications surcharge. Notwithstanding any other provision contained
5 in this chapter or any other law, any surcharge collected or any admin-
6 istrative fee retained by any provider of telecommunication services
7 acting as collection agent for a municipality pursuant to the provisions
8 of article six of the county law [shall] or acting as a collection agent
9 for the state pursuant to the provisions of section one hundred eighty-
10 six-f of this article will not be considered as, nor included in the
11 determination of gross receipts of the provider.

12 § 3. The tax law is amended by adding a new section 186-f to read as
13 follows:

14 § 186-f. Public safety communications surcharge. 1. Definitions. As
15 used in this section, where not otherwise specifically defined and
16 unless a different meaning is clearly required:

17 (a) "Place of primary use" has the same meaning as that term is
18 defined in paragraph twenty-six of subdivision (b) of section eleven
19 hundred one of this chapter.

20 (b) "Wireless communications customer" means mobile telecommunications
21 customer as defined in subparagraph (i) of paragraph twenty-seven of
22 subdivision (b) of section eleven hundred one of this chapter, who
23 contracts for or is the end user of wireless communications service.

24 (c) "Wireless communications device" means any equipment used to
25 access a wireless communications service.

26 (d) "Wireless communications service" means all commercial mobile
27 services, as that term is defined in section 332(d) of title 47 of the
28 United States Code, as amended from time to time, including, but not
29 limited to, all broadband personal communications services, wireless
30 radio telephone services, geographic area specialized and enhanced
31 specialized mobile radio services, and incumbent-wide area specialized
32 mobile radio licensees, which offer real time, two-way voice or data
33 service that is interconnected with the public switched telephone
34 network or otherwise provides access to emergency communications
35 services.

36 (e) "Wireless communications service supplier" means a home service
37 provider as defined in subparagraph (ii) of paragraph twenty-seven of
38 subdivision (b) of section eleven hundred one of this chapter, provided
39 that the home service provider provides wireless communications service
40 and has one or more wireless communications customers in New York state.

41 2. Public safety communications surcharge. (a) A surcharge on wireless
42 communications service provided to a wireless communications customer
43 with a place of primary use in this state is imposed at the rate of one
44 dollar and twenty cents per month on each wireless communications device
45 in service during any part of each month. The surcharge must be
46 reflected and made payable on bills rendered to the wireless communi-
47 cations customer for wireless communication service.

48 (b) Each wireless communications service supplier providing wireless
49 communications service in New York state must act as a collection agent
50 for the state for the collection of the surcharge. The wireless communi-
51 cations service supplier has no legal obligation to enforce the
52 collection of the surcharge from its customers. However, each wireless
53 communications service supplier must collect and retain the name and
54 address of any wireless communications customer with a place of primary
55 use in this state that refuses or fails to pay the surcharge, as well as
56 the cumulative amount of the surcharge remaining unpaid, and must

1 provide this information to the commissioner at the time and according
2 to the procedures the commissioner may provide. The surcharge must be
3 reported and paid to the commissioner on a quarterly basis on or before
4 the fifteenth day of the month following each quarterly period ending on
5 the last day of February, May, August and November, respectively. The
6 payments must be accompanied by a return in the form and containing the
7 information the commissioner may prescribe.

8 (c) The surcharge must be added as a separate line item to bills
9 furnished by a wireless communications service supplier to its custom-
10 ers, and must be identified as the "public safety communications
11 surcharge". Each wireless communications customer who is subject to the
12 provisions of this section remains liable to the state for the surcharge
13 due under this section until it has been paid to the state, except that
14 payment to a wireless communications service supplier is sufficient to
15 relieve the customer from further liability for the surcharge.

16 (d) Each wireless communications service supplier is entitled to
17 retain, as an administrative fee, an amount equal to two percent of
18 fifty-eight and three-tenths percent of the total collections of the
19 surcharge imposed by this section, provided that the supplier files any
20 required return and remits the surcharge due to the commissioner on or
21 before its due date.

22 3. Applicability of article twenty-seven. For purposes of article
23 twenty-seven of this chapter as applied to this section by section two
24 hundred seven-b of this article, the term "taxpayer" in article twenty-
25 seven refers to a wireless communications service supplier subject to
26 this section or a wireless communications customer subject to this
27 section, as the case may be, and the term "tax" in article twenty-seven
28 refers to the surcharge imposed by this section.

29 4. Exemptions. The state of New York and any of its agencies, instru-
30 mentalities and political subdivisions are exempt from the surcharge
31 imposed by this section.

32 5. Deposits of surcharge monies collected and received. Notwithstand-
33 ing any provision of law to the contrary, all surcharge monies collected
34 and received by the commissioner under this section must be deposited
35 daily to the credit of the comptroller with those responsible banks,
36 banking houses or trust companies the comptroller may designate. Those
37 deposits must be kept separate and apart from all other monies in the
38 possession of the comptroller. The comptroller must require adequate
39 security from all such depositories. Of the total revenue collected or
40 received under this section, the comptroller must retain in the comp-
41 troller's hands an amount determined by the commissioner to be necessary
42 for refunds under this section, out of which the comptroller will pay
43 any refunds to which taxpayers are entitled under the provisions of this
44 section. The comptroller, after reserving the amount to pay refunds,
45 must, on or before the tenth day of each month, pay all surcharge monies
46 collected and received under this section and remaining to the comp-
47 troller's credit as follows:

48 (a) forty-one and seven-tenths of the revenues collected and received
49 under this section into the state general fund; and

50 (b) after deducting the amount paid under paragraph (a) of this subdi-
51 vision and the amount retained by wireless communications suppliers
52 pursuant to paragraph (d) of subdivision two of this section, the
53 balance of the revenues collected under this section into the New York
54 state wireless telephone emergency service account of the miscellaneous
55 special revenue fund, created pursuant to section ninety-seven-gg of the
56 state finance law.



1 6. Distribution. The monies collected from the surcharge imposed by
 2 this section must be distributed to include the following:

3 (a) The sum of twenty-five million five hundred thousand dollars must
 4 be allocated to the state police pursuant to appropriation by the legis-
 5 lature annually;

6 (b) The sum of one million five hundred thousand dollars must be
 7 deposited into the New York state emergency services revolving loan fund
 8 annually;

9 (c) To fund costs associated with the design, construction, and opera-
 10 tion of the statewide wireless network annually pursuant to appropri-
 11 ation by the legislature;

12 (d) Not less than the sum of ten million dollars annually must be
 13 disbursed pursuant to article six-A of the county law and appropriated
 14 by the legislature; and

15 (e) To provide the costs of debt service for bonds and notes issued to
 16 finance expedited deployment funding pursuant to the provisions of
 17 section three hundred thirty-three of the county law and section sixteen
 18 hundred eighty-nine-h of the public authorities law.

19 § 4. This act shall take effect on the first day of the quarterly
 20 period, as described in paragraph (b) of subdivision 2 of section 186-f
 21 of the tax law, as added by section three of this act, next commencing
 22 at least 120 days after this act becomes a law.

23

PART C

24 Section 1. Section 211 of the retirement and social security law is
 25 amended by adding a new subdivision 9 to read as follows:

26 9. The state civil service commission shall charge a two hundred
 27 dollar processing fee for administrative costs pursuant to this section.
 28 This fee shall be charged to any county, town, village, school district,
 29 special district or any other local government employer requesting a
 30 waiver from the state civil service commission to employ a retiree under
 31 the provisions of this section. All fees collected pursuant to this
 32 subdivision shall be deposited into the examination and miscellaneous
 33 revenue account.

34 § 2. This act shall take effect immediately.

35

PART D

36 Section 1. The not-for-profit corporation law is amended by adding a
 37 new article 16 to read as follows:

ARTICLE 16

CYBER SECURITY OPERATIONS AND

INTEGRATION SERVICES

41 Section 1601. Statement of legislative findings and purposes.

42 1602. Cyber security operations and integration services.

43 1603. Transfer of functions, powers, and assets.

44 1604. Agreements or contracts.

45 1605. Background investigations.

46 1606. Confidentiality.

47 § 1601. Statement of legislative findings and purposes.

48 It is hereby found and declared that, in order to more effectively and
 49 efficiently provide the cyber security and geographic information
 50 systems services required to protect the state's critical infrastruc-
 51 tures, it is necessary to promote innovative and improved approaches
 52 that will enhance the state's capacity to prepare for and respond to



1 rapidly evolving cyber security threats and to coordinate critical
2 infrastructure information. In order to achieve long-term improvement in
3 the state's cyber security posture, such approaches must include a func-
4 tional and sustainable public-private partnership that enables opera-
5 tional collaboration and cooperation in a trusted environment. The
6 creation of a not-for-profit corporation will facilitate the development
7 of critical and strategic partnerships with, between, and among the
8 federal, state, and local governments and private industry. Given that
9 the majority of critical infrastructure is owned or operated by the
10 private sector, the establishment of strong public-private partnerships
11 will enhance the state's ability to protect that critical infrastruc-
12 ture. Such a joint venture between New York state and the not-for-profit
13 corporation will significantly improve the cyber security posture of the
14 state as well as boost the New York economy. It is well documented that
15 the dynamic nature of cyber security threats and attacks necessitates a
16 proactive strategy that includes flexible and rapid response capabili-
17 ties. Consequently, the legislature concludes that the interest of the
18 state of New York in providing the most effective cyber security defense
19 possible is best served by the establishment of a not-for-profit corpo-
20 ration that will provide the legal, financial, market, and managerial
21 flexibility necessary to meet the needs and challenges now present in
22 cyberspace. The not-for-profit corporation would be unique and bring
23 tremendous national and international recognition for New York state.

24 § 1602. Cyber security operations and integration services.

25 There is hereby created a not-for-profit corporation, hereinafter
26 referred to as the "corporation", to provide cyber security operations,
27 integration, and geographic information systems services. To the extent
28 that the provisions of this chapter do not conflict with the provisions
29 of this article, this chapter shall apply to the corporation, which
30 shall be a type C corporation pursuant to this chapter. If an applicable
31 provision of this article relates to a matter embraced in a provision of
32 this chapter but is not in conflict therewith, both provisions shall
33 apply.

34 § 1603. Transfer of functions, powers, and assets.

35 (a) The functions, powers, and assets possessed by and all of the
36 obligations and duties of the New York state office of cyber security
37 and critical infrastructure coordination as established pursuant to the
38 executive law shall be transferred, assigned to, assumed by, and
39 devolved upon the corporation. The corporation shall have the authority
40 to perform all functions and activities necessary and convenient to
41 carry out its mission, including the authority to enter into contracts
42 and agreements with any public or private entity or individual.

43 (b) Employees of the office of cyber security and critical infrastruc-
44 ture coordination shall be transferred to the corporation on the effec-
45 tive date of this article. Notwithstanding any provision of law to the
46 contrary, all rights and benefits, including terms and conditions of
47 employment and protection under the civil service law shall apply to
48 employees transferred to the corporation, and to any person hired by the
49 corporation who has been employed by the state of New York for at least
50 one year prior to employment by the corporation. Such employees shall be
51 considered for all purposes of article fourteen of the civil service law
52 to be public employees in the civil service of the state and shall
53 remain in the collective bargaining unit to which they were assigned
54 before becoming an employee of the corporation.

55 § 1604. Agreements or contracts.

1 Notwithstanding any inconsistent provision of law, any officer, body,
2 or agency of the state and any public corporation shall be authorized to
3 enter individually or collectively into agreements or contracts with the
4 corporation for the provision of goods and services related to cyber
5 security and critical infrastructure coordination including, but not
6 limited to, monitoring, detecting, and responding to cyber incidents and
7 the provision of advanced geographic information systems and related
8 analytical tools, or for other purposes in support of the operations of
9 the corporation. Such officers, bodies, or agencies of the state and
10 such public corporations shall pay such fees or other amounts in consid-
11 eration of the services rendered pursuant to such agreements or
12 contracts.

13 § 1605. Background investigations.

14 The corporation is hereby authorized to conduct background investi-
15 gations on all employees of and contractors to the corporation to deter-
16 mine their suitability for employment. Every such employee, as a condi-
17 tion of employment, or contractor shall be fingerprinted and complete a
18 background questionnaire. The corporation shall promptly transmit such
19 fingerprints and fees to the division of criminal justice services for
20 its full search and retain processing. The division of criminal justice
21 services is authorized to submit the fingerprints and the appropriate
22 fee to the federal bureau of investigation for a national criminal
23 history record check. The division of criminal justice services and the
24 federal bureau of investigation shall forward such criminal history
25 record to the corporation in a timely manner. Such background investi-
26 gations shall remain confidential and shall be conducted in accordance
27 with applicable rules and regulations promulgated by such entities.

28 § 1606. Confidentiality.

29 Any trade secrets, critical infrastructure information, information
30 compiled for law enforcement purposes, information that could jeopardize
31 the capacity to guarantee the security of information technology assets,
32 or other proprietary data maintained by or shared with the corporation
33 shall be deemed confidential and shall be exempt from disclosure.

34 § 2. Paragraph (e) of subdivision 2 of section 710 of the executive
35 law, as added by section 2 of part B of chapter 1 of the laws of 2004,
36 is amended to read as follows:

37 (e) establish offices, departments and bureaus and make changes there-
38 in as he or she may deem necessary to carry out the functions of the
39 office[. One of the divisions within the office shall be the office of
40 cyber security and critical infrastructure coordination which shall be
41 dedicated to the identification and mitigation of the state's cyber
42 security infrastructure vulnerabilities]; and

43 § 3. Section 715 of the executive law, as added by chapter 604 of the
44 laws of 2007, is REPEALED.

45 § 4. The executive law is amended by adding a new section 716 to read
46 as follows:

47 § 716. The New York state office of cyber security and critical
48 infrastructure coordination. The New York state office of cyber security
49 and critical infrastructure coordination, hereinafter the office, is
50 responsible for statewide policies, programs, and services relating to
51 cyber security and the coordination of critical infrastructure informa-
52 tion. The office shall contract with the corporation established pursu-
53 ant to section sixteen hundred two of the not-for-profit corporation law
54 to perform any and all of its functions, powers, and duties. The direc-
55 tor of the office shall be the chief cyber security officer of New York
56 state and shall also be the head of the corporation. In furtherance of

1 the purposes of this section, the director of the office may, on behalf
2 of the office or the corporation, request and receive from any depart-
3 ment, division, board, bureau, commission or other agency of the state
4 or any political subdivision thereof or any public authority such
5 assistance, information, and data as will enable the office and the
6 corporation to properly carry out their functions, powers and duties.

7 § 5. This act shall take effect on the one hundred fiftieth day after
8 it shall have become a law.

9

PART E

10 Section 1. Subdivision 13 of section 631 of the executive law, as
11 added by chapter 264 of the laws of 2003, is amended to read as follows:

12 13. Notwithstanding any other provision of law, rule, or regulation to
13 the contrary, when any New York state accredited hospital, accredited
14 sexual assault examiner program, or licensed health care provider
15 furnishes services to any sexual assault survivor, including but not
16 limited to a health care forensic examination in accordance with the sex
17 offense evidence collection protocol and standards established by the
18 department of health, such hospital, sexual assault examiner program, or
19 licensed healthcare provider shall provide such services to the person
20 without charge and shall bill the board directly. The board, in consul-
21 tation with the department of health, shall define the specific services
22 to be covered by the sexual assault forensic exam reimbursement fee,
23 which must include at a minimum forensic examiner services, hospital or
24 healthcare facility services related to the exam, and related laboratory
25 tests and pharmaceuticals. Follow-up HIV post-exposure prophylaxis costs
26 shall continue to be reimbursed according to established board proce-
27 dure. The board, in consultation with the department of health, shall
28 also generate the necessary regulations and forms for the direct
29 reimbursement procedure. The rate for reimbursement shall be the amount
30 of itemized charges not exceeding eight hundred dollars, to be reviewed
31 and adjusted annually by the board in consultation with the department
32 of health. The hospital, sexual assault examiner program, or licensed
33 health care provider must accept this fee as payment in full for these
34 specified services. No additional billing of the survivor for said
35 services is permissible. A sexual assault survivor may voluntarily
36 assign any private insurance benefits to which she or he is entitled for
37 the healthcare forensic examination, in which case the hospital or
38 healthcare provider may not charge the board. A hospital, sexual assault
39 examiner program or licensed health care provider shall, at the time of
40 the initial visit, request assignment of any private health insurance
41 benefits to which the sexual assault survivor is entitled on a form
42 prescribed by the board; provided, however, such sexual assault survivor
43 shall be advised orally and in writing that he or she may decline to
44 provide such information regarding private health insurance benefits if
45 he or she believes that the provision of such information would substan-
46 tially interfere with his or her personal privacy or safety and in such
47 event, the sexual assault forensic exam fee shall be paid by the board.
48 Such sexual assault survivor shall also be advised that providing such
49 information may provide additional resources to pay for services to
50 other sexual assault victims. If he or she declines to provide such
51 health insurance information, he or she shall indicate such decision on
52 the form provided by the hospital, sexual assault examiner program or
53 licensed health care provider, which form shall be prescribed by the
54 board.



1 § 2. Section 626 of the executive law is amended by adding a new
2 subdivision 4 to read as follows:

3 4. Out-of-pocket losses relating to medical care and/or counseling as
4 defined in subdivisions one, two and three of this section which are
5 incurred after a positive award has been determined by the board, may be
6 reimbursed by the board only when such losses are submitted within one
7 year of the date they are incurred.

8 § 3. Section 420.05 of the criminal procedure law, as amended by chap-
9 ter 457 of the laws of 2005, is amended to read as follows:

10 § 420.05 Payment of fines, restitution, mandatory surcharges and fees by
11 credit card.

12 When the court imposes a fine, restitution, mandatory surcharge or fee
13 upon an individual who stands convicted of any offense, such individual
14 may pay such fine, restitution, mandatory surcharge or fee by credit
15 card or similar device. In such event, notwithstanding any other
16 provision of law, he or she also may be required to pay a reasonable
17 administrative fee. The amount of such administrative fee and the time
18 and manner of its payment shall be in accordance with the system estab-
19 lished by the chief administrator of the courts pursuant to paragraph
20 (j) of subdivision two of section two hundred twelve of the judiciary
21 law.

22 § 4. Paragraph (j) of subdivision 2 of section 212 of the judiciary
23 law, as amended by chapter 457 of the laws of 2005, is amended to read
24 as follows:

25 (j) Notwithstanding any provision of law, rule or regulation to the
26 contrary, establish a system for the posting of bail and the payment of
27 fines, restitution, mandatory surcharges, court fees, and other monies
28 payable to a court, county clerk in his or her capacity as clerk of
29 court, or the office of court administration, or to a sheriff upon
30 enforcing a court order or delivering a court mandate pursuant to arti-
31 cle eighty of the civil practice law and rules, by means of a credit
32 card or similar device. Notwithstanding any provision of law to the
33 contrary, the chief administrator may require a party making a payment
34 in such manner also to pay a reasonable administrative fee. In estab-
35 lishing such system, the chief administrator shall seek the assistance
36 of the state comptroller who shall assist in developing such system so
37 as to ensure that such funds shall be returned to any jurisdiction
38 which, by law, may be entitled to them. The chief administrator shall
39 periodically accord the head of each police department or police force
40 and of any state department, agency, board, commission or public author-
41 ity having police officers who fix pre-arraignment bail pursuant to
42 section 150.30 of the criminal procedure law an opportunity to have the
43 system established pursuant to this paragraph apply to the posting of
44 pre-arraignment bail with police officers under his or her jurisdiction.

45 § 5. This act shall take effect immediately, and shall apply to all
46 exams conducted on and after such date; provided that section two of
47 this act shall take effect on the one hundred eightieth day after it
48 shall have become a law and shall apply to all losses incurred on or
49 after such effective date; sections three and four of this act shall
50 take effect on the first of November next succeeding the date on which
51 this act shall have become law; and the amendments to section 420.05 of
52 the criminal procedure law and paragraph (j) of subdivision 2 of section
53 212 of the judiciary law made by sections three and four of this act
54 shall not affect the expiration of such section and paragraph, respec-
55 tively, and shall be deemed to expire therewith.

1

PART F

2 Section 1. The insurance law is amended by adding a new section 2113
3 to read as follows:

4 § 2113. Fingerprint requirement. The superintendent shall require an
5 applicant for a license to act as an insurance agent, broker, adjuster,
6 consultant or intermediary, under this article, to submit his or her
7 fingerprints in a manner and format as prescribed by the division of
8 criminal justice services at the time of application. Before approving
9 an application, it shall be the duty of the superintendent or the super-
10 intendent's authorized representative to submit such fingerprints to the
11 division of criminal justice services for its full search and retain
12 processing. Such fingerprints also may be submitted to the federal
13 bureau of investigation for a national criminal history record check.
14 This section shall apply to currently unlicensed applicants and also to
15 applicants for license renewal whose fingerprints have not previously
16 been submitted under this section.

17 Any cost associated with the capture and processing of fingerprints
18 and any criminal history record checks shall be borne by the applicant,
19 and shall be in addition to any fee imposed in relation to the process-
20 ing of such application.

21 § 2. This act shall take effect immediately and shall apply to all
22 applications filed on or after such effective date.

23

PART G

24 Section 1. Subdivision 8-b of section 837 of the executive law, as
25 amended by chapter 309 of the laws of 1996, is amended to read as
26 follows:

27 8-b. Notwithstanding any other provision of law to the contrary,
28 charge a fee for the provision of agency materials and publications,
29 conferences, criminal history record reviews, legal services, the
30 provision of services to analyze or prepare data that is not prepared in
31 the ordinary course of business, the provision of information in a
32 computerized format, the application for approval and renewal of securi-
33 ty guard training schools and the certification and renewal certifi-
34 cation of security guard instructors, the service and repair of munici-
35 pal law enforcement agency equipment and collect reimbursement and other
36 moneys. Such fees shall be reasonably related to the actual costs
37 incurred, including the costs of salaries, computer time, shipping and
38 handling, as appropriate. The comptroller is hereby authorized to
39 deposit such fees into the general fund effective August thirty-first,
40 nineteen hundred ninety-six.

41 § 2. This act shall take effect immediately.

42

PART H

43 Section 1. Section 79-a of the correction law, as amended by section 2
44 of part D of chapter 63 of the laws of 2005, is amended to read as
45 follows:

46 § 79-a. Closure of correctional facilities; notice. [Before] Except as
47 provided in section seventy-nine-c of this article, before the closure
48 of any correctional facility, [which for purposes of this section shall
49 include a correctional facility annex, or any special housing unit
50 established to confine inmates in accordance with the provisions of
51 subdivision six of section one hundred thirty-seven of this chapter],

1 for reasons other than those set forth in paragraph (a) of subdivision
2 eight of section forty-five of this chapter, the commissioner shall take
3 the following actions:

4 1. confer with the department of civil service, the governor's office
5 of employee relations and any other appropriate state agencies to devel-
6 op strategies which attempt to minimize the impact of the closure on the
7 state work force;

8 2. consult with the department of economic development and any other
9 appropriate state agencies to develop strategies which attempt to mini-
10 mize the impact of such closures on the local and regional economies;
11 and

12 3. provide notice by certified mail to (i) all local governments of
13 any political subdivision in which the correctional facility is located,
14 (ii) all employee labor organizations operating within, or representing
15 employees of, the correctional facility, and (iii) managerial and confi-
16 dential employees employed within the correctional facility at least
17 twelve months prior to any such closure.

18 § 2. The correction law is amended by adding a new section 79-c to
19 read as follows:

20 § 79-c. Accelerated procedure for closure of correctional facilities.

21 1. Notwithstanding the requirements of sections seventy-nine-a and
22 seventy-nine-b of this article, in the event that an economic downturn
23 has occurred, as defined by two consecutive quarters of decline in gross
24 domestic product as reported by the Bureau of Economic Analysis United
25 States Department of Commerce, then upon ninety days notice to the indi-
26 viduals and entities described in section seventy-nine-a of this arti-
27 cle, the commissioner may consider the prompt closure of one or more
28 correctional facilities, subject to the requirements that are set forth
29 in subdivisions two, three and four of this section.

30 2. The commissioner may invoke the accelerated closure procedure
31 authorized by this section only when the following terms and conditions
32 are met: (i) there is within the correctional system as a whole more
33 than three hundred vacant general confinement beds within existing hous-
34 ing units or cell blocks that are operational; (ii) the department is in
35 substantial compliance with all court orders governing the timely
36 acceptance of state-ready inmates pursuant to subdivision one of section
37 430.20 of the criminal procedure law; (iii) once the selected facility
38 or facilities are closed, it is projected that the department will
39 continue to have at least three hundred vacant general confinement beds
40 within existing housing units or cell blocks that are operational; and
41 (iv) the closure of any correctional facility will not require the
42 department to request authorization from the state commission of
43 correction for an increase in the number of variance beds it operates.

44 3. In determining which correctional facility or facilities should be
45 closed, the commissioner shall take into consideration the following
46 factors, and any other factors he or she deems appropriate: (i) the bed
47 needs of the department in relation to the overall demands for prison
48 capacity; (ii) the specific use of the facility in relation to the
49 requirements of subdivision two of section seventy of this article;
50 (iii) the age and condition of the facility infrastructure, including
51 the costs of any needed capital repairs and improvements; and (iv) the
52 degree to which affected facility staff can be offered alternate posi-
53 tions within the department.

54 4. The authorization granted under this section shall remain in effect
55 until the close of the third fiscal year immediately following the
56 fiscal year in which the economic downturn occurred.

1 § 3. Paragraph (a) of subdivision 3 of section 70 of the correction
2 law, as amended by section 2 of part D of chapter 63 of the laws of
3 2005, is amended to read as follows:

4 (a) The commissioner may continue to maintain, as a correctional
5 facility, any institution operated by the department prior to May
6 eighth, nineteen hundred seventy, and may add to or close any such
7 place, and may establish and maintain new correctional facilities, in
8 accordance with the needs of the department and provided expenditures
9 for such purposes are within amounts made available therefor by appro-
10 priation; provided, however, that before the closure of any correctional
11 facility, [correctional facility annex, or any special housing unit
12 established to confine inmates in accordance with the provisions of
13 subdivision six of section one hundred thirty-seven of this chapter,]
14 for reasons other than those set forth in paragraph (a) of subdivision
15 eight of section forty-five of this chapter, the provisions of section
16 seventy-nine-a or section seventy-nine-c of this article shall be
17 adhered to.

18 § 4. Paragraph (b) of subdivision 8 of section 45 of the correction
19 law, as amended by section 2 of part D of chapter 63 of the laws of
20 2005, is amended to read as follows:

21 (b) Before a correctional facility as defined in subdivision four of
22 section two of this chapter, [correctional facility annex, or any
23 special housing unit established to confine inmates in accordance with
24 the provisions of subdivision six of section one hundred thirty-seven of
25 this chapter,] may be closed for a reason other than those set forth in
26 paragraph (a) of this subdivision, the provisions of section seventy-
27 nine-a or seventy-nine-c of this chapter shall be adhered to.

28 § 5. Section 91 of the correction law, as added by chapter 478 of the
29 laws of 1970, is amended to read as follows:

30 § 91. Agreements for custody of definite sentence inmates. 1. The
31 [state] commissioner [of correction] may enter into an agreement with
32 any county or with the city of New York to provide for custody by the
33 [state] department [of correction] of persons who receive definite
34 sentences of imprisonment with terms in excess of ninety days who other-
35 wise would serve such sentences in the jail, workhouse, penitentiary or
36 other local correctional institution maintained by such locality.

37 2. Any such agreement, except one that is made with the city of New
38 York, may be made with the sheriff, warden, superintendent, local
39 commissioner of correction or other person in charge of such county
40 institution and shall be subject to the approval of the chief executive
41 officer of the county. An agreement made with the city of New York may
42 be made with the commissioner of correction of that city and shall be
43 subject to the approval of the mayor.

44 3. An agreement made under this section shall [not] require the local-
45 ity to pay the cost of treatment, maintenance and custody furnished by
46 the [state] department [of correction], and the costs incurred under
47 subdivision two or three of section one hundred twenty-five of this
48 chapter relating to the provision of clothing, money and transportation
49 upon release or discharge of inmates delivered to the department pursu-
50 ant to the agreement, and shall contain at least the following
51 provisions:

52 (a) A provision specifying the minimum length of the term of imprison-
53 ment of persons who may be received by the [state] department [of
54 correction] under the agreement, which may be any term in excess of
55 ninety days agreed to by the parties and which need not be the same in
56 each agreement;

1 (b) A provision that no charge will be made to the state or to the
2 [state] department [of correction] or to any of its institutions during
3 the pendency of such agreement for delivery of inmates to the [state]
4 department [of correction] by officers of the locality, and that the
5 provisions of section six hundred two of this chapter or of any similar
6 law shall not apply for delivery of inmates during such time;

7 (c) [A provision that no charge shall be made to or shall be payable
8 by the state during the pendency of such agreement for the expense of
9 maintaining parole violators pursuant to section two hundred sixteen of
10 this chapter, for the expense of maintaining coram nobis prisoners
11 pursuant to section six hundred one-b of this chapter, for the expense
12 of maintaining felony prisoners pursuant to section six hundred one-c of
13 this chapter, or for the expense of maintaining alternative local refor-
14 matory inmates pursuant to section eight hundred thirty-five in insti-
15 tutions maintained by the locality;

16 (d) A provision, approved by the state comptroller, for reimbursement
17 of the state department of correction by the locality for expenses
18 incurred under subdivision two or three of section one hundred twenty-
19 five of this chapter relating to clothing, money and transportation
20 furnished upon release or discharge of inmates delivered to the state
21 department of correction pursuant to the agreement;

22 (e) Designation of the correctional facility or facilities to which
23 persons under sentences covered by the agreement are to be delivered;

24 [(f)] (d) Any other provision the [state] commissioner [of correction]
25 may deem necessary or appropriate; and

26 [(g)] (e) A provision giving either party the right to cancel the
27 agreement by giving the other party notice in writing, with cancellation
28 to become effective on such date as may be specified in such notice.

29 4. Notwithstanding any other provision of law, the commissioner shall
30 be authorized to grant, withhold, cause to be forfeited, or cancel time
31 allowances as provided in and in compliance with section eight hundred
32 four of this chapter.

33 5. A copy of such agreement shall be filed with the secretary of state
34 and with the clerk of each court having jurisdiction to impose sentences
35 covered by the agreement in the county or city to which it applies.

36 § 6. Section 92 of the correction law, as added by chapter 478 of the
37 laws of 1970, is amended to read as follows:

38 § 92. Effect of agreement for custody of definite sentence inmates.

39 1. After a copy of an agreement made under section ninety-one of this
40 article is filed with the secretary of state, all commitments under
41 sentences covered by the agreement by courts in the county or city to
42 which it applies shall be deemed to be to the custody of the [state]
43 department [of correction] and shall be so construed and interpreted
44 irrespective of the institution or agency to which the commitments are
45 made.

46 2. Any inmate who is serving a term of imprisonment covered by the
47 agreement imposed prior to the filing of such agreement, and any inmate
48 who is under consecutive definite sentences of imprisonment with an
49 aggregate term of the length covered by the agreement, irrespective of
50 whether one or more of such sentences was imposed prior to the filing of
51 the agreement, may be transferred to the care of the [state] department
52 [of correction] upon request of the head of the county or city institu-
53 tion and approval of the [state] commissioner [of correction].

54 3. Inmates who are deemed committed to the custody of the [state]
55 department [of correction] under subdivision one of this section, or who
56 may be transferred to the care of the [state] department [of correction]

1 under subdivision two of this section, shall be dealt with in all
2 respects in the same manner as inmates committed to the custody of the
3 [state] department [of correction].

4 4. In the event any such agreement is cancelled, inmates delivered to
5 the [state] department [of correction] prior to the date of cancellation
6 shall continue to serve their sentences in the custody of such depart-
7 ment and the provisions of such agreement shall continue to apply with
8 respect to such inmates. A copy of the notice of cancellation shall be
9 filed with the secretary of state and with the clerks of courts in the
10 manner provided in subdivision four of section ninety-one of this arti-
11 cle, and no inmates shall be delivered to the custody of the [state]
12 department [of correction] under such agreement after the date on which
13 such cancellation becomes effective.

14 § 7. Section 612 of the correction law is amended to read as follows:

15 § 612. United States prisoners. 1. A sheriff must receive into his or
16 her jail and keep a prisoner, committed to the same, by virtue of civil
17 process issued by a court of record, instituted under the authority of
18 the United States, until he or she is discharged by the due course of
19 the laws of the United States, in the same manner as if he was committed
20 by virtue of a mandate in a civil action, issued from a court of the
21 state. A sheriff or jailer, to whose jail a civil prisoner is committed,
22 as prescribed herein, is answerable for his or her safe keeping in the
23 courts of the United States, according to the laws thereof.

24 2. The commissioner may enter into an agreement to provide for custody
25 by the department of persons who are being detained by virtue of an
26 order issued by a court of the United States. An agreement made under
27 this section shall require the United States to pay the cost of treat-
28 ment, maintenance and custody furnished by the department.

29 § 8. This act shall take effect immediately.

30

PART I

31 Section 1. Subdivisions 29 and 30 of section 2 of the correction law
32 are REPEALED.

33 § 2. Paragraph (d) of subdivision 6 of section 137 of the correction
34 law, as added by chapter 1 of the laws of 2008, is amended to read as
35 follows:

36 (d) (i) Except as set forth in clause [(E)] (D) of subparagraph (ii)
37 of this paragraph, the department, in consultation with mental health
38 clinicians, shall divert or remove inmates with serious mental illness,
39 as defined in paragraph (e) of this subdivision, from segregated
40 confinement in a level one or level two facility, where such confinement
41 could potentially be for a period in excess of thirty days, to a resi-
42 dential mental health treatment unit. Nothing in this paragraph shall
43 be deemed to prevent the disciplinary process from proceeding in accord-
44 ance with department rules and regulations for disciplinary hearings.

45 (ii) (A) Upon placement of an inmate into segregated confinement at a
46 level one or level two facility, a suicide prevention screening instru-
47 ment shall be administered by staff from the department or the office of
48 mental health who has been trained for that purpose. If such a screening
49 instrument reveals that the inmate is at risk of suicide, a mental
50 health clinician shall be consulted and appropriate safety precautions
51 shall be taken. Additionally, within one business day of the placement
52 of such an inmate into segregated confinement at a level one or level
53 two facility, the inmate shall be assessed by a mental health clinician.

1 (B) [Upon placement of an inmate into segregated confinement at a
2 level three or level four facility, a suicide prevention screening
3 instrument shall be administered by staff from the department or the
4 office of mental health who has been trained for that purpose. If such a
5 screening instrument reveals that the inmate is at risk of suicide, a
6 mental health clinician shall be consulted and appropriate safety
7 precautions shall be taken. All inmates placed in segregated confinement
8 at a level three or level four facility shall be assessed by a mental
9 health clinician, within fourteen days of such placement into segregated
10 confinement.

11 (C) [At the initial assessment, if the mental health clinician finds
12 that an inmate suffers from a serious mental illness, a recommendation
13 shall be made whether exceptional circumstances, as described in clause
14 [(E)] (D) of this subparagraph, exist. In a facility with a joint case
15 management committee, such recommendation shall be made by such commit-
16 tee. In a facility without a joint case management committee, the recom-
17 mendation shall be made jointly by a committee consisting of the facili-
18 ty's highest ranking mental health clinician, the deputy superintendent
19 for security, and the deputy superintendent for program services, or
20 their equivalents. Any such recommendation shall be reviewed by the
21 joint central office review committee. The administrative process
22 described in this clause shall be completed within fourteen days of the
23 initial assessment, and if the result of such process is that the inmate
24 should be removed from segregated confinement, such removal shall occur
25 as soon as practicable, but in no event more than seventy-two hours from
26 the completion of the administrative process.

27 [(D)] (C) If an inmate with a serious mental illness is not diverted
28 or removed to a residential mental health treatment unit pursuant to
29 this subparagraph, such inmate shall be reassessed by a mental health
30 clinician within fourteen days of the initial assessment and at least
31 once every fourteen days thereafter. After each such additional assess-
32 ment, a recommendation as to whether such inmate should be removed from
33 segregated confinement shall be made and reviewed according to the proc-
34 ess set forth in clause [(C)] (B) of this subparagraph.

35 [(E)] (D) A recommendation or determination whether to remove an
36 inmate from segregated confinement pursuant to this subparagraph shall
37 take into account the assessing mental health clinicians' opinions as to
38 the inmate's mental condition and treatment needs, and shall also take
39 into account any safety and security concerns that would be posed by the
40 inmate's removal, even if additional restrictions were placed on the
41 inmate's access to treatment, property, services or privileges in a
42 residential mental health treatment unit. A recommendation or determi-
43 nation shall direct the inmate's removal from segregated confinement at
44 a level one or level two facility except in the following exceptional
45 circumstances: (1) when the reviewer finds that removal would pose a
46 substantial risk to the safety of the inmate or other persons, or a
47 substantial threat to the security of the facility, even if additional
48 restrictions were placed on the inmate's access to treatment, property,
49 services or privileges in a residential mental health treatment unit; or
50 (2) when the assessing mental health clinician determines that such
51 placement is in the inmate's best interests based on his or her mental
52 condition and that removing such inmate to a residential mental health
53 treatment unit would be detrimental to his or her mental condition. Any
54 determination not to remove an inmate with serious mental illness from
55 segregated confinement at a level one or level two facility shall be
56 documented in writing and include the reasons for the determination.



1 (iii) Inmates with serious mental illness who are not diverted or
2 removed from segregated confinement at a level one or level two facility
3 shall be offered a heightened level of care, involving a minimum of two
4 hours each day, five days a week, of out-of-cell therapeutic treatment
5 and programming. This heightened level of care shall not be offered only
6 in the following circumstances:

7 (A) The heightened level of care shall not apply when an inmate with
8 serious mental illness does not, in the reasonable judgment of a mental
9 health clinician, require the heightened level of care. Such determi-
10 nation shall be documented with a written statement of the basis of such
11 determination and shall be reviewed by the Central New York Psychiatric
12 Center clinical director or his or her designee. Such a determination is
13 subject to change should the inmate's clinical status change. Such
14 determination shall be reviewed and documented by a mental health clini-
15 cian every thirty days, and in consultation with the Central New York
16 Psychiatric Center clinical director or his or her designee not less
17 than every ninety days.

18 (B) The heightened level of care shall not apply in exceptional
19 circumstances when providing such care would create an unacceptable risk
20 to the safety and security of inmates or staff. Such determination shall
21 be documented by security personnel together with the basis of such
22 determination and shall be reviewed by the facility superintendent, in
23 consultation with a mental health clinician, not less than every seven
24 days for as long as the inmate remains in segregated confinement at a
25 level one or level two facility. The facility shall attempt to resolve
26 such exceptional circumstances so that the heightened level of care may
27 be provided. If such exceptional circumstances remain unresolved for
28 thirty days, the matter shall be referred to the joint central office
29 review committee for review.

30 (iv) Inmates with serious mental illness who are not diverted or
31 removed from segregated confinement at a level one or level two facility
32 shall not be placed on a restricted diet, unless there has been a writ-
33 ten determination that the restricted diet is necessary for reasons of
34 safety and security. If a restricted diet is imposed, it shall be limit-
35 ed to seven days, except in the exceptional circumstances where the
36 joint case management committee determines that limiting the restricted
37 diet to seven days would pose an unacceptable risk to the safety and
38 security of inmates or staff. In such case, the need for a restricted
39 diet shall be reassessed by the joint case management committee every
40 seven days.

41 (v) All inmates in segregated confinement in a level one or level two
42 facility who are not assessed with a serious mental illness at the
43 initial assessment shall be offered at least one interview with a mental
44 health clinician within fourteen days of their initial mental health
45 assessment, and additional interviews at least every thirty days there-
46 after, unless the mental health clinician at the most recent interview
47 recommends an earlier interview or assessment. [All inmates in segre-
48 gated confinement in a level three or level four facility who are not
49 assessed with a serious mental illness at the initial assessment shall
50 be offered at least one interview with a mental health clinician within
51 thirty days of their initial mental health assessment, and additional
52 interviews at least every ninety days thereafter, unless the mental
53 health clinician at the most recent interview recommends an earlier
54 interview or assessment.]

55 § 3. Subdivision 6 of section 401 of the correction law, as added by
56 chapter 1 of the laws of 2008, is amended to read as follows:

1 6. The department shall ensure that the curriculum for new correction
2 officers, and other new department staff who will regularly work in
3 programs providing mental health treatment for inmates, shall include at
4 least eight hours of training about the types and symptoms of mental
5 illnesses, the goals of mental health treatment, the prevention of
6 suicide and training in how to effectively and safely manage inmates
7 with mental illness. Such training may be provided by the office of
8 mental health or the New York state commission on quality of care and
9 advocacy for persons with disabilities. All department staff who are
10 transferring into a residential mental health treatment unit shall
11 [receive a minimum of eight additional hours of such training, and eight
12 hours of annual training as long as they work in such a unit] be
13 provided with an appropriate orientation program. In addition, the
14 department shall annually arrange for two four-hour training sessions to
15 be conducted for all such staff assigned to a residential mental health
16 treatment unit. During such training sessions, the regular out-of-cell
17 therapeutic programming and treatment to be afforded to the inmates in
18 the residential mental health treatment unit may be decreased or
19 suspended. The department shall provide additional training on these
20 topics on an ongoing basis as it deems appropriate.

21 § 4. Subdivision (a) of section 8 of chapter 1 of the laws of 2008 is
22 amended to read as follows:

23 (a) sections one, two, three, four and five of this act and subdivi-
24 sions 2 and 3 of section 401-a of the correction law as added by section
25 six of this act shall take effect [two years after the date that the
26 commissioner of correctional services certifies to the legislative bill
27 drafting commission that the first residential mental health unit
28 constructed by the department of correctional services is completed and
29 ready to receive inmates, provided, however that such sections shall
30 take effect no later than July 1, 2011] July 1, 2014;

31 § 5. This act shall take effect immediately; provided, however, that
32 section one of this act shall take effect July 1, 2014; and provided,
33 further, that the amendments to sections 137 and 401 of the correction
34 law made by sections two and three of this act shall take effect on the
35 same date and in the same manner as sections 4 and 5 of chapter 1 of the
36 laws of 2008, as amended, take effect.

37

PART J

38 Section 1. The section heading and paragraph (a) of subdivision 1 of
39 section 259-r of the executive law, the section heading as added by
40 chapter 55 of the laws of 1992 and paragraph (a) of subdivision 1 as
41 amended by chapter 3 of the laws of 1995, are amended to read as
42 follows:

43 Release on medical parole for terminally ill inmates.

44 (a) The board shall have the power to release on medical parole any
45 inmate serving an indeterminate or determinate sentence of imprisonment
46 who, pursuant to subdivision two of this section, has been certified to
47 be suffering from a terminal condition, disease or syndrome and to be so
48 debilitated or incapacitated as to create a reasonable probability that
49 he or she is physically or cognitively incapable of presenting any
50 danger to society, provided, however, that no inmate serving a sentence
51 imposed upon a conviction for murder in the first degree or an attempt
52 or conspiracy to commit murder in the first degree shall be eligible for
53 such release, and provided further that no inmate serving a sentence
54 imposed upon a conviction for any of the following offenses shall be



1 eligible for such release unless in the case of an indeterminate
2 sentence he or she has served at least one-half of the minimum period of
3 the sentence and in the case of a determinate sentence he or she has
4 served at least one-half of his or her sentence: [murder in the first
5 degree,] murder in the second degree, manslaughter in the first degree,
6 any offense defined in article one hundred thirty of the penal law or an
7 attempt to commit any of these offenses.

8 § 2. Paragraph (a) of subdivision 1 of section 259-r of the executive
9 law, as added by chapter 55 of the laws of 1992, is amended to read as
10 follows:

11 (a) The board shall have the power to release on medical parole any
12 inmate serving an indeterminate or determinate sentence of imprisonment
13 who, pursuant to subdivision two of this section, has been certified to
14 be suffering from a terminal condition, disease or syndrome and to be so
15 debilitated or incapacitated as to create a reasonable probability that
16 he or she is physically or cognitively incapable of presenting any
17 danger to society, provided, however, that no inmate serving a sentence
18 imposed upon a conviction for murder in the first degree or an attempt
19 or conspiracy to commit murder in the first degree shall be eligible for
20 such release, and provided further that no inmate serving a sentence
21 imposed upon a conviction for any of the following offenses shall be
22 eligible for such release unless in the case of an indeterminate
23 sentence he or she has served at least one-half of the minimum period of
24 the sentence and in the case of a determinate sentence he or she has
25 served at least one-half of his or her sentence: [murder in the first
26 degree,] murder in the second degree, manslaughter in the first degree,
27 any offense defined in article one hundred thirty of the penal law or an
28 attempt to commit any of these offenses.

29 § 3. Paragraph (b) of subdivision 1 of section 259-r of the executive
30 law, as added by chapter 55 of the laws of 1992, is amended to read as
31 follows:

32 (b) Such release shall be granted only after the board considers
33 whether, in light of the inmate's medical condition, there is a reason-
34 able probability that the inmate, if released, will live and remain at
35 liberty without violating the law, and that such release is not incom-
36 patible with the welfare of society and will not so deprecate the seri-
37 ousness of the crime as to undermine respect for the law, and shall be
38 subject to the limits and conditions specified in subdivision four of
39 this section. [Such] Except as set forth in paragraph (a) of this subdi-
40 vision, such release may be granted at any time during the term of an
41 inmate's sentence, notwithstanding any other provision of law.

42 § 4. Subdivision 2 of section 259-r of the executive law, as amended
43 by chapter 503 of the laws of 1994, is amended to read as follows:

44 2. (a) The commissioner of correctional services, on the commission-
45 er's own initiative or at the request of an inmate, or an inmate's
46 spouse, relative or attorney, may, in the exercise of the commissioner's
47 discretion, direct that an investigation be undertaken to determine
48 whether a diagnosis should be made of an inmate who appears to be
49 suffering from a terminal condition, disease or syndrome. Any such
50 medical diagnosis shall be made by a physician licensed to practice
51 medicine in this state pursuant to section sixty-five hundred twenty-
52 four of the education law. Such physician shall either be employed by
53 the department of correctional services, shall render professional
54 services at the request of the department of correctional services, or
55 shall be employed by a hospital or medical facility used by the depart-
56 ment of correctional services for the medical treatment of inmates. The

1 diagnosis shall be reported to the commissioner of correctional services
2 and shall include but shall not be limited to a description of the
3 terminal condition, disease or syndrome suffered by the inmate, a prog-
4 nosis concerning the likelihood that the inmate will not recover from
5 such terminal condition, disease or syndrome, a description of the
6 inmate's physical or cognitive incapacity which shall include a predic-
7 tion respecting the likely duration of the incapacity, and a statement
8 by the physician of whether the inmate is so debilitated or incapaci-
9 tated as to be severely restricted in his or her ability to self-ambu-
10 late [and to care for him or herself] or to perform significant normal
11 activities of daily living. This report also shall include a recommenda-
12 tion of the type and level of services and treatment the inmate would
13 require if granted medical parole and a recommendation for the types of
14 settings in which the services and treatment should be given.

15 (b) The commissioner, or the commissioner's designee, shall review the
16 diagnosis and may certify that the inmate is suffering from such termi-
17 nal condition, disease or syndrome and that the inmate is so debilitated
18 or incapacitated as to create a reasonable probability that he or she is
19 physically or cognitively incapable of presenting any danger to society.
20 If the commissioner does not so certify then the inmate shall not be
21 referred to the board of parole for consideration for release on medical
22 parole. If the commissioner does so certify, then the commissioner
23 shall, within seven working days of receipt of such diagnosis, refer the
24 inmate to the board of parole for consideration for release on medical
25 parole. However, no such referral of an inmate to the board of parole
26 shall be made unless the inmate has been examined by a physician and
27 diagnosed as having a terminal condition, disease or syndrome as previ-
28 ously described herein at some time subsequent to such inmate's admis-
29 sion to a facility operated by the department of correctional services.

30 (c) When the commissioner refers an inmate to the board, the commis-
31 sioner shall provide an appropriate medical discharge plan jointly
32 established by the department of correctional services and the division
33 of parole. The department of correctional services and the division of
34 parole are authorized to request assistance from the department of
35 health and from the county in which the inmate resided and committed his
36 or her crime, which shall provide assistance with respect to the devel-
37 opment and implementation of a discharge plan, including potential
38 placements of a releasee. The department of correctional services, the
39 division of parole and the department of health shall jointly develop
40 standards for the medical discharge plan that are appropriately adapted
41 to the criminal justice setting, based on standards established by the
42 department of health for hospital medical discharge planning. The board
43 may [reject all or part of the discharge plan submitted by the depart-
44 ment of correctional services, and may] postpone its decision pending
45 [submission of a new] completion of an adequate discharge plan, or may
46 deny release based on inadequacy of the discharge plan. [The department
47 of correctional services and the division of parole shall jointly devel-
48 op standards for the medical discharge plan that are appropriately
49 adapted to the criminal justice setting, based on standards established
50 by the department of health for hospital medical discharge planning.]

51 § 5. Subdivision 4 of section 259-r of the executive law, as added by
52 chapter 55 of the laws of 1992, paragraphs (a) and (d) as amended by
53 chapter 503 of the laws of 1994, is amended to read as follows:

54 4. (a) Medical parole granted pursuant to this section shall be for a
55 period of six months.

1 (b) The board shall require as a condition of release on medical
2 parole that the releasee agree to remain under the care of a physician
3 while on medical parole and in a hospital established pursuant to arti-
4 cle twenty-eight of the public health law, a hospice established pursu-
5 ant to article forty of the public health law or any other placement
6 that can provide appropriate medical care as specified in the medical
7 discharge plan required by subdivision two of this section. The medical
8 discharge plan shall state that the availability of the placement has
9 been confirmed, and by whom. Notwithstanding any other provision of
10 law, when an inmate who qualifies for release under this section is
11 cognitively incapable of signing the requisite documentation to effectu-
12 ate the medical discharge plan and, after a diligent search no person
13 has been identified who could otherwise be appointed as the inmate's
14 guardian by a court of competent jurisdiction, then, solely for the
15 purpose of implementing the medical discharge plan, the facility health
16 services director at the facility where the inmate is currently incar-
17 cerated shall be lawfully empowered to act as the inmate's guardian for
18 the purpose of effectuating the medical discharge.

19 (c) [The] Where appropriate, the board shall require as a condition of
20 release that medical parolees be supervised on intensive caseloads at
21 reduced supervision ratios [similar to the caseloads for parolees
22 released pursuant to the shock incarceration program established by
23 article twenty-six-A of the correction law].

24 (d) The board shall require as a condition of release on medical
25 parole that the releasee undergo periodic medical examinations and a
26 medical examination at least one month prior to the expiration of the
27 period of medical parole and, for the purposes of making a decision
28 pursuant to paragraph (e) of this subdivision, that the releasee provide
29 the board with a report, prepared by the treating physician, of the
30 results of such examination. Such report shall specifically state wheth-
31 er or not the parolee continues to suffer from a terminal condition,
32 disease, or syndrome, and to be so debilitated or incapacitated as to be
33 severely restricted in his or her ability to self-ambulate [and to care
34 for him or herself] or to perform significant normal activities of daily
35 living.

36 (e) Prior to the expiration of the period of medical parole the board
37 shall review the medical examination report required by paragraph (d) of
38 this subdivision and may again grant medical parole pursuant to this
39 section; provided, however, that the provisions of paragraph (c) of
40 subdivision one and subdivision two of this section shall not apply.

41 (f) If the updated medical report presented to the board states that a
42 parolee released pursuant to this section is no longer so debilitated or
43 incapacitated as to create a reasonable probability that he or she is
44 physically or cognitively incapable of presenting any danger to society
45 or if the releasee fails to submit the updated medical report then the
46 board may not make a new grant of medical parole pursuant to paragraph
47 (e) of this subdivision. Where the board has not granted medical parole
48 pursuant to such paragraph (e) the board shall promptly conduct through
49 one of its members, or cause to be conducted by a hearing officer desig-
50 nated by the board, a hearing to determine whether the releasee is
51 suffering from a terminal condition, disease or syndrome and is so
52 debilitated or incapacitated as to create a reasonable probability that
53 he or she is physically incapable of presenting any danger to society
54 and does not present a danger to society. If the board makes such a
55 determination then it may make a new grant of medical parole pursuant to
56 the standards of paragraph (b) of subdivision one of this section. At

1 the hearing, the releasee shall have the right to representation by
2 counsel, including the right, if the releasee is financially unable to
3 retain counsel, to have the appropriate court assign counsel in accord-
4 ance with the county or city plan for representation placed in operation
5 pursuant to article eighteen-B of the county law.

6 (g) The hearing and determination provided for by paragraph (f) of
7 this subdivision shall be concluded within the [four] six month period
8 of medical parole. If the board does not renew the grant of medical
9 parole, it shall order that the releasee be returned immediately to the
10 custody of the department of correctional services.

11 (h) In addition to the procedures set forth in paragraph (f) of this
12 subdivision, medical parole may be revoked at any time upon any of the
13 grounds specified in paragraph (a) of subdivision three of section two
14 hundred fifty-nine-i of this article, and in accordance with the proce-
15 dures specified in subdivision three of section two hundred fifty-nine-i
16 of this article.

17 (i) A releasee who is on medical parole and who becomes eligible for
18 parole pursuant to the provisions of subdivision two of section two
19 hundred fifty-nine-i of this article shall be eligible for parole
20 consideration pursuant to such subdivision.

21 § 6. The executive law is amended by adding a new section 259-s to
22 read as follows:

23 § 259-s. Release on medical parole for inmates suffering significant
24 debilitating illnesses. 1. (a) The board shall have the power to
25 release on medical parole any inmate serving an indeterminate or deter-
26 minate sentence of imprisonment who, pursuant to subdivision two of this
27 section, has been certified to be suffering from a significant and
28 permanent non-terminal condition, disease or syndrome that has rendered
29 the inmate so physically or cognitively debilitated or incapacitated as
30 to create a reasonable probability that he or she does not present any
31 danger to society, provided, however, that no inmate serving a sentence
32 imposed upon a conviction for murder in the first degree or an attempt
33 or conspiracy to commit murder in the first degree shall be eligible for
34 such release, and provided further that no inmate serving a sentence
35 imposed upon a conviction for any of the following offenses shall be
36 eligible for such release unless in the case of an indeterminate
37 sentence he or she has served at least one-half of the minimum period of
38 the sentence and in the case of a determinate sentence he or she has
39 served at least one-half of his or her sentence: murder in the second
40 degree, manslaughter in the first degree, any offense defined in article
41 one hundred thirty of the penal law or an attempt to commit any of these
42 offenses.

43 (b) Such release shall be granted only after the board considers
44 whether, in light of the inmate's medical condition, there is a reason-
45 able probability that the inmate, if released, will live and remain at
46 liberty without violating the law, and that such release is not incom-
47 patible with the welfare of society and will not so deprecate the seri-
48 ousness of the crime as to undermine respect for the law, and shall be
49 subject to the limits and conditions specified in subdivision four of
50 this section. In making this determination, the board shall consider:
51 (i) the nature and seriousness of the inmate's crime; (ii) the inmate's
52 prior criminal record; (iii) the inmate's disciplinary, behavioral and
53 rehabilitative record during the term of his or her incarceration; (iv)
54 the amount of time the inmate must serve before becoming eligible for
55 release pursuant to section two hundred fifty-nine-i of this article;
56 (v) the current age of the inmate and his or her age at the time of the

1 crime; (vi) the recommendations of the sentencing court, the district
2 attorney and the victim or the victim's representative; (vii) the nature
3 of the inmate's medical condition, disease or syndrome and the extent of
4 medical treatment or care that the inmate will require as a result of
5 that condition, disease or syndrome; and (viii) any other relevant
6 factor. Except as set forth in paragraph (a) of this subdivision, such
7 release may be granted at any time during the term of an inmate's
8 sentence, notwithstanding any other provision of law.

9 (c) The board shall afford notice to the sentencing court, the
10 district attorney, the attorney for the inmate and, where necessary
11 pursuant to subdivision two of section two hundred fifty-nine-i of this
12 article, the crime victim, that the inmate is being considered for
13 release pursuant to this section and the parties receiving notice shall
14 have thirty days to comment on the release of the inmate. Release on
15 medical parole shall not be granted until the expiration of the comment
16 period provided for in this paragraph.

17 2. (a) The commissioner of correctional services, on the commission-
18 er's own initiative or at the request of an inmate, or an inmate's
19 spouse, relative or attorney, may, in the exercise of the commissioner's
20 discretion, direct that an investigation be undertaken to determine
21 whether a diagnosis should be made of an inmate who appears to be
22 suffering from a significant and permanent non-terminal and incapacitat-
23 ing condition, disease or syndrome. Any such medical diagnosis shall be
24 made by a physician licensed to practice medicine in this state pursuant
25 to section sixty-five hundred twenty-four of the education law. Such
26 physician shall either be employed by the department of correctional
27 services, shall render professional services at the request of the
28 department of correctional services, or shall be employed by a hospital
29 or medical facility used by the department of correctional services for
30 the medical treatment of inmates. The diagnosis shall be reported to the
31 commissioner of correctional services and shall include but shall not be
32 limited to a description of the condition, disease or syndrome suffered
33 by the inmate, a prognosis concerning the likelihood that the inmate
34 will not recover from such condition, disease or syndrome, a description
35 of the inmate's physical or cognitive incapacity which shall include a
36 prediction respecting the likely duration of the incapacity, and a
37 statement by the physician of whether the inmate is so debilitated or
38 incapacitated as to be severely restricted in his or her ability to
39 self-ambulate or to perform significant normal activities of daily
40 living. This report also shall include a recommendation of the type and
41 level of services and treatment the inmate would require if granted
42 medical parole and a recommendation for the types of settings in which
43 the services and treatment should be given.

44 (b) The commissioner, or the commissioner's designee, shall review the
45 diagnosis and may certify that the inmate is suffering from such condi-
46 tion, disease or syndrome and that the inmate is so debilitated or inca-
47 pacitated as to create a reasonable probability that he or she is phys-
48 ically or cognitively incapable of presenting any danger to society. If
49 the commissioner does not so certify then the inmate shall not be
50 referred to the board of parole for consideration for release on medical
51 parole. If the commissioner does so certify, then the commissioner
52 shall, within seven working days of receipt of such diagnosis, refer the
53 inmate to the board of parole for consideration for release on medical
54 parole. However, no such referral of an inmate to the board of parole
55 shall be made unless the inmate has been examined by a physician and
56 diagnosed as having a condition, disease or syndrome as previously



1 described herein at some time subsequent to such inmate's admission to a
2 facility operated by the department of correctional services.

3 (c) When the commissioner refers an inmate to the board, the commis-
4 sioner shall provide an appropriate medical discharge plan jointly
5 established by the department of correctional services and the division
6 of parole. The department of correctional services and the division of
7 parole are authorized to request assistance from the department of
8 health and from the county in which the inmate resided and committed his
9 or her crime, which shall provide assistance with respect to the devel-
10 opment and implementation of a discharge plan, including potential
11 placements of a releasee. The department of correctional services, the
12 division of parole and the department of health shall jointly develop
13 standards for the medical discharge plan that are appropriately adapted
14 to the criminal justice setting, based on standards established by the
15 department of health for hospital medical discharge planning. The board
16 may postpone its decision pending completion of an adequate discharge
17 plan, or may deny release based on inadequacy of the discharge plan.

18 3. Any certification by the commissioner or the commissioner's desig-
19 nee pursuant to this section shall be deemed a judicial function and
20 shall not be reviewable if done in accordance with law.

21 4. (a) Medical parole granted pursuant to this section shall be for a
22 period of six months.

23 (b) The board shall require as a condition of release on medical
24 parole that the releasee agree to remain under the care of a physician
25 while on medical parole and in a hospital established pursuant to arti-
26 cle twenty-eight of the public health law, a hospice established pursu-
27 ant to article forty of the public health law or any other placement,
28 including a residence with family or others, that can provide appropri-
29 ate medical care as specified in the medical discharge plan required by
30 subdivision two of this section. The medical discharge plan shall state
31 that the availability of the placement has been confirmed, and by whom.
32 Notwithstanding any other provision of law, when an inmate who qualifies
33 for release under this section is cognitively incapable of signing the
34 requisite documentation to effectuate the medical discharge plan and,
35 after a diligent search no person has been identified who could other-
36 wise be appointed as the inmate's guardian by a court of competent
37 jurisdiction, then, solely for the purpose of implementing the medical
38 discharge plan, the facility health services director at the facility
39 where the inmate is currently incarcerated shall be lawfully empowered
40 to act as the inmate's guardian for the purpose of effectuating the
41 medical discharge.

42 (c) Where appropriate, the board shall require as a condition of
43 release that medical parolees be supervised on intensive caseloads at
44 reduced supervision ratios.

45 (d) The board shall require as a condition of release on medical
46 parole that the releasee undergo periodic medical examinations and a
47 medical examination at least one month prior to the expiration of the
48 period of medical parole and, for the purposes of making a decision
49 pursuant to paragraph (e) of this subdivision, that the releasee provide
50 the board with a report, prepared by the treating physician, of the
51 results of such examination. Such report shall specifically state wheth-
52 er or not the parolee continues to suffer from a significant and perma-
53 nent non-terminal and debilitating condition, disease, or syndrome, and
54 to be so debilitated or incapacitated as to be severely restricted in
55 his or her ability to self-ambulate or to perform significant normal
56 activities of daily living.

1 (e) Prior to the expiration of the period of medical parole the board
2 shall review the medical examination report required by paragraph (d) of
3 this subdivision and may again grant medical parole pursuant to this
4 section; provided, however, that the provisions of paragraph (c) of
5 subdivision one and subdivision two of this section shall not apply.

6 (f) If the updated medical report presented to the board states that a
7 parolee released pursuant to this section is no longer so debilitated or
8 incapacitated as to create a reasonable probability that he or she is
9 physically or cognitively incapable of presenting any danger to society
10 or if the releasee fails to submit the updated medical report then the
11 board may not make a new grant of medical parole pursuant to paragraph
12 (e) of this subdivision. Where the board has not granted medical parole
13 pursuant to such paragraph (e) the board shall promptly conduct through
14 one of its members, or cause to be conducted by a hearing officer desig-
15 nated by the board, a hearing to determine whether the releasee is
16 suffering from a significant and permanent non-terminal and incapacitat-
17 ing condition, disease or syndrome and is so debilitated or incapaci-
18 tated as to create a reasonable probability that he or she is physically
19 or cognitively incapable of presenting any danger to society and does
20 not present a danger to society. If the board makes such a determination
21 then it may make a new grant of medical parole pursuant to the standards
22 of paragraph (b) of subdivision one of this section. At the hearing, the
23 releasee shall have the right to representation by counsel, including
24 the right, if the releasee is financially unable to retain counsel, to
25 have the appropriate court assign counsel in accordance with the county
26 or city plan for representation placed in operation pursuant to article
27 eighteen-B of the county law.

28 (g) The hearing and determination provided for by paragraph (f) of
29 this subdivision shall be concluded within the six month period of
30 medical parole. If the board does not renew the grant of medical parole,
31 it shall order that the releasee be returned immediately to the custody
32 of the department of correctional services.

33 (h) In addition to the procedures set forth in paragraph (f) of this
34 subdivision, medical parole may be revoked at any time upon any of the
35 grounds specified in paragraph (a) of subdivision three of section two
36 hundred fifty-nine-i of this article, and in accordance with the proce-
37 dures specified in subdivision three of section two hundred fifty-nine-i
38 of this article.

39 (i) A releasee who is on medical parole and who becomes eligible for
40 parole pursuant to the provisions of subdivision two of section two
41 hundred fifty-nine-i of this article shall be eligible for parole
42 consideration pursuant to such subdivision.

43 5. A denial of release on medical parole or expiration of medical
44 parole in accordance with the provisions of paragraph (f) of subdivision
45 four of this section shall not preclude the inmate from reapplying for
46 medical parole or otherwise affect an inmate's eligibility for any other
47 form of release provided for by law.

48 6. To the extent that any provision of this section requires disclo-
49 sure of medical information for the purpose of processing an application
50 or making a decision, regarding release on medical parole or renewal of
51 medical parole, or for the purpose of appropriately supervising a person
52 released on medical parole, and that such disclosure would otherwise be
53 prohibited by article twenty-seven-F of the public health law, the
54 provisions of this section shall be controlling.

55 7. The commissioner of correctional services and the chair of the
56 board of parole shall be authorized to promulgate rules and regulations

1 for their respective agencies to implement the provisions of this
2 section.

3 8. Any decision made by the board pursuant to this section may be
4 appealed pursuant to subdivision four of section two hundred
5 fifty-nine-i of this article.

6 9. The chair of the board shall report annually to the governor, the
7 temporary president of the senate and the speaker of the assembly, the
8 chairpersons of the assembly and senate codes committees, the chair-
9 person of the senate crime and corrections committee, and the chair-
10 person of the assembly corrections committee the number of inmates who
11 have applied for medical parole under this section; the number who have
12 been granted medical parole; the nature of the illness of the appli-
13 cants, the counties to which they have been released and the nature of
14 the placement pursuant to the medical discharge plan; the categories of
15 reasons for denial for those who have been denied; the number of releas-
16 ees who have been granted an additional period or periods of medical
17 parole and the number of such grants; the number of releasees on medical
18 parole who have been returned to the custody of the department of
19 correctional services and the reasons for return.

20 § 7. Subparagraph (v) of paragraph (a) of subdivision 1 of section
21 70.40 of the penal law, as amended by chapter 3 of the laws of 1995, is
22 amended to read as follows:

23 (v) Notwithstanding any other subparagraph of this paragraph, a person
24 may be paroled from the institution in which he is confined at any time
25 on medical parole pursuant to section two hundred fifty-nine-r or
26 section two hundred fifty-nine-s of the executive law or for deportation
27 pursuant to paragraph (d) of subdivision two of section two hundred
28 fifty-nine-i of the executive law or after the successful completion of
29 a shock incarceration program pursuant to article twenty-six-A of the
30 correction law.

31 § 8. Subdivision 1 of section 259-c of the executive law, as amended
32 by chapter 3 of the laws of 1995, is amended to read as follows:

33 1. have the power and duty of determining which inmates serving an
34 indeterminate or determinate sentence of imprisonment may be released on
35 parole, or on medical parole pursuant to section two hundred
36 fifty-nine-r or section two hundred fifty-nine-s of this article, and
37 when and under what conditions;

38 § 9. This act shall take effect immediately; provided that:

39 (a) the amendments to paragraph (a) of subdivision 1 of section 259-r
40 of the executive law made by section one of this act shall be subject to
41 the expiration and reversion of such paragraph pursuant to chapter 3 of
42 the laws of 1995, as amended, when upon such date the provisions of
43 section two of this act shall take effect;

44 (b) the amendments to the section heading, paragraph (a) of subdivi-
45 sion 1, paragraph (b) of subdivision 1, subdivision 2 and subdivision 4
46 of section 259-r of the executive law made by sections one, two, three,
47 four and five, respectively, of this act shall not affect the expiration
48 of such section and shall be deemed to expire therewith; and

49 (c) the amendments to subparagraph (v) of paragraph (a) of subdivision
50 1 of section 70.40 of the penal law and the amendments to subdivision 1
51 of section 259-c of the executive law made by sections seven and eight,
52 respectively, of this act shall not affect the expiration of such para-
53 graph and subdivision and shall be deemed to expire therewith.

1 Section 1. Subdivision 5 of section 177 of the correction law is
2 renumbered subdivision 6 and a new subdivision 5 is added to read as
3 follows:

4 5. The commissioner shall be authorized to enter into agreements to
5 sell food and drink products made at the food production center of the
6 department to food kitchens, homeless shelters and other eleemosynary
7 organizations funded in whole or in part by federal, state or local
8 funds. All proceeds from such sales shall be deposited into an account
9 which shall only be used for the continued operation of the food
10 production center. The charge for these products, included in the agree-
11 ments between the commissioner and these eleemosynary organizations,
12 shall not exceed the costs associated with the production and transpor-
13 tation of the products for sale. The commissioner may, in his or her
14 discretion, and by whatever means he or she deems appropriate, notify
15 such organizations of the availability of such products for sale.

16 § 2. This act shall take effect immediately.

17

PART L

18 Section 1. Subdivision 1 of section 865 of the correction law, as
19 amended by chapter 738 of the laws of 2004, is amended to read as
20 follows:

21 1. "Eligible inmate" means a person sentenced to an indeterminate term
22 of imprisonment who will become eligible for release on parole within
23 three years or sentenced to a determinate term of imprisonment who will
24 become eligible for conditional release within three years, who has not
25 reached the age of [forty] fifty years, who has not previously been
26 convicted of a felony upon which an indeterminate or determinate term of
27 imprisonment was imposed and who was between the ages of sixteen and
28 [forty] fifty years at the time of commission of the crime upon which
29 his or her present sentence was based except, however, an eligible
30 inmate shall not include a person sentenced to a determinate sentence of
31 three and one-half years or more as a second felony drug offender pursu-
32 ant to subdivision three of section 70.70 of the penal law for a
33 conviction of a class B felony offense defined in article two hundred
34 twenty of the penal law. Notwithstanding the foregoing, no person who
35 is convicted of any of the following crimes shall be deemed eligible to
36 participate in this program: (a) a violent felony offense as defined in
37 article seventy of the penal law, (b) an A-I felony offense, (c)
38 [manslaughter in the second degree, vehicular manslaughter in the second
39 degree, vehicular manslaughter in the first degree, and criminally
40 negligent] any homicide offense as defined in article one hundred twen-
41 ty-five of the penal law, (d) [rape in the second degree, rape in the
42 third degree, criminal sexual act in the second degree, criminal sexual
43 act in the third degree, attempted sexual abuse in the first degree,
44 attempted rape in the second degree and attempted criminal sexual act in
45 the second degree] any sex offense as defined in [articles one hundred
46 ten and] article one hundred thirty of the penal law and (e) any escape
47 or absconding offense as defined in article two hundred five of the
48 penal law.

49 § 2. Subdivision 2 of section 865 of the correction law, as added by
50 chapter 261 of the laws of 1987, is amended to read as follows:

51 2. "Shock incarceration program" means a program pursuant to which
52 eligible inmates are selected [directly at reception centers] to partic-
53 ipate in the program and serve a period of six months in a shock incar-
54 ceration facility, which shall provide rigorous physical activity,

1 intensive regimentation and discipline and rehabilitation therapy and
2 programming. Such inmates may be selected either: (i) at a reception
3 center; or (ii) at a general confinement facility when the otherwise
4 eligible inmate then becomes eligible for release on parole within three
5 years in the case of an indeterminate term of imprisonment, or then
6 becomes eligible for conditional release within three years in the case
7 of a determinate term of imprisonment.

8 § 3. Subdivision 2 of section 866 of the correction law, as added by
9 chapter 261 of the laws of 1987, is amended to read as follows:

10 2. [For each reception center the] The commissioner shall appoint or
11 cause to be appointed a shock incarceration selection committee at one
12 or more designated correctional facilities, which shall meet on a regu-
13 larly scheduled basis to review all eligible inmates transferred to such
14 facility for screening and all applications for the shock incarceration
15 program.

16 § 4. The correction law is amended by adding a new section 803-b to
17 read as follows:

18 § 803-b. Limited credit time allowances for inmates serving indetermi-
19 nate or determinate sentences imposed for specified offenses. 1. Defi-
20 nitions. As used in this section the following terms shall have the
21 following meanings:

22 (a) "eligible offender" means a person under the custody of the
23 department or confined in a facility in the department of mental
24 hygiene, other than a person who is subject to a sentence imposed for
25 murder in the first degree as defined in section 125.27 of the penal
26 law, an offense defined in article one hundred thirty of such law, or an
27 attempt or a conspiracy to commit any such offense, who is otherwise
28 subject to:

29 (i) an indeterminate sentence imposed for any class A-I felony offense
30 other than criminal possession of a controlled substance in the first
31 degree as defined in section 220.21 of the penal law or criminal sale of
32 a controlled substance in the first degree as defined in section 220.43
33 of such law or an attempt or a conspiracy to commit such controlled
34 substance offense; or

35 (ii) an indeterminate or determinate sentence imposed for an offense
36 listed in subdivision one of section 70.02 of the penal law; or

37 (iii) an indeterminate or determinate sentence imposed for an offense
38 defined in article one hundred twenty-five of the penal law.

39 (b) "limited credit time benefit" means:

40 (i) in the case of an eligible offender who is subject to an indeter-
41 minate sentence with a maximum term of life imprisonment, such offender
42 shall be eligible for release six months before the completion of the
43 controlling minimum period of imprisonment as defined by subdivision one
44 of section 70.40 of the penal law; or

45 (ii) (A) in the case of an eligible offender who is not subject to an
46 indeterminate sentence with a maximum term of life imprisonment, such
47 offender shall be eligible for conditional release six months earlier
48 than as provided by paragraph (b) of subdivision one of section 70.40 of
49 the penal law, provided that the department determines such offender has
50 earned the full amount of good time authorized by section eight hundred
51 three of this article; the withholding of any good behavior time credit
52 by the department shall render an inmate ineligible for the credit
53 defined herein;

54 (B) in the event the limited credit time benefit defined herein causes
55 such conditional release date to precede the parole eligibility date as
56 calculated pursuant to subdivision one of section 70.40 of the penal

1 law, a limited credit time benefit shall also be applied to the parole
2 eligibility date, but only to the extent necessary to cause such parole
3 eligibility date to be the same date as the conditional release date;

4 (C) an inmate shall not be eligible for the credit defined herein if
5 he or she is returned to the department pursuant to a revocation of
6 presumptive release, parole, conditional release, or post-release super-
7 vision and has not been sentenced to an additional indeterminate or
8 determinate term of imprisonment.

9 (iii) Regardless of the number of sentences to which an eligible
10 offender is subject, the limited credit time benefit authorized pursuant
11 to this section shall be limited to a single six-month credit applied to
12 such person's parole eligibility date pursuant to subparagraph (i) of
13 this paragraph or to such person's conditional release date pursuant to
14 subparagraph (ii) of this paragraph. Except as provided in clause (B) of
15 subparagraph (ii) of this paragraph, the limited credit time benefit
16 authorized pursuant to this section shall not be applied to an eligible
17 offender's parole eligibility date and conditional release date.

18 (c) "significant programmatic accomplishment" means that the inmate:

19 (i) participates in no less than two years of college programming; or

20 (ii) obtains a masters of professional studies degree; or

21 (iii) successfully participates as an inmate program associate for no
22 less than two years; or

23 (iv) receives a certification from the state department of labor for
24 his or her successful participation in an apprenticeship program; or

25 (v) successfully works as an inmate hospice aid for a period of no
26 less than two years.

27 (d) "serious disciplinary infraction" or "overall poor institutional
28 record" shall be defined in regulations promulgated by the commissioner
29 and need not be the same as the regulations promulgated for the meaning
30 of serious disciplinary infraction pursuant to paragraph (d) of subdivi-
31 sion one of section eight hundred three of this article.

32 (e) "disqualifying judicial determination" means a judicial determi-
33 nation that the person, while an inmate, commenced or continued a civil
34 action or proceeding or claim that was found to be frivolous as defined
35 in subdivision (c) of section eight thousand three hundred three-a of
36 the civil practice law and rules, or an order of a federal court pursu-
37 ant to rule 11 of the federal rules of civil procedure imposing sanc-
38 tions in an action commenced by a person while an inmate against a state
39 agency, officer or employee.

40 2. Every eligible offender under the custody of the department or
41 confined in a facility in the department of mental hygiene may earn a
42 limited credit time allowance if such offender successfully participates
43 in the work and treatment program assigned pursuant to section eight
44 hundred five of this article and:

45 (a) successfully completes one or more significant programmatic accom-
46 plishments; and

47 (b) has not committed a serious disciplinary infraction or maintained
48 an overall negative institutional record as defined in rules and regu-
49 lations promulgated by the commissioner; and

50 (c) has not received a disqualifying judicial determination.

51 3. No person shall have the right to demand or require the credit
52 authorized by this section. The commissioner may revoke at any time such
53 credit for any disciplinary infraction committed by the inmate or for
54 any failure to continue to participate successfully in any assigned work
55 and treatment program after the certificate of earned eligibility has
56 been awarded. Any action by the commissioner pursuant to this section

1 shall be deemed a judicial function and shall not be reviewable if done
2 in accordance with law.

3 § 5. This act shall take effect immediately.

4

PART M

5 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 3 of
6 section 259-i of the executive law is REPEALED and subparagraphs (iii)
7 and (iv) are renumbered subparagraphs (ii) and (iii).

8 § 2. Section 601-c of the correction law is REPEALED and a new section
9 601-c is added to read as follows:

10 § 601-c. Felony prisoners; reimbursement for costs. Notwithstanding
11 any other provision of law, in any case where a person has been
12 convicted of a felony and a sentence has been pronounced which requires
13 that he or she be committed to the custody of the commissioner, if such
14 person has not been accepted for custody by the commissioner within ten
15 business days of receipt of a written notification by the department
16 from the appropriate local official that he or she is prepared to trans-
17 port such person to the facility designated by the department, provided
18 that there has been compliance with subdivision (a) of section six
19 hundred one of this article, and provided further that such person is
20 not in need of immediate medical care requiring the availability of a
21 hospital or infirmary bed, then the expense of maintaining such person
22 shall be paid by the state at the rate of one hundred dollars per day
23 per capita, or the actual per day per capita cost as certified by the
24 appropriate local official, whichever is less, beginning with the first
25 day of receipt of written notification by the department.

26 § 3. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after March 1, 2009.

28

PART N

29 Section 1. Section 259-a of the executive law is amended by adding a
30 new subdivision 4-a to read as follows:

31 4-a. To facilitate the supervision of all inmates released on parole
32 or conditional release, or to post-release supervision, the chairman of
33 the state board of parole shall consider the implementation of a program
34 of graduated sanctions, including but not limited to the utilization of
35 a risk and needs assessment instrument that would be administered to all
36 inmates eligible for parole supervision. Such a program would include
37 various components including approaches that concentrate supervision on
38 new releases, alternatives to incarceration for technical parole viola-
39 tors and the use of enhanced technologies.

40 § 2. Subdivision 4 of section 259-c of the executive law, as added by
41 chapter 904 of the laws of 1977, is amended to read as follows:

42 4. establish written guidelines for its use in making parole decisions
43 as required by law, including the fixing of minimum periods of imprison-
44 ment or ranges thereof for different categories of offenders. Such writ-
45 ten guidelines may consider the use of a risk and needs assessment
46 instrument to assist members of the state board of parole in determining
47 which inmates may be released to parole supervision;

48 § 3. Subdivision 16 of section 296 of the executive law, as amended by
49 chapter 639 of the laws of 2007, is amended to read as follows:

50 16. It shall be an unlawful discriminatory practice, unless specif-
51 ically required or permitted by statute, for any person, agency, bureau,
52 corporation or association, including the state and any political subdi-

1 vision thereof, to make any inquiry about, whether in any form of appli-
2 cation or otherwise, or to act upon adversely to the individual
3 involved, any arrest or criminal accusation of such individual not then
4 pending against that individual which was followed by a termination of
5 that criminal action or proceeding in favor of such individual, as
6 defined in subdivision two of section 160.50 of the criminal procedure
7 law, or by a youthful offender adjudication, as defined in subdivision
8 one of section 720.35 of the criminal procedure law, or by a conviction
9 for a violation sealed pursuant to section 160.55 of the criminal proce-
10 dure law in connection with the licensing, employment or providing of
11 credit or insurance to such individual; provided, [however, that the]
12 further, no person shall be required to divulge information pertaining
13 to any arrest or criminal accusation of such individual not then pending
14 against that individual which was followed by a termination of that
15 criminal action or proceeding in favor of such individual, as defined in
16 subdivision two of section 160.50 of the criminal procedure law, or by a
17 youthful offender adjudication, as defined in subdivision one of section
18 720.35 of the criminal procedure law, or by a conviction for a violation
19 sealed pursuant to section 160.55 of the criminal procedure law. The
20 provisions [hereof] of this subdivision shall not apply to the licensing
21 activities of governmental bodies in relation to the regulation of guns,
22 firearms and other deadly weapons or in relation to an application for
23 employment as a police officer or peace officer as those terms are
24 defined in subdivisions thirty-three and thirty-four of section 1.20 of
25 the criminal procedure law; provided further that the provisions of this
26 subdivision shall not apply to an application for employment or member-
27 ship in any law enforcement agency with respect to any arrest or crimi-
28 nal accusation which was followed by a youthful offender adjudication,
29 as defined in subdivision one of section 720.35 of the criminal proce-
30 dure law, or by a conviction for a violation sealed pursuant to section
31 160.55 of the criminal procedure law.
32 § 4. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after March 1, 2009.

34

PART O

35 Section 1. Subdivision 6 of section 390.30 of the criminal procedure
36 law, as amended by chapter 216 of the laws of 1999, is amended to read
37 as follows:

38 6. Interim probation supervision. (a) In any case where the court
39 determines that a defendant is eligible for a sentence of probation, the
40 court, after consultation with the prosecutor and upon the consent of
41 the defendant, may adjourn the sentencing to a specified date and order
42 that the defendant be placed on interim probation supervision. In no
43 event may the sentencing be adjourned for a period exceeding one year
44 from the date the conviction is entered. When ordering that the defend-
45 ant be placed on interim probation supervision, the court shall impose
46 all of the conditions relating to supervision specified in subdivision
47 three of section 65.10 of the penal law and the court may impose any or
48 all of the conditions relating to conduct and rehabilitation specified
49 in subdivisions two, four [and], five and five-a of section 65.10 of
50 such law[; provided, however, that the]. The defendant must receive a
51 written copy of any such conditions at the time he or she is placed on
52 interim probation supervision. The defendant's record of compliance with
53 such conditions, as well as any other relevant information, shall be
54 included in the presentence report, or updated presentence report,

1 prepared pursuant to this section, and the court must consider such
2 record and information when pronouncing sentence. If a defendant satis-
3 factorily completes a term of interim probation supervision, he or she
4 shall receive credit for the time served under the period of interim
5 probation supervision toward any probation sentence that is subsequently
6 imposed in that case.

7 (b) In its discretion, the supervising probation department may
8 utilize the provisions of sections 410.20, 410.30, 410.40, 410.50,
9 410.60 and 410.92 of this title, where applicable.

10 § 2. The executive law is amended by adding a new section 257-b to
11 read as follows:

12 § 257-b. Probation registration fee. 1. Notwithstanding any other
13 provision of law, every individual sentenced to probation or released
14 under interim probation supervision shall be subject to a non-refundable
15 probation registration fee of twenty-five dollars, payable to the super-
16 vising probation department responsible for registering the individual
17 on the statewide integrated probation registrant system.

18 2. Monies collected pursuant to this section shall support the local
19 probation department for its probation services.

20 3. The probation registration fee mandated by this section shall not
21 constitute nor be imposed as a condition of probation. Failure to pay
22 such fee may result in legal action against the individual under
23 probation supervision, regardless of whether probation supervision has
24 been terminated or otherwise expired. In the event of non-payment of any
25 fee, the county or the city of New York may enforce payment in any
26 manner permitted by law for enforcement of a debt.

27 § 3. Subdivision 2 of section 410.50 of the criminal procedure law is
28 amended to read as follows:

29 2. Supervision. The probation department serving the court that
30 imposed a sentence of probation has the duty of supervising the defend-
31 ant during the period of such legal custody. Such department also has a
32 duty to collect a probation registration fee, as set forth in section
33 two hundred fifty-seven-b of the executive law, which fee shall not
34 constitute nor be imposed as a condition of probation.

35 § 4. This act shall take effect immediately; provided, however, that
36 section one of this act shall take effect on the sixtieth day after it
37 shall become a law, provided, however, that a defendant serving a
38 sentence of probation supervision on the effective date of this act,
39 may, at the discretion of the court having legal custody of the defend-
40 ant, have his or her probation sentence credited with any period of
41 interim probation supervision that he or she satisfactorily completed
42 prior to the imposition of that probation sentence; provided, further,
43 that sections two and three of this act shall be deemed to have been in
44 full force and effect on and after March 1, 2009 and shall apply to all
45 individuals who are sentenced to probation, released under interim
46 probation supervision or accepted for probation supervision in New York
47 state under the interstate compact for adult offender supervision pursu-
48 ant to section 259-mm of the executive law.

49 PART P

50 Section 1. Section 576 of the executive law is REPEALED.

51 § 2. This act shall take effect immediately and shall be deemed to
52 have been in full force and effect on and after April 1, 2009.

53 PART Q

1 Section 1. Subdivision 3 of section 45 of the correction law, as added
2 by chapter 865 of the laws of 1975, is amended to read as follows:

3 3. Visit, inspect and appraise the management of correctional facili-
4 ties with specific attention to matters such as safety, security, health
5 of inmates, sanitary conditions, rehabilitative programs, disturbance
6 and fire prevention and control preparedness, and adherence to laws and
7 regulations governing the rights of inmates; provided, however, that the
8 commission need not visit, inspect and appraise the management of a
9 correctional facility operated by the state department of correctional
10 services or a local correctional facility when that facility is accred-
11 ited by the American Correctional Association unless the commission has
12 reason to believe the facility is not meeting accreditation standards or
13 otherwise determines such visitation, inspection or appraisal is neces-
14 sary or appropriate to maintain the health, safety or security of
15 inmates and employees of the facility or the general public. Nothing in
16 this subdivision shall limit the commission's discretion to visit,
17 inspect and appraise any such facility at any time.

18 § 2. Subdivisions 9 and 9-a of section 45 of the correction law are
19 REPEALED.

20 § 3. Subdivision 11 of section 45 of the correction law is REPEALED.

21 § 4. Section 837-a of the executive law is amended by adding a new
22 subdivision 9 to read as follows:

23 9. In consultation with the state commission of correction and the
24 municipal police training council, establish and maintain basic and
25 other correctional training programs for such personnel employed by
26 correctional facilities as the commissioner shall deem necessary. Such
27 basic correctional training program shall be satisfactorily completed by
28 such personnel prior to their undertaking their duties or within one
29 year following the date of their appointment or at such times as the
30 commissioner may prescribe. Provided, however, the commissioner may,
31 after consultation with the state commission of correction, exempt from
32 such requirement personnel employed by any correctional facility which,
33 in the opinion of the commissioner, maintains a basic correctional
34 training program of a standard equal to or higher than that established
35 and maintained by the division; or revoke in whole or in part such
36 exemption, if in his or her opinion the standards of the basic correc-
37 tional training program maintained by such facility are lower than those
38 established pursuant to this article.

39 § 5. Subdivision 3 of section 840 of the executive law, as amended by
40 chapter 155 of the laws of 2008, is amended and a new subdivision 2-a is
41 added to read as follows:

42 2-a. The council shall promulgate rules and regulations with respect
43 to:

44 (a) The approval, or revocation thereof, of basic and other correc-
45 tional training programs administered by municipalities;

46 (b) Minimum courses of study, attendance requirements, and equipment
47 and facilities to be required at approved basic and other correctional
48 training programs;

49 (c) Minimum qualifications for instructors at approved basic and other
50 correctional training programs; and

51 (d) The requirements of a minimum basic correctional training program
52 required by subdivision nine of section eight hundred thirty-seven-a of
53 this article.

54 3. The council shall, in addition: (a) Consult with, advise and make
55 recommendations to the commissioner with respect to the exercise of his

1 or her functions, powers and duties as set forth in section eight
2 hundred forty-one of this article;

3 (b) Recommend studies, surveys and reports to be made by the commis-
4 sioner regarding the carrying out of the objectives and purposes of this
5 section;

6 (c) Visit and inspect any police training school approved by the
7 commissioner or for which application for such approval has been made;

8 (d) Make recommendations, from time to time, to the commissioner, the
9 governor and the legislature, regarding the carrying out of the purposes
10 of this section;

11 (e) Perform such other acts as may be necessary or appropriate to
12 carry out the functions of the council;

13 (f) Develop, maintain and disseminate, in consultation with the state
14 office for the prevention of domestic violence, written policies and
15 procedures consistent with article eight of the family court act and
16 applicable provisions of the criminal procedure and domestic relations
17 laws, regarding the investigation of and intervention by new and veteran
18 police officers in incidents of family offenses. Such policies and
19 procedures shall make provisions for education and training in the
20 interpretation and enforcement of New York's family offense laws,
21 including but not limited to:

22 (1) intake and recording of victim statements, on a standardized
23 "domestic violence incident report form" promulgated by the division of
24 criminal justice services in consultation with the superintendent of
25 state police, representatives of local police forces and the state
26 office for the prevention of domestic violence, and the investigation
27 thereof so as to ascertain whether a crime has been committed against
28 the victim by a member of the victim's family or household as such terms
29 are defined in section eight hundred twelve of the family court act and
30 section 530.11 of the criminal procedure law; and

31 (2) the need for immediate intervention in family offenses including
32 the arrest and detention of alleged offenders, pursuant to subdivision
33 four of section 140.10 of the criminal procedure law, and notifying
34 victims of their rights, including but not limited to immediately
35 providing the victim with the written notice required in subdivision six
36 of section 530.11 of the criminal procedure law and subdivision five of
37 section eight hundred twelve of the family court act; [and]

38 (g) Develop, maintain and disseminate, in consultation with the state
39 division of human rights and the state civil service department, written
40 policies and procedures to enhance police officer recruitment efforts
41 and to increase police awareness of racial, ethnic, religious and gender
42 differences, and other diversity issues, in communities served by such
43 police[.]; and

44 (h) Consult with the state commission of correction regarding correc-
45 tional training programs.

46 § 6. Section 841 of the executive law, as amended by chapter 843 of
47 the laws of 1980, subdivision 3 as amended by chapter 551 of the laws of
48 2001, subdivision 9 as added by chapter 847 of the laws of 1986, is
49 amended to read as follows:

50 § 841. Functions, powers and duties of the commissioner with respect
51 to the council. In addition to the functions, powers and duties other-
52 wise provided by this article, the commissioner shall, with the general
53 advice of the council, and, in the case of subdivisions one, two and
54 three of this section, only in accordance with rules and regulations
55 promulgated by the governor pursuant to section eight hundred forty-two:

- 1 1. Approve police training schools administered by municipalities and
2 issue certificates of approval to such schools, and revoke such approval
3 or certificate;
- 4 1-a. Approve correctional training programs administered by munici-
5 palities and issue certificates of approval to such programs, and revoke
6 such approval or certificate;
- 7 2. Certify, as qualified, instructors at approved police training
8 schools and issue appropriate certificates to such instructors;
- 9 2-a. Certify, as qualified, instructors at approved correctional
10 training programs and issue appropriate certificates to such instruc-
11 tors;
- 12 3. Certify police officers and peace officers who have satisfactorily
13 completed basic training programs and issue certificates to such police
14 officers and peace officers, including the issuance of equivalency
15 certificates for basic training certificates issued to peace officers,
16 where such officers received a certificate for successful completion of
17 a basic training for police officers program or an approved course for
18 state university of New York public safety officers during a period in
19 which such peace officer was not employed as a police officer, upon
20 demonstration of adequate equivalent training, the completion of super-
21 vised field training, requisite job-related law enforcement experience
22 as determined by the commissioner, and if deemed necessary, the success-
23 ful completion of relevant police officer training courses pursuant to
24 section two hundred nine-q of the general municipal law;
- 25 3-a. Certify correction officers who have satisfactorily completed
26 basic correctional training programs and issue certificates to such
27 correction officers;
- 28 4. Cause studies and surveys to be made relating to the establishment,
29 operation and approval of municipal police training schools and correc-
30 tional training programs;
- 31 5. Consult with and cooperate with municipal police training schools
32 for the development of advanced in-service training programs for police
33 officers [and], peace officers, and correction officers and issue appro-
34 priate certificates to police officers [and], peace officers, and
35 correction officers, attesting to their satisfactory completion of such
36 advanced training programs;
- 37 6. Consult with and cooperate with universities, colleges and insti-
38 tutes in the state for the development of specialized courses of study
39 for police officers [and], peace officers, and correction officers in
40 police science [and], police administration, and criminal justice;
- 41 7. Consult with and cooperate with other departments and agencies of
42 the state concerned with police officer and peace officer training;
- 43 7-a. Consult with and cooperate with the state commission of
44 correction and other departments and agencies of the state concerned
45 with correction officer training;
- 46 8. Report to the council at each regular meeting of the council and at
47 such other times as may be appropriate[.]; and
- 48 9. Prepare, update and distribute to appropriate law enforcement offi-
49 cials the form and content of the written notice required to be given to
50 victims of family offenses pursuant to subdivision five of section eight
51 hundred twelve of the family court act and subdivision six of section
52 530.11 of the criminal procedure law.
- 53 § 7. Subdivisions 6 and 10 of section 45 of the correction law, as
54 added by chapter 865 of the laws of 1975, are amended to read as
55 follows:



1 6. Promulgate rules and regulations establishing minimum standards for
2 the review of the construction or improvement of correctional facilities
3 and the care, custody, correction, treatment, supervision, discipline,
4 and other correctional programs for all persons confined in correctional
5 facilities. Such rules and regulations shall be forwarded to the gover-
6 nor, the temporary president of the senate and the speaker of the assem-
7 bly no later than January first, nineteen hundred seventy-six and annu-
8 ally thereafter.

9 10. Approve or reject plans and specifications for the construction or
10 improvement of correctional facilities that directly affect the health
11 of inmates and staff, safety, or security.

12 § 8. Subdivisions 1 and 2 of section 182.20 of the criminal procedure
13 law, subdivision 1 as amended by chapter 317 of the laws of 2008, subdi-
14 vision 2 as added by chapter 689 of the laws of 1993, are amended to
15 read as follows:

16 1. Notwithstanding any other provision of law and except as provided
17 in section 182.30 of this article, the court, in its discretion, may
18 dispense with the personal appearance of the defendant, except an
19 appearance at a hearing or trial, and conduct an electronic appearance
20 in connection with a criminal action [pending in Albany, Bronx, Broome,
21 Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,
22 Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus, Clin-
23 ton, Essex, Montgomery, Rensselaer, Warren, Westchester, Suffolk,
24 Herkimer or Franklin county], provided that the chief administrator of
25 the courts has authorized the use of electronic appearance [and the
26 defendant, after consultation with counsel, consents on the record. Such
27 consent shall be required at the commencement of each electronic appear-
28 ance to such electronic appearance].

29 2. If, for any reason, the court determines on its own motion or on
30 the motion of any party that the conduct of an electronic appearance may
31 impair the legal rights of the defendant, it shall not permit the elec-
32 tronic appearance to proceed. If[, for any other articulated reason,
33 either party requests at any time during the electronic appearance that
34 such appearance be terminated] the court commences and then terminates
35 an electronic appearance, the court shall [grant such request and]
36 adjourn the proceeding to a date certain. Upon the adjourned date the
37 proceeding shall be recommenced from the point at which [the request for
38 termination of] the electronic appearance [had been granted] was termi-
39 nated.

40 § 9. Subdivision 2 of section 504 of the correction law, as amended by
41 chapter 506 of the laws of 1982, is amended to read as follows:

42 2. Where the jail in a county becomes unfit or unsafe for the confine-
43 ment of some or all of the inmates due to an inmate disturbance [or a
44 natural disaster including but not limited to flood, earthquake, hurri-
45 cane, landslide or fire,] or other extraordinary circumstances, includ-
46 ing but not limited to a natural disaster, unanticipated deficiencies in
47 the structural integrity of a facility or the inability to provide one
48 or more inmates with essential services such as medical care, upon the
49 request of the municipal official as defined in subdivision four of
50 section forty of this chapter and no other suitable place within the
51 county nor the jail of any other county is immediately available to
52 house some or all of the inmates, the commissioner of correctional
53 services [is hereby authorized and empowered to] may, in his or her sole
54 discretion, make available, upon such terms and conditions as he may
55 deem appropriate, all or any part of a state correctional institution
56 for the confinement of some or all of such inmates as an adjunct to the

1 county jail for a period not to exceed thirty days. However, if the
2 county jail remains unfit or unsafe for the confinement of some or all
3 of such inmates beyond thirty days, the state commission of correction,
4 with the consent of the commissioner of correctional services, may
5 extend the availability of a state correctional institution for one or
6 more additional thirty day periods. The state commission of correction
7 shall promulgate rules and regulations governing the temporary transfer
8 of inmates to state correctional institutions from county jails includ-
9 ing but not limited to provisions for confinement of such inmates in the
10 nearest correctional facility, to the maximum extent practicable, taking
11 into account necessary security. The commissioner of correctional
12 services may, in his or her sole discretion, based on standards promul-
13 gated by the department, determine whether a county shall reimburse the
14 state for any or all of the actual costs of confinement as approved by
15 the director of the division of the budget. On or before the expiration
16 of each thirty day period, the state commission of correction must make
17 an appropriate designation pursuant to subdivision one if the county
18 jail remains unfit or unsafe for the confinement of some or all of the
19 inmates and consent to the continued availability of a state correction-
20 al institution as required for herein. The superintendence, management
21 and control of a state correctional institution or part thereof made
22 available pursuant hereto and the inmates housed therein shall be as
23 directed by the commissioner of correctional services.

24 § 10. This act shall take effect immediately; provided, however, that
25 sections two, four, five and six of this act shall take effect on the
26 one hundred eightieth day after they shall have become a law; and
27 provided further that the amendments to section 182.20 of the criminal
28 procedure law made by section eight of this act shall not affect the
29 expiration of such section and shall expire and be deemed repealed ther-
30 ewith.

31 PART R

32 Section 1. Paragraph (b) of subdivision 2 of section 29-c of the exec-
33 utive law, as amended by chapter 169 of the laws of 1994, is amended to
34 read as follows:

35 (b) The amount of such fee shall be [determined annually by the
36 commission taking into account the costs of such responsibilities not
37 otherwise provided for and unexpended amounts of previous fees paid by
38 any such licensee. In no event shall an annual fee for any facility
39 exceed five hundred fifty thousand] one million dollars. Such fee, which
40 shall be payable to the commission on or before [April] December first,
41 shall be expended or distributed only by appropriation.

42 § 2. Subdivision 4 of section 29-c of the executive law is REPEALED.

43 § 3. This act shall take effect immediately and shall be deemed to
44 have been in full force and effect on and after April 1, 2009, provided,
45 however, this act shall not affect obligations or amounts with respect
46 to fees payable on or before April 1, 2009.

47 PART S

48 Section 1. Section 401 of the vehicle and traffic law is amended by
49 adding a new subdivision 5-b to read as follows:

50 5-b. Denial of registration or renewal for certain violations. If at
51 the time of application for a registration or renewal thereof there is a
52 notification from or on behalf of the division of criminal justice

1 services, or any agency, division or authority so designated by such
 2 division, that the registrant or his representative has failed to answer
 3 or has failed to pay any penalty imposed by such division, agency or
 4 authority following the entry of a final decision of liability in
 5 response to a total of three or more notices of liability charging the
 6 registrant was liable in accordance with section eleven hundred eighty-
 7 one-a of this chapter for a violation of paragraph two of subdivision
 8 (d) or subdivision (f) of section eleven hundred eighty of this chapter,
 9 the commissioner, or his agent, shall deny the registration or renewal
 10 application until the applicant provides proof from the division that in
 11 each such instance, the registrant has appeared in response to such
 12 notice of liability or has paid such penalty. Where an application is
 13 denied pursuant to this section, the commissioner may, in his or her
 14 discretion, deny a registration or renewal application to any other
 15 person for the same vehicle and may deny a registration or renewal
 16 application for any other motor vehicle registered in the name of the
 17 applicant where the commissioner has determined that such registrant's
 18 intent has been to evade the purposes of this subdivision and where the
 19 commissioner has reasonable grounds to believe that such registration or
 20 renewal will have the effect of defeating the purposes of this subdivi-
 21 sion. Such denial shall only remain in effect as long as the notices of
 22 liability remain unanswered or the penalties unpaid. Terms defined in
 23 section eleven hundred eighty-one-a of this chapter shall be defined in
 24 the same way for purposes of this section.

25 § 2. Section 510 of the vehicle and traffic law is amended by adding a
 26 new subdivision 4-f to read as follows:

27 4-f. Suspension of registration for failure to answer or pay penalties
 28 with respect to certain violations. Upon the receipt of a notification
 29 by or on behalf of the division of criminal justice services, or any
 30 agency, division or authority so designated by such division, that an
 31 owner of a motor vehicle has failed to answer within the required time
 32 or has failed to pay any penalty imposed following the entry of a final
 33 decision of liability by such division, agency or authority in response
 34 to a total of six or more notices of liability charging such owner with
 35 a violation of paragraph two of subdivision (d) or subdivision (f) of
 36 section eleven hundred eighty of this chapter in accordance with the
 37 provisions of section eleven hundred eighty-one-a of this chapter, the
 38 commissioner, or his or her agent, shall suspend the registration of the
 39 vehicle or vehicles involved in the violations or the privilege of oper-
 40 ation of any motor vehicle owned by the registrant. Such suspension
 41 shall take effect no less than thirty days from the date on which notice
 42 thereof is sent by the commissioner to the person whose registration or
 43 privilege is suspended, and shall remain in effect until such registrant
 44 has appeared in response to such notice of liability or has paid such
 45 penalty in each such instance. Terms defined in section eleven hundred
 46 eighty-one-a of this chapter shall be defined in the same way for
 47 purposes of this section.

48 § 3. The vehicle and traffic law is amended by adding a new section
 49 1181-a to read as follows:

50 § 1181-a. Owner liability for operation in excess of certain posted
 51 speed limits. 1. Notwithstanding any other provision of law, and in
 52 accordance with this section, rules and regulations may be promulgated
 53 by the division of state police, the division of criminal justice
 54 services, and any agency, division or authority so designated by the
 55 division of state police, to establish a photo-monitoring program and to
 56 impose monetary liability on the owner of a vehicle that is operated in

1 excess of a maximum speed limit in violation of paragraph two of subdi-
2 vision (d) or subdivision (f) of section eleven hundred eighty of this
3 article for failing to obey posted speed limits in work zones and desig-
4 nated stretches of highway. The superintendent of state police shall
5 determine the locations in which the photo-monitoring program shall be
6 established in consultation with the commissioner of the department of
7 transportation. No more than sixty operating photo-monitoring systems
8 shall be in place at any given time. Signs alerting motorists to the
9 presence of photo-monitoring devices shall be placed approximately three
10 hundred yards in advance of the location of such device.

11 2. The owner of a vehicle shall be liable for a civil penalty imposed
12 pursuant to this section if such vehicle was used or operated by the
13 owner or was used or operated with the permission of the owner, express
14 or implied, and operated in excess of a maximum speed limit in violation
15 of paragraph two of subdivision (d) or subdivision (f) of section eleven
16 hundred eighty of this article and such violation is evidenced by infor-
17 mation obtained from a photo-monitoring system, provided, however, that
18 no owner of a vehicle shall be liable for a penalty imposed pursuant to
19 this section where the operator of such vehicle has been charged with a
20 violation of section eleven hundred eighty of this article for the same
21 incident.

22 3. For purposes of this section, the term "owner" shall mean any
23 person, corporation, partnership, firm, agency, association, lessor or
24 organization who, at the time of the violation and with respect to the
25 vehicle identified in the notice of liability: (a) is the beneficial or
26 equitable owner of such vehicle; or (b) has title to such vehicle; or
27 (c) is the registrant or co-registrant of such vehicle which is regis-
28 tered with the department of motor vehicles of this state or any other
29 state, territory, district, province, nation or other jurisdiction; or
30 (d) subject to the limitations set forth in subdivision ten of this
31 section, uses such vehicle in its vehicle renting and/or leasing busi-
32 ness; and includes (e) a person entitled to the use and possession of a
33 vehicle subject to a security interest in another person. For purposes
34 of this section, the term "photo-monitoring system" shall mean a vehicle
35 speed sensor that automatically produces one or more photographs, one or
36 more microphotographs, a videotape or other recorded images of vehicles
37 traveling at the location of such device. For purposes of this section,
38 the term "vehicle" shall mean every device in, upon or by which a person
39 or property is or may be transported or drawn upon a highway.

40 4. A certificate, sworn to or affirmed by an agent of the division,
41 agency or authority which charged that the violation occurred, or a
42 facsimile thereof, based upon inspection of photographs, microphoto-
43 graphs, videotape or other recorded images produced by a photo-monitor-
44 ing system shall be prima facie evidence of the facts contained therein
45 and shall be admissible into evidence in any review of the liability for
46 such violation.

47 5. An owner found liable for a violation of paragraph two of subdivi-
48 sion (d) of section eleven hundred eighty of this article pursuant to
49 this section shall be liable for a monetary penalty of fifty dollars.
50 An owner found liable for a violation of subdivision (f) of section
51 eleven hundred eighty of this article pursuant to this section shall be
52 liable for a monetary penalty of one hundred dollars.

53 6. An imposition of liability pursuant to this section shall be based
54 upon a preponderance of evidence as submitted. An imposition of liabil-
55 ity pursuant to this section shall not be deemed a conviction as an
56 operator and shall not be made part of the motor vehicle operating

1 record, furnished pursuant to section three hundred fifty-four of this
 2 chapter, of the person upon whom such liability is imposed nor shall it
 3 be used for insurance purposes in the provision of motor vehicle insur-
 4 ance coverage.

5 7. (a) A notice of liability shall be sent by first class mail to each
 6 person alleged to be liable, pursuant to this section, as an owner for a
 7 violation of paragraph two of subdivision (d) or subdivision (f) of
 8 section eleven hundred eighty of this article. Such notice shall be
 9 mailed no later than forty-five days after the alleged violation except
 10 as provided in subdivision ten of this section. Personal delivery on the
 11 owner shall not be required. A manual or automatic record of mailing
 12 prepared in the ordinary course of business shall be prima facie
 13 evidence of the mailing of the notice.

14 (b) A notice of liability shall contain the name and address of the
 15 person alleged to be liable as an owner for a violation of paragraph two
 16 of subdivision (d) or subdivision (f) of section eleven hundred eighty
 17 of this article, the registration number of the vehicle involved in such
 18 violation, the location where such violation took place, the date and
 19 time of such violation, the identification number of the photo-monitor-
 20 ing system that recorded the violation or other document locator number.

21 (c) The notice of liability shall also contain information advising
 22 the person charged of the manner and time in which such person may
 23 request a copy of the photographs, microphotographs, videotape or other
 24 recorded images produced by a photo-monitoring system and the certif-
 25 icate that charged that the violation occurred. Such request shall be
 26 submitted within forty-five days of mailing of the notice of liability.

27 (d) The notice of liability shall contain information advising the
 28 person charged of the manner and the time in which such person may chal-
 29 lenge the liability alleged in the notice. Such notice of liability
 30 shall also contain a warning to advise the person charged that failure
 31 to answer or challenge in the manner and time provided shall be deemed
 32 an admission of liability and that a default judgment may be entered as
 33 a final decision of liability thereon.

34 (e) Failure to answer a notice of liability within forty-five days of
 35 mailing of the notice shall result in the entry of a default judgment
 36 and the immediate conversion of the notice of liability into a final
 37 decision of liability against the owner.

38 8. Review of a challenge to the liability imposed upon owners by this
 39 section shall be conducted by a liability review examiner. Liability
 40 review examiners shall be appointed by the commissioner of the division
 41 of criminal justice services and shall be employees of the division of
 42 criminal justice services. The commissioner of the division of criminal
 43 justice services may appoint as many liability review examiners as are
 44 needed for review of challenges to liability pursuant to this section,
 45 within amounts appropriated therefor. Written challenges to liability
 46 shall be submitted to the division of criminal justice services by
 47 owners within forty-five days of mailing of the notice of liability or
 48 within forty-five days of mailing of the photographs, microphotographs,
 49 videotape or other recorded images and the certificate, whichever is
 50 later. The commissioner of the division of criminal justice services
 51 shall promulgate rules and regulations governing the review of chal-
 52 lenges to liability imposed upon owners pursuant to this section which
 53 shall, at a minimum, require a liability review examiner to inspect the
 54 photographs, microphotographs, videotape or other recorded images
 55 produced by a photo-monitoring system and the certificate, or any other
 56 written information the examiner deems relevant, review the owner's

1 written challenge to liability and the accuracy of the information
2 alleged in the notice of liability, and issue a final decision of
3 liability within thirty days of receipt of the challenge.

4 9. If an owner receives a notice of liability pursuant to this section
5 for any time period during which the vehicle was reported to the police
6 department as having been stolen, it shall be a valid defense to an
7 allegation of liability for a violation of paragraph two of subdivision
8 (d) or subdivision (f) of section eleven hundred eighty of this article
9 that prior to the time of the violation, the vehicle had been reported
10 to the police as stolen, and that it had not been recovered by such
11 time. For purposes of asserting the defense provided by this subdivision
12 it shall be sufficient that a certified copy of the police report on the
13 stolen vehicle be sent by first class mail to the division having juris-
14 isdiction.

15 10. An owner who is a lessor of a vehicle to which a notice of liabil-
16 ity was issued pursuant to subdivision seven of this section shall not
17 be liable for the violation of paragraph two of subdivision (d) or
18 subdivision (f) of section eleven hundred eighty of this article
19 provided that he or she sends to the division serving the notice of
20 liability a copy of the rental, lease or other such contract document
21 covering such vehicle on the date of the violation, with the name and
22 address of the lessee clearly legible, within thirty days after receiv-
23 ing the original notice of liability. Failure to send such information
24 within such thirty day time period shall render the lessor liable for
25 the penalty prescribed by this section. Where the lessor complies with
26 the provisions of this subdivision, the lessee of such vehicle on the
27 date of such violation shall be deemed to be the owner of such vehicle
28 for purposes of this section and shall be subject to liability for the
29 violation of paragraph two of subdivision (d) or subdivision (f) of
30 section eleven hundred eighty of this article, provided that the divi-
31 sion mails a notice of liability to the lessee within thirty days after
32 receiving such notice from the lessor. For purposes of this subdivision
33 the term "lessor" shall mean any person, corporation, firm, partnership,
34 agency, association or organization engaged in the business of renting
35 or leasing vehicles to any lessee under a rental agreement, lease or
36 otherwise wherein the said lessee has the use of said vehicle for any
37 period of time. For purposes of this subdivision, the term "lessee"
38 shall mean any person, corporation, firm, partnership, agency, associ-
39 ation or organization that rents, leases or contracts for the use of one
40 or more vehicles and has use thereof for any period of time.

41 11. Except as provided in subdivision ten of this section, if a person
42 receives a notice of liability pursuant to this section it shall be a
43 valid defense to an allegation of liability for a violation of paragraph
44 two of subdivision (d) or subdivision (f) of section eleven hundred
45 eighty of this article that the individual who received the notice of
46 liability pursuant to this section was not an owner of the vehicle at
47 the time the violation occurred. If the owner liable for a violation of
48 paragraph two of subdivision (d) or subdivision (f) of section eleven
49 hundred eighty of this article pursuant to this section was not the
50 operator of the vehicle at the time of the violation, the owner may
51 maintain an action for indemnification against the operator.

52 12. Nothing in this section shall be construed to limit the liability
53 of an operator of a vehicle for any violation of any provision of law.

54 13. Notwithstanding any other provision of law, all photographs,
55 microphotographs, videotape or other recorded images prepared pursuant
56 to this section shall be for the use of governmental agencies or author-

1 ities in the discharge of their duties and shall not be made available
2 to the public except as expressly provided for in this section.

3 § 4. This act shall take effect immediately.

4

PART T

5 Section 1. Subsection (b) of section 9110 of the insurance law, as
6 amended by section 1 of part Q of chapter 62 of the laws of 2003, is
7 amended to read as follows:

8 (b) The annual fee is hereby imposed at the rate of [five dollars] ten
9 dollars per insured motor vehicle registered pursuant to the provisions
10 of paragraph [(b)] b of subdivision one of section four hundred one of
11 the vehicle and traffic law. Such fee will be paid monthly by insurance
12 companies to the superintendent on or before the fifteenth of the month
13 next succeeding the month in which such collections are received.

14 § 2. Subsection (e) of section 9110 of the insurance law, as amended
15 by section 1 of part A of chapter 56 of the laws of 2004, is amended to
16 read as follows:

17 (e) All moneys received by the superintendent which are collected from
18 policyholders of insurance on [passenger] motor vehicles [subject to the
19 provisions of paragraph a of subdivision six of section four hundred one
20 of the vehicle and traffic law] shall be paid [to the state police motor
21 vehicle law enforcement account established pursuant to section ninety-
22 seven-mm of the state finance law] by the tenth day of the month follow-
23 ing receipt of such collections[. By the end of each fiscal year, any
24 moneys paid to the state police motor vehicle law enforcement account
25 established pursuant to section ninety-seven-mm of the state finance law
26 which exceed sixty million four hundred thousand dollars shall be paid
27 to the motor vehicle theft and insurance fraud prevention fund estab-
28 lished pursuant to section eighty-nine-d of the state finance law.] in
29 the following manner:

30 (1) Each fiscal year, the first four million seven hundred thousand
31 dollars shall be paid to the motor vehicle theft and insurance fraud
32 prevention fund established pursuant to section eighty-nine-d of the
33 state finance law.

34 (2) All remaining moneys shall be paid to the state police motor vehi-
35 cle law enforcement account established pursuant to section ninety-sev-
36 en-mm of the state finance law.

37 § 3. Subsection (f) of section 9110 of the insurance law is REPEALED.

38 § 4. Subdivision 2 of section 89-d of the state finance law, as
39 amended by chapter 170 of the laws of 1994, is amended to read as
40 follows:

41 2. Such fund shall consist of all moneys received by the state pursu-
42 ant to subsection [(f)] (b) of section nine thousand one hundred ten of
43 the insurance law [including any moneys received by the state] that are
44 transferred to the fund pursuant to paragraph one of subsection (e) of
45 section nine thousand one hundred ten of the insurance law [that are
46 transfered to the fund] and all other grants, bequests or other moneys
47 appropriated, credited or transferred thereto from any other fund or
48 source pursuant to law.

49 § 5. Subdivisions 2 and 3 of section 97-mm of the state finance law,
50 as amended by section 2 of part A of chapter 56 of the laws of 2004, are
51 amended to read as follows:

52 2. The state police motor vehicle law enforcement account shall
53 consist of all moneys received by the state pursuant to subsection [(e)]
54 (b) of section nine thousand one hundred ten of the insurance law [and

1 any moneys received by the state pursuant to subsection (f) of section
2 nine thousand one hundred ten of the insurance law] that are transferred
3 to the account pursuant to paragraph two of subsection (e) of section
4 nine thousand one hundred ten of the insurance law and all other grants,
5 bequests or other moneys credited, appropriated, or transferred thereto
6 from any other fund or source.

7 3. Nine million one hundred thousand dollars annually of the state
8 police motor vehicle law enforcement account, following appropriation by
9 the legislature and allocation by the director of the budget, shall be
10 made available for the state operation expenses of the division of state
11 police including but not limited to the costs of activities relating to
12 the detection, prosecution or reduction of automobile theft and related
13 purposes. [Fifty-one million three hundred thousand dollars] All other
14 funds of the state police motor vehicle law enforcement account, follow-
15 ing appropriation by the legislature and allocation by the director of
16 the budget, shall be made available for the state operation expenses of
17 the division of state police including but not limited to the costs of
18 activities relating to highway safety and public security.

19 § 6. Section 7 of part Q of chapter 62 of the laws of 2003, amending
20 the insurance law and other laws relating to motor vehicle law enforce-
21 ment fees, as amended by section 1 of part M of chapter 56 of the laws
22 of 2008, is amended to read as follows:

23 § 7. This act shall take effect immediately, provided that sections
24 one, two and three of this act shall take effect June 1, 2003; [and
25 provided further that the amendments made to subsection (b) of section
26 9110 of the insurance law made by section one of this act shall expire
27 and be deemed repealed on July 1, 2009 and the provisions of such
28 subsection shall be read as such provisions existed on the date imme-
29 diately preceding the effective date of this act;] and provided further
30 that the amendments made to subsection (e) of section 9110 of the insur-
31 ance law made by section two of this act and the amendments made to
32 subdivision 3 of section 97-mm of the state finance law made by section
33 three of this act shall expire and be deemed repealed on March 31, 2004
34 and the provisions of such subsection and such subdivision shall be read
35 as such provisions existed on the date immediately preceding the effec-
36 tive date of this act.

37 § 7. Section 3 of part A of chapter 56 of the laws of 2004, amending
38 the insurance law and the state finance law relating to motor vehicle
39 law enforcement fees, as amended by section 2 of part M of chapter 56 of
40 the laws of 2008, is amended to read as follows:

41 § 3. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on and after April 1, 2004[;
43 provided, however, that the amendments made to subsections (e) and (f)
44 of section 9110 of the insurance law made by section one of this act
45 shall expire and be deemed repealed on March 31, 2009, and provided
46 further that the amendments made to subdivisions 2 and 3 of section
47 97-mm of the state finance law made by section two of this act shall
48 expire and be deemed repealed on March 31, 2009].

49 § 8. Subdivision (bbb) of section 427 of chapter 55 of the laws of
50 1992, amending the tax law generally and enacting the omnibus revenue
51 act of 1992 relating to taxes, surcharges, fees and funding, is
52 REPEALED.

53 § 9. Paragraphs (b) and (d) of subdivision 2 and subdivision 3 of
54 section 846-m of the executive law, as amended by section 4 of part M of
55 chapter 56 of the laws of 2008, are amended to read as follows:

1 (b) Activities eligible for funding include, but are not limited to,
2 the following: prosecution and adjudication services; law enforcement
3 services; neighborhood or community based programs designed to reduce
4 the incidence of motor vehicle theft and motor vehicle insurance fraud;
5 educational programs designed to inform owners of motor vehicles
6 concerning activities designed to prevent the incidence of theft of
7 motor vehicles and fraudulent claims practices; and programs designed to
8 examine, evaluate and make recommendations relating to the efficacy of
9 motor vehicle theft prevention devices or methods including, but not
10 limited to, passive tracking devices designed to identify the location
11 of a motor vehicle at any given point in time and window glass etching
12 with vehicle identification numbers or any other unique identifying
13 symbol including decal programs such as New York city's operation combat
14 auto theft (C.A.T.). Funds provided under this program shall be used to
15 augment, and not to supplant, the provider agency's current funding, if
16 any, for motor vehicle theft and insurance fraud detection, prevention,
17 or reduction activities[, and shall only be used to fund pilot programs
18 of a specified duration not to extend beyond July first, two thousand
19 nine].

20 (d) The state comptroller shall conduct an audit of all moneys
21 received and expended by the fund as well as all other funds expended
22 from any other source for the purposes of this program, and shall submit
23 a written report detailing such audit to the governor and legislature on
24 or before March first[, two thousand nine.

25 3. This article shall expire on July first, two thousand nine] of each
26 year.

27 § 10. Section 9 of part T of chapter 57 of the laws of 2000, amending
28 the state finance law relating to a report on automobile theft
29 prevention activities of the state police, as amended by section 5 of
30 part M of chapter 56 of the laws of 2008, is amended to read as follows:

31 § 9. This act shall take effect immediately provided, however, that
32 the amendments to sections 846-j, 846-k, 846-l and 846-m of the execu-
33 tive law made by this act shall not affect the expiration of such
34 sections and shall be deemed to expire therewith[; provided, further,
35 however, that the provisions of subdivision 4 of section 97-mm of the
36 state finance law, as added by section eight of this act, shall expire
37 and be deemed repealed on July 1, 2009].

38 § 11. The article heading of article 36-A of the executive law, as
39 added by chapter 170 of the laws of 1994, is amended to read as follows:

40 NEW YORK MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION
41 [DEMONSTRATION] PROGRAM

42 § 12. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after March 1, 2009, provided,
44 however, that section one of this act shall take effect on June 1, 2009.

45

PART U

46 Section 1. Section 2 of chapter 887 of the laws of 1983, amending the
47 correction law relating to the psychological testing of candidates, as
48 amended by section 1 of part C of chapter 56 of the laws of 2007, is
49 amended to read as follows:

50 § 2. This act shall take effect on the one hundred eightieth day after
51 it shall have become a law and shall remain in effect until September 1,
52 [2009] 2014.

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

1 geographic area of employment of certain police officers, as amended by
2 section 2 of part C of chapter 56 of the laws of 2007, is amended to
3 read as follows:

4 § 3. This act shall take effect on the first day of November next
5 succeeding the date on which it shall have become a law, and shall
6 remain in effect until the first day of September, [2009] 2014, when it
7 shall expire and be deemed repealed.

8 § 3. Section 3 of chapter 886 of the laws of 1972, amending the
9 correction law and the penal law relating to prisoner furloughs in
10 certain cases and the crime of absconding therefrom, as amended by
11 section 3 of part C of chapter 56 of the laws of 2007, is amended to
12 read as follows:

13 § 3. This act shall take effect 60 days after it shall have become a
14 law and shall remain in effect until September 1, [2009] 2014.

15 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
16 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
17 other chapters and laws relating to correctional facilities, as amended
18 by section 4 of part C of chapter 56 of the laws of 2007, is amended to
19 read as follows:

20 § 20. This act shall take effect immediately except that section thir-
21 teen of this act shall expire and be of no further force or effect on
22 and after September 1, [2009] 2014 and shall not apply to persons
23 committed to the custody of the department after such date, and provided
24 further that the commissioner of correctional services shall report each
25 January first and July first during such time as the earned eligibility
26 program is in effect, to the chairmen of the senate crime victims, crime
27 and correction committee, the senate codes committee, the assembly
28 correction committee, and the assembly codes committee, the standards in
29 effect for earned eligibility during the prior six-month period, the
30 number of inmates subject to the provisions of earned eligibility, the
31 number who actually received certificates of earned eligibility during
32 that period of time, the number of inmates with certificates who are
33 granted parole upon their first consideration for parole, the number
34 with certificates who are denied parole upon their first consideration,
35 and the number of individuals granted and denied parole who did not have
36 earned eligibility certificates.

37 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,
38 amending the tax law and other laws relating to taxes, surcharges, fees
39 and funding, as amended by section 5 of part C of chapter 56 of the laws
40 of 2007, is amended to read as follows:

41 (q) the provisions of section two hundred eighty-four of this act
42 shall remain in effect until September 1, [2009] 2014 and be applicable
43 to all persons entering the program on or before August 31, [2009] 2014.

44 § 6. Section 10 of chapter 339 of the laws of 1972, amending the
45 correction law and the penal law relating to inmate work release,
46 furlough and leave, as amended by section 6 of part C of chapter 56 of
47 the laws of 2007, is amended to read as follows:

48 § 10. This act shall take effect 30 days after it shall have become a
49 law and shall remain in effect until September 1, [2009] 2014, and
50 provided further that the commissioner of correctional services shall
51 report each January first, and July first, to the chairman of the senate
52 crime victims, crime and correction committee, the senate codes commit-
53 tee, the assembly correction committee, and the assembly codes commit-
54 tee, the number of eligible inmates in each facility under the custody
55 and control of the commissioner who have applied for participation in
56 any program offered under the provisions of work release, furlough, or

1 leave, and the number of such inmates who have been approved for partic-
2 ipation.

3 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994
4 relating to certain provisions which impact upon expenditure of certain
5 appropriations made by chapter 50 of the laws of 1994 enacting the state
6 operations budget, as amended by section 7 of part C of chapter 56 of
7 the laws of 2007, is amended to read as follows:

8 (c) sections forty-one and forty-two of this act shall expire Septem-
9 ber 1, [2009] 2014; provided, that the provisions of section forty-two
10 of this act shall apply to inmates entering the work release program on
11 or after such effective date; and

12 § 8. Section 5 of chapter 554 of the laws of 1986, amending the
13 correction law and the penal law relating to providing for community
14 treatment facilities and establishing the crime of absconding from the
15 community treatment facility, as amended by section 8 of part C of chap-
16 ter 56 of the laws of 2007, is amended to read as follows:

17 § 5. This act shall take effect immediately and shall remain in full
18 force and effect until September 1, [2009] 2014, and provided further
19 that the commissioner of correctional services shall report each January
20 first and July first during such time as this legislation is in effect,
21 to the chairmen of the senate crime victims, crime and correction
22 committee, the senate codes committee, the assembly correction commit-
23 tee, and the assembly codes committee, the number of individuals who are
24 released to community treatment facilities during the previous six-month
25 period, including the total number for each date at each facility who
26 are not residing within the facility, but who are required to report to
27 the facility on a daily or less frequent basis.

28 § 9. Subdivision h of section 74 of chapter 3 of the laws of 1995,
29 amending the correction law and other laws relating to the incarceration
30 fee, as amended by section 9 of part C of chapter 56 of the laws of
31 2007, is amended to read as follows:

32 h. Section fifty-two of this act shall be deemed to have been in full
33 force and effect on and after April 1, 1995; provided, however, that the
34 provisions of section 189 of the correction law, as amended by section
35 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,
36 as amended by section fifty-six of this act, and section fifty-seven of
37 this act shall expire September 1, [2009] 2014, when upon such date the
38 amendments to the correction law and penal law made by sections fifty-
39 five and fifty-six of this act shall revert to and be read as if the
40 provisions of this act had not been enacted; provided, however, that
41 sections sixty-two, sixty-three and sixty-four of this act shall be
42 deemed to have been in full force and effect on and after March 1, 1995
43 and shall be deemed repealed April 1, 1996 and upon such date the
44 provisions of subsection (e) of section 9110 of the insurance law and
45 subdivision 2 of section 89-d of the state finance law shall revert to
46 and be read as set out in law on the date immediately preceding the
47 effective date of sections sixty-two and sixty-three of this act;

48 § 10. Subdivision (z) of section 427 of chapter 55 of the laws of
49 1992, amending the tax law and other laws relating to taxes, surcharges,
50 fees and funding, as amended by section 10 of part C of chapter 56 of
51 the laws of 2007, is amended to read as follows:

52 (z) the provisions of section three hundred eighty-one of this act
53 shall apply to all persons supervised by the division of parole on or
54 after the effective date of this act, provided however, that subdivision
55 9 of section 259-a of the executive law, as added by section three

1 hundred eighty-one of this act, shall expire on September 1, [2009]
2 2014;

3 § 11. Subdivision (aa) of section 427 of chapter 55 of the laws of
4 1992, amending the tax law and other laws relating to taxes, surcharges,
5 fees and funding, as amended by section 11 of part C of chapter 56 of
6 the laws of 2007, is amended to read as follows:

7 (aa) the provisions of sections three hundred eighty-two, three
8 hundred eighty-three and three hundred eighty-four of this act shall
9 expire on September 1, [2009] 2014;

10 § 12. Section 12 of chapter 907 of the laws of 1984, amending the
11 correction law, the New York city criminal court act and the executive
12 law relating to prison and jail housing and alternatives to detention
13 and incarceration programs, as amended by section 12 of part C of chap-
14 ter 56 of the laws of 2007, is amended to read as follows:

15 § 12. This act shall take effect immediately, except that the
16 provisions of sections one through ten of this act shall remain in full
17 force and effect until September 1, [2009] 2014 on which date those
18 provisions shall be deemed to be repealed.

19 § 13. Subdivision (p) of section 406 of chapter 166 of the laws of
20 1991, amending the tax law and other laws relating to taxes, as amended
21 by section 13 of part C of chapter 56 of the laws of 2007, is amended to
22 read as follows:

23 (p) The amendments to section 1809 of the vehicle and traffic law made
24 by sections three hundred thirty-seven and three hundred thirty-eight of
25 this act shall not apply to any offense committed prior to such effec-
26 tive date; provided, further, that section three hundred forty-one of
27 this act shall take effect immediately and shall expire November 1, 1993
28 at which time it shall be deemed repealed; sections three hundred
29 forty-five and three hundred forty-six of this act shall take effect
30 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
31 six, three hundred fifty-seven and three hundred fifty-nine of this act
32 shall take effect immediately and shall expire June 30, 1995 and shall
33 revert to and be read as if this act had not been enacted; section three
34 hundred fifty-eight of this act shall take effect immediately and shall
35 expire June 30, 1998 and shall revert to and be read as if this act had
36 not been enacted; section three hundred sixty-four through three hundred
37 sixty-seven of this act shall apply to claims filed on or after such
38 effective date; sections three hundred sixty-nine, three hundred seven-
39 ty-two, three hundred seventy-three, three hundred seventy-four, three
40 hundred seventy-five and three hundred seventy-six of this act shall
41 remain in effect until September 1, [2009] 2014, at which time they
42 shall be deemed repealed; provided, however, that the mandatory
43 surcharge provided in section three hundred seventy-four of this act
44 shall apply to parking violations occurring on or after said effective
45 date; and provided further that the amendments made to section 235 of
46 the vehicle and traffic law by section three hundred seventy-two of this
47 act, the amendments made to section 1809 of the vehicle and traffic law
48 by sections three hundred thirty-seven and three hundred thirty-eight of
49 this act and the amendments made to section 215-a of the labor law by
50 section three hundred seventy-five of this act shall expire on September
51 1, [2009] 2014 and upon such date the provisions of such subdivisions
52 and sections shall revert to and be read as if the provisions of this
53 act had not been enacted; the amendments to subdivisions 2 and 3 of
54 section 400.05 of the penal law made by sections three hundred seventy-
55 seven and three hundred seventy-eight of this act shall expire on July
56 1, 1992 and upon such date the provisions of such subdivisions shall



1 revert and shall be read as if the provisions of this act had not been
2 enacted; the state board of law examiners shall take such action as is
3 necessary to assure that all applicants for examination for admission to
4 practice as an attorney and counsellor at law shall pay the increased
5 examination fee provided for by the amendment made to section 465 of the
6 judiciary law by section three hundred eighty of this act for any exam-
7 ination given on or after the effective date of this act notwithstanding
8 that an applicant for such examination may have prepaid a lesser fee for
9 such examination as required by the provisions of such section 465 as of
10 the date prior to the effective date of this act; the provisions of
11 section 306-a of the civil practice law and rules as added by section
12 three hundred eighty-one of this act shall apply to all actions pending
13 on or commenced on or after September 1, 1991, provided, however, that
14 for the purposes of this section service of such summons made prior to
15 such date shall be deemed to have been completed on September 1, 1991;
16 the provisions of section three hundred eighty-three of this act shall
17 apply to all money deposited in connection with a cash bail or a
18 partially secured bail bond on or after such effective date; and the
19 provisions of sections three hundred eighty-four and three hundred
20 eighty-five of this act shall apply only to jury service commenced
21 during a judicial term beginning on or after the effective date of this
22 act; provided, however, that nothing contained herein shall be deemed to
23 affect the application, qualification, expiration or repeal of any
24 provision of law amended by any section of this act and such provisions
25 shall be applied or qualified or shall expire or be deemed repealed in
26 the same manner, to the same extent and on the same date as the case may
27 be as otherwise provided by law;

28 § 14. Subdivision 8 of section 1809 of the vehicle and traffic law, as
29 amended by section 14 of part C of chapter 56 of the laws of 2007, is
30 amended to read as follows:

31 8. The provisions of this section shall only apply to offenses commit-
32 ted on or before September first, two thousand [nine] fourteen.

33 § 15. Section 6 of chapter 713 of the laws of 1988, amending the vehi-
34 cle and traffic law relating to the ignition interlock device program,
35 as amended by section 16 of part C of chapter 56 of the laws of 2007, is
36 amended to read as follows:

37 § 6. This act shall take effect on the first day of April next
38 succeeding the date on which it shall have become a law; provided,
39 however, that effective immediately, the addition, amendment or repeal
40 of any rule or regulation necessary for the implementation of the fore-
41 going sections of this act on their effective date is authorized and
42 directed to be made and completed on or before such effective date and
43 shall remain in full force and effect until the first day of September,
44 [2009] 2014 when upon such date the provisions of this act shall be
45 deemed repealed.

46 § 16. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
47 laws of 1997, amending the military law and other laws relating to vari-
48 ous provisions, as amended by section 17 of part C of chapter 56 of the
49 laws of 2007, is amended to read as follows:

50 a. sections forty-three through forty-five of this act shall expire
51 and be deemed repealed on September 1, [2009] 2014;

52 § 17. Section 4 of part D of chapter 412 of the laws of 1999, amending
53 the civil practice law and rules and the court of claims act relating to
54 prisoner litigation reform, as amended by section 18 of part C of chap-
55 ter 56 of the laws of 2007, is amended to read as follows:

1 § 4. This act shall take effect 120 days after it shall have become a
2 law and shall remain in full force and effect until September 1, [2009]
3 2014, when upon such date it shall expire.

4 § 18. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,
5 constituting the family protection and domestic violence intervention
6 act of 1994, as amended by section 19 of part C of chapter 56 of the
7 laws of 2007, is amended to read as follows:

8 2. Subdivision 4 of section 140.10 of the criminal procedure law as
9 added by section thirty-two of this act shall take effect January 1,
10 1996 and shall expire and be deemed repealed on September 1, [2009]
11 2014.

12 § 19. Section 5 of chapter 505 of the laws of 1985, amending the crim-
13 inal procedure law relating to the use of closed-circuit television and
14 other protective measures for certain child witnesses, as amended by
15 section 21 of part C of chapter 56 of the laws of 2007, is amended to
16 read as follows:

17 § 5. This act shall take effect immediately and shall apply to all
18 criminal actions and proceedings commenced prior to the effective date
19 of this act but still pending on such date as well as all criminal
20 actions and proceedings commenced on or after such effective date and
21 its provisions shall expire on September 1, [2009] 2014, when upon such
22 date the provisions of this act shall be deemed repealed.

23 § 20. Section 3 of chapter 688 of the laws of 2003, amending the exec-
24 utive law relating to enacting the interstate compact for adult offender
25 supervision, as amended by section 27 of part C of chapter 56 of the
26 laws of 2007, is amended to read as follows:

27 § 3. This act shall take effect immediately, except that section one
28 of this act shall take effect on the first of January next succeeding
29 the date on which it shall have become a law, and shall remain in effect
30 until the first of September, [2009] 2014, upon which date this act
31 shall be deemed repealed and have no further force and effect; provided
32 that section one of this act shall only take effect with respect to any
33 compacting state which has enacted an interstate compact entitled
34 "Interstate compact for adult offender supervision" and having an iden-
35 tical effect to that added by section one of this act and provided
36 further that with respect to any such compacting state, upon the effec-
37 tive date of section one of this act, section 259-m of the executive law
38 is hereby deemed REPEALED and section 259-mm of the executive law, as
39 added by section one of this act, shall take effect; and provided
40 further that with respect to any state which has not enacted an inter-
41 state compact entitled "Interstate compact for adult offender super-
42 vision" and having an identical effect to that added by section one of
43 this act, section 259-m of the executive law shall take effect and the
44 provisions of section one of this act, with respect to any such state,
45 shall have no force or effect until such time as such state shall adopt
46 an interstate compact entitled "Interstate compact for adult offender
47 supervision" and having an identical effect to that added by section one
48 of this act in which case, with respect to such state, effective imme-
49 diately, section 259-m of the executive law is deemed repealed and
50 section 259-mm of the executive law, as added by section one of this
51 act, shall take effect.

52 § 21. Section 9 of part B of chapter 58 of the laws of 2007, amending
53 the public health law, the general business law and the insurance law
54 relating to the sale and possession of hypodermic syringes and needles,
55 is REPEALED.

1 § 22. Section 5 of part G of chapter 56 of the laws of 2000, amending
2 the public health law, the general business law and the insurance law
3 relating to the sale and possession of hypodermic syringes and needles,
4 as amended by section 28 of part C of chapter 56 of the laws of 2007, is
5 amended to read as follows:

6 § 5. This act shall take effect January 1, 2001 and shall remain in
7 full force and effect until September 1, [2009] 2014 when upon such date
8 the provisions of this act shall be deemed repealed; provided, however,
9 that effective immediately the commissioner of health is authorized to
10 promulgate any rules and regulations necessary for the timely implemen-
11 tation of this act on such effective date.

12 § 23. Subdivision d of section 74 of chapter 3 of the laws of 1995,
13 enacting the sentencing reform act of 1995, as amended by section 20 of
14 part D of chapter 56 of the laws of 2005, is amended to read as follows:

15 d. Sections one-a through twenty, twenty-four through twenty-eight,
16 thirty through thirty-nine, forty-two[, forty-three] and forty-four of
17 this act shall be deemed repealed on September 1, [2009] 2014;

18 § 24. Section 4 of chapter 377 of the laws of 2007 amending the
19 correction law and the criminal procedure law relating to establishing a
20 probation detainer warrant pilot project, is amended to read as follows:

21 § 4. This act shall take effect immediately and shall expire and be
22 deemed repealed [March 31, 2010] September 30, 2012.

23 § 25. Subdivision (r) of section 427 of chapter 55 of the laws of
24 1992, amending the tax law and other laws relating to taxes, surcharges,
25 fees and funding, is REPEALED.

26 § 25. Section 2 of chapter 894 of the laws of 1990, amending the crim-
27 inal procedure law relating to electronic court appearances, is amended
28 to read as follows:

29 § 2. This act shall take effect on the first day of January next
30 succeeding the date on which it shall have become a law[, except that
31 the submission of a written proposal as required by subdivision 1 of
32 section 182.40 of the criminal procedure law, as added by this act shall
33 be made at least thirty days prior to such effective date, and this act
34 shall expire on the first day of July in the second year succeeding the
35 date on which it shall have become effective when upon such date the
36 provisions of this act shall be deemed repealed].

37 § 26. This act shall take effect immediately.

38

PART V

39 Section 1. Subdivision 5 of section 205 of the civil service law is
40 amended by adding a new paragraph (m) to read as follows:

41 (m) To administer the provisions of article twenty of the labor law to
42 the extent provided for in such article, and to serve all the functions
43 of the board as defined in section seven hundred one of the labor law,
44 including to make, amend and rescind such rules and regulations as may
45 be necessary to carry out the provisions of such article.

46 § 2. Subdivisions 1, 2, 3 and 4 of section 205 of the civil service
47 law, subdivision 1 as amended by chapter 391 of the laws of 1969, subdi-
48 vision 2 as added by chapter 392 of the laws of 1967, subdivision 3 as
49 amended by chapter 307 of the laws of 1979 and subdivision 4 as amended
50 by chapter 503 of the laws of 1971, are amended to read as follows:

51 1. There is hereby created in the state department of civil service a
52 board, to be known as the public employment relations board, which shall
53 consist of three members appointed by the governor, by and with the
54 advice and consent of the senate from persons representative of the

1 public. Not more than two members of the board shall be members of the
2 same political party. Each member shall be appointed for a term of six
3 years, except that of the members first appointed, one shall be
4 appointed for a term to expire on May thirty-first, nineteen hundred
5 sixty-nine, one for a term to expire on May thirty-first, nineteen
6 hundred seventy-one, and one for a term to expire on May thirty-first,
7 nineteen hundred seventy-three. The governor shall designate one member
8 who shall serve as [chairman] chairperson of the board until the expira-
9 tion of his or her term. A member appointed to fill a vacancy shall be
10 appointed for the unexpired term of the member whom he or she is to
11 succeed.

12 2. Members of the board shall hold no other public office or public
13 employment in the state. The [chairman] chairperson shall give his or
14 her whole time to his or her duties.

15 3. Members of the board other than the [chairman] chairperson shall,
16 when performing the work of the board, be compensated at the rate of two
17 hundred [and] fifty dollars per day, together with an allowance for
18 actual and necessary expenses incurred in the discharge of their duties
19 hereunder. The [chairman] chairperson shall receive an annual salary to
20 be fixed within the amount available therefor by appropriation, in addi-
21 tion to an allowance for expenses actually and necessarily incurred by
22 him or her in the performance of his or her duties.

23 4. (a) The chairperson of the board may appoint an executive director
24 and such other persons, including but not limited to attorneys, media-
25 tors, members of fact-finding boards and representatives of employee
26 organizations and public employers to serve as technical advisers to
27 such fact-finding boards, as it may from time to time deem necessary for
28 the performance of its functions, prescribe their duties, fix their
29 compensation and provide for reimbursement of their expenses within the
30 amounts made available therefor by appropriation. Attorneys appointed
31 under this section may, at the direction of the chairperson of the
32 board, appear for and represent the board in any case in court.

33 (b) No member of the board or its appointees pursuant to this subdivi-
34 sion, including without limitation any mediator or fact-finder employed
35 or retained by the board, shall, except as required by this article, be
36 compelled to nor shall he or she voluntarily disclose to any administra-
37 tive or judicial tribunal or at the legislative hearing, held pursuant
38 to subparagraph (iii) of paragraph (e) of subdivision three of section
39 two hundred nine of this article, any information relating to the resol-
40 ution of a particular dispute in the course of collective negotiations
41 acquired in the course of his or her official activities under this
42 article, nor shall any reports, minutes, written communications, or
43 other documents pertaining to such information and acquired in the
44 course of his or her official activities under this article be subject
45 to subpoena or voluntarily disclosed; except that where the information
46 so required indicates that the person appearing or who has appeared
47 before the board has been the victim of, or otherwise involved in, a
48 crime, other than a criminal contempt in a case involving or growing out
49 of a violation of this article, said members of the board and its
50 appointees may be required to testify fully in relation thereto upon any
51 examination, trial, or other proceeding in which the commission of such
52 crime is the subject of inquiry.

53 § 3. Subdivision 9 of section 701 of the labor law, as amended by
54 chapter 166 of the laws of 1991, is amended to read as follows:

55 9. The term "board" means the public employment relations board
56 created by section [seven hundred two of this article] two hundred five

1 of the civil service law, in carrying out its functions under this arti-
2 cle.

3 § 4. Section 702 of the labor law is REPEALED, and a new section 702
4 is added to read as follows:

5 § 702. Special mediators. The board may, when necessary, appoint or
6 designate special mediators who shall have the authority and power of
7 members of the board with regard to such matter, provided that their
8 authority and power to act for the board shall cease upon the conclusion
9 of the specific matter so assigned to them or by revocation by the board
10 of their appointment or designation. Such special mediators shall, when
11 performing the work of the board as aforesaid, be compensated at a rate
12 to be determined by the board subject to the approval of the director of
13 the budget, together with an allowance for actual and necessary expenses
14 incurred in the discharge of their duties hereunder.

15 § 5. Subdivisions 3 and 4 of section 707 of the labor law, subdivision
16 3 as amended by chapter 210 of the laws of 1942 and subdivision 4 as
17 amended by chapter 676 of the laws of 1963, are amended to read as
18 follows:

19 3. The jurisdiction of the supreme court shall be exclusive and its
20 judgment and decree shall be final, except that appeals shall lie to the
21 appellate division of said court and to the court of appeals, in the
22 manner and subject to the limitations provided in the civil practice
23 [act] law and rules irrespective of the nature of the decree or judgment
24 or the amount involved.

25 4. Any person aggrieved by a final order of the board granting or
26 denying in whole or in part the relief sought may obtain a review of
27 such order in the supreme court of the county where the unfair labor
28 practice in question was alleged to have been engaged in or wherein such
29 person resides or transacts business by filing in such court a written
30 petition praying that the order of the board be modified or set aside,
31 or if such court be on vacation or in recess, then to the supreme court
32 of any county adjoining the county wherein the unfair labor practice in
33 question occurred or wherein any such person resides or [tranacts] tran-
34 sacts business. A copy of such petition shall be forthwith served upon
35 the board, and thereupon the aggrieved party shall file in the court a
36 transcript of the entire record in the proceeding, certified by the
37 board, including the pleading and testimony and order of the board. Upon
38 such filing, the court shall proceed in the same manner as in the case
39 of an application by the board under subdivision one of this section,
40 and shall have the same exclusive jurisdiction to grant to the board
41 such temporary relief or restraining order as it deems just and proper,
42 and in like manner to make and enter a decree enforcing, modifying and
43 enforcing as so modified, or setting aside in whole or in part the order
44 of the board; and the findings of the board as to the facts shall in
45 like manner be conclusive.

46 § 6. Subdivision 1 of section 708 of the labor law, as added by chap-
47 ter 443 of the laws of 1937, is amended to read as follows:

48 1. The board, or its duly authorized agents or agencies, shall at all
49 reasonable times have access to, for the purposes of examination, and
50 the right to examine, copy or photograph any evidence, including
51 payrolls or lists of employees, of any person being investigated or in
52 proceeded against that relates to any matter under investigation or in
53 question. [Any member of the] The board shall have power to issue
54 subpoenas requiring the attendance and testimony of witnesses and the
55 production of any evidence that relates to any matter under investi-
56 gation or in question before the board, its member, agent, or agency,

1 conducting the hearing or investigation. Any member of the board, or any
2 agent or agency designated by the board for such purposes, may adminis-
3 ter oaths and affirmations, examine witnesses, and receive evidence.

4 § 7. Section 710 of the labor law, as added by chapter 443 of the laws
5 of 1937, is amended to read as follows:

6 § 710. Public records and proceedings. Subject to rules and regu-
7 lations to be made by the board consistent with article six of the
8 public officers law, the complaints, orders and testimony relating to a
9 proceeding instituted by the board under section seven hundred six of
10 this article may be made public records and be made available for
11 inspection or copying. All proceedings pursuant to section seven hundred
12 [and] six of this article shall be open to the public.

13 § 8. Section 717 of the labor law, as added by chapter 166 of the laws
14 of 1991, is amended to read as follows:

15 § 717. State mediation board [and], state labor relations board, and
16 state employment relations board abolished. The state mediation board
17 created by chapter five hundred sixty-nine of the laws of nineteen
18 hundred sixty-eight [and], the New York state labor relations board
19 created by chapter four hundred forty-three of the laws of nineteen
20 hundred thirty-seven, and the state employment relations board created
21 by chapter one hundred sixty-six of the laws of nineteen hundred nine-
22 ty-one are hereby abolished. All the functions, powers and duties of
23 such boards are hereby assigned to and shall hereafter be exercised and
24 performed by and through the board. Any controversy, proceeding or other
25 matter pending before the New York state board of mediation [or], the
26 state labor relations board or the state employment relations board at
27 the time this section takes effect, may be conducted and completed by
28 the board and for such purposes the board shall be deemed to be a
29 continuation of the functions, powers and duties of the New York state
30 board of mediation [or], the state labor relations board or the state
31 employment relations board, respectively, and not a new entity. Upon the
32 transfer of functions to the board pursuant to this section, all appro-
33 priations and reappropriations heretofore or hereafter made to the
34 department of labor relating to the state board of mediation or the
35 state labor relations board or segregated pursuant to law, to the extent
36 of remaining unexpended or unencumbered balances thereof, whether allo-
37 cated or unallocated and whether obligated or unobligated are hereby
38 made available for use and expenditure by the board for the same
39 purposes for which originally appropriated or reappropriated. Whenever
40 the state board of mediation or the state labor relations board or the
41 chairman of the state board of mediation or of the state labor relations
42 board or the state employment relations board is referred to or desig-
43 nated in any general, special or local law or in any rule, regulation,
44 contract or other document, such reference or designation shall be
45 deemed to refer to the board and the chairman thereof, respectively.

46 § 9. Subdivisions (a) and (b) of section 12 of the executive law, as
47 added by section 2 of part B of chapter 383 of the laws of 2001, are
48 amended to read as follows:

49 (a) Notwithstanding any other law, the state, through the governor,
50 may execute a tribal-state compact with the Seneca Nation of Indians
51 pursuant to the Indian Gaming Regulatory Act of 1988 (P.L. 100-497; 25
52 U.S.C. [§§] §§ 2701-2721 and 18 U.S.C. [§§] §§ 1166-1168) consistent with
53 a memorandum of understanding between the governor and the president of
54 the Seneca Nation of Indians executed on June twentieth, two thousand
55 one and filed with the department of state on June twenty-first, two
56 thousand one. Such tribal-state compact shall be deemed ratified by the

1 legislature upon the governor's certification to the temporary president
2 of the senate, the speaker of the assembly, and the secretary of state,
3 that such compact, through its terms, by a memorandum of understanding
4 or other agreement between the state and Nation, by a Nation's ordinance
5 or resolution, by statute, by executive order, or by the terms of any
6 other agreement entered into by or on behalf of the Nation, provides:
7 (i) assurances that the Nation will provide (1) reasonable access to the
8 gaming and related facilities to labor union organizers for purposes of
9 a campaign to solicit employee support for labor union representation;
10 (2) permission for labor union organizers to distribute labor union
11 authorization cards on site for the purpose of soliciting employee
12 support for labor union representation; and (3) recognition of labor
13 unions as the exclusive collective bargaining representatives of employ-
14 ees in appropriate bargaining units based upon a demonstration of major-
15 ity employee support of such labor unions by union authorization card
16 check as verified, if necessary, by an independent arbitrator appointed
17 by the [State] Public Employment Relations Board in consultation with
18 the Nation and the labor union; (ii) assurances that the Nation has an
19 adequate civil recovery system which guarantees fundamental due process
20 to visitors and guests of the facility and related facilities; and (iii)
21 assurances that the Nation will maintain during the term of the compact
22 sufficient liability insurance to assure that visitors and guests will
23 be compensated for their injuries.

24 (b) Notwithstanding any other law, the state, through the governor,
25 may execute tribal-state compacts pursuant to the Indian Gaming Regula-
26 tory Act of 1988 (P.L. 100-497; 25 U.S.C. [§§] §§ 2701-2721 and 18 U.S.C.
27 [§§] §§ 1166-1168) authorizing up to three Class III gaming facilities in
28 the counties of Sullivan and Ulster. Such tribal-state compact shall be
29 deemed ratified by the legislature upon the governor's certification to
30 the temporary president of the senate, the speaker of the assembly and
31 the secretary of state, that such compact, through its terms, by a memo-
32 randum of understanding or other agreement between the state and Nation,
33 by a Nation's ordinance or resolution, by statute, by executive order,
34 or by the terms of any other agreement entered into by or on behalf of
35 the Nation, provides: (i) assurances that the Nation will provide (1)
36 reasonable access to the gaming and related facilities to labor union
37 organizers for purposes of a campaign to solicit employee support for
38 labor union representation; (2) permission for labor union organizers to
39 distribute labor union authorization cards on site for the purpose of
40 soliciting employee support for labor union representation; (3)
41 provision of employees' names and addresses to labor union represen-
42 tatives and tribal/employer/management neutrality in labor union organ-
43 izing campaigns; (4) recognition of labor unions as the exclusive
44 collective bargaining representatives of employees in appropriate
45 bargaining units based upon a demonstration of majority employee support
46 of such labor unions by union authorization card check as verified, if
47 necessary, by an independent arbitrator appointed by the [State] Public
48 Employment Relations Board in consultation with the Nation and the labor
49 union; and (5) final and binding arbitration of organized labor matters
50 or disputes including negotiations for collective bargaining agreements
51 with arbitrators' awards enforceable in a state or federal court of
52 competent jurisdiction; (ii) assurances that the Nation has an adequate
53 civil recovery system which guarantees fundamental due process to visi-
54 tors and guests of the facility and related facilities; and (iii) assur-
55 ances that the Nation will maintain during the term of the compact



1 sufficient liability insurance to assure that visitors and guests will
2 be compensated for their injuries.

3 § 10. Paragraphs (e) and (f) of subdivision 1 of section 169 of the
4 executive law, paragraph (e) as amended by chapter 437 of the laws of
5 1995 and paragraph (f) as amended by chapter 83 of the laws of 1995, are
6 amended to read as follows:

7 (e) chairman of state athletic commission, chairman and executive
8 director of consumer protection board, member-chairman of crime victims
9 board, chairman of human rights appeal board, chairman of the industrial
10 board of appeals, [chairman of the employment relations board,] chairman
11 of the state commission of correction, members of the board of parole,
12 members of the state racing and wagering board, member-chairman of unem-
13 ployment insurance appeal board, director of veterans' affairs, and
14 vice-chairman of the workers' compensation board;

15 (f) executive director of adirondack park agency, commissioners of the
16 state liquor authority, commissioners of the state civil service commis-
17 sion, members of state commission of correction, [members of the employ-
18 ment relations board,] members of crime victims board, members of unem-
19 ployment insurance appeal board, and members of the workers'
20 compensation board.

21 § 11. This act shall not revoke or rescind any regulations or opinions
22 issued by the state employment relations board in effect upon the effec-
23 tive date of this act, to the extent that such regulations or opinions
24 are not inconsistent with any law of the state of New York. The public
25 employment relations board shall undertake a comprehensive review of all
26 such regulations and opinions, which will address the consistency of
27 such regulations and opinions among each other and will propose any
28 regulatory changes necessitated by such review.

29 § 12. This act shall take effect on the thirtieth day after it shall
30 have become a law; provided, however, that effective immediately, the
31 chair of the public employment relations board and the chair of the
32 state employment relations board are hereby authorized to take such
33 actions as are necessary and proper to prepare for an orderly transition
34 of the functions, powers and duties as herein provided.

35

PART W

36 Section 1. The executive law is amended by adding a new article 4-B to
37 read as follows:

ARTICLE 4-B

OFFICE FOR PROCUREMENT SERVICES

40 Section 57. Office for procurement services; chief procurement officer,
41 organization and employees.

42 57-a. Functions, powers and duties of the office for procurement
43 services.

44 57-b. Transfer of employees.

45 § 57. Office for procurement services; chief procurement officer,
46 organization and employees.

47 1. The office for procurement services is hereby created within the
48 executive department to have and exercise the functions, powers and
49 duties provided by the provisions of this article and any other
50 provisions of law.

51 2. The head of the office for procurement services shall be the chief
52 procurement officer, who shall serve as the chief procurement officer
53 for the state of New York and shall be designated management confiden-
54 tial in the noncompetitive class in accordance with the civil service

1 law. The chief procurement officer shall be the chief executive officer
2 of and in sole charge of the administration of the office for procure-
3 ment services. The chief procurement officer shall be entitled to
4 receive reimbursement for expenses actually and necessarily incurred by
5 him or her in the performance of his or her duties.

6 3. The chief procurement officer may, from time to time, create, abol-
7 ish, transfer and consolidate bureaus and other units within the office
8 for procurement services not expressly established by law as he or she
9 may determine necessary for the efficient operation of the office for
10 procurement services, subject to the approval of the director of the
11 budget.

12 4. The chief procurement officer may appoint, in accordance with the
13 civil service law, such deputies, assistants, and other officers and
14 employees, committees and consultants as he or she may deem necessary,
15 prescribe their powers and duties, fix their compensation, and provide
16 for reimbursement of their expenses within the amounts appropriated
17 therefor.

18 5. The chief procurement officer may request and receive from any
19 department, division, board, bureau, commission or other agency of the
20 state or any political subdivision thereof or any public authority,
21 staff and other assistance, information, and resources as will enable
22 the office for procurement services to properly carry out its functions,
23 powers and duties.

24 § 57-a. Functions, powers and duties of the office for procurement
25 services. The office for procurement services shall have the following
26 functions, powers and duties:

27 1. To act as the official procurement office for the state of New
28 York;

29 2. To ensure that the state is undertaking purchasing consistent with
30 best practices;

31 3. To leverage the purchasing volume of the state and its local
32 governments to obtain the best prices and value for goods and services;

33 4. To assist in standardizing the state's purchasing process to ensure
34 it is both efficient and effective;

35 5. To maximize the use of information technology to reduce procurement
36 processing time and to implement new approaches to procurement;

37 6. To set policies regarding the diversity of the vendor pool and
38 state preferred sourcing goals;

39 7. To coordinate or conduct evaluations of procurement activities in
40 state agencies and recommend changes and improvements;

41 8. To adopt, amend, or rescind rules and regulations necessary or
42 convenient to the performance of the functions, powers and duties of the
43 office for procurement services pursuant to the state administrative
44 procedure act; and

45 9. To perform such acts, directly or by other means, as are necessary
46 or convenient to carry out the office's functions, powers and duties.

47 § 57-b. Transfer of employees. Upon the transfer of employees from the
48 office of general services to the office for procurement services
49 provision shall be made for the transfer of necessary officers and
50 employees from the office of general services to the office for procure-
51 ment services who are substantially engaged in the performance of the
52 procurement functions to be transferred, and any documents and records
53 necessary and related to the transfer of such functions. The commission-
54 er of general services and the chief procurement officer shall confer to
55 determine the officers and employees who are substantially engaged in
56 the procurement functions to be transferred. In accordance with subdivi-

1 sion two of section seventy of the civil service law, officers and
2 employees so transferred shall be transferred without further examina-
3 tion or qualification to the same or similar titles and shall remain in
4 the same collective bargaining unit and shall retain their respective
5 civil service classification, status, and rights pursuant to their
6 collective bargaining unit and collective bargaining agreement. All
7 office for procurement services employees shall be co-located to the
8 greatest extent practicable. The chief procurement officer shall have
9 sole responsibility for establishing methods of administration for the
10 office for procurement services.

11 § 2. Subdivision 1 of section 160 of the state finance law, as added
12 by chapter 83 of the laws of 1995, is amended and a new subdivision 2-a
13 is added to read as follows:

14 1. "Centralized contract" means any contract for the purchase of
15 commodities or services, established or approved by the [commissioner of
16 general services] chief procurement officer as meeting the state's
17 requirements including, but not limited to, any contract let by the
18 federal government, other state or local governments or purchasing
19 consortia.

20 2-a. "Chief procurement officer" means the head of the office for
21 procurement services.

22 § 3. Section 161 of the state finance law, as added by chapter 83 of
23 the laws of 1995, paragraph b of subdivision 1 as amended by chapter 430
24 of the laws of 1997 and paragraph m of subdivision 2 as added by chapter
25 95 of the laws of 2000, is amended to read as follows:

26 § 161. State procurement council. 1. a. The state procurement council
27 shall continuously strive to improve the state's procurement process.
28 Such council shall consist of nineteen members, including the [commis-
29 sioner] chief procurement officer, the state comptroller, the director
30 of the budget and the commissioner of economic development, or their
31 respective designees; seven members who shall be the heads of other
32 large and small state agencies chosen by the governor, or their respec-
33 tive designees; and eight at large members appointed as follows: three
34 appointed by the temporary president of the senate, one of whom shall be
35 a representative of local government and one of whom shall be a repre-
36 sentative of private business; three appointed by the speaker of the
37 assembly, one of whom shall be a representative of local government and
38 one of whom shall be a representative of private business; one appointed
39 by the minority leader of the senate; and, one appointed by the minority
40 leader of the assembly; and two non-voting observers appointed as
41 follows: one appointed by the temporary president of the senate and one
42 appointed by the speaker of the assembly. The non-voting observers shall
43 be provided, contemporaneously, all documentation and materials distrib-
44 uted to members. The council shall be chaired by the [commissioner]
45 chief procurement officer and shall meet at least quarterly.

46 b. The at large members shall each serve a term of three years;
47 provided, however, that for their initial appointments, the temporary
48 president of the senate and the speaker of the assembly shall each
49 designate one member to serve a term of one year, one member to serve a
50 term of two years and one member to serve a term of three years. Any
51 vacancy among the at large members shall be filled by appointment pursu-
52 ant to paragraph a of this subdivision for the unexpired balance of the
53 term. The non-voting observers shall each serve a term of three years.
54 All the initial appointments made pursuant to this section shall be
55 deemed to have been made and to have been effective for all purposes on
56 the fourth day of June, nineteen hundred ninety-six.

1 c. The members of the council shall serve without compensation, except
2 that each of them shall be allowed the necessary and actual expenses
3 incurred in the performance of any of their duties hereunder.

4 d. The council may conduct any business authorized herein when a
5 quorum of the members are represented in session.

6 2. The council shall:

7 a. Evaluate and make recommendations to the [commissioner] chief
8 procurement officer for the development of specifications for commod-
9 ities and services to be acquired by or for state agencies through
10 centralized contracts, including, but not limited to, evaluations and
11 recommendations on minimum purchase quantities and standards for quali-
12 ty, function and utility;

13 b. Establish and maintain guidelines which, in the manner provided by
14 this article, enable state agencies to acquire products directly from
15 vendors or suppliers other than those participating in a centralized
16 contract when such products are not required by this article to be
17 acquired from a preferred source and when such products are available in
18 substantially similar function, form or utility and at prices or other
19 terms more economically beneficial for the purposes of the acquiring
20 state agency;

21 c. Identify to the [commissioner] chief procurement officer any defi-
22 ciencies in products or services made available to state agencies
23 through centralized contracts, including, at the discretion of the coun-
24 cil, matters relating to specifications developed and employed for
25 procurement of products or services through centralized contracts;

26 d. Establish and, from time to time, amend guidelines concerning state
27 procurement and provide for the appropriate distribution and dissem-
28 ination of such guidelines and other information concerning all matters
29 relating to procurement of products, construction items or services for
30 state agencies;

31 e. Recommend to the [commissioner] chief procurement officer necessary
32 legislative changes or modifications to existing or proposed rules,
33 regulations and procedures which would simplify, accelerate or otherwise
34 improve the state's procurement process and make specific recommenda-
35 tions to the commissioner by September thirtieth, nineteen hundred nine-
36 ty-five for the improvement of the New York state printing and public
37 documents law;

38 f. Act as a clearinghouse for the purpose of identification of poten-
39 tial cost reductions and other efficiencies through the combination of
40 similar procurement requirements of state agencies;

41 g. Consult with and advise the [commissioner] chief procurement offi-
42 cer on strategic technology investments that will facilitate electronic
43 access to the terms and conditions of existing procurement contracts,
44 promote electronic commerce including, but not limited to, payment to
45 vendors, promote and enhance the efficiency of the procurement of
46 products and services by or for state agencies and produce useful infor-
47 mation that supports state procurement operations, management, analysis
48 and decision making including, but not limited to, data concerning the
49 status and use of procurement contracts and the number and type of
50 contracts and award recipients;

51 h. Establish and, from time to time, amend guidelines for purchases of
52 commodities, by the [commissioner] chief procurement officer or state
53 agencies. Such guidelines shall ensure the wise and prudent use of
54 public money in the best interest of the taxpayers of the state; and
55 guard against favoritism, improvidence, extravagance, fraud and
56 corruption;

1 i. Establish and, from time to time, amend guidelines for the procure-
2 ment of services and technology in accordance with the provisions of
3 this article. Such guidelines shall ensure the wise and prudent use of
4 public money in the best interest of the taxpayers of the state; guard
5 against favoritism, improvidence, extravagance, fraud and corruption;
6 and ensure that service contracts are awarded on the basis of best
7 value, including, but not limited to, the following criteria: quality,
8 cost, and efficiency;

9 j. Consult with and advise the [commissioner] chief procurement offi-
10 cer on new opportunities to acquire commodities and services including,
11 but not limited to, regional or statewide equipment or facility mainte-
12 nance services, professional services, coordination and cooperation with
13 other centralized purchasing entities, and coordination of reuse of
14 surplus property;

15 k. Report by December thirty-first, nineteen hundred ninety-five and
16 thereafter biennially to the governor, the legislature and the director
17 of the budget, the significant findings of the council including, but
18 not limited to, substantial savings generated by council initiatives and
19 the recommendations of the council concerning the state's procurement
20 practices; and

21 l. Undertake other related activities as are necessary to effectuate
22 this article including the development of a strategic plan for the
23 improvement of state procurement.

24 m. Establish and, from time to time, amend guidelines with respect to
25 publishing by state agencies of quarterly listings of projected procure-
26 ments having a value greater than five thousand dollars but less than
27 fifteen thousand dollars in the procurement opportunities newsletter
28 established by article four-C of the economic development law.

29 3. The [commissioner] chief procurement officer may, when he or she
30 deems it necessary to implement the provisions and intent of this arti-
31 cle, adopt recommendations made by the council and may, at the request
32 of the state procurement council, promulgate rules and regulations
33 pursuant to the state administrative procedure act to give effect to
34 such recommendations. When the [commissioner] chief procurement officer
35 adopts recommendations made by the council but does not promulgate rules
36 and regulations implementing such recommendations, the [commissioner]
37 chief procurement officer shall publish said recommendations or a summa-
38 ry thereof in the state register. If the [commissioner] chief procure-
39 ment officer modifies or rejects any recommended rule or regulation, he
40 or she shall notify the council providing a written explanation thereof.

41 4. The [commissioner] chief procurement officer shall report to the
42 governor, the legislature and the director of the budget by December
43 thirty-first, nineteen hundred ninety-five and thereafter annually on
44 any modifications to or rejections of the rules and regulations proposed
45 by the council.

46 5. Nothing in this section shall be deemed to alter, supersede, modify
47 or amend any provision of this article which establishes preferential
48 status for any producer or supplier of commodities or services.

49 § 3-a. Subdivision 3, subparagraph (i) of paragraph b of subdivision
50 4, paragraphs c and f of subdivision 6 and paragraph b of subdivision 8
51 of section 162 of the state finance law, as added by chapter 83 of the
52 laws of 1995, are amended to read as follows:

53 3. Public list of services and commodities provided by preferred
54 sources.

55 a. By December thirty-first, nineteen hundred ninety-five, the
56 [commissioner] chief procurement officer, in consultation with the

1 commissioners of correctional services, social services, mental health
2 and education, shall prepare a list of all commodities and services that
3 are available and are being provided as of said date, for purchase by
4 state agencies, public benefit corporations or political subdivisions
5 from those entities accorded preference or priority status under this
6 section. Such list may include references to catalogs and other descrip-
7 tive literature which are available directly from any provider accorded
8 preferred status under this section. The [commissioner] chief procure-
9 ment officer shall make this list available to prospective vendors,
10 state agencies, public benefit corporations, political subdivisions and
11 other interested parties. Thereafter, new or substantially different
12 commodities or services may only be made available by preferred sources
13 for purchase by more than one state agency, public benefit corporation
14 or political subdivision after addition to said list.

15 b. After January first, nineteen hundred ninety-six, upon the applica-
16 tion of the commissioner of correctional services, the commissioner of
17 social services, the commissioner of mental health or the commissioner
18 of education, or a non-profit-making facilitating agency designated by
19 one of the said commissioners pursuant to paragraph e of subdivision six
20 of this section, the state procurement council may recommend that the
21 [commissioner] chief procurement officer: (i) add commodities or
22 services to, or (ii) in order to insure that such list reflects current
23 production and/or availability of commodities and services, delete at
24 the request of a preferred source, commodities or services from, the
25 list established by paragraph a of this subdivision. The council may
26 make a non-binding recommendation to the relevant preferred source to
27 delete a commodity or service from such list. Additions may be made only
28 for new services or commodities, or for services or commodities that are
29 substantially different from those reflected on said list for that
30 provider. The decision to recommend the addition of services or commod-
31 ities shall be based upon a review of relevant factors as determined by
32 the council including costs and benefits to be derived from such addi-
33 tion and shall include an analysis by the office [of general] for
34 procurement services conducted pursuant to subdivision six of this
35 section. Unless the state procurement council shall make a recommenda-
36 tion to the [commissioner] chief procurement officer on any such appli-
37 cation within one hundred twenty days of receipt thereof, such applica-
38 tion shall be deemed recommended. In the event that the state
39 procurement council shall deny any such application, the commissioner or
40 non-profit-making agency which submitted such application may, within
41 thirty days of such denial, appeal such denial to the [commissioner of
42 general services] chief procurement officer who shall review all materi-
43 als submitted to the state procurement council with respect to such
44 application and who may request such further information or material as
45 is deemed necessary. Within sixty days of receipt of all information or
46 materials deemed necessary, the [commissioner] chief procurement officer
47 shall render a written final decision on the application which shall be
48 binding upon the applicant and upon the state procurement council.

49 c. The list maintained by the office [of general] for procurement
50 services pursuant to paragraph a of this subdivision shall be revised as
51 necessary to reflect the additions and deletions of commodities and
52 services approved by the state procurement council.

53 (i) state agencies or political subdivisions or public benefit corpo-
54 rations having their own purchasing agency shall make reasonable efforts
55 to provide a notification describing their requirements to those
56 preferred sources, or to the facilitating entity identified in paragraph



1 e of subdivision six of this section, which provide the required
2 services as indicated on the official public list maintained by the
3 office [of general] for procurement services pursuant to subdivision
4 three of this section;

5 c. Such qualified charitable non-profit-making agencies for the blind
6 and other severely disabled may make purchases of materials, equipment
7 or supplies, except printed material, from centralized contracts for
8 commodities in accordance with the conditions set by the office [of
9 general] for procurement services; provided that the qualified charita-
10 ble non-profit-making agency for the blind or other severely disabled
11 shall accept sole responsibility for any payment due the vendor.

12 f. The [commissioner] chief procurement officer may request the state
13 comptroller to conduct audits and examinations to be made of all
14 records, books and data of any agency for the blind or the other severe-
15 ly disabled, any special employment program for mentally ill persons or
16 any veterans' workshops qualified under this section to determine the
17 costs of manufacture or the rendering of services and the manner and
18 efficiency of production and administration of such agency or special
19 employment program or veterans' workshop with relation to any product or
20 services purchased by a state agency or political subdivision or public
21 benefit corporation and to furnish the results of such audit and exam-
22 ination to the [commissioner] chief procurement officer for such action
23 as he or she may deem appropriate under this section.

24 b. The council shall report to the governor, legislative fiscal
25 committees and the director of the budget by December thirty-first,
26 nineteen hundred ninety-five and thereafter annually, a separate list
27 concerning the denial of any application made pursuant to paragraph
28 [(b)] b of subdivision three of this section, the reasons for such
29 denial, whether such denial was appealed to the [commissioner] chief
30 procurement officer, and the final decision by the [commissioner] chief
31 procurement officer on such application.

32 § 4. Section 163 of the state finance law, as added by chapter 83 of
33 the laws of 1995, paragraphs c and h of subdivision 1, paragraph c of
34 subdivision 9 and paragraphs b and e of subdivision 10 as amended,
35 subparagraphs (viii), (ix), (x) and (xi) of paragraph b of subdivision
36 3, subparagraph (ii) of paragraph b of subdivision 4, subdivision 6-b
37 and paragraph (vi) of subdivision 14 as added, subparagraph (i) of para-
38 graph b of subdivision 4 as designated, subdivision 7 as separately
39 amended by sections 12 and 20 and paragraph (vii) of subdivision 14 as
40 renumbered by chapter 137 of the laws of 2008, subparagraph (iv) of
41 paragraph a of subdivision 3 as amended by chapter 430 of the laws of
42 1997, subparagraph (vii) of paragraph b of subdivision 3 as added by
43 chapter 584 of the laws of 2005, subparagraph (iii) of paragraph b of
44 subdivision 3, paragraph e of subdivision 4, subdivision 8, paragraphs e
45 and g of subdivision 9, paragraph c of subdivision 10 and subdivision 14
46 as amended and subparagraphs (v) and (vi) of paragraph b of subdivision
47 3 as added by chapter 95 of the laws of 2000, paragraph g of subdivision
48 4 and paragraphs (v) and (vii) of subdivision 14 as added by chapter 10
49 of the laws of 2006, subdivision 6 as amended by section 3 and subdivi-
50 sion 6-a as added by section 4 of part D of chapter 56 of the laws of
51 2006 and paragraph f of subdivision 9 as amended by chapter 1 of the
52 laws of 2005, is amended to read as follows:

53 § 163. Purchasing services and commodities. 1. Definitions. For the
54 purposes of this section, the following terms shall have the following
55 meanings unless otherwise specified:

1 a. "Consortium" means like entities which agree to collectively
2 purchase commodities at a lower price than would be otherwise achievable
3 through purchase by such entities pursuant to other provisions of this
4 article.

5 b. "Emergency" means an urgent and unexpected requirement where health
6 and public safety or the conservation of public resources is at risk.

7 c. "Responsible" or "responsibility" means the financial ability,
8 legal capacity, integrity, and past performance of a business entity and
9 as such terms have been interpreted relative to public procurements.

10 d. "Responsive" means a bidder or other offerer meeting the minimum
11 specifications or requirements as prescribed in a solicitation for
12 commodities or services by a state agency.

13 e. "Specification" or "requirement" means any description of the phys-
14 ical or functional characteristics or the nature of a commodity or
15 construction item, any description of the work to be performed, the
16 service or products to be provided, the necessary qualifications of the
17 offerer, the capacity and capability of the offerer to successfully carry
18 out the proposed contract, or the process for achieving specific results
19 and/or anticipated outcomes or any other requirement necessary to
20 perform the work. It may include a description of any obligatory test-
21 ing, inspection or preparation for delivery and use, and may include
22 federally required provisions and conditions where the eligibility for
23 federal funds is conditioned upon the inclusion of such federally
24 required provisions and conditions. Specifications shall be designed to
25 enhance competition, ensuring the commodities or services of any offerer
26 are not given preference except where required by this article.

27 f. "Procurement record" means documentation of the decisions made and
28 the approach taken in the procurement process.

29 g. "Sole source" means a procurement in which only one offerer is
30 capable of supplying the required commodities or services.

31 h. "Single source" means a procurement in which although two or more
32 offerers can supply the required commodities or services, the [commis-
33 sioner] chief procurement officer or state agency, upon written findings
34 setting forth the material and substantial reasons therefor, may award a
35 contract or non-technical amendment to a contract to one offerer over
36 the other. The [commissioner] chief procurement officer or state agency
37 shall document in the procurement record the circumstances leading to
38 the selection of the vendor, including the alternatives considered, the
39 rationale for selecting the specific vendor and the basis upon which it
40 determined the cost was reasonable.

41 i. "Lowest price" means the basis for awarding contracts for commod-
42 ities among responsive and responsible offerers.

43 j. "Best value" means the basis for awarding contracts for services to
44 the offerer which optimizes quality, cost and efficiency, among respon-
45 sive and responsible offerers. Such basis shall reflect, wherever possi-
46 ble, objective and quantifiable analysis.

47 2. Operating principles. The objective of state procurement is to
48 facilitate each state agency's mission while protecting the interests of
49 the state and its taxpayers and promoting fairness in contracting with
50 the business community. The state's procurement process shall be guided
51 by the following principles:

52 a. To promote purchasing from responsive and responsible offerers,
53 including small businesses.

54 b. To be based on clearly articulated procedures which require a clear
55 statement of product specifications, requirements or work to be
56 performed; a documentable process for soliciting bids, proposals or

1 other offers; a balanced and fair method, established in advance of the
2 receipt of offers, for evaluating offers and awarding contracts;
3 contract terms and conditions that protect the state's interests and
4 promote fairness in contracting with the business community; and a regu-
5 lar monitoring of vendor performance.

6 c. To encourage the investment of the private and not-for-profit
7 sectors in New York state by making reasonable efforts to ensure that
8 offerers are apprised of procurement opportunities; by specifying the
9 elements of a responsive bid and disclosing the process for awarding
10 contracts including, if applicable, the relative importance and/or
11 weight of cost and the overall technical criterion for evaluating
12 offers; and by ensuring the procurement is conducted accordingly.

13 d. To ensure that contracts are awarded consistent with the best
14 interests of the state.

15 e. To ensure that officers and employees of state entities do not
16 benefit financially or otherwise from the award of state contracts.

17 f. To ensure regular and critical review of the efficiency, integrity
18 and effectiveness of the overall process.

19 3. General provisions for purchasing commodities.

20 a. State agency procurement practices for commodities shall incorpo-
21 rate the following:

22 (i) The purchase of commodities by state agencies including the office
23 [of general] for procurement services shall be conducted in a manner
24 which accords first priority to preferred sources in accordance with the
25 provisions of this article, second priority to centralized contracts,
26 third priority to agency or multi-agency established contracts and
27 fourth priority to other means of contracting.

28 (ii) Commodities contracts shall be awarded on the basis of lowest
29 price to a responsive and responsible offerer; or, in the case of multi-
30 ple awards, in accordance with paragraph c of subdivision ten of this
31 section.

32 (iii) The [commissioner] chief procurement officer shall be responsi-
33 ble for the standardization and centralized purchase of commodities
34 required by state agencies in a manner which maximizes the purchasing
35 value of public funds.

36 (iv) The [commissioner] chief procurement officer is authorized to
37 permit any officer, body or agency of the state or of a political subdi-
38 vision or a district therein, or fire company or volunteer ambulance
39 service as such are defined in section one hundred of the general munic-
40 ipal law, to make purchases of commodities through the office [of gener-
41 al] for procurement services' centralized contracts, pursuant to the
42 provisions of section one hundred four of the general municipal law. The
43 [commissioner] chief procurement officer is authorized to permit any
44 county extension service association as authorized under subdivision
45 eight of section two hundred twenty-four of the county law, or any asso-
46 ciation or other entity as specified in and in accordance with section
47 one hundred nine-a of the general municipal law, or any other associ-
48 ation or entity as specified in state law, to make purchases of commod-
49 ities through the office [of general] for procurement services' central-
50 ized contracts; provided, however, that such entity so empowered shall
51 accept sole responsibility for any payment due with respect to such
52 purchase.

53 (v) Consistent with guidelines issued by the state procurement coun-
54 cil, state agencies may competitively purchase commodities procured in
55 accordance with this article in lieu of using centralized contracts when
56 the resultant price is less than the centralized contract price.

1 (vi) When justified by price, state agencies, and hospitals and facil-
2 ities managed and controlled by state agencies eligible pursuant to
3 section twenty-eight hundred three-a of the public health law, shall be
4 eligible to make purchases pursuant to guidelines issued by the state
5 procurement council from a consortium or comparable entity in lieu of
6 using centralized contracts for commodities.

7 (vii) The [commissioner] chief procurement officer is authorized to
8 enter into contracts pursuant to the provisions of section twenty-eight
9 hundred three-a of the public health law.

10 (viii) The [commissioner] chief procurement officer may permit and
11 prescribe the conditions for, (A) any association, consortium or group
12 of privately owned or municipal, federal or state owned or operated
13 hospitals, medical schools, other health related facilities or voluntary
14 ambulance services, which have entered into a contract and made mutual
15 arrangements for the joint purchase of commodities pursuant to section
16 twenty-eight hundred three-a of the public health law; (B) any institu-
17 tion for the instruction of the deaf or of the blind listed in section
18 forty-two hundred one of the education law; (C) any qualified non-pro-
19 fit-making agency for the blind approved by the commissioner of social
20 services; (D) any qualified charitable non-profit-making agency for the
21 severely disabled approved by the commissioner of education; (E) any
22 hospital or residential health care facility as defined in section twen-
23 ty-eight hundred one of the public health law; (F) any private not-for-
24 profit mental hygiene facility as defined in section 1.03 of the mental
25 hygiene law; and (G) any public authority or public benefit corporation
26 of the state, including the port authority of New York and New Jersey
27 and the interstate environmental commission, to make purchases using
28 centralized contracts for commodities. Such qualified non-profit-making
29 agencies for the blind and severely disabled may make purchases from the
30 department of correctional services' correctional industries program
31 subject to rules pursuant to the correction law.

32 b. The [commissioner] chief procurement officer shall:

33 (i) determine, in cooperation with the state procurement council and
34 state agencies, the identity, form, function and utility of those
35 commodities which shall be made available on or through centralized
36 contracts. Criteria may include, but need not be limited to, the avail-
37 ability of a volume discount, prior use of the commodity among state
38 agencies and the relative cost of establishing the contract, its antic-
39 ipated use and expected actual savings for the state. The [commissioner]
40 chief procurement officer may also act as a broker for state agencies to
41 procure commodities.

42 (ii) determine the number and scope of centralized contracts for
43 commodities to be let during any period, including the letting of multi-
44 ple contracts to ensure the sufficient variety and uninterrupted avail-
45 ability of commodities for state agency use.

46 (iii) maintain lists of firms which produce or manufacture or offer
47 for sale commodities in the form, function and utility required by state
48 agencies. The [commissioner] chief procurement officer shall ensure such
49 lists are updated regularly. With the assistance of the department of
50 economic development and other state agencies, beginning on July first,
51 two thousand one, ensure the availability to all authorized purchasers
52 of a centralized list which identifies commodities offered by New York
53 state's small businesses and a centralized list which identifies commod-
54 ities and services offered by businesses certified pursuant to article
55 fifteen-A of the executive law. Such lists shall be updated semiannually
56 and designed to enable effective identification of New York state's



1 small businesses and businesses certified pursuant to article fifteen-A
2 of the executive law.

3 (iv) ensure the specification of commodities for centralized contracts
4 reflect the form, function and utility required by state agencies and
5 conform, wherever possible, to industry standards. Where necessary, the
6 [commissioner] chief procurement officer may develop specifications for
7 commodities. When not otherwise forthcoming from a particular firm or
8 industry, the [commissioner] chief procurement officer may request
9 information from businesses for the purpose of establishing or improving
10 a specification. The office [of general] for procurement services may
11 assist agencies in developing specifications for agency-procured commod-
12 ity contracts when industry standards are not available or appropriate.
13 In all cases, specifications shall be consistent with the requirements
14 of state agencies.

15 (v) With the assistance of the department of economic development and
16 other state agencies, provide a training program once per year, in each
17 economic development region, as established in article eleven of the
18 economic development law, beginning January first, two thousand one, for
19 those businesses certified pursuant to article fifteen-A of the execu-
20 tive law and those interested in becoming certified. Such training
21 program shall provide assistance with respect to participation as a
22 vendor in the procurement process, as established in this article.

23 (vi) With the assistance of the department of economic development and
24 other state agencies, provide training once per year for staff of each
25 state agency's minority and women business development office, or if an
26 agency does not have such an office, then an agency's representative.
27 Such training program shall consist of a meeting with such agencies'
28 representatives to inform each agency of how to encourage procurement of
29 commodities and services from businesses certified pursuant to article
30 fifteen-A of the executive law.

31 (vii) maintain a list of contractors which produce or manufacture or
32 offer for sale environmentally-sensitive cleaning and maintenance
33 products in the form, function and utility generally used by elementary
34 and secondary schools in accordance with specifications or guidelines
35 promulgated pursuant to section four hundred nine-i of the education
36 law.

37 (viii) review and consider prior to issuance of bid solicitations the
38 term of the proposed contract based on factors, including, but not
39 limited to; (A) the nature of the commodity, (B) the complexity of the
40 procurement, (C) the identity and type of purchasers, (D) the suitabil-
41 ity of the contract for adding additional contractors during the term,
42 and (E) the estimated contract value. This determination shall be docu-
43 mented in the procurement record.

44 (ix) reasonably consider aggregate amount of public sales by potential
45 vendors.

46 (x) review and consider the feasibility of creating regional contracts
47 for commodities being procured by the state.

48 (xi) maintain a procurement record for each centralized contract
49 procurement identifying, with supporting documentation, decisions made
50 by the [commissioner] chief procurement officer during the procurement
51 process. The procurement record shall include, but not be limited to,
52 each contract amendment, and the justification for each.

53 c. When commodities are not available in the form, function and utili-
54 ty required by state agencies through preferred sources or centralized
55 contracts, a state agency may, independently or in conjunction with
56 other state agencies, procure commodities in accordance with the

1 provisions of this section. State agencies may maintain listings of
2 firms, including those certified pursuant to article fifteen-A of the
3 executive law, or may use the office [of general] for procurement
4 services' listing of firms and may request assistance from the office
5 [of general] for procurement services. It shall be the responsibility of
6 state agencies to periodically advise the office [of general] for
7 procurement services of those agency-procured commodities which, due to
8 the frequency of purchase or related factors, should be made available
9 through centralized contracts.

10 d. The [commissioner] chief procurement officer may make, or cause to
11 be made by a duly authorized representative, any investigation which he
12 or she may deem proper for acquiring the necessary information from a
13 state agency for the exercise of his or her powers and duties under this
14 subdivision. For such purposes the [commissioner] chief procurement
15 officer may subpoena and compel the attendance of witnesses before him
16 or her, or an authorized representative, and may compel the production
17 of books, papers, records or documents. The commissioner or a duly
18 authorized representative may take and hear proofs and testimony and,
19 for that purpose, the [commissioner] chief procurement officer or the
20 duly authorized representative may administer oaths. In addition, the
21 [commissioner] chief procurement officer or the duly authorized repre-
22 sentative:

23 (i) Shall have access at all reasonable times to offices of state
24 agencies;

25 (ii) May examine all books, papers, records and documents in any such
26 state agency as pertain directly to the purchase, control or distrib-
27 ution of commodities; and

28 (iii) May require any state agency to furnish such data, information
29 or statement as may be necessary.

30 4. General provisions for purchasing services. State agency procure-
31 ment practices for services shall incorporate the following:

32 a. The purchase of services by state agencies including the office [of
33 general] for procurement services shall be conducted in a manner which
34 accords first priority to preferred sources in accordance with the
35 provisions of this article when the services required are available in
36 the form, function and utility required by state agencies through a
37 preferred source.

38 b. (i) Centralized contracts for services may be procured by the
39 office [of general] for procurement services at the request of state
40 agencies and state agencies may when such centralized contracts are in
41 the form, function or utility required by said agency, purchase from
42 established centralized contracts. The state procurement council may,
43 from time to time, require that state agencies procure services from
44 certain centralized contracts.

45 (ii) The [commissioner] chief procurement officer shall:

46 (A) review and consider prior to issuance of bid solicitations the
47 term of the proposed contract based on factors, including, but not
48 limited to, (a) the nature of the service, (b) the complexity of the
49 procurement, (c) the identity and type of purchasers, (d) the suitabil-
50 ity of the contract for adding additional contractors during the term,
51 and (e) the estimated contract value. This determination shall be docu-
52 mented in the procurement record.

53 (B) reasonably consider the aggregate amount of public sales by poten-
54 tial vendors.

55 (C) review and consider the feasibility of creating regional contracts
56 for services being procured by the state.

1 (D) maintain a procurement record for each centralized contract
2 procurement identifying with supporting documentation, decisions made by
3 the [commissioner] chief procurement officer during the procurement
4 process. The procurement records shall include, but not be limited to,
5 each contract amendment, and the justification for each.

6 c. When services are not available from preferred sources consistent
7 with the provisions of this article in the form, function or utility
8 required by state agencies, state agencies may procure services inde-
9 pendently or in conjunction with other state agencies in accordance with
10 the provisions of this section.

11 d. Service contracts shall be awarded on the basis of best value to a
12 responsive and responsible offerer; or, in the case of multiple awards,
13 in accordance with paragraph c of subdivision ten of this section.

14 e. Any officer, body or agency of a political subdivision as defined
15 in section one hundred of the general municipal law or a district there-
16 in, may make purchases of services through the office [of general] for
17 procurement services' centralized contracts for services, subject to the
18 provisions of section one hundred four of the general municipal law. The
19 [commissioner] chief procurement officer may permit and prescribe the
20 conditions for the purchase of services through the office [of general]
21 for procurement services' centralized contracts for services by any
22 public authority or public benefit corporation of the state including
23 the port authority of New York and New Jersey. The [commissioner] chief
24 procurement officer is authorized to permit any public library, associ-
25 ation library, library system, cooperative library system, the New York
26 Library Association, and the New York State Association of Library
27 Boards or any other library except those which are operated by for
28 profit entities, to make purchases of services through the office [of
29 general] for procurement services' centralized contracts; provided,
30 however, that such entity so empowered shall accept sole responsibility
31 for any payment due with respect to such purchase.

32 f. (i) The state procurement council may issue guidelines for the
33 development of strategic partnering between the state and non-state
34 entities for the enhancement of the business interests of the state.
35 Strategic partnerships may be developed during the course of a long-term
36 contractual relationship between a state agency and the contractor and
37 take the form of the joint development of new commodities and services,
38 not otherwise available, which are cost-beneficial to the state. Stra-
39 tegic partnerships may also include the sharing of expertise, efforts
40 and resources directed at providing goods and services in a manner which
41 provides best value to the state. Strategic partnerships shall be accom-
42 plished by amendment to existing contracts, to make such commodities,
43 processes and services available to the state provided such applications
44 are cost beneficial. Ninety days prior to the mid-term point of each
45 such contract amendment based upon a strategic partnership, each state
46 entity involved in the contract must submit to the state comptroller a
47 detailed written analysis reviewing each of the following:

48 (A) the continuing validity of the initial justification documenta-
49 tion, submitted with original contract and any amendments thereto;

50 (B) whether the commodities or services contracted for are currently
51 being utilized to the extent initially anticipated;

52 (C) a thorough analysis of changes in available technologies effecting
53 the continuing need for the commodities or services currently being
54 utilized;



1 (D) new products or services not available at the commencement of the
2 contract which may be more compatible with the needs of the state agency
3 or agencies involved;

4 (E) the non-state entity has performed satisfactorily throughout the
5 term of the contract; and

6 (F) a cost analysis setting forth the reasonableness for the continua-
7 tion of the contractual relationship with the non-state entity.

8 (ii) The state comptroller shall have ninety days to review such
9 documentation submitted by the state agency and may, during that period
10 or at the end of such period, request additional information from the
11 state agency. Further, the comptroller may transmit written suggestions
12 of possible modifications to be considered by the state agency to the
13 contract or any amendment thereto.

14 (iii) Guidelines must include the definition of a strategic partner-
15 ship, the conditions under which such a partnership provides the state
16 with best value acquisitions, the minimum expected outcomes and the
17 allowable term. Approval of a strategic partnering arrangement shall be
18 dependent on a written finding issued by the commissioner of the state
19 agency that the non-state entity has performed satisfactorily with the
20 state and that such an arrangement is in the best interest of the state
21 in accordance with the state procurement council guidelines and subject
22 to the approval of the state comptroller.

23 g. All state agencies shall require all contractors, including sub-
24 contractors, that provide services for state purposes pursuant to a
25 contract, to submit an annual employment report for each contract for
26 services that includes for each employment category within the contract
27 the number of employees employed to provide services under the contract,
28 the number of hours they work and their total compensation under the
29 contract. Employment reports shall be submitted to the agency that
30 awarded the contract, the department of civil service and the department
31 of audit and control and shall be available for public inspection and
32 copying pursuant to section eighty-seven of the public officers law
33 provided that in disclosing such reports pursuant to the public officers
34 law, the agency making the disclosure shall redact the name or social
35 security number of any individual employee that is included in such
36 document.

37 5. Process for conducting state procurements. The process for conduct-
38 ing state procurements for services and commodities shall be as follows:

39 a. Determination of need. State agencies shall be responsible for
40 determining the need for a given service or commodity:

41 (i) For commodities, upon such determination of need, state agencies
42 shall ascertain whether the commodity is available in the form, function
43 and utility consistent with their needs from preferred sources and if
44 so, shall purchase said commodity from a preferred source in accordance
45 with the provisions of this article. If not so available, state agencies
46 shall determine whether the commodity is available in the form, function
47 and utility consistent with their needs on a centralized contract and if
48 so, except as provided in subparagraph (v) of paragraph a of subdivision
49 three of this section, shall purchase said commodity using the central-
50 ized contract. If a commodity is not available in the form, function and
51 utility consistent with the needs of the state agency from a preferred
52 source or a centralized contract or as provided for in subparagraph (v)
53 of paragraph a of subdivision three of this section, the state agency
54 may procure the commodity independently or in conjunction with another
55 state agency in accordance with paragraph c of subdivision three of this
56 section.

1 (ii) For services, upon such determination of need, state agencies
2 shall ascertain whether the service is available in the form, function
3 and utility consistent with their needs from preferred sources and, if
4 so, shall purchase said service through the preferred source in accord-
5 ance with the provisions of this article. If not so available, state
6 agencies may:

7 (A) Purchase the service if it is available in the form, function and
8 utility consistent with their needs using an established centralized
9 contract procured by either the office [of general] for procurement
10 services or another state agency;

11 (B) Request that the office [of general] for procurement services
12 procure such a service, particularly with respect to those services
13 having utility and/or benefit to more than one state agency; or

14 (C) Procure the service independently or in conjunction with another
15 state agency.

16 b. The state procurement council may, from time to time, require state
17 agencies to procure certain services from centralized contracts.

18 6. Discretionary buying thresholds. Pursuant to guidelines established
19 by the state procurement council: the [commissioner] chief procurement
20 officer may purchase services and commodities in an amount not exceeding
21 eighty-five thousand dollars without a formal competitive process; state
22 agencies may purchase services and commodities in an amount not exceed-
23 ing fifty thousand dollars without a formal competitive process; and
24 state agencies may purchase commodities or services from small business
25 concerns or those certified pursuant to article fifteen-A of the execu-
26 tive law, or commodities or technology that are recycled or remanufac-
27 tured, in an amount not exceeding one hundred thousand dollars without a
28 formal competitive process.

29 6-a. Discretionary purchases. Notwithstanding the provisions of subdivi-
30 sion two of section one hundred twelve of this chapter relating to the
31 dollar threshold requiring the state comptroller's approval of
32 contracts, the [commissioner of general services] chief procurement
33 officer may make purchases or enter into contracts for the acquisition
34 of commodities and services having a value not exceeding eighty-five
35 thousand dollars without prior approval by any other state officer or
36 agency in accordance with procedures and requirements set forth in this
37 article. Notwithstanding the provisions of article four-C of the econom-
38 ic development law, the [commissioner of general services] chief
39 procurement officer may make purchases or enter into contracts for the
40 acquisition of commodities and services having a value not exceeding
41 thirty thousand dollars without prior approval by any other state offi-
42 cer or agency in accordance with procedures and requirements set forth
43 in this article.

44 6-b. Determination of threshold amount. For determination of threshold
45 amount purposes of determining whether a purchase is within the discre-
46 tionary thresholds established by subdivision six of this section, the
47 commissioner and state agencies shall consider the reasonably expected
48 aggregate amount of all purchases of the same commodities or services to
49 be made within the twelve-month period commencing on the date of
50 purchase. Purchases of services or commodities shall not be artificially
51 divided for the purpose of satisfying the discretionary buying thresh-
52 olds established by subdivision six of this section. A change to or a
53 renewal of a discretionary purchase shall not be permitted if the change
54 or renewal would bring the reasonably expected aggregate amount of all
55 purchases of the same commodities or services from the same provider
56 within the twelve-month period commencing on the date of the first



1 purchase to an amount greater than the discretionary buying threshold
2 amount.

3 7. Method of procurement. Consistent with the requirements of subdivi-
4 sions three and four of this section, state agencies shall select among
5 permissible methods of procurement including, but not limited to, an
6 invitation for bid, request for proposals or other means of solicitation
7 pursuant to guidelines issued by the state procurement council. State
8 agencies may accept bids electronically and may, for technology
9 contracts only, require electronic submission as the sole method for the
10 submission of bids for the solicitation, provided that the agency has
11 made a determination, which shall be documented in the procurement
12 record, that such method affords a fair and equal opportunity for offer-
13 ers to submit responsive offers. Except where otherwise provided by law,
14 procurements shall be competitive, and state agencies shall conduct
15 formal competitive procurements to the maximum extent practicable. State
16 agencies shall document the determination of the method of procurement
17 and the basis of award in the procurement record. Where the basis for
18 award is the best value offer, the state agency shall document, in the
19 procurement record and in advance of the initial receipt of offers, the
20 determination of the evaluation criteria, which whenever possible, shall
21 be quantifiable, and the process to be used in the determination of best
22 value and the manner in which the evaluation process and selection shall
23 be conducted.

24 8. Public notice. All procurements by state agencies in excess of
25 fifteen thousand dollars shall be advertised in the state's procurement
26 opportunities newsletter in accordance with article four-C of the
27 economic development law.

28 9. Soliciting and accepting offers. For purchases from sources other
29 than preferred sources and for purchases in excess of the discretionary
30 buying threshold established in subdivision six of this section:

31 a. The [commissioner] chief procurement officer or a state agency
32 shall select a formal competitive procurement process in accordance with
33 guidelines established by the state procurement council and document its
34 determination in the procurement record. The process shall include, but
35 is not limited to, a clear statement of need; a description of the
36 required specifications governing performance and related factors; a
37 reasonable process for ensuring a competitive field; a fair and equal
38 opportunity for offerers to submit responsive offers; and a balanced and
39 fair method of award. Where the basis for the award is best value,
40 documentation in the procurement record shall, where practicable,
41 include a quantification of the application of the criteria to the
42 rating of proposals and the evaluation results, or, where not practica-
43 ble, such other justification which demonstrates that best value will be
44 achieved.

45 b. The solicitation shall prescribe the minimum specifications or
46 requirements that must be met in order to be considered responsive and
47 shall describe and disclose the general manner in which the evaluation
48 and selection shall be conducted. Where appropriate, the solicitation
49 shall identify the relative importance and/or weight of cost and the
50 overall technical criterion to be considered by a state agency in its
51 determination of best value.

52 c. Where provided in the solicitation, state agencies may require
53 clarification from offerers for purposes of assuring a full understand-
54 ing of responsiveness to the solicitation requirements. Where provided
55 for in the solicitation, revisions may be permitted from all offerers
56 determined to be susceptible of being selected for contract award, prior

1 to award. Offerers shall be accorded fair and equal treatment with
2 respect to their opportunity for discussion and revision of offers. A
3 state agency shall, upon request, provide a debriefing to any unsuccess-
4 ful offerer that responded to a request for proposal or an invitation
5 for bids, regarding the reasons that the proposal or bid submitted by
6 the unsuccessful offerer was not selected for an award. The opportunity
7 for an unsuccessful offerer to seek a debriefing shall be stated in the
8 solicitation, which shall provide a reasonable time for requesting a
9 debriefing.

10 d. All offers may be rejected. Where provided in the solicitation,
11 separable portions of offers may be rejected.

12 e. Every offer shall be firm and not revocable for a period of sixty
13 days from the bid opening, or such other period of time specified in the
14 solicitation to the extent not inconsistent with section 2-205 of the
15 uniform commercial code. Subsequent to such sixty day or other specified
16 period, any offer is subject to withdrawal communicated in a writing
17 signed by the offeror.

18 f. Prior to making an award of contract, each state agency shall make
19 a determination of responsibility of the proposed contractor which shall
20 supplement, as appropriate, but not supersede the determination of
21 responsibility that may be required pursuant to section one hundred
22 thirty-nine-k of this chapter.

23 g. A procurement record shall be maintained for each procurement iden-
24 tifying, with supporting documentation, decisions made by the commis-
25 sioner or state agency during the procurement process. The procurement
26 record shall include, but not be limited to each contract amendment and
27 the justification for each.

28 10. Letting of contracts. Contracts for commodities shall be awarded
29 on the basis of lowest price to a responsive and responsible offerer.
30 Contracts for services shall be awarded on the basis of best value from
31 a responsive and responsible offerer. Multiple awards for services and
32 commodities shall be conducted in accordance with paragraph c of this
33 subdivision.

34 a. Selection and award shall be a written determination in the
35 procurement record made by the [commissioner] chief procurement officer
36 or a state agency in a manner consistent with the provisions of the
37 solicitation. In the event two offers are found to be substantially
38 equivalent, price shall be the basis for determining the award recipient
39 or, when price and other factors are found to be substantially equiv-
40 alent, the determination of the [commissioner] chief procurement officer
41 or agency head to award a contract to one or more of such bidders shall
42 be final. The basis for determining the award shall be documented in the
43 procurement record.

44 b. (i) Single or sole source procurements for services or commodities,
45 or procurements made to meet emergencies arising from unforeseen causes,
46 may be made without a formal competitive process and shall only be made
47 under unusual circumstances and shall include a determination by the
48 commissioner or the state agency that the specifications or requirements
49 for said purchase have been designed in a fair and equitable manner. The
50 purchasing agency shall document in the procurement record, subject to
51 review by the state comptroller, the bases for a determination to
52 purchase from a single source or sole source, or the nature of the emer-
53 gency giving rise to the procurement.

54 (ii) State agencies shall minimize the use of single source procure-
55 ments and shall use single source procurements only when a formal
56 competitive process is not feasible. State agencies shall document in

1 the procurement record the circumstances and the material and substan-
2 tial reasons why a formal competitive process is not feasible. The term
3 of a single source procurement contract shall be limited to the minimum
4 period of time necessary to ameliorate the circumstances which created
5 the material and substantial reasons for the single source award. Not
6 later than thirty days after the contract award, state agencies shall,
7 for all single source procurement contracts, make available for public
8 inspection on the agency website, a summary of the circumstances and
9 material and substantial reasons why a competitive procurement is not
10 feasible. Any information which the contracting agency is otherwise
11 prohibited by law from disclosing pursuant to sections eighty-seven and
12 eighty-nine of the public officers law, shall be redacted from the
13 documentation published on the agency website.

14 c. The [commissioner] chief procurement officer or state agency may
15 elect to award a contract to one or more responsive and responsible
16 offerers provided, however, that the basis for the selection among
17 multiple contracts at the time of purchase shall be the most practical
18 and economical alternative and shall be in the best interests of the
19 state, and further provided that the requirements set forth herein shall
20 not preclude the [commissioner] chief procurement officer from estab-
21 lishing multiple award contracts for reasons including increased oppor-
22 tunities for small businesses to participate in state contracts.

23 d. It shall be in the discretion of the [commissioner] chief procure-
24 ment officer or state agency to require a bond or other guarantee of
25 performance, and to approve the amount, form and sufficiency thereof.

26 e. The [commissioner] chief procurement officer may authorize
27 purchases required by state agencies or other authorized purchasers by
28 letting a contract pursuant to a written agreement, or by approving the
29 use of a contract let by any department, agency or instrumentality of
30 the United States government and/or any department, agency, office,
31 political subdivision or instrumentality of any state or states. A state
32 agency purchaser shall document in the procurement record its rationale
33 for the use of a contract let by any department, agency or instrumentality
34 of the United States government or any department, agency, office,
35 political subdivision or instrumentality of any other state or states.
36 Such rationale shall include, but need not be limited to, a determi-
37 nation of need, a consideration of the procurement method by which the
38 contract was awarded, an analysis of alternative procurement sources
39 including an explanation why a competitive procurement or the use of a
40 centralized contract let by the [commissioner] chief procurement officer
41 is not in the best interest of the state, and the reasonableness of
42 cost.

43 f. The [commissioner] chief procurement officer is authorized to let
44 centralized contracts, in accordance with the procedures of this
45 section, for joint purchasing by New York state and any department,
46 agency or instrumentality of the United States government and/or any
47 state including the political subdivisions thereof; provided however
48 that any entity incurring a liability under such contract shall be
49 responsible for discharging said liability.

50 11. Reasonableness of results. It shall be the responsibility of the
51 head of each state agency to periodically sample the results of the
52 procurement process to test for reasonableness; to ensure that the
53 results withstand public scrutiny and that the quality and the price of
54 the purchase makes sense; and to ensure that purchasing is conducted in
55 a manner consistent with the best interests of the state.

1 12. Review by the office of the state comptroller. Review by the
2 office of the state comptroller shall be in accordance with section one
3 hundred twelve of this chapter.

4 13. Technological procurement improvements. The state procurement
5 council may request that the office [of general] for procurement
6 services provide, or recommend to the state comptroller to provide for
7 the utilization of technological advances and efficiencies in the
8 procurement process including, but not limited to, electronic ordering
9 and payment, procurement cards and similar improvements.

10 14. Reporting. To support prudent procurement management, oversight
11 and policy-making, the department of audit and control shall report
12 annually on a fiscal year basis by July first of the ensuing year to the
13 state procurement council, the governor, and the legislative fiscal
14 committees providing data concerning active procurement contracts above
15 fifteen thousand dollars, including but not limited to:

16 (i) a listing of individual and centralized contracts, including
17 vendor name, comptroller approval dates, dollar value of such contracts,
18 the state agency which let the contract and/or state agencies which
19 purchased off centralized contracts, expenditures made on each such
20 contract and by which agencies during the fiscal year and life to date,
21 citing contract category codes, source selection method, including
22 "lowest price", "best value", sole source, single source, negotiated and
23 emergency procurement subtotaled by agency and by type of commodity or
24 service;

25 (ii) frequency of contracts awarded during this fiscal year by number
26 of bids/proposals and source selection method;

27 (iii) number of contracts disapproved by the department of audit and
28 control during the fiscal year and reasons for disapproval by agency and
29 by source selection method, number and outcome of bid protests; and

30 (iv) a summary report listing total number and amount of contracts
31 awarded for the prior fiscal year and total year-to-date expenditures
32 for all contracts, with subtotals by agency and major contract category
33 including, but not limited to, consultant, construction, equipment,
34 grants, leases, land claim, miscellaneous services, printing, repayment
35 agreements, revenue agreements, intergovernmental agreements, and
36 commodities; a comparison of centralized and agency contracts by number
37 of contracts, number of agencies purchasing off of centralized contracts
38 or entering into contracts, contract amounts and year-to-date expendi-
39 tures; comparison of contracts by source selection method by number of
40 contracts, contract amounts, and year-to-date expenditures.

41 (v) for each contract for services for state purposes: the number of
42 employees, by employment category within the contract, employed to
43 provide services under the contract, the number of hours they work and
44 their total compensation under the contract;

45 (vi) (a) state agencies shall report annually on a fiscal year basis by
46 July first of the ensuing year to the state procurement council, the
47 governor, the legislative fiscal committees and the state comptroller
48 the total number and total dollar value of single source contracts
49 awarded by the agency during the fiscal year, and the percentage that
50 such contracts represent of the agency's total number and total dollar
51 value of contract awards during the reporting period.

52 (b) each state agency shall include with its report an assessment by
53 the agency head of the agency's efforts to minimize the award of single
54 source contracts;

55 (vii) all reports required under this paragraph shall be available for
56 public inspection and copying pursuant to section eighty-seven of the

1 public officers law provided that in disclosing such reports pursuant to
2 the public officers law, the agency making the disclosure shall redact
3 the name or social security number of any individual employee that is
4 included in such document.

5 § 4-a. Section 163-b of the state finance law, as added by chapter
6 584 of the laws of 2005, is amended to read as follows:

7 § 163-b. Environmentally-sensitive cleaning and maintenance products.
8 The [commissioner of general services] chief procurement officer shall
9 maintain a list of contractors which produce or manufacture or offer for
10 sale environmentally-sensitive cleaning and maintenance products in the
11 form, function and utility generally used by elementary and secondary
12 schools in accordance with specifications or guidelines promulgated
13 pursuant to section four hundred nine-i of the education law.

14 § 5. Section 163-c of the state finance law, as added by section 1 of
15 part F of chapter 56 of the laws of 2008, is amended to read as follows:

16 § 163-c. Centralized procurement contract fee. 1. For purposes of this
17 section, the following terms shall have the specified meanings:

18 a. "Authorized user" means any person or entity authorized to
19 purchase:

20 (i) commodities under a centralized contract pursuant to subparagraph
21 (iv) or subparagraph (viii) of paragraph a of subdivision three of
22 section one hundred sixty-three of this article; or

23 (ii) services or technology under a centralized contract established
24 by the chief procurement officer pursuant to paragraph b or e of subdi-
25 vision four of section one hundred sixty-three of this article.

26 b. "Centralized contract" means contracts for the purchase of commod-
27 ities, services or technology, established by the [commissioner of
28 general services] chief procurement officer.

29 c. "Electronic" means of or relating to technology having electrical,
30 digital, magnetic, wireless, optical, electromagnetic, or similar capa-
31 bilities.

32 2. The [commissioner of general services] chief procurement officer
33 shall require that contractors selected to offer centralized contracts
34 through the state for commodities, services or technology add to the
35 price in all such contracts a centralized procurement contract fee equal
36 to one-half of one percent of the price to be reported through sales
37 reports to the office [of general] for procurement services. The follow-
38 ing types of contracts may be exempted from the centralized procurement
39 contract fee:

40 a. federal, other public jurisdictions' or multi-state contracts or
41 schedules adopted by the state pursuant to paragraphs e and f of subdi-
42 vision ten of section one hundred sixty-three of this article,

43 b. centralized contracts where an administrative fee is included as a
44 contract requirement.

45 3. Each contractor collecting the fee imposed pursuant to subdivision
46 two of this section shall:

47 a. electronically pay over to the department of taxation and finance
48 all fees collected quarterly, on or before the forty-fifth day following
49 the last day of each calendar quarter; provided, however, that if the
50 contractor fails to collect the fee from the authorized user on a
51 purchase under a centralized contract, then the contractor shall be
52 responsible for electronically paying the fee over to the department of
53 taxation and finance; and

54 b. electronically file a return with the department of taxation and
55 finance quarterly, containing such information as the commissioner of
56 taxation and finance shall prescribe. The return shall be due on or

1 before the forty-fifth day following the last day of each calendar quar-
2 ter. If no authorized users made purchases from a contractor selected to
3 offer a centralized contract during the calendar quarter for which the
4 return is required to be filed, then the contractor shall electronically
5 file a return indicating that no purchases were made during that quar-
6 ter. Information contained in, or derived from, the returns required to
7 be filed pursuant to this paragraph shall not be covered by the secrecy
8 provisions of the tax law.

9 A contractor shall be exempt from the mandatory electronic payment and
10 electronic filing requirements prescribed by paragraph a and paragraph b
11 of this subdivision if the contractor notifies the office of general
12 services, in a manner to be determined by such office, that it cannot
13 reasonably comply with such electronic payment and electronic filing
14 requirements. In such case, the contractor shall, in lieu of electron-
15 ically paying over the centralized procurement contract fee and elec-
16 tronically filing a return with the department of taxation and finance,
17 pay over such fee by paper check, and file a paper return, with the
18 office [of general] for procurement services on or before the forty-
19 fifth day following the last day of each calendar quarter. The depart-
20 ment of taxation and finance and the office [of general] for procurement
21 services shall mutually develop a means by which the returns received by
22 the office [of general] for procurement services pursuant to this para-
23 graph shall be electronically transmitted to the department of taxation
24 and finance for purposes of reconciling the information reported on such
25 returns with fee payments for each calendar quarter.

26 The office [of general] for procurement services shall cooperate and
27 provide the department of taxation and finance with such information as
28 the department may require regarding contractors selected to offer
29 centralized contracts, in order to facilitate the department's develop-
30 ment and implementation of the electronic payment and electronic filing
31 applications prescribed by paragraph a and paragraph b of this subdivi-
32 sion. The office [of general] for procurement services shall work with
33 the department of taxation and finance to encourage those contractors
34 not able to use the electronic payment and filing applications
35 prescribed by paragraph a and paragraph b of this subdivision to do so.

36 4. Failure to timely and accurately collect and remit the centralized
37 procurement contract fee as required by subdivision three of this
38 section may be deemed to constitute a breach of such contract, and the
39 [commissioner of general services] chief procurement officer has the
40 discretion to terminate such centralized contract with such contractor
41 for such breach on notice to the contractor.

42 5. a. If:

43 (i) a contractor awarded a centralized contract has a past-due, legal-
44 ly enforceable tax debt or other debt due to a state agency,

45 (ii) the debt is being offset against a contract payment received from
46 an authorized user pursuant to the state contract offset program admin-
47 istered by the office of the state comptroller and the department of
48 taxation and finance, and

49 (iii) the past-due, legally enforceable debt is larger than the
50 contract payment (including the fee imposed by this section), then, the
51 full amount of the contract payment (including the fee imposed by this
52 section) shall be applied to the contractor's past-due, legally enforce-
53 able debt, and the contractor shall remain responsible for filing the
54 return and paying over the amount of the fee due on such contract
55 payment at the time prescribed in subdivision three of this section.

56 b. If:

1 (i) a contractor awarded a centralized contract has a past-due, legal-
2 ly enforceable tax debt or other debt due to a state agency,

3 (ii) the debt is being offset against a contract payment received from
4 an authorized user pursuant to the state contract offset program admin-
5 istered by the office of the state comptroller and the department of
6 taxation and finance, and

7 (iii) the past-due, legally enforceable debt is smaller than the
8 contract payment (including the fee imposed by this section), then, the
9 amount of the contract payment necessary to fully pay the debt (which
10 shall include the fee imposed by this section), shall be applied to the
11 debt, and the contractor shall remain responsible for filing the return
12 and paying over the amount of the fee due on such contract payment at
13 the time prescribed in subdivision three of this section.

14 6. All fees received by the commissioner of taxation and finance and
15 the [commissioner of general services] chief procurement officer pursu-
16 ant to this section, reduced by amounts approved by the director of the
17 budget to be retained by the commissioner of taxation and finance to
18 cover administrative costs and the costs of refunds or reimbursements
19 required to be made to authorized users under this section, shall be
20 deposited quarterly to the credit of the general fund of the state. The
21 commissioner of taxation and finance shall determine an amount for
22 administrative costs incurred by the department of taxation and finance,
23 which amount shall represent the reasonable costs of the department of
24 taxation and finance in administering the program prescribed by this
25 section. The commissioner of taxation and finance shall also determine
26 the amount necessary for refunds or reimbursements required to be made
27 to authorized users under this section, and shall pay such refunds or
28 reimbursements out of such retained amounts. The commissioner of taxa-
29 tion and finance shall maintain a system of accounts showing the amount
30 of money collected and disbursed from the fee imposed by this section.

31 7. The provisions of article twenty-seven of the tax law shall apply
32 to the provisions of this section in the same manner and with the same
33 force and effect as if the language of such article had been incorpo-
34 rated in full into this section and had expressly referred to the fees
35 under this section except that the term "fee" or "fees" when used in
36 this section shall mean "tax" or "taxes" for the purpose of the applica-
37 tion of article twenty-seven of the tax law as incorporated by this
38 subdivision, and except to the extent that any provision of such article
39 is either inconsistent with a provision of this section or is not rele-
40 vant to this section.

41 § 6. Subdivisions 3 and 4, paragraphs d and e of subdivision 4-a and
42 paragraphs c and e of subdivision 6 of section 165 of the state finance
43 law, subdivision 3 as amended and paragraphs d and e of subdivision 4-a
44 as added by chapter 95 of the laws of 2000, subdivision 4 as amended by
45 chapter 137 of the laws of 2008, and paragraphs c and e of subdivision 6
46 as added by chapter 83 of the laws of 1995, are amended to read as
47 follows:

48 3. Purchasing of commodities for state use.

49 a. For the purposes of this subdivision, the following terms shall
50 have the meanings set forth herein. "Recycled commodity" shall mean any
51 commodity that has been manufactured from secondary materials as defined
52 in subdivision one of section two hundred sixty-one of the economic
53 development law and that meets secondary material content requirements
54 adopted by the office [of general] for procurement services, which shall
55 be consistent, to the extent practicable, with regulations promulgated
56 pursuant to section 27-0717 of the environmental conservation law or, if

1 no such requirements have been adopted or no such product is available,
2 meets the secondary material content requirements adopted by any state
3 agency with respect to a specific commodity procurement by such agency.
4 "Remanufactured" shall mean any commodity that has been restored to its
5 original performance standards and function and is thereby diverted from
6 the solid waste stream, retaining, to the extent practicable, components
7 that have been through at least one life cycle and replacing consumable
8 or normal wear components. "Recyclable" shall mean any commodity that
9 can be collected, separated, or otherwise recovered from the solid waste
10 stream for reuse, remanufacture or assembly of another commodity,
11 through a widely available and easily accessible program.

12 b. Consistent with determinations of need required by subdivision five
13 of section one hundred sixty-three of this article, the [commissioner]
14 chief procurement officer and state agencies shall purchase recycled,
15 remanufactured or recyclable commodities when such commodities meet
16 their form, function and utility and shall consider the cost of the
17 commodity over its lifecycle. The [commissioner] chief procurement offi-
18 cer and a state agency shall also have the authority to determine that
19 for reasons of public health or safety, a recycled, remanufactured or
20 recyclable commodity should not be purchased. Such determinations shall
21 be documented in the procurement record.

22 (i) A state agency shall purchase recycled commodities at a cost
23 premium only if (A) the cost premium associated with a commodity which
24 has recycled content does not exceed ten percent above the cost of a
25 commodity made without recycled content or, (B) the cost of a recycled
26 commodity that contains at least fifty percent secondary materials
27 generated from the waste stream in New York state, does not exceed a
28 cost premium of fifteen percent above the cost of a comparable commod-
29 ity.

30 (ii) A state agency shall not be required to purchase recyclable or
31 remanufactured commodities at a cost premium unless such commodity also
32 constitutes a "recycled commodity" as defined in this subdivision and
33 that as such a recycled commodity, it has been offered for sale in
34 conformance with the standards for application of a cost premium for
35 recycled commodities as set forth in clauses (A) and (B) of subparagraph
36 (i) of this paragraph.

37 c. The [commissioner] chief procurement officer shall periodically
38 review the general specifications in order to eliminate, wherever feasi-
39 ble, discriminations against the procurement of commodities manufactured
40 with recovered materials or remanufactured materials; and shall annually
41 review the paper specifications to consider increasing the percentage of
42 recycled paper in paper commodity purchases.

43 d. Whenever the [commissioner] chief procurement officer or other
44 state agencies shall purchase or cause the purchase of printing on recy-
45 cled paper, he or she shall require, to the extent feasible, the printed
46 material to meet the requirements of subdivision two of section 27-0717
47 of the environmental conservation law and regulations promulgated pursu-
48 ant thereto, and to include a printed statement or symbol which indi-
49 cates that the document is printed on recycled paper.

50 e. Each state agency shall devise, institute and maintain a program to
51 source separate waste paper generated within state office facilities.
52 Such a program shall include marketing arrangements and appropriate
53 procedures to ensure the recovery of discarded paper in [a] an uncontam-
54 inated condition.

55 f. Each state agency shall devise and institute a program to source
56 separate all other waste generated within state office facilities that

1 is not covered by paragraph e of this subdivision. Such program shall
2 include marketing arrangements and appropriate procedures to ensure the
3 maximum recovery of such waste.

4 g. In addition to carrying out the provisions of paragraphs e and f of
5 this subdivision, the [commissioner] chief procurement officer shall
6 identify and implement specific steps which will reduce, to the maximum
7 extent practicable, waste generated in state facilities and maximize the
8 recovery and reuse of secondary materials from such facilities. Such
9 steps and their implementation shall be reviewed from time to time but
10 no less frequently than annually or upon receiving recommendations for
11 additional steps from the solid waste management board, the department
12 of environmental conservation or the environmental facilities corpo-
13 ration.

14 h. All state agencies shall fully cooperate with the [commissioner]
15 chief procurement officer in all phases of implementing the provisions
16 of this section.

17 i. The [commissioner] chief procurement officer shall report annually
18 to the governor and the legislature by September first concerning the
19 quantities of recycled paper purchased by the office [of general] for
20 procurement services and by state agencies pursuant to paragraph c of
21 this subdivision, and concerning the amounts of waste recycled from
22 state offices and other facilities pursuant to paragraphs e and f of
23 this subdivision, the extent of waste reduction, the percentage of the
24 total waste stream which is recycled, the kinds of materials eliminated
25 from the waste stream, the full avoided costs of proper collection and
26 disposal costs of implementing the programs under this section, the
27 specific activities undertaken, goals for the subsequent year resulting
28 from the implementation of steps pursuant to paragraph g of this subdi-
29 vision, and remaining issues and areas for improvement. Such reports
30 shall be widely disseminated as a means of assisting those outside state
31 government in the design and implementation of waste reduction and recy-
32 cling programs, through discussion of the state's experience in imple-
33 menting all program aspects such as collection, sorting, handling, stor-
34 age and marketing, and the resulting accomplishments.

35 j. The [commissioner] chief procurement officer shall submit to the
36 director of the budget, the chairman and ranking minority member of the
37 senate finance committee and the chairman and ranking minority member of
38 the assembly ways and means committee an evaluation of all the source
39 separation programs implemented under this subdivision, for paper and
40 other waste prepared by an independent entity. Such evaluation shall be
41 submitted by September first, nineteen hundred ninety-six and by Septem-
42 ber first, every two years thereafter.

43 4. Special provisions for purchase of available New York food
44 products.

45 a. Except as otherwise provided in this subdivision, when letting
46 contracts for the purchase of food products on behalf of facilities and
47 institutions of the state, solicitation specifications of the office [of
48 general] for procurement services and any other agency, department,
49 office, board or commission may require provisions that mandate that all
50 or some of the required food products are grown, produced or harvested
51 in New York state, or that any processing of such food products take
52 place in facilities located within New York state.

53 b. The commissioner of agriculture and markets shall determine, using
54 uniform criteria, those food products for which the requirements of this
55 subdivision are deemed beneficial and shall promulgate and forward to
56 the appropriate agencies a list of such food products, and shall in

1 addition ascertain those periods of time each year that those food
2 products are available in sufficient quantities for competitive purchas-
3 ing and shall forward such information to purchasing agencies. The
4 commissioner of agriculture and markets shall update such list as often
5 as is deemed by him or her to be necessary.

6 c. (i) Prior to issuing a solicitation for such food products,
7 purchasing agencies shall advise the commissioner of agriculture and
8 markets of the quantities of each food product on the list promulgated
9 by the commissioner of agriculture and markets to fulfill that agency's
10 purchasing needs.

11 (ii) The commissioner of agriculture and markets will then make a
12 determination of whether those products required by the purchasing agen-
13 cy are available in sufficient quantities to satisfy the purchasing
14 agency's requirements.

15 (iii) Upon a determination by the commissioner of agriculture and
16 markets that the food products required by the purchasing agency are
17 available in sufficient quantities to fulfill the agency's purchasing
18 needs, the purchasing agency may include in its solicitation a require-
19 ment that all or some of those food products are grown, produced or
20 harvested in New York state, or that any processing of such food
21 products take place in facilities located within New York state.

22 (iv) Upon a determination by the commissioner of agriculture and
23 markets that such food products are not available in sufficient quanti-
24 ties to fulfill the agency's purchasing needs, the purchasing agency
25 shall issue a solicitation that does not require that all or some of
26 those food products are grown, produced or harvested in New York state,
27 or that any processing of such food products take place in facilities
28 located within New York state. In such cases, the purchasing agency may
29 include such requirements in the next contract for such food products
30 that is let if at such time those food products are available in suffi-
31 cient quantities. If at that time, those food products are not avail-
32 able in sufficient quantities, the requirement shall again be waived
33 until such time as the products are available.

34 (v) In the event that the purchasing agency receives no offers that
35 meet the agency's requirement that all or some of the food products are
36 grown, produced or harvested in New York state, or that any processing
37 of such food products take place in facilities located within New York
38 state, it may waive the provisions of this subdivision and award a
39 contract in accordance with other applicable statutes. In addition, if
40 the commissioners of agriculture and markets, economic development and
41 any such individual agency shall agree as to the deleterious economic
42 impact of specifications requiring such purchases, such agencies may
43 waive the provisions of this subdivision for such purchases.

44 d. The [commissioner] chief procurement officer, and the commissioner
45 of agriculture and markets, may issue such regulations as they deem
46 necessary and proper for the implementation of this subdivision.

47 e. Notwithstanding any other section of law, rule, regulation or stat-
48 ute, the department of agriculture and markets shall supply information
49 required by paragraph b of this subdivision to the office [of general]
50 for procurement services and to all other appropriate agencies.

51 f. (i) With each offer, the offerer shall certify that the food
52 products provided pursuant to that solicitation will be in conformity
53 with the provisions of the percentage required to meet or exceed the
54 requirements in the solicitation specifying that all or some of the food
55 products be grown, produced, or harvested within New York state or that

1 any processing of such food products take place in facilities located
2 within New York state.

3 (ii) Any successful offerer who fails to comply with the provisions of
4 this subdivision, at the discretion of such agency, board, office or
5 commission, shall forfeit the right to bid on contracts let under the
6 provisions of this subdivision for a period of time to be determined by
7 the [commissioner] chief procurement officer and the commissioner of
8 agriculture and markets.

9 g. The [commissioner] chief procurement officer and the commissioner
10 of agriculture and markets, shall advise and assist the chancellor of
11 the state university of New York in extending the benefits of the
12 provisions of this subdivision to the university and shall modify any
13 regulations or procedures heretofore established pursuant to this subdi-
14 vision, in order to facilitate such participation.

15 d. The commissioners of the state liquor authority, in consultation
16 with the commissioner of taxation and finance and office [of general]
17 for procurement services, shall make every effort to encourage state
18 agencies, public authorities and political subdivisions when they
19 purchase any quantity of wine to purchase those wines that have been
20 granted favored source status as determined by the commissioners of the
21 state liquor authority and the state procurement council.

22 e. The list shall be maintained by the office [of general] for
23 procurement services in accordance with provisions of section one
24 hundred sixty-two of this article and shall be revised as necessary to
25 reflect the additions and deletions of wines as determined by the state
26 procurement council.

27 c. In including any additional business enterprises on solicitations
28 for the procurement of commodities or services, the [commissioner] chief
29 procurement officer and all state agencies shall not include any foreign
30 business enterprise which has its principal place of business located in
31 a discriminatory jurisdiction contained on the list prepared by the
32 commissioner of economic development pursuant to paragraph b of this
33 subdivision, except, however, business enterprises which are New York
34 state business enterprises as defined by this subdivision.

35 e. The [commissioner] chief procurement officer may waive the applica-
36 tion of the provisions of paragraph c of this subdivision whenever he or
37 she determines in writing that it is in the best interests of the state
38 to do so.

39 § 7. Subdivision 8-a of section 103 of the general municipal law, as
40 added by chapter 490 of the laws of 1993, is amended to read as follows:

41 8-a. (a) Notwithstanding the foregoing provisions of this section, a
42 political subdivision, when letting contracts in accordance with this
43 subdivision for the purchase of food products, may require provisions
44 that mandate that the essential components of such food products are
45 grown, produced or harvested in New York state, or that any processing
46 of such food products take place in facilities located within New York
47 state.

48 (b) The commissioner of agriculture and markets shall determine, using
49 uniform criteria, those food products for which the requirements of this
50 subdivision are deemed beneficial. The commissioner shall promulgate a
51 list of such food products and ascertain those periods of time each year
52 that the listed food products are available in sufficient quantity for
53 competitive purchasing and shall forward such information upon request
54 to such political subdivisions that shall make determinations as
55 provided herein. The commissioner of agriculture and markets shall
56 update such list as often as he deems necessary.

1 (c) (i) Such political subdivision shall specify, with the advice of
2 the commissioner of agriculture and markets, the percentage of each food
3 product required to be grown, produced, harvested or processed within
4 New York state.

5 (ii) Upon a determination by such political subdivision that such food
6 products are not available in sufficient quantity for purchasing, the
7 specifications requiring such purchase shall be waived for that specific
8 food product until the next contract for such food product is let out
9 for bid.

10 (iii) Upon a determination by such political subdivision that food
11 processing facilities are not available for the processing of food
12 products purchased under specifications required by this section, the
13 specifications requiring such processing shall be waived.

14 (iv) In the event that such a political subdivision receives no
15 acceptable bids it may waive the provisions of this section and shall
16 award a contract in accordance with other applicable statutes. In addi-
17 tion, if the commissioners of agriculture and markets and economic
18 development agree as to any deleterious economic impact of specifica-
19 tions requiring such purchase, the provisions of this subdivision may be
20 waived by a political subdivision for such purchase.

21 (d) The [commissioner of the office of general services] chief
22 procurement officer and the commissioner of agriculture and markets may
23 issue such regulations as they deem necessary to implement this subdivi-
24 sion and to assist political subdivisions in complying with this subdivi-
25 sion.

26 (e) Notwithstanding any other provision of law, the department of
27 agriculture and markets shall supply information required by paragraph
28 (b) of this subdivision to the office [of general] for procurement
29 services within one hundred eighty days of the effective date of this
30 subdivision.

31 (f) The chief procurement officer and the commissioners of [general
32 services,] agriculture and markets[,] and economic development shall
33 provide the legislature with a report on the fifteenth day of January of
34 the second year next succeeding the year in which this subdivision
35 became effective, and in their discretion periodically report thereaft-
36 er, on the effects of this subdivision and on recommendations on ways to
37 make it more effective.

38 § 8. Section 104 of the general municipal law, as amended by chapter
39 137 of the laws of 2008, is amended to read as follows:

40 § 104. Purchase through office [of general] for procurement services.
41 Notwithstanding the provisions of section one hundred three of this
42 article or of any other general, special or local law, any officer,
43 board or agency of a political subdivision, of a district therein, of a
44 fire company or of a voluntary ambulance service authorized to make
45 purchases of materials, equipment, food products, or supplies, or
46 services available pursuant to sections one hundred sixty-one and one
47 hundred sixty-seven of the state finance law, may make such purchases,
48 except of printed material, through the office [of general] for procure-
49 ment services subject to such rules as may be established from time to
50 time pursuant to sections one hundred sixty-three and one hundred
51 sixty-seven of the state finance law or through the general services
52 administration pursuant to section 1555 of the federal acquisition
53 streamlining act of 1994, P.L. 103-355; provided that any such purchase
54 shall exceed five hundred dollars and that the political subdivision,
55 district, fire company or voluntary ambulance service for which such
56 officer, board or agency acts shall accept sole responsibility for any

1 payment due the vendor. All purchases shall be subject to audit and
2 inspection by the political subdivision, district, fire company or
3 voluntary ambulance service for which made. No officer, board or agency
4 of a political subdivision, or a district therein, of a fire company or
5 of a voluntary ambulance service shall make any purchase through such
6 office when bids have been received for such purchase by such officer,
7 board or agency, unless such purchase may be made upon the same terms,
8 conditions and specifications at a lower price through such office. Two
9 or more fire companies or voluntary ambulance services may join in
10 making purchases pursuant to this section, and for the purposes of this
11 section such groups shall be deemed "fire companies or voluntary ambu-
12 lance services."

13 § 9. Section 109-a of the general municipal law, as amended by
14 section 502 of the laws of 2002, is amended to read as follows:

15 § 109-a. Purchases through the office [of general] for procurement
16 services by certain public associations. The New York State Association
17 of Counties, the Association of Towns of the State of New York, the New
18 York State Town Clerk's Association, Inc., the New York State Conference
19 of Mayors and Other Municipal Officials, the New York State School
20 Boards Association, Inc., the New York Planning Federation and the Asso-
21 ciation of Fire Districts of the State of New York, the New York State
22 Association of School Business Officials, the New York state council of
23 school superintendents, any nonpublic elementary and/or secondary school
24 of the state of New York, which provides the instruction required by
25 section thirty-two hundred four and article seventeen of the education
26 law, and which is chartered by, registered with or subject to examina-
27 tion and inspection by the department of education and which is a not
28 for profit institution and any public library, association library,
29 library system, cooperative library system, the New York Library Associ-
30 ation, and the New York State Association of Library Boards or any other
31 library except those which are operated by for profit entities, may make
32 purchases, except of printed material, through the office [of general]
33 for procurement services subject to such rules as may be established
34 from time to time pursuant to sections one hundred sixty-three and one
35 hundred sixty-five of the state finance law and subdivision eight-a of
36 section one hundred three of this article which may establish limita-
37 tions with respect to commodities and impose such other appropriate
38 conditions upon purchasing as deemed necessary by the [commissioner of
39 general services] chief procurement officer in order to protect the
40 state's own purchasing interests; and that such association, school,
41 library, library system or cooperative library system shall accept sole
42 responsibility for any payment due the vendor. Boards of education may
43 permit such nonpublic schools to make purchases pursuant to this section
44 through the school district in which the nonpublic school is located,
45 provided that any administrative costs incurred by the school district
46 will be paid by the nonpublic school.

47 § 10. Notwithstanding any other provision to the contrary, any powers
48 and duties of the commissioner of general services related to the deliv-
49 ery of procurement services for state agencies and other governmental
50 entities are hereby conferred upon the state's chief procurement offi-
51 cer.

52 § 11. Nothing in this act shall be construed to alter, affect the
53 validity of, modify the terms of, or impair any contract or agreement
54 made or entered into prior to the effective date of this act.

55 § 12. This act shall take effect immediately, provided that the
56 amendments to section 163 of the state finance law made by section four

1 of this act shall not affect the repeal of such section and shall be
2 deemed repealed therewith; and provided further that the amendments to
3 section 163-b of the state finance law made by section four-a of this
4 act shall take effect upon the repeal of section 163 of the state
5 finance law pursuant to chapter 83 of the laws of 1995, as amended.

6

PART X

7 Section 1. Clause (B) of subparagraph (iv) of paragraph (c) of subdi-
8 vision 3 of section 98-b of the state finance law, as amended by section
9 1 of part H of chapter 56 of the laws of 2004, is amended to read as
10 follows:

11 (B) the annual payment amount to be paid to each county and such city
12 pursuant to this subdivision, which shall be the product of the percent-
13 age share of statewide local funds expended by each such county and
14 city, as determined pursuant to subparagraph (iii) of this paragraph,
15 multiplied by the fund amount available for distribution, as determined
16 pursuant to clause (A) of this subparagraph. In the event that a county
17 or city fails to comply with paragraph (c) of subdivision four of this
18 section the annual payment amount shall be the amount such county or
19 city would have received had the county or city met the requirements of
20 such paragraph less the value of the percentage decrease in local funds,
21 as defined in paragraph (a) of subdivision four of this section and
22 calculated by the comptroller, expended by such county or city, and the
23 comptroller shall make corresponding adjustments to the percentage share
24 of statewide local funds expended for each other county and city.

25 § 2. Subdivision 3 of section 98-b of the state finance law is amended
26 by adding two new paragraphs (e) and (f) to read as follows:

27 (e) If the state comptroller shall, at any time, determine, upon
28 audit, that the amount of local funds expended by such county or city
29 for a particular calendar year, as supported by appropriate documenta-
30 tion provided by the county or city, was less than the amount as certi-
31 fied in the annual report filed pursuant to subdivision two of section
32 seven hundred twenty-two-f of the county law, resulting in overpayment
33 to such county or city, and the state comptroller determines to recoup
34 any such overpayment, the comptroller shall:

35 (i) recalculate the total expenditures of local funds for that county
36 or city using the formula applicable to the calendar year in which the
37 excessive payments were made;

38 (ii) recalculate the annual payment amount from the fund for that
39 calendar year for that county or city based upon the recalculated
40 expenditures; and

41 (iii) reduce the annual payment amount from the fund for that county
42 or city for the calendar year next succeeding the calendar year in which
43 it was determined by the state comptroller that excessive payments were
44 made, to reflect the recalculated expenditures of subparagraph (ii) of
45 this paragraph.

46 (f) Any reduced amounts pursuant to subparagraph (iii) of paragraph
47 (e) of this subdivision shall be retained in the fund to be distributed
48 to counties and the city as part of the next succeeding annual distrib-
49 ution in accordance with the calculation pursuant to subparagraph (iv)
50 of paragraph (c) of this subdivision.

51 § 3. Paragraph (c) of subdivision 4 of section 98-b of the state
52 finance law, as added by section 12 of part J of chapter 62 of the laws
53 of 2003, is amended to read as follows:

1 (c) Notwithstanding the provisions of any other law, as a precondition
2 for receiving state assistance pursuant to subdivision three of this
3 section, a county or city shall be required pursuant to this paragraph
4 to demonstrate compliance with the maintenance of effort provisions of
5 paragraph (b) of this subdivision. Such compliance shall be shown as a
6 part of the annual report submitted by the county or city in accordance
7 with subdivision two of section seven hundred twenty-two-f of the county
8 law. Such maintenance of effort shall be shown by demonstrating with
9 specificity:

10 (i) that the total amount of local funds expended for services and
11 expenses pursuant to article eighteen-B of the county law during the
12 applicable calendar year reporting period did not decrease from the
13 amount of such local funds expended during the previous calendar year,
14 or the average amount of such local funds expended during the immediate-
15 ly preceding three calendar years, as annually reported to the state
16 comptroller, provided, however, that with respect to the report filed in
17 two thousand six regarding calendar year two thousand five, such mainte-
18 nance of effort shall be shown by demonstrating with specificity that
19 the total amount of local funds expended for services and expenses
20 pursuant to article eighteen-B of the county law during the two thousand
21 five calendar year did not decrease from the amount of such local funds
22 expended during calendar year two thousand two; or

23 (ii) where [the amount of local funds expended for such services
24 decreased over such period,] a county or city shall fail to meet the
25 maintenance of effort test as defined in this paragraph, that all state
26 funds received during the most recent state fiscal year pursuant to
27 subdivision three of this section were used to assure an improvement in
28 the quality of services provided in accordance with article eighteen-B
29 of the county law and have not been used to supplant local funds ;
30 provided, however, that if less than all such state funds were so used,
31 such county or city shall receive state assistance pursuant to subdivi-
32 sion three of this section in an amount as recalculated pursuant to the
33 second sentence of clause (B) of subparagraph (iv) of paragraph (c) of
34 such subdivision. For purposes of this subparagraph, whether there has
35 been an improvement in the quality of such services shall be determined
36 by considering the expertise, training and resources made available to
37 attorneys, experts and investigators providing such services; the total
38 caseload handled by such attorneys, experts and investigators as such
39 relates to the time expended in each case and the quality of services
40 provided; the system by which attorneys were matched to cases with a
41 degree of complexity suitable to each attorney's training and experi-
42 ence; the provision of timely and confidential access to such attorneys
43 and expert and investigative services; and any other similar factors
44 related to the delivery of quality public defense services.

45 § 4. This act shall take effect immediately and shall be deemed to
46 have been in full force and effect on and after March 1, 2009.

47

PART Y

48 Section 1. The section heading and subdivision 1 of section 160 of the
49 civil service law, as amended by chapter 329 of the laws of 1960, are
50 amended to read as follows:

51 Regulations governing the health [insurance] benefit plan; advisory
52 committee. 1. The president, subject to the provisions of this article,
53 is hereby empowered to establish regulations relating to:



1 (1) the eligibility of (a) active and (b) retired employees to partic-
2 ipate in the health [insurance] benefit plan authorized by this article,

3 (2) the terms and conditions of the insurance and/or plan administra-
4 tor contract or contracts, as applied to (a) active employees and (b)
5 retired employees, and

6 (3) the purchase of such insurance and/or plan administrator contract
7 or contracts and the administration of such health [insurance] benefit
8 plan.

9 The president shall adopt such further regulations as may be required
10 for the effective administration of this article, including the right to
11 require advance payments of any portion of the amount required to be
12 paid by any participating employer as its share in connection with the
13 operation of the health [insurance] benefit plan hereunder.

14 § 2. Subdivisions 1 and 3 of section 161 of the civil service law, as
15 amended by chapter 329 of the laws of 1960, are amended to read as
16 follows:

17 1. The president is hereby authorized and directed to establish a
18 health [insurance] benefit plan for state officers and employees and
19 their dependents and officers and employees of the state colleges of
20 agriculture, home economics, industrial labor relations and veterinary
21 medicine, the state agricultural experiment station at Geneva, and any
22 other institution or agency under the management and control of Cornell
23 university as the representative of the board of trustees of the state
24 university of New York, and the state college of ceramics under the
25 management and control of Alfred university as the representative of the
26 board of trustees of the state university of New York and their depen-
27 dents which, subject to the conditions and limitations contained in this
28 article, and in the regulations of the president, will provide for group
29 hospitalization, surgical and medical insurance against the financial
30 costs of hospitalization, surgery, medical treatment and care, and may
31 include, among other things prescribed drugs, medicines, prosthetic
32 appliances, hospital in-patient and out-patient service benefits and
33 medical expense indemnity benefits.

34 3. The health [insurance] benefit plan shall be designed by the presi-
35 dent (1) to provide a reasonable relationship between the hospital,
36 surgical and medical benefits to be included, and the expected distrib-
37 ution of expenses of each such type to be incurred by the covered
38 employees and dependents, and (2) to include reasonable controls, which
39 may include deductible and coinsurance provisions applicable to some or
40 all of the benefits, to reduce unnecessary utilization of the various
41 hospital, surgical and medical services to be provided and to provide
42 reasonable assurance of stability in future years of the plan, and (3)
43 to provide benefits on a non-discriminatory basis to the extent possi-
44 ble, to active members throughout the state, wherever located.

45 § 3. The section heading and subdivisions 1 and 2 of section 162 of
46 the civil service law, the section heading and subdivision 2 as amended
47 by chapter 329 of the laws of 1960 and subdivision 1 as amended by chap-
48 ter 805 of the laws of 1984, are amended to read as follows:

49 Contract for health [insurance] benefits. 1. The president is hereby
50 authorized and directed to purchase a contract or contracts to provide
51 the benefits under the plan of health [insurance] benefits determined
52 upon in accordance with the provisions of this article. Such contract or
53 contracts shall be purchased from one or more corporations licensed to
54 transact accident and health insurance business in this state or subject
55 to article forty-three of the insurance law. Alternatively, the presi-
56 dent may provide health benefits directly to plan participants, in which

1 case the president is hereby authorized to purchase a contract or
2 contracts with one or more firms qualified to administer, on New York
3 State health benefit plan's behalf, the plan of benefits required under
4 this article. Any health insurance coverage mandated by law applicable
5 to contracts for health insurance entered into under this section shall
6 also apply to the provision of any benefits pursuant to this subdivi-
7 sion. All of the benefits to be provided under this article may be
8 included in one or more similar contracts, or the benefits may be clas-
9 sified into different types with each type included under one or more
10 similar contracts issued by the same or different companies.

11 2. A reasonable time before entering into any insurance contract or
12 contract with an administrator or administrators hereunder, the presi-
13 dent shall invite proposals from such qualified insurers or administra-
14 tors as in his or her opinion would desire to accept any part of the
15 insurance coverage or administrative services authorized by this arti-
16 cle.

17 § 4. Subdivisions 1, 2, 5, 7 and 8 of section 163 of the civil service
18 law, subdivisions 1 and 5 as amended by chapter 329 of the laws of 1960,
19 subdivision 2 as amended by chapter 617 of the laws of 1967, subdivision
20 7 as amended by chapter 198 of the laws of 1966 and subdivision 8 as
21 added by chapter 394 of the laws of 1984, are amended to read as
22 follows:

23 1. All persons in the service of the state, whether elected, appointed
24 or employed, who elect to participate in such health [insurance] benefit
25 plan shall be eligible to participate therein, provided, however, that
26 the president may adopt such regulations as he or she may deem appropri-
27 ate excluding temporary, part time or intermittent employment.

28 2. The contract or contracts shall provide for health [insurance]
29 benefits for retired employees of the state and of the state colleges of
30 agriculture, home economics, industrial labor relations and veterinary
31 medicine, the state agricultural experiment station at Geneva, and any
32 other institution or agency under the management and control of Cornell
33 university as the representative of the board of trustees of the state
34 university of New York, and the state college of ceramics under the
35 management and control of Alfred university as the representative of the
36 board of trustees of the state university of New York, and their spouses
37 and dependent children as defined by the regulations of the president,
38 on such terms as the president may deem appropriate, and the president
39 may authorize the inclusion in the plan of the employees and retired
40 employees of public authorities, public benefit corporations, school
41 districts, special districts, district corporations, municipal corpo-
42 rations excluding active employees and retired employees of cities
43 having a population of one million or more inhabitants whose compen-
44 sation is or was before retirement paid out of the city treasury, or
45 other appropriate agencies, subdivisions or quasi-public organizations
46 of the state and their spouses and dependent children as defined by the
47 regulations of the president. Any such corporation, district, agency or
48 organization electing to participate in the plan shall be required to
49 pay its proportionate share of the expenses of administration of the
50 plan in such amounts and at such times as determined and fixed by the
51 president. All amounts payable for such expenses of administration
52 shall be paid to the commissioner of taxation and finance and shall be
53 applied to the reimbursement of funds previously advanced for such
54 purposes. Neither the state nor any other participant in the plan shall
55 be charged with the particular experience attributable to the employees
56 of the participant, and all dividends or retroactive rate credits shall



1 be distributed pro-rata based upon the number of employees of such
2 participant covered by the plan.

3 5. The chief fiscal officer of any such participating employer shall
4 be authorized to deduct from the wages or salary paid to its employees
5 who are participants in such health [insurance] benefit plan the sums
6 required to be paid by them under such plan. Each such participating
7 employer is authorized to appropriate such sums as are required to be
8 paid by it as its share in connection with the operation of such plan.

9 7. For purposes of eligibility for participation in the health [insur-
10 ance] benefit plan no person shall be deemed to be a state officer or
11 employee or to be in the service of the state unless his salary or
12 compensation is paid directly by the state, and no person shall be
13 deemed to be a retired officer or employee of the state unless his sala-
14 ry or compensation immediately preceding his retirement was paid direct-
15 ly by the state; provided, however, that all active and retired
16 justices, judges, officers and employees of the supreme court, surro-
17 gate's court, county court, family court, civil court of the city of New
18 York, criminal court of the city of New York and district court in any
19 county, officers and employees of the office of probation for the courts
20 of New York city shall be eligible for participation in the health
21 [insurance] benefit plan whether or not their salaries are paid or
22 before retirement were paid directly by the state.

23 8. Notwithstanding any other law, rule or regulation to the contrary,
24 where the state and an employee organization representing state officers
25 and employees who are in positions which are in the collective negotiat-
26 ing unit established by chapter four hundred three of the laws of nine-
27 teen hundred eighty-three enter into a collectively negotiated agreement
28 pursuant to article fourteen of this chapter providing that officers and
29 employees who hold positions in such unit on or after April first, nine-
30 teen hundred eighty-four and who immediately upon termination from such
31 position are eligible to receive a retirement benefit from either the
32 New York state or New York city retirement systems shall continue to be
33 eligible to participate in the employee benefit fund established by
34 section two hundred six-a of the state finance law, such officers and
35 employees upon retirement shall continue to participate in and receive
36 the benefits of such fund as provided in such collectively negotiated
37 agreement and shall not be eligible to receive and shall not receive
38 from the statewide health [insurance] benefit plan established pursuant
39 to this article coverage for benefits covered by such employee benefit
40 fund.

41 § 4-a. Section 163-a of the civil service law, as added by chapter 302
42 of the laws of 1985, is amended to read as follows:

43 § 163-a. Health insurance adjustment. 1. For the purposes of this
44 section, the term "supplementary plan" shall mean a health [insurance]
45 benefit plan which provides an adjustment to the deductible or co-insu-
46 rance liability or to the benefits provided by the statewide health
47 [insurance] benefit plan purchased pursuant to section one hundred
48 sixty-two of this article.

49 2. The president may require the insurer of a supplementary plan to
50 the statewide health [insurance] benefit plan, provided as a result of a
51 collectively negotiated agreement pursuant to article fourteen of this
52 chapter, to make a comparable supplementary plan available to partic-
53 ipating employers as of the implementation date of the state employees'
54 supplementary plan. The comparable supplementary plan shall be experi-
55 ence rated as to those participating employers electing it, with the
56 costs thereof allocated equitably among them.

1 3. Every participating employer which, on or before July first, nine-
2 teen hundred eighty-five, entered into a collectively negotiated agree-
3 ment pursuant to article fourteen of this chapter with employee organ-
4 izations representing its employees to provide the statewide health
5 [insurance] benefit plan shall provide such comparable supplementary
6 plan on the date established by the president until the expiration of
7 such negotiated agreement.

8 § 5. Section 165 of the civil service law, as amended by chapter 810
9 of the laws of 1964, subdivision 2 as amended by chapter 608 of the laws
10 of 1977, is amended to read as follows:

11 § 165. Termination of active employment. 1. The health [insurance]
12 benefit coverage of any employee and his or her dependents, if any,
13 shall cease upon the discontinuance of his or her term of office or
14 employment, subject to regulations which may be prescribed by the presi-
15 dent for extension of coverage and for conversion to an individual
16 contract providing for such of the benefits provided under this article
17 as may be provided under such individual contracts, under terms approved
18 by the president, the total cost of any such contract to be borne by the
19 employee.

20 2. In the event of death of an employee having coverage at the time of
21 death for himself or herself and his or her dependents, and where the
22 circumstances of death are such that beneficiaries or dependents of such
23 deceased employee are entitled to an accidental death benefit payable by
24 a retirement system or pension plan administered by the state or a civil
25 division thereof on account of death resulting from an accident
26 sustained in the performance of his or her duties or to death benefits
27 provided for under the [workmen's] workers' compensation law, the unre-
28 married spouse of such employee covered at the time of his or her death
29 and his or her covered dependents, for so long as they would otherwise
30 qualify as dependents eligible for coverage under the regulations of the
31 president, shall be eligible to continue full coverage under the health
32 [insurance] benefit plan upon payment at intervals determined by the
33 president of the full cost of such coverage; provided, however, that the
34 state shall pay and any participating employer may elect to pay the full
35 cost of such coverage, except that in the case of those enrolled in an
36 optional benefit plan, the employer shall contribute not more than the
37 same dollar amount which would be paid if such unremarried spouse and
38 dependents were enrolled in the basic statewide health [insurance] bene-
39 fit plan. The president shall adopt such regulations as may be required
40 to carry out the provisions of this subdivision which shall include, but
41 need not be limited to, provisions for filing application for continued
42 coverage, including reasonable time limits therefor, and provisions for
43 continued coverage of spouse and dependents pending determination of an
44 application for accidental death benefits from a retirement system or
45 pension plan administered by the state or a civil division thereof or
46 pending determination of a claim for death benefits under the [work-
47 men's] workers' compensation law.

48 § 6. Section 165-a of the civil service law, as amended by chapter 467
49 of the laws of 1991, the closing paragraph as added by chapter 105 of
50 the laws of 2005, is amended to read as follows:

51 § 165-a. Continuation of state health [insurance] benefit plans for
52 survivors of employees of the state and/or of a political subdivision or
53 of a public authority. Notwithstanding any other provision of law to the
54 contrary, the president shall permit the unremarried spouse and the
55 dependents, otherwise qualified as eligible for coverage under regu-
56 lations of the president, of a person who was an employee of the state

1 and/or of a political subdivision thereof or of a public authority for
2 not less than ten years, provided however, that the ten-year service
3 requirement shall not apply to such employees on active military duty in
4 connection with the Persian Gulf conflict who die on or after August
5 second, nineteen hundred ninety while in the Persian Gulf combat zone or
6 while performing such military duties, who had been a participant in any
7 of the state health [insurance] benefit plans, to continue under the
8 coverage which such deceased employee had in effect at the time of
9 death, upon the payment at intervals determined by the president of the
10 full cost of such coverage, provided, however, that the unremarried
11 spouse of an active employee of the State who died on or after April
12 first nineteen hundred seventy-five and before April first nineteen
13 hundred seventy-nine who timely elected to continue dependent coverage,
14 or such unremarried spouse who timely elected individual coverage shall
15 continue to pay at intervals determined by the president one-quarter of
16 the full cost of dependent coverage and provided further, that, with
17 regard to employees of the State, where and to the extent that an agree-
18 ment pursuant to article fourteen of this chapter so provides, or where
19 the director of employee relations, with respect to employees of the
20 State who are not included within a negotiating unit so recognized or
21 certified pursuant to article fourteen of this chapter whom the director
22 of employee relations determines should be declared eligible for the
23 continuation of health [insurance] benefit plans for the survivors of
24 such employees of the State, the president shall adopt regulations
25 providing for the continuation of such health [insurance] benefit or
26 benefits by the unremarried spouse of an active employee of the State
27 who died on or after April first nineteen hundred seventy-nine who
28 elects to continue dependent coverage, or such unremarried spouse who
29 elects individual coverage, and upon such election shall pay at inter-
30 vals determined by the president one-quarter of the full cost of depend-
31 ent coverage and, provided further with respect to enrolled employees of
32 a political subdivision or public authority in a negotiating unit recog-
33 nized or certified pursuant to article fourteen of this chapter, where
34 an agreement negotiated pursuant to said article so provides, and with
35 respect to enrolled employees of a political subdivision or public
36 authority not included within a negotiating unit so recognized or certi-
37 fied, at the discretion of the appropriate political subdivision or
38 public authority, the unremarried spouse of an active employee of the
39 political subdivision or of the public authority who died on or after
40 April first nineteen hundred seventy-five, may elect to continue depend-
41 ent coverage or such unremarried spouse may elect individual coverage
42 and upon such election shall pay at intervals determined by the presi-
43 dent one-quarter of the full cost of dependent coverage.

44 The president shall adopt such regulations as may be required to carry
45 out the provisions of this subdivision which shall include, but need not
46 be limited to, provisions for filing application for continued coverage.

47 Notwithstanding any law to the contrary, the survivors of any employee
48 subject to this section shall be entitled to the health [insurance]
49 benefits granted pursuant to this section, provided that such employee
50 died while on active duty other than for training purposes, pursuant to
51 Title 10 of the United States Code, with the armed forces of the United
52 States, and such member died on such active duty on or after the effec-
53 tive date of [the] chapter one hundred five of the laws of two thousand
54 five [which added this paragraph] as a result of injuries, disease or
55 other medical condition sustained or contracted in such active duty with
56 the armed forces of the United States.



1 § 7. Paragraph (a) of subdivision 1 and subdivisions 2, 4 and 5 of
2 section 167 of the civil service law, paragraph (a) of subdivision 1 as
3 amended by chapter 582 of the laws of 1988, subdivision 2 as amended by
4 chapter 534 of the laws of 1998, subdivision 4 as amended by chapter 407
5 of the laws of 1970 and subdivision 5 as amended by chapter 617 of the
6 laws of 1967, are amended to read as follows:

7 (a) The full cost of premium or subscription charges for the coverage
8 of retired state employees who are enrolled in the statewide and the
9 supplementary health [insurance] benefit plans established pursuant to
10 this article and who retired prior to January first, nineteen hundred
11 eighty-three shall be paid by the state. Nine-tenths of the cost of
12 premium or subscription charges for the coverage of state employees and
13 retired state employees retiring on or after January first, nineteen
14 hundred eighty-three who are enrolled in the statewide and supplementary
15 health [insurance] benefit plans shall be paid by the state. Three-
16 quarters of the cost of premium or subscription charges for the coverage
17 of dependents of such state employees and retired state employees shall
18 be paid by the state. Except as provided in paragraph (b) of this subdivi-
19 sion, the state shall contribute toward the premium or subscription
20 charges for the coverage of each state employee or retired state employ-
21 ee who is enrolled in an optional benefit plan and for the dependents of
22 such state employee or retired state employee the same dollar amount
23 which would be paid by the state for the premium or subscription charges
24 for the coverage of such state employee or retired state employee and
25 his or her dependents if he or she were enrolled in the statewide and
26 the supplementary health [insurance] benefit plans, but not in excess of
27 the premium or subscription charges for the coverage of such state
28 employee or retired state employee and his or her dependents under such
29 optional benefit plan. For purposes of this subdivision, employees of
30 the state colleges of agriculture, home economics, industrial labor
31 relations, and veterinary medicine, the state agricultural experiment
32 station at Geneva, and any other institution or agency under the manage-
33 ment and control of Cornell university as the representative of the
34 board of trustees of the state university of New York, and employees of
35 the state college of ceramics under the management and control of Alfred
36 university as the representative of the board of trustees of the state
37 university of New York, shall be deemed to be state employees whose
38 salaries or compensation are paid directly by the state.

39 2. Each participating employer shall be required to pay not less than
40 fifty percentum of the cost of premium or subscription charges for the
41 coverage of its employees and retired employees who are enrolled in the
42 statewide only or the statewide and comparable supplementary health
43 [insurance] benefit plans established pursuant to this article. Such
44 employer shall be required to pay not less than thirty-five percentum of
45 the cost of premium or subscription charges for the coverage of depen-
46 dents of such employees and retired employees. Such employer shall
47 contribute toward the premium or subscription charges for the coverage
48 of each employee or retired employee who is enrolled in an optional
49 benefit plan and for the dependents of such employee or retired employee
50 the same dollar amount which would be paid by such employer for the
51 premium or subscription charges for the coverage of such employee or
52 retired employee and his or her dependents if he or she were enrolled in
53 the statewide health [insurance] benefit plan, but not in excess of the
54 premium or subscription charges for the coverage of such employee or
55 retired employee and his or her dependents under such optional benefit
56 plan. Such employer shall not be required to pay the cost of premium or

1 subscription charges for the coverage of unpaid elected officials, or
2 unpaid board members of a public authority, or their dependents,
3 provided, however that no unpaid board member of a public authority
4 shall be eligible to participate in such [insurance] benefit plan until
5 he or she has served in such position for at least six months. Subject
6 to such regulations as the president may prescribe, any participating
7 employer may elect to pay higher rates of contribution for the coverage
8 of employees, retired employees and their dependents; provided, however,
9 that if a participating employer elects to pay a higher or lower rate of
10 contribution for its retired employees or their dependents, or both,
11 than that paid by the state for its retired employees or their depen-
12 dents, or both, amounts withheld from the retirement allowances of such
13 retired employees for their share of premium or subscription charges, if
14 any, shall, if the president so requires, be paid to such participating
15 employer which shall pay into the health insurance fund the full cost of
16 premium or subscription charges for the coverage of such retired employ-
17 ees and their dependents. Such election shall be exercised by the
18 adoption of a resolution by its governing body which, if required by law
19 to be approved by any other body or officer, shall have been so
20 approved.

21 4. Upon the retirement, on or after July first, nineteen hundred
22 sixty-five, of a state employee whose salary or compensation is paid
23 directly by the state, who is subject to a plan established by law,
24 rule, regulation, written order or written policy which provides for the
25 regular earning and accumulation of sick leave, and who is eligible to
26 continue coverage under the health [insurance] benefit plan after
27 retirement, the department [of civil service] shall determine, based on
28 the employee's age at the time of retirement, the actuarial equivalent
29 in monthly installments for the remaining life expectancy of such
30 retired employee, of the dollar value of the earned and accumulated but
31 unused sick leave standing to his or her credit at the time of retire-
32 ment, without interest. Such dollar value shall be based on the employ-
33 ee's salary at the time of retirement. In addition to regular employer
34 contributions, contributions in the amount of such monthly installments
35 shall be paid from the state's appropriation to the health insurance
36 fund and applied towards the charges for health [insurance] benefits on
37 account of such retired employee and his or her dependents, to the
38 extent necessary to pay such charges. The remaining amount, if any,
39 necessary to pay such charges shall be contributed by such retired
40 employee. On or after October first, nineteen hundred seventy when such
41 dollar value of such sick leave amounts to less than one hundred dollars
42 for a particular retired employee, in lieu of contributions which would
43 otherwise be required from such retired employee, additional contrib-
44 utions shall be paid for the state's appropriation to the health insur-
45 ance fund and applied towards the charges for health [insurance] bene-
46 fits on account of such retired employee and his or her dependents until
47 the sum of such additional contributions equals such dollar value of
48 such sick leave. The remaining amount, if any, necessary to pay such
49 charges shall be contributed by such retired employee. For purposes of
50 this subdivision, employees of the state colleges of agriculture, home
51 economics, industrial labor relations, and veterinary medicine, the
52 state agricultural experiment station at Geneva, and any other institu-
53 tion or agency under the management and control of Cornell university as
54 the representative of the board of trustees of the state university of
55 New York, and employees of the state college of ceramics under the
56 management and control of Alfred university as the representative of the



1 board of trustees of the state university of New York, shall be deemed
2 to be state employees whose salaries or compensation is paid directly by
3 the state.

4 5. Subject to such regulations as the president may prescribe, any
5 participating employer may elect to make additional contributions
6 towards charges for health [insurance] benefit coverage on account of
7 its retired employees and their dependents, based on the dollar value of
8 their sick leave accumulated but unused at the time of retirement. Such
9 election shall apply to employees in the service of the participating
10 employer who retire on or after the effective date of such election, who
11 are subject to a plan established by law, rule, regulation, written
12 order or written policy which provides for the regular earning and accu-
13 mulation of sick leave, and who are eligible to continue coverage under
14 the health [insurance] benefit plan after retirement. The participating
15 employer shall certify to the department [of civil service] the dollar
16 value of earned and accumulated but unused sick leave standing to the
17 credit of an employee at the time of his or her retirement. Additional
18 contributions shall be paid by such participating employer and applied
19 towards charges for health [insurance] benefits on account of its
20 retired employees and their dependents in the same manner as provided in
21 subdivision four of this section with respect to retired state employees
22 and their dependents.

23 § 8. Section 167-a of the civil service law, as added by chapter 602
24 of the laws of 1966, is amended to read as follows:

25 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
26 from the coverage of the health [insurance] benefit plan of supplementa-
27 ry medical insurance benefits for which an active or retired employee or
28 a dependent covered by the health [insurance] benefit plan is or would
29 be eligible under the federal old-age, survivors and disability insur-
30 ance program, an amount equal to the premium charge for such supplemen-
31 tary medical insurance benefits for such active or retired employee and
32 his or her dependents, if any, shall be paid monthly or at other inter-
33 vals to such active or retired employee from the health insurance fund.
34 Where appropriate, such amount may be deducted from contributions paya-
35 ble by the employee or retired employee; or where appropriate in the
36 case of a retired employee receiving a retirement allowance, such amount
37 may be included with payments of his or her retirement allowance.
38 Employer contributions to the health insurance fund shall be adjusted as
39 necessary to provide for such payments.

40 § 9. Section 168 of the civil service law, as amended by chapter 329
41 of the laws of 1960, subdivisions 1 and 2 as amended by chapter 585 of
42 the laws of 1968 and subdivision 3 as amended by chapter 198 of the laws
43 of 1966, is amended to read as follows:

44 § 168. Assessment of certain costs. 1. If the salary or compensation
45 of any officers and employees of the state is paid from a special or
46 administrative fund or funds, other than the state purposes fund or the
47 local assistance fund of the general fund of the state or the capital
48 construction fund or an income fund of the state university or the
49 mental hygiene services fund, such fund or funds shall be charged, and
50 there shall be paid therefrom as [hereinafter] provided in this section
51 the employer's share of the premium for the coverage of such officers
52 and employees under the health [insurance] benefit plan. If the amounts
53 appropriated or allocable from such special or administrative fund or
54 funds are insufficient for such purpose, the director of the budget is
55 hereby authorized to allocate such additional sums from such fund or
56 funds as may be necessary therefor; provided, however, that no transfer

1 shall be made between two or more of such funds. Such amounts shall be
2 paid, at such times as shall be required by the president, to the
3 commissioner of taxation and finance and shall be credited to the health
4 insurance fund to pay, or reimburse the health insurance fund for the
5 payment of, the employer's share of the premium for coverage of such
6 officers and employees under the health [insurance] benefit plan.

7 2. If the salary or compensation of any officers and employees of the
8 state is payable from a special or administrative fund or funds, other
9 than the state purposes fund or the local assistance fund of the general
10 fund of the state or the capital construction fund or an income fund of
11 the state university or the mental hygiene services fund, a propor-
12 tionate share of the expenses of administration of the health [insur-
13 ance] benefit plan, on account of coverage of such officers and employ-
14 ees, shall be payable from such fund or funds. If the amounts
15 appropriated or allocable from such special or administrative fund or
16 funds are insufficient for such purpose, the director of the budget is
17 hereby authorized to allocate such additional sums from such funds or
18 funds as may be necessary therefor; provided, however, that no transfer
19 shall be made between two or more of such funds. The proportionate share
20 of the expenses of administration of the health [insurance] benefit plan
21 chargeable pursuant to this subdivision to any special or administrative
22 fund shall be determined by the president and shall be payable at such
23 times as may be fixed by him or her. Such sums shall be payable to the
24 commissioner of taxation and finance and shall be applied to the
25 reimbursement of funds previously advanced for the expenses of adminis-
26 tration of the health [insurance] benefit plan.

27 3. (a) If the salary or compensation of any justices, judges, officers
28 and employees of the supreme court, surrogate's court, county court,
29 family court, civil court of the city of New York, criminal court of the
30 city of New York and district court in any county, officers and employ-
31 ees of the office of probation for the courts of New York city is not
32 paid in whole or in part from the treasury of the state, but is paid
33 directly from the treasury of a civil division, such civil division
34 shall be required to pay the employer's share of the premium charges for
35 the coverage of such justices, judges, officers and employees under the
36 state health [insurance] benefit plan. The appropriate fiscal officer of
37 such civil division shall deduct from the salary or wages paid to such
38 justices, judges, officers and employees the sums required to be paid by
39 them under such plan. Such deductions and the corresponding employer's
40 share of premium charges shall be paid, at such times as required by the
41 president, to the commissioner of taxation and finance and shall be
42 credited to the health insurance fund.

43 (b) If the salary or compensation of any retired justices, judges,
44 officers and employees of the supreme court, surrogate's court, county
45 court, family court, civil court of the city of New York, criminal court
46 of the city of New York and district court in any county, officers and
47 employees of the office of probation for the courts of New York city
48 prior to retirement was not paid in whole or in part from the treasury
49 of the state but was paid directly from the treasury of a civil divi-
50 sion, such civil division shall be required to pay the employer's share
51 of the premium charges for the coverage of such retired justices, judg-
52 es, officers and employees under the state health [insurance] benefit
53 plan. If such retired justices, judges, officers and employees are
54 receiving retirement allowances from a pension or retirement plan or
55 system administered by such civil division, the amounts required to be
56 paid by such retired justices, judges, officers and employees as their

1 share of premium charges shall be deducted from their retirement allow-
2 ances. Such deductions and the employer's share of premium charges shall
3 be paid, at such times as required by the president, to the commissioner
4 of taxation and finance and shall be credited to the health insurance
5 fund.

6 (c) Any civil division required by this subdivision to pay the employ-
7 er's share of the premium charges for the coverage of active or retired
8 justices, judges, officers and employees of the supreme court, surro-
9 gate's court, county court, family court, civil court of the city of New
10 York, criminal court of the city of New York and district court in any
11 county, officers and employees of the office of probation for the courts
12 of New York city shall also be assessed and required to pay a propor-
13 tionate share of the expenses of administration of the health [insur-
14 ance] benefit plan in such amounts and at such times as determined by
15 the president. Such sums shall be payable to the commissioner of taxa-
16 tion and finance and shall be applied to the reimbursement of funds
17 previously advanced for the expenses of administration of the health
18 [insurance] benefit plan.

19 § 10. Subdivisions 1 and 3 of section 161-a of the civil service law,
20 subdivision 1 as amended by chapter 302 of the laws of 1985 and subdivi-
21 sion 3 as added by chapter 307 of the laws of 1979, are amended to read
22 as follows:

23 1. Where, and to the extent that, an agreement between the state and
24 an employee organization entered into pursuant to article fourteen of
25 this chapter provides for health [insurance] benefits, the president,
26 after receipt of written directions from the director of employee
27 relations, shall implement the provisions of such agreement consistent
28 with the terms thereof and to the extent necessary shall adopt regu-
29 lations providing for the benefits to be thereunder provided. The presi-
30 dent, with the approval of the director of the budget, may extend such
31 benefits, in whole or in part, to employees not subject to the
32 provisions of such agreement.

33 3. There is hereby created a council on employee health insurance to
34 supervise the administration of changes to the health [insurance] bene-
35 fit plan negotiated in collective negotiations and to provide continuing
36 policy direction to insurance plans administered by the state the
37 provisions of any other law to the contrary notwithstanding. The council
38 shall consist of the president [of the civil service commission], the
39 director of the division of the budget, and the director of employee
40 relations.

41 § 11. Paragraph (a) of subdivision 1 of section 11 of the civil
42 service law, as amended by chapter 299 of the laws of 1968, is amended
43 to read as follows:

44 (a) The term "expenses of administration" means the total cost of
45 administration of the department [of civil service], excluding costs of
46 providing services to municipalities and costs of administration of the
47 health [insurance] benefit plan, and excluding costs of special programs
48 or activities of the department as may be determined by the president,
49 subject to approval of the director of the budget, which do not serve
50 generally all state departments and agencies under the jurisdiction of
51 the department;

52 § 12. Section 158 of the civil service law, as added by chapter 1047
53 of the laws of 1973, subdivision 1 as amended by section 4 of part C of
54 chapter 56 of the laws of 2006, is amended to read as follows:

55 § 158. Group term life insurance plan and group accident and health
56 [insurance] benefit plan. 1. The president, subject to the provisions of

1 this section, is hereby empowered to establish regulations relating to,
2 and to enter into and administer contracts providing for, a group term
3 life insurance plan, and a group accident and health [insurance] benefit
4 plan on behalf of legislators, employees of the legislature hired on an
5 annual basis, judges and justices of the unified court system, and state
6 employees and retired employees who, for the purposes of article four-
7 teen of this chapter, have been for a period of time prescribed by the
8 regulations and, except for such retirees, continue to be in positions
9 designated as managerial or confidential positions. The president may
10 authorize the inclusion in the plan of such employees and retired
11 employees of other governments or public employers as defined in subdivi-
12 sion [seven] six of section two hundred one of this chapter. The pres-
13 ident may adopt whatever other regulations which may be necessary to
14 fulfill the intentions of this section. No regulation shall be adopted,
15 repealed or amended, and no other action taken with respect to such
16 employees affecting the amount of, or eligibility for, benefits or rates
17 of contribution under this section without the approval of the director
18 of employee relations.

19 The full costs of any insurance program or programs established pursu-
20 ant to this subdivision, excluding administrative costs, shall be borne
21 by insureds and retirees. Any interest earned by the moneys in the life
22 insurance fund shall be added to such fund, become a part of such fund,
23 be used for the purpose of such fund, and be available without fiscal
24 year limitation.

25 2. The regulations of the president authorized by this section shall
26 provide that the entire cost of premiums or subscription charges for
27 coverage under the insurance plans established pursuant to such regu-
28 lations shall be borne by the employees electing such coverage. Such
29 regulations may provide for the allocation of any administrative
30 expenses, other than those of the insurer, among employers or employees
31 or retired employees participating in such coverage.

32 § 13. Subdivision 1 of section 174 of the civil service law, as added
33 by chapter 585 of the laws of 1998, is amended to read as follows:

34 1. All persons who, as of the effective date of this article, are or
35 shall become eligible to participate in the state health [insurance]
36 benefit plan established under article eleven of this chapter, shall be
37 eligible to participate in the long term care insurance plan established
38 under this article. The president shall adopt regulations prescribing
39 the conditions under which an eligible individual may elect to partic-
40 ipate in the long term care insurance plan.

41 § 14. The article heading of article 11 of the civil service law, as
42 added by chapter 461 of the laws of 1956 and as renumbered by chapter
43 790 of the laws of 1958, is amended to read as follows:

44 HEALTH [INSURANCE] BENEFITS FOR STATE AND RETIRED STATE EMPLOYEES

45 § 15. Subparagraph (i) of paragraph f of subdivision 2 of section 5 of
46 the state finance law, as added by section 1 of part E of chapter 56 of
47 the laws of 2000, is amended to read as follows:

48 (i) in the unclassified service of the state and, notwithstanding any
49 other provision of law to the contrary, shall be designated managerial
50 and, as such, eligible for benefits provided by subdivision two of
51 section eleven and subdivision (a) of section twelve of chapter four
52 hundred sixty of the laws of nineteen hundred eighty-two, as amended;
53 section one hundred fifty-eight of the civil service law; eligible to
54 participate in the state deferred compensation plan, the New York state
55 and local employees' retirement system; the health [insurance] benefit



1 plan for state employees; and subject to coverage under sections seven-
2 teen and eighteen of the public officers law, or

3 § 16. Subdivisions 1 and 3 of section 99-c of the state finance law,
4 as added by chapter 55 of the laws of 1977, is amended to read as
5 follows:

6 1. In the event a county, city, town, village or school district which
7 has elected to receive distribution or distributions from the health
8 insurance reserve receipts fund, pursuant to an agreement between such
9 municipality or school district and the state and which has elected to
10 terminate its contractual agreement for health [insurance] benefits with
11 the New York state department of civil service, or if called upon by the
12 New York state department of civil service, pursuant to such agreement,
13 to return such distribution within the time period and under the condi-
14 tions specified in such agreement, shall be in default of its obligation
15 to repay such distribution, the allotment, apportionment, and payment of
16 local assistance aid, education aid or other state aid as appropriate
17 and as determined by the comptroller shall be withheld by the state upon
18 the following terms and conditions.

19 3. Notwithstanding any inconsistent provisions of law, the comptroller
20 shall establish a fund, to be called the health insurance reserve
21 receipts fund, to receive transfers of funds from the health insurance
22 carriers of the New York state employee health [insurance] benefit plan,
23 pursuant to contractual agreements between such carriers and the New
24 York state department of civil service and/or from the health insurance
25 fund. Moneys returned by the municipalities and school districts or
26 withheld from state aid by the comptroller pursuant to provisions
27 governing termination of the contractual agreements shall be deposited
28 in this fund. Disbursements from the health insurance reserve receipts
29 fund shall be for the purpose of returning to participating governments
30 and school districts the appropriate share of moneys remitted by such
31 health insurance carriers and/or for the purpose of remitting to the
32 carriers any moneys due them as a result of termination of the state's
33 contract with the carriers or termination of agreements between the
34 state and municipalities and school districts and/or for the purpose of
35 transferring funds to the health insurance fund. Disbursements from such
36 fund shall be made pursuant to the procedures for authorization of
37 expenditures contained in article [XI] eleven of the civil service law
38 upon the issuance of a certificate of approval of availability by the
39 director of the budget and subject to audit and warrant of the comp-
40 troller.

41 § 17. Subdivision 2 of section 9.09 of the parks, recreation and
42 historic preservation law is amended to read as follows:

43 2. For the purposes of eligibility for participation in the state
44 health [insurance] benefit plan under article eleven of the civil
45 service law and for survivor's benefits for active and retired state
46 employees [as provided by sections one hundred fifty-four and one
47 hundred fifty-five of the civil service law], employees of the commis-
48 sion, to the extent to which the compensation paid for their services is
49 derived from funds appropriated by this state, shall be deemed to be
50 employees of this state and qualified for such participation and bene-
51 fits. For the purpose of determining their rights under the [workmen's]
52 workers' compensation law of this state, employees of the commission
53 employed wholly or partly in this state shall be deemed to be employees
54 of this state provided, however, that the amount of any payment made
55 under such compensation law to an employee of the commission employed
56 only partly in this state shall be only in such proportion as the amount

1 of his or her salary paid by the state of New York shall bear to his or
2 her total salary.

3 § 18. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after March 1, 2009.

5

PART Z

6 Section 1. Section 165-a of the civil service law, as amended by chap-
7 ter 467 of the laws of 1991, the closing paragraph as added by chapter
8 105 of the laws of 2005, is amended to read as follows:

9 § 165-a. Continuation of state health insurance plans for survivors of
10 employees of the state and/or of a political subdivision or of a public
11 authority. Notwithstanding any other provision of law to the contrary,
12 [the]:

13 1. The president shall permit the unremarried spouse and the depen-
14 dents, otherwise qualified as eligible for coverage under regulations of
15 the president, of a person who was an employee of the state and/or of a
16 political subdivision thereof or of a public authority for not less than
17 ten years, provided however, that the ten-year service requirement shall
18 not apply to such employees on active military duty in connection with
19 the Persian Gulf conflict who die on or after August second, nineteen
20 hundred ninety while in the Persian Gulf combat zone or while performing
21 such military duties, who had been a participant in any of the state
22 health insurance plans, to continue under the coverage which such
23 deceased employee had in effect at the time of death, upon the payment
24 at intervals determined by the president of the full cost of such cover-
25 age, provided, however, that the unremarried spouse of an active employ-
26 ee of the State who died on or after April first nineteen hundred seven-
27 ty-five and before April first nineteen hundred seventy-nine who timely
28 elected to continue dependent coverage, or such unremarried spouse who
29 timely elected individual coverage shall continue to pay at intervals
30 determined by the president one-quarter of the full cost of dependent
31 coverage and provided further, that, with regard to employees of the
32 State, where and to the extent that an agreement pursuant to article
33 fourteen of this chapter so provides, or where the director of employee
34 relations, with respect to employees of the State who are not included
35 within a negotiating unit so recognized or certified pursuant to article
36 fourteen of this chapter whom the director of employee relations deter-
37 mines should be declared eligible for the continuation of health insur-
38 ance plans for the survivors of such employees of the State, the presi-
39 dent shall adopt regulations providing for the continuation of such
40 health insurance by the unremarried spouse of an active employee of the
41 State who died on or after April first nineteen hundred seventy-nine who
42 elects to continue dependent coverage, or such unremarried spouse who
43 elects individual coverage, and upon such election shall pay at inter-
44 vals determined by the president one-quarter of the full cost of depend-
45 ent coverage [and, provided], or if the employee died after the effec-
46 tive date of paragraph (c) of subdivision one of section one hundred
47 sixty-seven of this article, the president shall pay the amount the
48 state would contribute, under such paragraph, towards the premium or
49 subscription charges for a dependent survivor of a retired state employ-
50 ee with the same years of active service, who retired after such effec-
51 tive date. Provided further with respect to enrolled employees of a
52 political subdivision or public authority in a negotiating unit recog-
53 nized or certified pursuant to article fourteen of this chapter, where
54 an agreement negotiated pursuant to said article so provides, and with



1 respect to enrolled employees of a political subdivision or public
2 authority not included within a negotiating unit so recognized or certi-
3 fied, at the discretion of the appropriate political subdivision or
4 public authority, the unremarried spouse of an active employee of the
5 political subdivision or of the public authority who died on or after
6 April first nineteen hundred seventy-five, may elect to continue depend-
7 ent coverage or such unremarried spouse may elect individual coverage
8 and upon such election shall pay at intervals determined by the presi-
9 dent one-quarter of the full cost of dependent coverage.

10 2. The president shall adopt such regulations as may be required to
11 carry out the provisions of this subdivision which shall include, but
12 need not be limited to, provisions for filing application for continued
13 coverage.

14 3. Notwithstanding any law to the contrary, the survivors of any
15 employee subject to this section shall be entitled to the health insur-
16 ance benefits granted pursuant to this section, provided that such
17 employee died while on active duty other than for training purposes,
18 pursuant to Title 10 of the United States Code, with the armed forces of
19 the United States, and such member died on such active duty on or after
20 the effective date of [the] chapter one hundred five of the laws of two
21 thousand five which added this paragraph as a result of injuries,
22 disease or other medical condition sustained or contracted in such
23 active duty with the armed forces of the United States.

24 § 2. Subdivision 1 of section 167 of the civil service law, as amended
25 by chapter 582 of the laws of 1988 and paragraph (b) as amended by chap-
26 ter 317 of the laws of 1995, is amended to read as follows:

27 1. (a) The full cost of premium or subscription charges for the cover-
28 age of retired state employees who are enrolled in the statewide and the
29 supplementary health insurance plans established pursuant to this arti-
30 cle and who retired prior to January first, nineteen hundred eighty-
31 three shall be paid by the state. [Nine-tenths] Except as provided in
32 paragraph (c) of this subdivision, nine-tenths of the cost of premium or
33 subscription charges for the coverage of state employees and retired
34 state employees retiring on or after January first, nineteen hundred
35 eighty-three who are enrolled in the statewide and supplementary health
36 insurance plans shall be paid by the state. [Three-quarters] Except as
37 provided in paragraph (c) of this subdivision, three-quarters of the
38 cost of premium or subscription charges for the coverage of dependents
39 of such state employees and retired state employees shall be paid by the
40 state. Except as provided in paragraph (b) of this subdivision, the
41 state shall contribute toward the premium or subscription charges for
42 the coverage of each state employee or retired state employee who is
43 enrolled in an optional benefit plan and for the dependents of such
44 state employee or retired state employee the same dollar amount which
45 would be paid by the state for the premium or subscription charges for
46 the coverage of such state employee or retired state employee and his or
47 her dependents if he or she were enrolled in the statewide and the
48 supplementary health insurance plans, but not in excess of the premium
49 or subscription charges for the coverage of such state employee or
50 retired state employee and his or her dependents under such optional
51 benefit plan. For purposes of this subdivision, employees of the state
52 colleges of agriculture, home economics, industrial labor relations, and
53 veterinary medicine, the state agricultural experiment station at Gene-
54 va, and any other institution or agency under the management and control
55 of Cornell university as the representative of the board of trustees of
56 the state university of New York, and employees of the state college of

1 ceramics under the management and control of Alfred university as the
2 representative of the board of trustees of the state university of New
3 York, shall be deemed to be state employees whose salaries or compen-
4 sation are paid directly by the state.

5 (b) Effective January first, nineteen hundred eighty-nine, notwith-
6 standing any other law, rule or regulation, except as provided in para-
7 graph (c) of this subdivision, and where, and to the extent that, an
8 agreement between the state and an employee organization entered into
9 pursuant to article fourteen of this chapter so provides or where and to
10 the extent the employee health insurance council so directs with respect
11 to any other state employees and for retired state employees retiring on
12 or after January first, nineteen hundred eighty-three, the state shall
13 contribute nine-tenths of the cost of premiums or subscription charges
14 for coverage of each such state employee or retired state employee who
15 is enrolled in an optional benefit plan and three-fourths of such premi-
16 um or subscription charges for dependents of such state employees or
17 retired state employees enrolled in such optional benefit plan;
18 provided, however, effective January first, nineteen hundred ninety-six,
19 the contribution rates for the hospitalization and medical components of
20 each optional benefit plan shall not exceed one hundred percent of the
21 dollar amount of the state's contribution toward the hospitalization and
22 medical components of individual and dependent coverage, respectively,
23 in the Empire Plan. In the case of state employees retiring prior to
24 January first, nineteen hundred eighty-three, the state shall contribute
25 one hundred percent of the individual premium and three-fourths of such
26 premium for dependents of such retired employees enrolled in such
27 optional benefit plan; however, these contribution rates shall not
28 exceed one hundred percent of the employer dollar amount contribution
29 for individual and dependent coverage respectively in the Empire Plan.
30 In the case of state employees retiring on or after the effective date
31 of paragraph (c) of this subdivision the contribution rates for such
32 retired state employee shall be as set forth in such paragraph (c).

33 (c) The state shall contribute toward the premium or subscription
34 charges for the coverage of retired state employees retiring on or after
35 the effective date of this subdivision who have ten years of service and
36 are enrolled in the statewide and supplementary health insurance plans
37 as follows:

38 (i) The state shall pay fifty percent of the cost of premium or
39 subscription charges for the coverage of such retired state employees.
40 Such contributions shall increase by two percent of premium or
41 subscription charges for each year of service in excess of ten years up
42 to a maximum of ninety percent of premium or subscription charges. The
43 state shall pay thirty-five percent of the cost of premium or
44 subscription charges for the coverage of dependents of such retired
45 state employees who have ten years of service. Such contribution shall
46 increase by two percent of premium or subscription charges for each year
47 of service in excess of ten years up to a maximum of seventy-five
48 percent of premium or subscription charges.

49 (ii) The state shall pay fifty percent of the cost of premium or
50 subscription charges for the coverage of such retired state employees
51 who have been determined to have retired with an ordinary disability
52 pursuant to the applicable provisions of the retirement and social secu-
53 rity law. Such contributions shall increase by two percent of premium or
54 subscription charges for each year of service in excess of ten years up
55 to a maximum of ninety percent of premium or subscription charges. The
56 state shall pay thirty-five percent of the cost of premium or

1 subscription charges for the coverage of dependents of such retired
2 state employees. Such contribution shall increase by two percent of
3 premium or subscription charges for each year of service in excess of
4 ten years up to a maximum of seventy-five percent of premium or
5 subscription charges.

6 (iii) The state shall pay ninety percent of the cost of premium or
7 subscription charges for the coverage of such retired state employees
8 who have been determined to have retired with an accidental or perform-
9 ance of duty disability pursuant to the applicable provisions of the
10 retirement and social security law. The state shall pay seventy-five
11 percent of the cost of premium or subscription charges for the coverage
12 of dependents of such retired state employees.

13 (iv) With respect to all such retired state employees, each increment
14 of two percent of premium or subscription charges for each year of
15 service shall be applicable for whole years of service to the state and
16 shall not be applied pro-rata.

17 (v) The state shall contribute toward the premium or subscription
18 charges for coverage of such retired state employees and for the cover-
19 age of dependents of such retired state employees who are enrolled in an
20 optional benefit plan or in the statewide and supplementary health
21 insurance plans in accordance with subparagraphs (i), (ii) and (iii) of
22 this paragraph; provided, however, the contribution rates for the hospi-
23 talization and medical components of each optional benefit plan shall
24 not exceed one hundred percent of the dollar amount of the state's
25 contribution toward the hospitalization and medical components of indi-
26 vidual and dependent coverage, respectively, in the Empire Plan.

27 § 3. This act shall take effect on the thirtieth day after it shall
28 have become a law.

29

PART AA

30 Section 1. Section 167-a of the civil service law, as added by chapter
31 602 of the laws of 1966, is amended to read as follows:

32 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
33 from the coverage of the health insurance plan of supplementary medical
34 insurance benefits for which an active or retired employee or a depend-
35 ent covered by the health insurance plan is or would be eligible under
36 the federal old-age, survivors and disability insurance program, an
37 amount equal to the premium charge for such supplementary medical insur-
38 ance benefits for such active or retired employee and his or her depen-
39 dents, if any, shall be paid monthly or at other intervals to such
40 active or retired employee from the health insurance fund. Where appro-
41 priate, such amount may be deducted from contributions payable by the
42 employee or retired employee; or where appropriate in the case of a
43 retired employee receiving a retirement allowance, such amount may be
44 included with payments of his or her retirement allowance. [Employer]
45 All state employer, employee, retired employee and dependent contrib-
46 utions to the health insurance fund shall be adjusted as necessary to
47 provide for payment of premium charges under this section. All other
48 employer contributions to the health insurance fund shall be adjusted as
49 necessary to provide for such payments.

50 § 2. This act shall take effect immediately and shall be deemed to
51 have been in full force and effect on and after March 1, 2009.

52

PART BB



1 Section 1. The legislature hereby finds and declares that the state of
2 New York is facing a severe fiscal crisis, that has resulted from a
3 sudden and significant loss of revenue, and that the crisis cannot be
4 resolved absent extraordinary measures to control state spending. The
5 legislature finds that the state cannot control spending, or reach and
6 maintain a balanced budget in a manner consistent with the economic
7 needs of the state, avoid massive layoffs, and continue to provide vital
8 state services without altering the salary and benefits provided to
9 state employees under current law. The legislature further finds and
10 declares that maintenance of a balanced budget is a matter of overriding
11 state concern, without which the state cannot maintain its credit rating
12 and assure its long-term fiscal stability, and protect its economic
13 vitality.

14 § 2. Wage freeze. a. Notwithstanding any other provision of law, the
15 scheduled general salary increases for officers and employees of the
16 state, except for increases to the top salary step for officers and
17 employees of the city university of New York represented by the profes-
18 sional staff congress, which will take effect on or after April 1, 2009,
19 pursuant to collective bargaining agreements, binding interest arbi-
20 tration awards, or other analogous contracts or provisions of law
21 providing for such salary increases, including increases for unrepres-
22 sented employees provided for in chapter 10 of the laws of 2008, are
23 hereby eliminated. For the purposes of computing the pension base of
24 retirement allowances, the eliminated salary or wage increases shall not
25 be considered as part of compensation or final compensation or of annual
26 salary earned or earnable. The eliminations provided in this subdivision
27 shall be effective the first pay period beginning closest to the date on
28 which such salary increase is scheduled to take place.

29 b. For purposes of this section, "officers and employees of the state"
30 shall mean (i) officers and employees of the executive branch (including
31 the state university and the senior colleges of the city university of
32 New York); (ii) officers and employees of the statutory or contract
33 colleges of the state (but in the case of a statutory or contract
34 college for which state payment is made by reimbursement instead of
35 direct payroll payment, such reimbursement shall be reduced and paid in
36 a manner consistent with the provisions of subdivision a of this
37 section); (iii) nonjudicial officers and employees of the unified court
38 system if the chief administrator of the courts so elects; (iv) employ-
39 ees of the senate; (v) employees of the assembly; and (vi) employees of
40 joint legislative employers.

41 § 3. This act shall take effect immediately and shall expire March 31,
42 2010.

43

PART CC

44 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-
45 ment and social security law, as amended by chapter 271 of the laws of
46 2008, is amended to read as follows:

47 1. In addition to any other service credit to which he or she is enti-
48 tled, a member who meets the requirements set forth in paragraphs two
49 and three of this subdivision shall be granted one day of additional
50 service credit for each day of accumulated unused sick leave which he or
51 she has at time of retirement for service, but such credit shall not (a)
52 exceed one hundred sixty-five days, (b) be considered in meeting any
53 service or age requirements prescribed in this chapter, and (c) be
54 considered in computing final average salary. However, for an executive



1 branch member designated managerial or confidential pursuant to article
2 fourteen of the civil service law or in the collective negotiating units
3 established by article fourteen of the civil service law designated the
4 professional, scientific and technical services unit, the rent regu-
5 lation services negotiating unit, the security services negotiating
6 unit, the security supervisors negotiating unit, the state university
7 professional services negotiating unit, the administrative services
8 negotiating unit, the institutional services negotiating unit, the oper-
9 ational services negotiating unit and the division of military and naval
10 affairs negotiating unit who first join a New York state and local
11 retirement system before March first, two thousand nine, such service
12 credit limitation provided in subparagraph (a) of this paragraph shall
13 not exceed two hundred days. For a nonjudicial officer or employee of
14 the unified court system not in a collective negotiating unit or in a
15 collective negotiating unit specified in section one of chapter two
16 hundred three of the laws of two thousand four, for employees of the New
17 York state dormitory authority, for employees of the New York state
18 thruway authority and the New York state canal corporation and for
19 employees of the New York liquidation bureau who first join a public
20 retirement system of this state before March first, two thousand nine,
21 such service credit limitation provided in subparagraph (a) of this
22 paragraph shall not exceed two hundred days.

23 § 2. Subdivision 24 of section 501 of the retirement and social secu-
24 rity law, as amended by chapter 891 of the laws of 1976, is amended to
25 read as follows:

26 24. "Wages" shall mean regular compensation earned by and paid to a
27 member by a public employer, except that for members who first join a
28 public retirement system of the state on or after March first, two thou-
29 sand nine, overtime compensation paid under any law or policy under
30 which employees are paid at a rate greater than their standard rate for
31 additional hours worked beyond that required, including sections one
32 hundred thirty-four of the civil service law and section ninety of the
33 general municipal law, shall not be included in the definition of wages.
34 For the purpose of calculation a member's primary federal social securi-
35 ty retirement or disability benefit, wages shall, in any calendar year,
36 be limited to the portion of the member's wages which would be subject
37 to tax under section three thousand one hundred twenty-one of the inter-
38 nal revenue code of nineteen hundred fifty-four, or any predecessor or
39 successor provision relating thereto, if such member was employed by a
40 private employer.

41 § 3. Subdivisions a and b of section 502 of the retirement and social
42 security law, as amended by chapter 389 of the laws of 1998, are amended
43 to read as follows:

44 a. A member who first joins a public retirement system of this state
45 on or after June thirtieth, nineteen hundred seventy-six and before
46 March first, two thousand nine shall not be eligible for service retire-
47 ment benefits hereunder until such member has rendered a minimum of five
48 years of creditable service after July first, nineteen hundred seventy-
49 three. A member who first joins a public retirement system of this
50 state on or after March first, two thousand nine shall not be eligible
51 for service retirement benefits hereunder until such member has rendered
52 a minimum of ten years of credited service.

53 b. A member who previously was a member of a public retirement system
54 of this state shall not be eligible for service retirement benefits
55 hereunder until such member has rendered a minimum of five years of
56 service which is creditable pursuant to section five hundred thirteen of

1 this article. A member who first joins a public retirement system of
2 this state on or after March first, two thousand nine shall not be
3 eligible for service retirement benefits hereunder until such member has
4 rendered a minimum of ten years of credited service.

5 § 4. Subdivisions a, b and c of section 504 of the retirement and
6 social security law, subdivisions a and b as added by chapter 890 of the
7 laws of 1976 and subdivision c as amended by chapter 174 of the laws of
8 1989, are amended to read as follows:

9 a. The service retirement benefit for general members at normal
10 retirement age with twenty or more years of credited service, or with
11 twenty-five or more years of credited service for members who first join
12 the New York state and local employees' retirement system or the New
13 York state teachers' retirement system on or after March first, two
14 thousand nine, shall be a pension equal to one-fiftieth of final average
15 salary times years of credited service, not in excess of thirty years,
16 less fifty percent of the primary social security retirement benefit as
17 provided in section five hundred eleven.

18 b. The service retirement benefit for general members at normal
19 retirement age with less than twenty years of credited service, or less
20 than twenty-five years of credited service for members who first join
21 the New York state and local employees' retirement system or the New
22 York state teachers' retirement system on or after March first, two
23 thousand nine, shall be a pension equal to one-sixtieth of final average
24 salary times years of credited service, less fifty percent of the prima-
25 ry social security retirement benefit as provided in section five
26 hundred eleven.

27 c. The early service retirement benefit for general members, except
28 for general members whose early retirement benefit is specified in
29 subdivision d of this section, shall be the service retirement benefit
30 specified in subdivision a or b of this section, as the case may be,
31 without social security offset, reduced by one-fifteenth for each of the
32 first two years by which early retirement precedes age sixty-two, plus a
33 further reduction of one-thirtieth for each year by which early retire-
34 ment precedes age sixty. Members who first join the New York state and
35 local employees' retirement system or the New York state teachers'
36 retirement system on or after March first, two thousand nine shall not
37 be eligible to receive the early service retirement benefit specified in
38 this subdivision. At age sixty-two, the benefit shall be reduced by
39 fifty percent of the primary social security retirement benefit, as
40 provided in section five hundred eleven of this article.

41 § 5. Subdivisions a and d of section 516 of the retirement and social
42 security law, subdivision a as added by chapter 389 of the laws of 1998
43 and subdivision d as amended by chapter 622 of the laws of 2004, are
44 amended to read as follows:

45 a. A member who has five or more years of credited service or ten or
46 more years of credited service for members who first join a public
47 retirement system of the state on or after March first, two thousand
48 nine upon termination of employment shall be entitled to a deferred
49 vested benefit as provided herein.

50 d. The deferred vested benefit of general members in the uniformed
51 correction force of the New York city department of correction, who are
52 not entitled to a deferred vested benefit under subdivision d of section
53 five hundred four-a of this article or under subdivision d of section
54 five hundred four-b of this article or under subdivision d of section
55 five hundred four-d of this article, or of general members in the
56 uniformed personnel in institutions under the jurisdiction of the

1 department of correctional services, as defined in subdivision i of
2 section eighty-nine of this chapter, with twenty or more years of cred-
3 ited service or with twenty-five or more years of credited service for
4 members who first join the New York state and local employees' retire-
5 ment system or the New York state teachers' retirement system on or
6 after March first, two thousand nine shall be a pension commencing at
7 normal retirement age equal to one-fiftieth of final average salary
8 times years of credited service, not in excess of thirty years. The
9 deferred vested benefit of general members in the uniformed correction
10 force of the New York city department of correction, who are not enti-
11 tled to a deferred vested benefit under subdivision d of section five
12 hundred four-a of this article or under subdivision d of section five
13 hundred four-b of this article or under subdivision d of section five
14 hundred four-d of this article, or of general members in the uniformed
15 personnel in institutions under jurisdiction of the department of
16 correctional services, as defined in subdivision i of section eighty-
17 nine of this chapter, with less than twenty years of credited service,
18 or less than twenty-five years of credited service for members who first
19 join the New York state and local employees' retirement system or the
20 New York state teachers' retirement system on or after March first, two
21 thousand nine, shall be a pension commencing at normal retirement age
22 equal to one-sixtieth of final average salary times years of credited
23 service. Such deferred vested benefit may be paid in the form of an
24 early service retirement benefit, or may be postponed until after normal
25 retirement age, in which event the benefit will be subject to reduction
26 or escalation as provided in subdivision c of section five hundred four
27 of this article.

28 § 6. Subdivision 1 of section 601 of the retirement and social securi-
29 ty law, as added by chapter 414 of the laws of 1983, is amended to read
30 as follows:

31 1. "Wages" shall mean regular compensation earned by and paid to a
32 member by a public employer, except that for members who first join a
33 public retirement system of the state on or after March first, two thou-
34 sand nine, overtime compensation paid under any law or policy under
35 which employees are paid at a rate greater than their standard rate for
36 additional hours worked beyond that required, including sections one
37 hundred thirty-four of the civil service law and section ninety of the
38 general municipal law, shall not be included in the definition of wages.

39 § 7. Subdivisions a and b of section 602 of the retirement and social
40 security law, as amended by chapter 389 of the laws of 1998, are amended
41 to read as follows:

42 a. A member who first joins a public retirement system of this state
43 on or after July first, nineteen hundred seventy-six and before March
44 first, two thousand nine shall not be eligible for service retirement
45 benefits hereunder until such member has rendered a minimum of five
46 years of credited service. A member who first joins a public retirement
47 system of this state on or after March first, two thousand nine shall
48 not be eligible for service retirement benefits hereunder until such
49 member has rendered a minimum of ten years of credited service.

50 b. A member who previously was a member of a public retirement system
51 of this state shall not be eligible for service retirement benefits
52 hereunder until such member has rendered a minimum of five years of
53 service which is credited pursuant to section six hundred nine of this
54 article. A member who first joins a public retirement system of this
55 state on or after March first, two thousand nine shall not be eligible

1 for service retirement benefits hereunder until such member has rendered
2 a minimum of ten years of credited service.

3 § 8. Subdivision a of section 603 of the retirement and social securi-
4 ty law, as amended by section 3 of chapter 19 of the laws of 2008, is
5 amended to read as follows:

6 a. The service retirement benefit specified in section six hundred
7 four of this article shall be payable to members who have met the mini-
8 mum service requirements upon retirement and attainment of age sixty-
9 two, other than members who first join the New York state and local
10 employees' retirement system or the New York state teachers' retirement
11 system before March first, two thousand nine and who are eligible for
12 early service retirement pursuant to subdivision c of section six
13 hundred four-b of this article, subdivision c of section six hundred
14 four-c of this article, subdivision d of section six hundred four-d of
15 this article, subdivision c of section six hundred four-e of this arti-
16 cle, subdivision c of section six hundred four-f of this article, subdivi-
17 sion c of section six hundred four-g of this article, subdivision c of
18 section six hundred four-h of this article or subdivision c of section
19 six hundred four-i of this article, provided, however, a member who
20 first joins the New York state and local employees' retirement system or
21 the New York state teachers' retirement system before March first, two
22 thousand nine and who is a peace officer employed by the unified court
23 system or a member of a teachers' retirement system or the New York
24 state and local employees' retirement system may retire without
25 reduction of his or her retirement benefit upon attainment of at least
26 fifty-five years of age and completion of thirty or more years of
27 service.

28 § 8-a. Subdivision i of section 603 of the retirement and social secu-
29 rity law, as amended by chapter 19 of the laws of 2008, is amended to
30 read as follows:

31 i. 1. A member of a teachers' retirement system or the New York state
32 and local employees' retirement system who has met the minimum service
33 requirements but who has less than thirty years of credited service may
34 retire prior to normal retirement age, but no earlier than attainment of
35 age fifty-five, in which event, unless such person is a member of the
36 New York city teachers' retirement system who is otherwise eligible for
37 early service retirement pursuant to subdivision c of section six
38 hundred four-i of this article, the amount of his or her retirement
39 benefit otherwise computed without optional modification shall be
40 reduced in accordance with the following schedule:

41 (i) for each of the first twenty-four full months that retirement
42 predates age sixty-two, one-half of one per centum per month; and

43 (ii) for each full month that retirement predates age sixty, one-quar-
44 ter of one per centum per month, but in no event shall retirement be
45 permitted prior to attainment of age fifty-five.

46 2. A member of the New York city employees' retirement system or the
47 board of education retirement system of the city of New York who has met
48 the minimum service requirement, but who is not (a) a participant in the
49 twenty-five-year early retirement program, as defined in paragraph ten
50 of subdivision a of section six hundred four-c of this article (as added
51 by chapter ninety-six of the laws of nineteen hundred ninety-five), or
52 (b) a participant in the age fifty-seven retirement program, as defined
53 in paragraph three of subdivision b of section six hundred four-d of
54 this article, or (c) a New York city transit authority member, as
55 defined in paragraph one of subdivision a of section six hundred four-b
56 of this article, may retire prior to normal retirement age, but no

1 earlier than attainment of age fifty-five, in which event, unless such
2 person is a member of the board of education retirement system of such
3 city who is otherwise eligible for early service retirement pursuant to
4 subdivision c of section six hundred four-i of this article, the amount
5 of his or her retirement benefit computed without optional modification
6 shall be reduced in accordance with the following schedule:

7 (i) for each of the first twenty-four full months that retirement
8 predates age sixty-two, one-half of one per centum per month; and

9 (ii) for each full month that retirement predates age sixty, one-quar-
10 ter of one per centum per month, but in no event shall retirement be
11 permitted prior to attainment of age fifty-five.

12 3. Members who join the New York state and local employees' retirement
13 system or the New York state teachers' retirement system on or after
14 March first, two thousand nine shall not be eligible to receive the
15 retirement benefits specified in this subdivision.

16 § 9. Subdivisions a and b of section 604 of the retirement and social
17 security law, as amended by chapter 266 of the laws of 1998, are amended
18 to read as follows:

19 a. The service retirement benefit at normal retirement age for a
20 member with less than twenty years of credited service, or less than
21 twenty-five years credited service for a member who joins the New York
22 state and local employees' retirement system or the New York state
23 teachers' retirement system on or after March first, two thousand nine,
24 shall be a retirement allowance equal to one-sixtieth of final average
25 salary times years of credited service.

26 b. The service retirement benefit at normal retirement age for a
27 member with twenty years or more of credited service, or with twenty-
28 five or more years credited service for a member who joins the New York
29 state and local employees' retirement system or the New York state
30 teachers' retirement system on or after March first, two thousand nine,
31 shall be a retirement allowance equal to one-fiftieth of final average
32 salary times years of credited service not in excess of thirty years.

33 Credited service in excess of thirty years shall provide an additional
34 retirement allowance equal to three-two hundredths of the final average
35 salary for each year of credited service in excess of thirty years.

36 § 10. Subdivision a of section 612 of the retirement and social secu-
37 rity law, as amended by chapter 659 of the laws of 1999, is amended to
38 read as follows:

39 a. A member who has five or more years of credited service, or ten or
40 more years of credited service for members who first join a public
41 retirement system of the State on or after March first, two thousand
42 nine, upon termination of employment, other than a member who is enti-
43 tled to a deferred vested benefit pursuant to any other provision of
44 this article, shall be entitled to a deferred vested benefit at normal
45 retirement age computed in accordance with the provisions of section six
46 hundred four of this article. A member of a teachers' retirement system
47 or the New York state and local employees' retirement system who has
48 five or more years of credited service, or ten or more years of credited
49 service for members who first become members of the New York state and
50 local employees' retirement system or the New York state teachers'
51 retirement system on or after March first, two thousand nine, upon
52 termination of employment shall be entitled to a deferred vested benefit
53 prior to normal retirement age, but no earlier than age fifty-five, or
54 no earlier than age sixty-two for members who first become members of
55 the New York state and local employees' retirement system or the New
56 York state teachers' retirement system on or after March first, two

1 thousand nine, computed in accordance with the provisions of subdivision
2 i of section six hundred three of this article.

3 § 11. Paragraph 1 of subdivision b of section 902 of the retirement
4 and social security law, as amended by chapter 110 of the laws of 2000,
5 is amended to read as follows:

6 1. An eligible employee (i) with a date of membership in a retirement
7 system on or after July twenty-seventh, nineteen hundred seventy-six and
8 before March first, two thousand nine, and (ii) who has ten or more
9 years of membership or ten or more years of credited service with a
10 retirement system under the provisions of article fourteen or fifteen of
11 this chapter shall not be required to contribute to a retirement system
12 pursuant to section five hundred seventeen or six hundred thirteen of
13 this chapter as of the cessation date.

14 § 12. Paragraph 1 of subdivision b of section 911 of the retirement
15 and social security law, as amended by chapter 110 of the laws of 2000,
16 is amended to read as follows:

17 1. An eligible member (i) with a date of membership in a retirement
18 system on or after July twenty-seventh, nineteen hundred seventy-six and
19 before March first, two thousand nine, and (ii) who has ten or more
20 years of membership or ten or more years of credited service with a
21 retirement system under the provisions of article fourteen or fifteen of
22 this chapter shall not be required to contribute to a retirement system
23 pursuant to section five hundred seventeen or six hundred thirteen of
24 this chapter as of the cessation date.

25 § 13. Paragraph (c) of subdivision 2 of section 392 of the education
26 law, as added by chapter 617 of the laws of 2007, is amended to read as
27 follows:

28 (c) Notwithstanding any other provision of this section or any other
29 law to the contrary, (1) on and after April first, two thousand eight
30 for a member who joined the optional retirement program established
31 pursuant to this article before March first, two thousand nine and who
32 has ten or more years of membership in such optional retirement program,
33 the state shall contribute one-third of the three percent employee
34 contribution required pursuant to the provisions of this section on
35 behalf of such employee; and (2) on and after April first, two thousand
36 nine for a member who joined the optional retirement program established
37 pursuant to this article before March first, two thousand nine and who
38 has ten or more years of membership in such optional retirement program,
39 the state shall contribute two-thirds of the three percent employee
40 contribution required pursuant to the provisions of this section on
41 behalf of such employee; and (3) on and after April first, two thousand
42 ten for a member who joined the optional retirement program established
43 pursuant to this article before March first, two thousand nine and who
44 has ten or more years of membership in such optional retirement program,
45 the state shall contribute the three percent employee contribution
46 required pursuant to the provisions of this section on behalf of such
47 employee. The provisions of this paragraph shall not apply to any elect-
48 ing employee who becomes a member of the optional retirement program on
49 or after March first, two thousand nine.

50 § 14. Paragraph (c) of subdivision 2 of section 6252 of the education
51 law, as added by chapter 617 of the laws of 2007, is amended to read as
52 follows:

53 (c) Notwithstanding any other provision of this section or any other
54 law to the contrary, (1) on and after April first, two thousand eight
55 for a member who joined the optional retirement program established
56 pursuant to this article before March first, two thousand nine and who

1 has ten or more years of membership in such optional retirement program,
2 the city shall contribute one-third of the three percent employee
3 contribution required pursuant to the provisions of this section on
4 behalf of such employee; and (2) on and after April first, two thousand
5 nine for a member who joined the optional retirement program established
6 pursuant to this article before March first, two thousand nine and who
7 has ten or more years of membership in such optional retirement program,
8 the city shall contribute two-thirds of the three percent employee
9 contribution required pursuant to the provisions of this section on
10 behalf of such employee; and (3) on and after April first, two thousand
11 ten for a member who joined the optional retirement program established
12 pursuant to this article before March first, two thousand nine and who
13 has ten or more years of membership in such optional retirement program,
14 the city shall contribute the three percent employee contribution
15 required pursuant to the provisions of this section on behalf of such
16 employee. The provisions of this paragraph shall not apply to any elect-
17 ing employee who becomes a member of the optional retirement program on
18 or after March first, two thousand nine.

19 § 15. Section 90 of the general municipal law, as amended by chapter
20 576 of the laws of 1964, is amended to read as follows:

21 § 90. Payment of overtime compensation to public officers or employ-
22 ees. The governing board of each municipal corporation or other civil
23 division or political subdivision of the state, or in the city of New
24 York, the mayor, by ordinance, local law, resolution, order or rule, may
25 provide for the payment of overtime compensation to any or all public
26 officers except elective officers and those officers otherwise excluded
27 by law and to any or all public employees under their jurisdiction at
28 the regular basic pay rate of such officers or employees for all time
29 such officers or employees are required to work in excess of their regu-
30 larly established hours of employment or at such other rate as such
31 governing board, or in the city of New York, the mayor, may authorize.
32 The amounts received as overtime compensation under this section shall
33 be regarded as salary or compensation for any of the purposes of any
34 pension or retirement system of which the officer or employee receiving
35 the same is a member, except as set forth in section six hundred one of
36 the retirement and social security law. Such overtime compensation shall
37 not be regarded as salary or compensation for the purpose of determining
38 the right to any increase of salary or any salary increment on account
39 of length of service or otherwise. No such overtime compensation shall
40 be construed to constitute a promotion.

41 § 16. This act shall take effect on March 1, 2009, provided that:

42 (a) the amendments to articles 14 and 15 of the retirement and social
43 security law made by sections two, three, four, five, six, seven, eight,
44 eight-a, nine and ten of this act shall expire on the same date as such
45 articles expire pursuant to section 615 of such law; and

46 (b) the amendments to subdivision a of section 603 of the retirement
47 and social security law made by section eight of this act shall not
48 affect the expiration of such subdivision as provided in subdivision (b)
49 of section 13 of chapter 682 of the laws of 2003, as amended.

FISCAL NOTE.--This bill would create a new benefit structure for members who first join the New York State and Local Employees' Retirement System, the New York State Teachers' Retirement System, the New York City Teachers' Retirement System, the New York City Employees' Retirement System or the New York City Board of Education Retirement System on or after March 1, 2009. Significant plan design changes from the current new member plans include:

1. An employee contribution of 3% of pay would be required for all years of service, except State correction officers would be limited to 30 years. This would also affect members who are covered by the Optional Retirement Program.

2. Retirement would not be allowed until the attainment of age 62 and 10 years of creditable service for those not covered by a 20 or 25 year plan that allows retirement without regard to age,

3. The service retirement benefit for general members with less than 25 years of creditable service would be equal to 1/60th of final average salary for each year of creditable service,

4. Additional service credit for accumulated unused sick leave will be limited to 165 days,

5. Overtime pay will not be included in the definition of wages and final average salary.

Insofar as this bill would affect the New York State and Local Employees' Retirement System, if this bill is enacted, we will calculate new plan rates for all members who first enter on or after March 1, 2009. The long term expected annual employer contribution rate for new general members will be approximately 8.5% as compared to the current expected long term annual employer contribution rate for Tier 4 general members of approximately 11.0% of payroll. For fiscal year ending March 31, 2010, since the average Tier 4 member contribution rate is approximately 7%, the new plan rate would be approximately 5.5%.

For members in 20 or 25 year retirement plans that allow retirement without regard to age, the long term reductions would vary by plan and be less than 2% of salary, with the fiscal year ending March 31, 2010 reductions averaging approximately 1%.

This estimate, dated December 5, 2008 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-14, prepared by the Actuary for the New York State and Local Employees' Retirement System.

FISCAL NOTE.--With respect to civilians and teachers, budgetary savings in the first year after enactment are estimated at approximately \$2 million, with annual savings thereafter growing by approximately \$2 million per year, as new hires replace existing employees when they retire. In ten years, the City will achieve \$20 million in annual savings and twenty years from now, annual savings will be approximately \$40 million.

This fiscal note is intended for the 2009 legislative session and was prepared by Andrew G. Dowling, Assistant Director, New York City Office of Management and Budget.

FISCAL NOTE.--This bill would amend various sections of the Education Law and the Retirement and Social Security Law to implement a new retirement benefit structure (Tier 5) for members who first join a public retirement system of the state (or New York City) on or after March 1, 2009. Members would be eligible for a service retirement benefit after rendering a minimum of ten years of credited service and attainment of age 62. No retirement (for service) prior to age 62 would be permitted. The service retirement benefit formula for a member with less than twenty-five years of credited service would be equal to one-sixtieth of final average salary times the years of credited service. The service retirement benefit formula for a member with twenty-five or more years of credited service would be equal to one-fiftieth of final average salary times the years of credited service not in excess of thirty. Years of service in excess of thirty shall provide an additional retirement benefit equal to three two-hundredths of final average sala-



ry. Members would be required to contribute three percent of annual salary for all years of service.

The current required employer contribution rate for the New York State Teachers' Retirement System is 7.63% of pay, applicable to 7/1/08 - 6/30/09 member salaries and to be collected in the fall of 2009. This rate is applicable to the salaries of all members, regardless of tier. In that this proposed benefit structure is only applicable to members joining on or after March 1, 2009, it will be at least several years before it has a noticeable impact on the employer contribution rate. The cost savings impact of this change will become more significant with time as the number of post-3/1/09 members grows as a percentage of the total membership.

Our "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 11.8% of pay under the current benefit structure. This can be thought of as the cost of the benefit structure for new entrants, based on current actuarial assumptions. Under the proposed benefit structure, this new entrant rate would be equal to 8.4% of pay.

The source of this estimate is Fiscal Note 2009-9 dated December 8, 2008 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

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PART DD

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Section 1. Subdivision a of section 441 of the retirement and social security law, as amended by chapter 510 of the laws of 1974, is amended to read as follows:

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a. No member of a retirement system who is subject to the provisions of this article shall be eligible to retire until he has rendered a minimum of five years of credited service after July first, nineteen hundred seventy-three; provided, however, that this limitation shall not apply to the case of a member otherwise eligible to retire for disability, and provided further that the eligibility for service retirement of a New York city police or fire revised plan member (as defined in section four hundred fifty of this article) shall be governed by the provisions of subdivision c of section four hundred forty-five-j of this article. A member who attains the mandatory retirement age of the plan of which he is a member without having the requisite period of service required as a condition of eligibility for retirement, shall be separated from service upon attainment of such mandatory retirement age; provided, however, that this requirement shall not preclude a member from being continued in service beyond such mandatory retirement age pursuant to other appropriate provisions of law.

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§ 2. Section 442 of the retirement and social security law is amended by adding a new subdivision c to read as follows:

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c. Notwithstanding any other provision of law to the contrary, the eligibility for service retirement of a New York city police or fire revised plan member (as defined in section four hundred fifty of this article) shall be governed by the provisions of subdivision c of section four hundred forty-five-j of this article.

§ 3. Subdivision g of section 443 of the retirement and social security law, as added by chapter 372 of the laws of 2000, is amended to read as follows:

g. Notwithstanding the provisions of subdivisions a and c of this section, and except as provided by subdivision h of this section, the benefits for the first twenty years or less of service of members of the

1 New York city police pension fund, subchapter two, who are subject to
2 the provisions of this article, and members of the fire department
3 pension fund, subchapter two, who are subject to the provisions of this
4 article, shall be determined by using a salary base equal to the salary
5 earned by such member during the one-year period immediately prior to
6 retirement or separation from service due to vesting, exclusive of any
7 form of termination pay (which shall include any compensation in antic-
8 ipation of retirement), or any lump sum payment for deferred compen-
9 sation, sick leave, or accumulated vacation credit, or any other payment
10 for time not worked (other than compensation received while on sick
11 leave or authorized leave of absence); provided, however, if the salary
12 or wages earned during the one-year period immediately prior to retire-
13 ment or separation from service due to vesting exceeds that of the
14 previous one-year period by more than twenty per centum, the amount in
15 excess of twenty per centum shall be excluded from the computation of
16 final average salary. In determining final average salary, any month or
17 months (not in excess of three) which would otherwise be included in
18 computing final average salary but during which the member was on
19 authorized leave of absence without pay shall be excluded from the
20 computation of final average salary and the month or an equal number of
21 months immediately preceding such period shall be substituted in lieu
22 thereof.

23 § 4. Section 443 of the retirement and social security law is amended
24 by adding a new subdivision h to read as follows:

25 h. Notwithstanding the provisions of subdivision g of this section,
26 the salary base used for the computation of benefits for a New York city
27 police or fire revised plan member (as defined in section four hundred
28 fifty of this article) shall be determined in accordance with the
29 provisions of subdivisions a and c of this section.

30 § 5. Section 445 of the retirement and social security law is amended
31 by adding a new subdivision d to read as follows:

32 d. Notwithstanding the provisions of subdivision a of this section, or
33 any other provision of law to the contrary, the eligibility of a New
34 York city police or fire revised plan member (as defined in section four
35 hundred fifty of this article) for service retirement, and the service
36 retirement benefits payable to such a retired member, shall be governed
37 by the provisions of subdivisions c and d of section four hundred
38 forty-five-j of this article.

39 § 6. The retirement and social security law is amended by adding a new
40 section 445-j to read as follows:

41 § 445-j. Service retirement, vesting, member contributions, loans and
42 pension supplementation; New York city police or fire revised plan
43 members. a. Definitions. The following words and phrases as used in this
44 section shall have the following meanings unless a different meaning is
45 plainly required by the context.

46 1. "Administrative code" shall mean the administrative code of the
47 city of New York.

48 2. "City-service" shall:

49 (i) with respect to a member of the New York city police pension fund,
50 subchapter two, have the meaning set forth in subdivision three of
51 section 13-214 of the administrative code; or

52 (ii) with respect to a member of the New York city fire department
53 pension fund, subchapter two, have the meaning set forth in subdivision
54 three of section 13-313 of the administrative code.

55 3. "Allowable uniformed force service credit" shall mean service cred-
56 it for city-service, as defined in paragraph two of this subdivision.



1 4. "Pension fund" shall mean the New York city police pension fund,
 2 subchapter two or the New York city fire department pension fund,
 3 subchapter two.

4 b. Applicability of this section. Notwithstanding any other provision
 5 of law to the contrary, the provisions and limitations of this section
 6 shall apply to all New York city police or fire revised plan members, as
 7 defined in section four hundred fifty of this article. In the event that
 8 there is a conflict between the provisions of this section and any other
 9 provision of law (including, but not limited to, any provision of the
 10 administrative code or any other provision of this article), the
 11 provisions of this section shall govern.

12 c. Eligibility for service retirement. 1. Notwithstanding any other
 13 provision of law to the contrary, and except as provided in the early
 14 service retirement provisions of paragraph two of this subdivision, a
 15 New York city police or fire revised plan member shall be required to be
 16 at least fifty years of age and have twenty-five or more years of allow-
 17 able uniformed force service credit in order to be eligible for service
 18 retirement. Such a member who meets such age and service requirements,
 19 and who files an application for service retirement which becomes effec-
 20 tive in accordance with the provisions of paragraph three of this subdi-
 21 vision, shall be retired for service and shall be entitled to immediate
 22 payability of a service retirement allowance calculated pursuant to
 23 paragraph one of subdivision d of this section.

24 2. A New York city police or fire revised plan member who has twenty
 25 or more years of allowable uniformed force service credit, and who files
 26 an application for service retirement which becomes effective in accord-
 27 ance with the provisions of paragraph three of this subdivision, shall
 28 be retired on an early service retirement without regard to age, and
 29 shall be entitled to immediate payability of a reduced retirement allow-
 30 ance calculated pursuant to paragraph two of subdivision d of this
 31 section.

32 3. A New York city police or fire revised plan member who wishes to be
 33 retired for service pursuant to paragraph one or two of this subdivision
 34 shall be required (i) to file with the pension fund of which he or she
 35 is a member an application for service retirement setting forth at what
 36 time, not less than thirty days subsequent to the execution and filing
 37 thereof, he or she desires to be retired; and (ii) to be a member in
 38 city-service at the time so specified for his or her retirement.

39 d. Service retirement benefits. 1. Notwithstanding any other provision
 40 of law to the contrary, the service retirement allowance payable to a
 41 New York city police or fire revised plan member who retires for service
 42 pursuant to paragraph one of subdivision c of this section shall be an
 43 amount equal to one-fiftieth of final average salary (as determined in
 44 accordance with the provisions of subdivision a of section four hundred
 45 forty-three of this article) times the member's total number of years of
 46 credited service.

47 2. Notwithstanding any other provision of law to the contrary, the
 48 service retirement allowance payable to a New York city police or fire
 49 revised plan member who retires pursuant to the early service retirement
 50 provisions of paragraph two of subdivision c of this section shall be an
 51 amount calculated in accordance with the provisions of paragraph one of
 52 this subdivision without optional modification, which shall be reduced
 53 by five percent for each year by which retirement precedes the earliest
 54 date on which such member could have retired for service pursuant to
 55 paragraph one of subdivision c of this section at the age of fifty or
 56 above with a least twenty-five years of allowable uniformed force

1 service credit, if such member had remained in city-service. Such
2 reduction shall be prorated for partial years.

3 3. Notwithstanding any other provision of law to the contrary, the
4 service retirement benefit payable pursuant to the applicable provisions
5 of paragraph one or two of this subdivision to a New York city police or
6 fire revised plan member who retires for service shall be the only
7 service retirement benefit based upon such membership payable to such a
8 retired member, and no other service retirement benefit based upon such
9 membership shall be payable pursuant to any other provision of law to
10 such retired member, including, but not limited to, any pension-provid-
11 ing-for-increased-take-home-pay or any annuity based upon his or her
12 membership contributions.

13 4. Notwithstanding any other provision of law to the contrary, no New
14 York city police or fire revised plan member who retires for service
15 pursuant to the provisions of subdivision c of this section shall be
16 entitled to any variable supplements payments from a variable supple-
17 ments fund established by section 13-269, 13-279, 13-383 or 13-393 of
18 the administrative code. Nothing contained in this subdivision shall be
19 construed to mean or imply that variable supplements otherwise payable
20 from such a variable supplements fund constitute pension or retirement
21 allowance payments, or that such a variable supplements fund constitutes
22 a pension or retirement system or fund.

23 e. Vesting. 1. Notwithstanding any other provision of law to the
24 contrary, the eligibility of a New York city police or fire revised plan
25 member to discontinue city-service with a vested right to a deferred
26 retirement allowance, and the retirement allowance payable to such a
27 vestee, shall be determined in accordance with the provisions of this
28 subdivision.

29 2. A New York city police or fire revised plan member who:

30 (i) discontinues police service (as defined in subdivision twenty-
31 three of section 13-214 of the administrative code) or fire uniformed
32 force service (as defined in subdivision sixteen-c of section 13-313 of
33 the administrative code), as the case may be, other than by death,
34 retirement or dismissal; and

35 (ii) prior to such discontinuance, completed ten years of allowable
36 uniformed force service credit; and

37 (iii) does not withdraw his or her accumulated member contributions in
38 whole or in part; and

39 (iv) at least thirty days prior to the date of such discontinuance,
40 files a duly executed application for a deferred retirement allowance
41 hereunder;

42 shall have a vested right to receive a deferred retirement allowance at
43 age sixty-five computed in accordance with the provisions of paragraph
44 one of subdivision d of this section.

45 f. Member contributions. 1. Notwithstanding any other provision of law
46 to the contrary, a New York city police or fire revised plan member
47 shall contribute five percent of his or her annual compensation to the
48 pension fund of which he or she is a member until he or she has twenty-
49 five years of allowable uniformed force service credit. The board of
50 trustees of each pension fund shall promulgate such regulations as may
51 be necessary and appropriate with respect to the deduction of such
52 contributions from the member's compensation and for the maintenance of
53 any special fund or funds with respect to amounts so contributed.

54 2. Notwithstanding any other provision of law to the contrary, a
55 person whose membership in a pension fund has terminated other than as a
56 result of transfer, retirement or death, or a member of a pension fund



1 who is not vested and not entitled to any other benefit from such
2 pension fund pursuant to any applicable provision of law, and who is no
3 longer employed in the uniformed force position upon which his or her
4 membership is based, may withdraw his or her member contributions by
5 filing a written demand for withdrawal of contributions and membership
6 pursuant to rules and regulations promulgated by the pension fund of
7 which he or she is a member. Upon the death of a person whose membership
8 previously terminated due to lack of allowable uniformed force service
9 credit, and who did not withdraw his or her member contributions, the
10 member contributions of such person shall be refunded to such person as
11 he or she shall have nominated to receive a death benefit by written
12 designation duly executed and filed with his or her pension fund, or, in
13 the absence of such a designation, to his or her estate. For purposes of
14 such refunds, interest shall be credited at the rate of five percent per
15 annum compounded annually to the date of termination of membership.

16 3. Notwithstanding any other provision of law to the contrary, the
17 provisions of section one hundred thirty-eight-b of this chapter shall
18 not be applicable to the member contributions which are required by this
19 subdivision.

20 4. Notwithstanding any other provision of law to the contrary, the
21 member contributions which are required by this subdivision shall not be
22 reduced under any program for increased-take-home-pay, and no New York
23 city police or fire revised plan member shall be entitled to any
24 pension-providing-for-increased-take-home-pay.

25 g. Loans. 1. Notwithstanding any provision of section 13-239 or
26 section 13-342 of the administrative code or any other provision of law
27 to the contrary, whenever a New York city police or fire revised plan
28 member, for whom a loan is outstanding, retires, the retirement allow-
29 ance payable without optional modification shall be reduced by a life
30 annuity which is actuarially equivalent to the amount of the outstanding
31 loan (all outstanding loans shall continue to accrue interest charges
32 until retirement), such life annuity being calculated utilizing the
33 interest rate on thirty year United States treasury bonds as of January
34 first of the calendar year of the effective date of retirement and the
35 mortality tables for options available under applicable provisions of
36 law.

37 2. Notwithstanding any other provision of law to the contrary, whenev-
38 er a New York city police or fire revised plan member, for whom a loan
39 is outstanding, becomes entitled to the return of his or her contrib-
40 utions because of withdrawal from his or her pension fund or because of
41 death, the amount of any loan outstanding on such date, including
42 accrued interest as provided in subdivision f of this section, shall be
43 construed to already have been returned to such member and the refund of
44 contributions to which he shall then be entitled shall be the net amount
45 of such contributions together with interest thereon pursuant to para-
46 graph two of subdivision f of this section.

47 h. Pension supplementation. Notwithstanding any other provision of law
48 to the contrary, no New York city police or fire revised plan member who
49 becomes entitled to a retirement allowance for any reason whosoever as a
50 result of such membership, and no survivor of such a member who becomes
51 entitled to a retirement allowance as the result of the death of such a
52 member (including, but not limited to, an option benefit or accidental
53 death benefit), shall be entitled to any cost-of-living adjustment to
54 such retirement allowance pursuant to section 13-696 of the administra-
55 tive code, or to any cost-of-living adjustment or pension supplementa-

1 tion with respect to such retirement allowance pursuant to any other
2 provision of law.

3 § 7. Subdivision b of section 448 of the retirement and social securi-
4 ty law, as amended by chapter 666 of the laws of 2002, is amended to
5 read as follows:

6 b. A member of a retirement system subject to the provisions of this
7 article who is a police officer, firefighter, correction officer or
8 sanitation worker and is in a plan which permits immediate retirement
9 upon completion of a specified period of service without regard to age
10 or who is subject to the provisions of subdivision b of section four
11 hundred forty-five of this article, or who is a New York city police or
12 fire revised plan member (as defined in section four hundred fifty of
13 this article), shall upon completion of ninety days of service be
14 covered for financial protection in the event of death in service pursu-
15 ant to this subdivision.

16 1. Such death benefit shall be equal to three times the member's sala-
17 ry raised to the next highest multiple of one thousand dollars, but in
18 no event shall it exceed three times the maximum salary specified in
19 section one hundred thirty of the civil service law or, in the case of a
20 member of a retirement system other than the New York city employees'
21 retirement system, the New York city police pension fund, subchapter two
22 or the New York city fire department pension fund, subchapter two, the
23 specific limitations specified for age of entrance into service
24 contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two
25 of subdivision a of this section.

26 2. Provided further, notwithstanding any other provision of this arti-
27 cle to the contrary, where the member is a police officer or firefighter
28 and would have been entitled to a service retirement benefit at the time
29 of his or her death and where his or her death occurs on or after July
30 first, two thousand, the beneficiary or beneficiaries nominated for the
31 purposes of this subdivision may elect to receive, in a lump sum, an
32 amount payable which shall be equal to the pension reserve that would
33 have been established had the member retired on the date of his or her
34 death, or the value of the death benefit and the reserve-for-increased-
35 take-home-pay, if any, whichever is greater, provided further that where
36 such police officer or firefighter dies on or after July first, two
37 thousand, after having retired from service, but before a first payment
38 of a retirement allowance, such person shall be deemed to have been in
39 service at the time of his or her death for the purposes of this subdi-
40 vision only, and provided further that the pension reserve established
41 pursuant to this paragraph for a person who dies after retiring from
42 service, but before first payment of a retirement allowance, shall be
43 determined as of the date of retirement and any pension payments payable
44 for the period of time prior to the retiree's death shall be deducted
45 from any benefits payable pursuant to this subdivision.

46 § 8. Section 450 of the retirement and social security law, as amended
47 by chapter 489 of the laws of 1998, is amended to read as follows:

48 § 450. Definitions. For the purposes of this article: (1) the term
49 "correction officer" shall mean members of the New York state and local
50 employees' retirement system who are in a plan limited to uniformed
51 personnel in institutions under the jurisdiction of the department of
52 correctional services or members of such system who are also in titles
53 defined in subdivision i of section eighty-nine of this chapter and
54 correction members of the New York city employees' retirement system;
55 (2) the term "police officer or firefighter" shall mean members of the
56 New York state and local police and fire retirement system, the New York

1 city police pension fund, New York city fire department pension fund,
2 and housing police members and transit police members of the New York
3 city employees' retirement system; (3) the term "sanitation man" shall
4 mean sanitation members of the New York city employees' retirement
5 system; [and] (4) the term "investigator member" shall mean members who
6 are police officers as defined in paragraph (g) of subdivision thirty-
7 four of section 1.20 of the criminal procedure law; and (5) the term
8 "New York city police or fire revised plan member" shall mean a member
9 of the New York city police pension fund or the New York city fire
10 department pension fund who becomes subject to the provisions of this
11 article on or after the effective date of the chapter of the laws of two
12 thousand nine which amended this section.

13 § 9. Subdivision 33 of section 13-214 of the administrative code of
14 the city of New York, as added by chapter 114 of the laws of 1989, is
15 amended to read as follows:

16 33. "Normal rate of contribution." The proportion of the earnable
17 compensation of a member which is required to be deducted from the
18 compensation of such member by the applicable provisions of section
19 13-225 of this subchapter as his or her member contributions, exclusive
20 of any increase in such contributions pursuant to subdivision c or
21 subdivision d of such section 13-225 or any decrease thereof on account
22 of any program for increased-take-home-pay or pursuant to subdivision
23 one of section one hundred thirty-eight-b of the retirement and social
24 security law (relating to election to decrease member contributions by
25 contributions due on account of social security coverage), provided,
26 however, that with respect to a New York city police or fire revised
27 plan member (as defined in section four hundred fifty of the retirement
28 and social security law) who is a member of the pension fund, the term
29 "normal rate of contribution" shall mean the proportion of earnable
30 compensation which is required to be deducted from the compensation of
31 such member by the provisions of subdivision f of section four hundred
32 forty-five-j of the retirement and social security law as his or her
33 member contributions.

34 § 10. Subdivision 5 of section 13-268 of the administrative code of
35 the city of New York, as amended by chapter 247 of the laws of 1988, is
36 amended to read as follows:

37 5. "Pension fund beneficiary". Any person who receives a retirement
38 allowance by reason of having retired, on or after October first, nine-
39 teen hundred sixty-eight, for service (with credit for twenty or more
40 years of service creditable toward the minimum period) as a member of
41 pension fund, subchapter one or pension fund, subchapter two and as a
42 police officer, provided, however, that no New York city police or fire
43 revised plan member (as defined in section four hundred fifty of the
44 retirement and social security law) who retires for service pursuant to
45 subdivision c of section four hundred forty-five-j of the retirement and
46 social security law as a police officer shall be entitled to any vari-
47 able supplements from the variable supplements fund.

48 § 11. Subdivision 5 of section 13-278 of the administrative code of
49 the city of New York, as amended by chapter 479 of the laws of 1993, is
50 amended to read as follows:

51 5. "Pension fund beneficiary". Any person who receives a retirement
52 allowance by reason of having retired, on or after October first, nine-
53 teen hundred sixty-eight, for service (with credit for twenty or more
54 years of service creditable toward the minimum period) as a member of
55 pension fund, subchapter one or pension fund, subchapter two and as a
56 police superior officer, provided, however, that no New York city police



1 or fire revised plan member (as defined in section four hundred fifty of
2 the retirement and social security law) who retires for service pursuant
3 to subdivision c of section four hundred forty-five-j of the retirement
4 and social security law as a police superior officer shall be entitled
5 to any variable supplements from the variable supplements fund.

6 § 12. Subdivision 18 of section 13-313 of the administrative code of
7 the city of New York is amended by adding a new paragraph (c) to read as
8 follows:

9 (c) in the case of any improved benefits plan member who is a New York
10 city police or fire revised plan member (as defined in section four
11 hundred fifty of the retirement and social security law), the term
12 "normal rate of contribution as an improved benefits plan member" shall
13 mean the proportion of earnable compensation which is required to be
14 deducted from the compensation of such member by the provisions of
15 subdivision f of section four hundred forty-five-j of the retirement and
16 social security law as his or her member contributions.

17 § 13. Subdivision 5 of section 13-382 of the administrative code of
18 the city of New York, as amended by chapter 480 of the laws of 1993, is
19 amended to read as follows:

20 5. "Pension fund beneficiary". (a) Subject to the provisions of para-
21 graph (b) of this subdivision and except as provided in paragraph (c) of
22 this subdivision, and except as provided in subdivision e of section
23 13-385 of this subchapter, any person who receives a retirement allow-
24 ance by reason of having retired, on or after October first, nineteen
25 hundred sixty-eight, for service (with credit for twenty or more years
26 of service creditable toward the minimum period) as a member of pension
27 fund subchapter one or pension fund subchapter two and as a firefighter
28 or fire marshal (uniformed).

29 (b) [With] Except as provided in paragraph (c) of this subdivision,
30 with respect to benefits payable under this subchapter for calendar
31 years succeeding December thirty-first, nineteen hundred ninety-two, the
32 term "pension fund beneficiary" subject to the provisions of paragraph
33 thirteen of subdivision a of section 13-385 of this subchapter) shall
34 include each person who receives a retirement allowance by reason of
35 having retired, on or after October first, nineteen hundred sixty-eight,
36 for service (with credit for twenty or more years of service creditable
37 toward the minimum period) as a member of pension fund subchapter one or
38 [pensions] pension fund subchapter two and as a wiper (uniformed).

39 (c) Notwithstanding any provision of paragraph (a) or (b) of this
40 subdivision to the contrary, no New York city police or fire revised
41 plan member (as defined in section four hundred fifty of the retirement
42 and social security law) who retires for service pursuant to subdivision
43 c of section four hundred forty-five-j of the retirement and social
44 security law as a firefighter, fire marshal (uniformed) or wiper
45 (uniformed) shall be entitled to any variable supplements from the vari-
46 able supplements fund.

47 § 14. Subdivision 6 of section 13-392 of the administrative code of
48 the city of New York, as amended by chapter 480 of the laws of 1993, is
49 amended to read as follows:

50 6. "Pension fund beneficiary". Any person who receives a retirement
51 allowance by reason of having retired, on or after October first, nine-
52 teen hundred sixty-eight, for service (with credit for twenty or more
53 years of service creditable toward the minimum period) as a member of
54 pension fund subchapter one or pension fund subchapter two and as a fire
55 officer, provided, however, that no New York city police or fire revised
56 plan member (as defined in section four hundred fifty of the retirement

1 and social security law) who retires for service pursuant to subdivision
2 c of section four hundred forty-five-j of the retirement and social
3 security law as a fire officer shall be entitled to any variable supple-
4 ments from the variable supplements fund.

5 § 15. Subdivision a of section 600 of the retirement and social secu-
6 rity law, as amended by chapter 370 of the laws of 1996, paragraph 2 as
7 amended by chapter 421 of the laws of 2006, is amended to read as
8 follows:

9 a. Notwithstanding any other provision of law, the provisions of this
10 article shall apply to all members who join or rejoin a public retire-
11 ment system of the state on or after July first, nineteen hundred seven-
12 ty-six and to all employees who would have been eligible to join or
13 rejoin such a retirement system on or after such date but in lieu there-
14 of elected an optional retirement program to which their employers are
15 thereby required to contribute, except the following:

16 1. Members of the New York state and local police and fire retirement
17 system;

18 2. (a) Members in the uniformed personnel in institutions under the
19 jurisdiction of the department of correctional services of New York
20 state, other than certain persons as defined in this section or the New
21 York city department of correction, provided, however, that the
22 provisions of this article shall apply to members of the uniformed force
23 of the New York city department of correction who join or rejoin a
24 public retirement system of this state on or after the effective date of
25 the chapter of the laws of two thousand nine which amended this para-
26 graph.

27 (b) For purposes of this paragraph, certain persons means either:

28 (i) a person who is appointed to the title of superintendent, who has
29 had at least seven years of service credited toward the retirement plan
30 established pursuant to this article while employed by the department of
31 correctional services and who elects the retirement plan established
32 pursuant to this article within ninety days of his or her appointment.
33 Such election shall be in writing, shall be duly executed and filed with
34 the comptroller and shall be irrevocable as long as such person is in
35 the title of superintendent; or

36 (ii) a person who serves in the title of superintendent as of April
37 first, two thousand six, who has had at least seven years of service
38 credited toward the retirement plan established pursuant to this article
39 while employed by the department of correctional services and who elects
40 the retirement plan established pursuant to this article on or before
41 September thirtieth, two thousand six. Such election shall be in writ-
42 ing, shall be duly executed and filed with the comptroller and shall be
43 irrevocable as long as such person is in the title of superintendent.

44 (c) Any person in the title of superintendent who is eligible to make
45 an election as described in this section but who does not make such
46 election, shall remain a member of the retirement plan that persons
47 appointed to the title of superintendent join who do not meet the above
48 criteria.

49 3. Members of the New York city police pension fund or the New York
50 city fire department pension fund;

51 4. Members qualified for participation in the uniformed transit police
52 force plan or housing police force plan in the New York city employees'
53 retirement [systems] system; and

54 5. Investigator [member] members of the New York city employees'
55 retirement system.

1 In the event that there is a conflict between the provisions of this
2 article and the provisions of any other law or code, the provisions of
3 this article shall govern.

4 § 16. Section 602 of the retirement and social security law is amended
5 by adding a new subdivision e to read as follows:

6 e. Notwithstanding the provisions of subdivisions a and b of this
7 section or any other provision of law to the contrary, the eligibility
8 of a New York city uniformed correction or sanitation revised plan
9 member (as defined in paragraph two of subdivision a of section six
10 hundred four-j of this article) for service retirement shall be deter-
11 mined in accordance with the applicable provisions of section six
12 hundred four-j of this article.

13 § 17. Subdivision a of section 603 of the retirement and social secu-
14 rity law, as amended by section 3 of chapter 19 of the laws of 2008, is
15 amended to read as follows:

16 a. The service retirement benefit specified in section six hundred
17 four of this article shall be payable to members who have met the mini-
18 mum service requirements upon retirement and attainment of age sixty-
19 two, other than members who are eligible for early service retirement
20 pursuant to subdivision c of section six hundred four-b of this article,
21 subdivision c of section six hundred four-c of this article, subdivision
22 d of section six hundred four-d of this article, subdivision c of
23 section six hundred four-e of this article, subdivision c of section six
24 hundred four-f of this article, subdivision c of section six hundred
25 four-g of this article, subdivision c of section six hundred four-h of
26 this article or subdivision c of section six hundred four-i of this
27 article, provided, however, a member who is a peace officer employed by
28 the unified court system or a member of a teachers' retirement system or
29 the New York state and local employees' retirement system may retire
30 without reduction of his or her retirement benefit upon attainment of at
31 least fifty-five years of age and completion of thirty or more years of
32 service, provided further that the eligibility of a New York city
33 uniformed correction or sanitation revised plan member (as defined in
34 paragraph two of subdivision a of section six hundred four-j of this
35 article) for service retirement and the service retirement benefit paya-
36 ble to such a retired member shall be determined in accordance with the
37 applicable provisions of section six hundred four-j of this article, and
38 the benefits provided by the preceding provisions of this subdivision
39 shall not be applied to such a member.

40 § 17-a. Subdivision a of section 603 of the retirement and social
41 security law, as amended by section 3-a of chapter 19 of the laws of
42 2008, is amended to read as follows:

43 a. The service retirement benefit specified in section six hundred
44 four of this article shall be payable to members who have met the mini-
45 mum service requirements upon retirement and attainment of age sixty-
46 two, other than members who are eligible for early service retirement
47 pursuant to subdivision c of section six hundred four-b of this article,
48 subdivision c of section six hundred four-c of this article, subdivision
49 d of section six hundred four-d of this article, subdivision c of
50 section six hundred four-e of this article, subdivision c of section six
51 hundred four-f of this article, subdivision c of section six hundred
52 four-g of this article, subdivision c of section six hundred four-h of
53 this article or subdivision c of section six hundred four-i of this
54 article provided, however, a member who is a peace officer employed by
55 the unified court system or a member of a teachers' retirement system or
56 the New York state and local employees' retirement system may retire

1 without reduction of his or her retirement benefit upon attainment of at
2 least fifty-five years of age and completion of thirty or more years of
3 service, provided further that the eligibility of a New York city
4 uniformed correction or sanitation revised plan member (as defined in
5 paragraph two of subdivision a of section six hundred four-j of this
6 article) for service retirement and the service retirement benefit paya-
7 ble to such a retired member shall be determined in accordance with the
8 applicable provisions of section six hundred four-j of this article, and
9 the benefits provided by the preceding provisions of this subdivision
10 shall not be applied to such a member.

11 § 18. Subdivision b of section 603 of the retirement and social secu-
12 rity law, as amended by chapter 547 of the laws of 1992, is amended to
13 read as follows:

14 b. Notwithstanding the provisions of subdivision a of this section, a
15 member of the New York city employees' retirement system, who is
16 employed in the uniformed force of the New York city department of sani-
17 tation, and who is not eligible for early service retirement pursuant to
18 subdivision c of section six hundred four-a of this article, shall be
19 eligible to receive the service retirement benefit specified in section
20 six hundred four of this article upon attainment of at least fifty-five
21 years of age and the completion of thirty or more years of service,
22 provided, however, that the eligibility for service retirement of a New
23 York city uniformed correction or sanitation revised plan member (as
24 defined in paragraph two of subdivision a of section six hundred four-j
25 of this article) who is employed in the uniformed force of the New York
26 city department of sanitation, and the service retirement benefit paya-
27 ble to such a retired member, shall be determined in accordance with the
28 provisions of subdivisions b and c of section six hundred four-j of this
29 article, and the benefits provided by the preceding provisions of this
30 subdivision shall not be applicable to such a member.

31 § 19. Subdivision i of section 603 of the retirement and social secu-
32 rity law, as amended by chapter 19 of the laws of 2008, is amended to
33 read as follows:

34 i. 1. A member of a teachers' retirement system or the New York state
35 and local employees' retirement system who has met the minimum service
36 requirements but who has less than thirty years of credited service may
37 retire prior to normal retirement age, but no earlier than attainment of
38 age fifty-five, in which event, unless such person is a member of the
39 New York city teachers' retirement system who is otherwise eligible for
40 early service retirement pursuant to subdivision c of section six
41 hundred four-i of this article, the amount of his or her retirement
42 benefit otherwise computed without optional modification shall be
43 reduced in accordance with the following schedule:

44 (i) for each of the first twenty-four full months that retirement
45 predates age sixty-two, one-half of one per centum per month; and

46 (ii) for each full month that retirement predates age sixty, one-quar-
47 ter of one per centum per month, but in no event shall retirement be
48 permitted prior to attainment of age fifty-five.

49 2. [A] Subject to the provisions of paragraph three of this subdivi-
50 sion, a member of the New York city employees' retirement system or the
51 board of education retirement system of the city of New York who has met
52 the minimum service requirement, but who is not (a) a participant in the
53 twenty-five-year early retirement program, as defined in paragraph ten
54 of subdivision a of section six hundred four-c of this article (as added
55 by chapter ninety-six of the laws of nineteen hundred ninety-five), or
56 (b) a participant in the age fifty-seven retirement program, as defined

1 in paragraph three of subdivision b of section six hundred four-d of
2 this article, or (c) a New York city transit authority member, as
3 defined in paragraph one of subdivision a of section six hundred four-b
4 of this article, may retire prior to normal retirement age, but no
5 earlier than attainment of age fifty-five, in which event, unless such
6 person is a member of the board of education retirement system of such
7 city who is otherwise eligible for early service retirement pursuant to
8 subdivision c of section six hundred four-i of this article, the amount
9 of his or her retirement benefit computed without optional modification
10 shall be reduced in accordance with the following schedule:

11 (i) for each of the first twenty-four full months that retirement
12 predates age sixty-two, one-half of one per centum per month; and

13 (ii) for each full month that retirement predates age sixty, one-quar-
14 ter of one per centum per month, but in no event shall retirement be
15 permitted prior to attainment of age fifty-five.

16 3. The eligibility of a New York city uniformed correction or sanita-
17 tion revised plan member (as defined in paragraph two of subdivision a
18 of section six hundred four-j of this article) for service retirement
19 and the service retirement benefit payable to such a retired member
20 shall be determined in accordance with the applicable provisions of
21 section six hundred four-j of this article, and the provisions of para-
22 graphs one and two of this subdivision shall not be applicable to such a
23 member.

24 § 20. Section 604 of the retirement and social security law is amended
25 by adding a new subdivision b-1 to read as follows:

26 b-1. The service retirement benefit payable to a retired New York city
27 uniformed correction or sanitation revised plan member (as defined in
28 paragraph two of subdivision a of section six hundred four-j of this
29 article) shall be determined in accordance with the applicable
30 provisions of section six hundred four-j of this article, and the
31 provisions of subdivisions a and b of this section shall not be applica-
32 ble to such a member.

33 § 21. Subdivision b of section 604-a of the retirement and social
34 security law is amended by adding a new paragraph 7 to read as follows:

35 7. Notwithstanding any other provision of this subdivision, no member
36 who becomes subject to the provisions of this article on or after the
37 effective date of this paragraph shall be a participant in the twenty-
38 year retirement program.

39 § 22. The retirement and social security law is amended by adding a
40 new section 604-j to read as follows:

41 § 604-j. Service retirement, vesting, member contributions and
42 pension supplementation; New York city uniformed correction or sanita-
43 tion revised plan members. a. Definitions. The following words and
44 phrases as used in this section shall have the following meanings unless
45 a different meaning is plainly required by the context.

46 1. "NYCERS" shall mean the New York city employees' retirement system.

47 2. "New York city uniformed correction or sanitation revised plan
48 member" shall mean a member of NYCERS who becomes subject to the
49 provisions of this article on or after the effective date of this
50 section, and who is employed in either the uniformed force of the New
51 York city department of correction or the uniformed force of the New
52 York city department of sanitation.

53 3. "Allowable uniformed force service credit" shall mean:

54 (i) with respect to a member of the uniformed force of the New York
55 city department of correction, credited service which was rendered

1 (A) as a member of the uniformed force of the New York city department
2 of correction;

3 (B) in the uniformed force of the New York city police department or
4 the uniformed force of the New York city fire department immediately
5 prior to becoming a member of the uniformed force of the New York city
6 department of correction, and which was transferred to NYCERS pursuant
7 to section forty-three of this chapter; or

8 (C) in the uniformed force of the New York city department of sanita-
9 tion immediately prior to becoming a member of the uniformed force of
10 the New York city department of correction; or

11 (ii) with respect to a member of the uniformed force of the New York
12 city department of sanitation, credited service which was rendered

13 (A) as a member of the uniformed force of the New York city department
14 of sanitation;

15 (B) in the uniformed force of the New York city police department or
16 the uniformed force of the New York city fire department immediately
17 prior to becoming a member of the uniformed force of the New York city
18 department of sanitation, and which was transferred to NYCERS pursuant
19 to section forty-three of this chapter; or

20 (C) in the uniformed force of the New York city department of
21 correction immediately prior to becoming a member of the uniformed force
22 of the New York city department of sanitation.

23 b. Eligibility for service retirement. 1. Notwithstanding any other
24 provision of law to the contrary, and except as provided in the early
25 service retirement provisions of paragraph two of this subdivision, a
26 New York city uniformed correction or sanitation revised plan member
27 shall be required to be at least fifty years of age and have twenty-five
28 or more years of allowable uniformed force service credit in order to be
29 eligible for service retirement. The service retirement benefit payable
30 to such a member upon retirement shall be a retirement allowance calcu-
31 lated in accordance with the provisions of paragraph one of subdivision
32 c of this section.

33 2. A New York city uniformed correction or sanitation revised plan
34 member who has twenty years of allowable uniformed force service credit
35 shall be eligible for early service retirement without regard to age.
36 The early service retirement benefit payable to such a member upon
37 retirement shall be a reduced retirement allowance calculated in accord-
38 ance with the provisions of paragraph two of subdivision c of this
39 section.

40 c. Service retirement benefits. 1. The service retirement allowance
41 payable to a New York city uniformed correction or sanitation revised
42 plan member who retires pursuant to paragraph one of subdivision b of
43 this section shall be an amount equal to one-fiftieth of final average
44 salary times the member's total number of years of credited service.

45 2. The service retirement allowance payable to a New York city
46 uniformed correction or sanitation revised plan member who retires
47 pursuant to the early service retirement provisions of paragraph two of
48 subdivision b of this section shall be an amount calculated in accord-
49 ance with the provisions of paragraph one of this subdivision without
50 optional modification, which shall be reduced by five percent for each
51 year by which retirement precedes the earliest date on which such member
52 could have retired for service pursuant to paragraph one of subdivision
53 b of this section at the age of fifty or above with at least twenty-five
54 years of allowable uniformed force service credit, if such member had
55 remained in service. Such reduction shall be prorated for partial years.

1 3. Notwithstanding any other provision of law to the contrary, no New
2 York city uniformed correction or sanitation revised plan member who
3 retires for service pursuant to the provisions of subdivision b of this
4 section as a member of the uniformed force of the New York city depart-
5 ment of correction shall be entitled to any variable supplements
6 payments from the correction officers' variable supplements fund estab-
7 lished by section 13-194 of the administrative code of the city of New
8 York. Nothing contained in this subdivision shall be construed to mean
9 or imply that variable supplements otherwise payable from such variable
10 supplements fund constitute pension or retirement allowance payments, or
11 that such variable supplements fund constitutes a pension or retirement
12 system or fund.

13 d. Vesting. 1. Notwithstanding the provisions of subdivision a of
14 section six hundred twelve of this article or any other provision of law
15 to the contrary, a New York city uniformed correction or sanitation
16 revised plan member who has ten or more years of allowable uniformed
17 force service credit upon termination of employment shall be entitled to
18 a deferred vested benefit at age sixty-five computed in accordance with
19 the provisions of paragraph one of subdivision c of this section.

20 2. In no event shall the vested retirement allowance payable without
21 optional modification be less than the actuarial equivalent of the total
22 which results from the member's contributions accumulated with interest
23 at five percent per annum compounded annually to the date of retirement.

24 e. Member contributions. 1. A New York city uniformed correction or
25 sanitation revised plan member shall contribute to NYCERS in accordance
26 with the provisions of paragraph three of subdivision a of section six
27 hundred thirteen of this article.

28 2. The provisions of paragraph one of subdivision b of section nine
29 hundred eleven of this chapter shall not be applicable to a New York
30 city uniformed correction or sanitation revised plan member.

31 f. Pension supplementation. Notwithstanding any other provision of law
32 to the contrary, no New York city uniformed correction or sanitation
33 revised plan member who becomes entitled to a retirement allowance for
34 any reason whatsoever as a result of such membership, and no survivor of
35 such a member who becomes entitled to a retirement allowance as the
36 result of the death of such a member (including, but not limited to, an
37 option benefit or accidental death benefit), shall be entitled to any
38 cost-of-living adjustment to such retirement allowance pursuant to
39 section 13-696 of the administrative code of the city of New York, or to
40 any cost-of-living adjustment or pension supplementation with respect to
41 such retirement allowance pursuant to any other provision of law.

42 § 23. The retirement and social security law is amended by adding a
43 new section 605-d to read as follows:

44 § 605-d. Performance of duty disability retirement; New York city
45 department of correction. a. Any member in the uniformed personnel in
46 institutions under the jurisdiction of the New York city department of
47 correction, who becomes physically or mentally incapacitated for the
48 performance of duties as the natural and proximate result of any injury,
49 sustained in the performance or discharge of his or her duties by, or as
50 natural and proximate result of, an act of any inmate or any person
51 confined in an institution under the jurisdiction of the department of
52 correction or the department of health, or by any person who has been
53 committed to such institution by any court shall be paid a performance
54 of duty disability retirement allowance equal to three-quarters of final
55 average salary, subject to the provisions of section 13-176 of the
56 administrative code of the city of New York.

1 b. Notwithstanding any provision of this chapter or of any general or
2 special law to the contrary, a member covered by this section who
3 contracts HIV (where there may have been an exposure to a bodily fluid
4 of an inmate or a person described in subdivision a of this section as a
5 natural and proximate result of an act of any inmate or person described
6 in subdivision a of this section that may have involved transmission of
7 a specified transmissible disease from an inmate or such person
8 described in such subdivision a to the retirement system member), tuber-
9 culosis or hepatitis will be presumed to have contracted such disease in
10 the performance or discharge of his or her duties, and will be presumed
11 to be disabled from the performance of his or her duties, unless the
12 contrary be proved by competent evidence.

13 § 24. Subdivision b of section 606 of the retirement and social secu-
14 rity law, as amended by chapter 601 of the laws of 1997, is amended to
15 read as follows:

16 b. A member of a retirement system subject to the provisions of this
17 article who is a policeman, fireman, correction officer or sanitation
18 man and is in a plan which permits immediate retirement upon completion
19 of a specified period of service without regard to age or who is subject
20 to the provisions of section six hundred four or six hundred four-j of
21 this article, shall upon completion of ninety days of service be covered
22 for financial protection in the event of death in service pursuant to
23 this subdivision. Such death benefit shall be equal to three times the
24 member's salary raised to the next highest multiple of one thousand
25 dollars, but in no event shall it exceed three times the maximum salary
26 specified in section one hundred thirty of the civil service law or, in
27 the case of a member of a retirement system other than the New York city
28 employees' retirement system, the specific limitations specified for age
29 of entrance into service contained in subparagraphs (b), (c), (d), (e)
30 and (f) of paragraph two of subdivision a of this section.

31 § 25. Subdivision a of section 612 of the retirement and social secu-
32 rity law, as amended by chapter 659 of the laws of 1999, is amended to
33 read as follows:

34 a. [A] Except as provided by subdivision c of this section, a member
35 who has five or more years of credited service upon termination of
36 employment, other than a member who is entitled to a deferred vested
37 benefit pursuant to any other provision of this article, shall be enti-
38 tled to a deferred vested benefit at normal retirement age computed in
39 accordance with the provisions of section six hundred four of this arti-
40 cle. A member of a teachers' retirement system or the New York state and
41 local employees' retirement system who has five or more years of credit-
42 ed service upon termination of employment shall be entitled to a
43 deferred vested benefit prior to normal retirement age, but no earlier
44 than age fifty-five, computed in accordance with the provisions of
45 subdivision i of section six hundred three of this article.

46 § 26. Section 612 of the retirement and social security law is amended
47 by adding a new subdivision c to read as follows:

48 c. The vesting rights of a New York city uniformed correction or sani-
49 tation revised plan member (as defined in paragraph two of subdivision a
50 of section six hundred four-j of this article) shall be governed by the
51 applicable provisions of subdivision d of section six hundred four-j of
52 this article, and the provisions of subdivision a of this section shall
53 not be applicable to such member.

54 § 27. Paragraph 1 of subdivision a of section 613 of the retirement
55 and social security law, as amended by chapter 10 of the laws of 2000,
56 is amended to read as follows:

1 1. Except as provided by paragraph two or three of this subdivision,
2 members shall contribute three percent of annual wages to the retirement
3 system in which they have membership. The head of each retirement system
4 shall promulgate such regulations as may be necessary and appropriate
5 with respect to the deduction of such contribution from members' wages
6 and for the maintenance of any special fund or funds with respect to
7 amounts [so] contributed pursuant to this subdivision.

8 § 28. Subdivision a of section 613 of the retirement and social secu-
9 rity law is amended by adding a new paragraph 3 to read as follows:

10 3. A New York city uniformed correction or sanitation revised plan
11 member (as defined in paragraph two of subdivision a of section six
12 hundred four-j of this article) shall contribute five percent of his or
13 her annual wages to such retirement system until he or she has twenty-
14 five years of allowable uniformed force service credit (as defined in
15 paragraph three of subdivision a of section six hundred four-j of this
16 article).

17 § 29. Subdivision i of section 613-b of the retirement and social
18 security law, as amended by chapter 511 of the laws of 2005, is amended
19 to read as follows:

20 i. Notwithstanding the provisions of subdivision b of section six
21 hundred twelve of this article, or the provisions of paragraph two of
22 subdivision d of section six hundred four-j of this article, whenever a
23 member of such a retirement system, for whom a loan is outstanding,
24 retires, the retirement allowance payable without optional modification
25 shall be reduced by a life annuity which is actuarially equivalent to
26 the amount of the outstanding loan (all outstanding loans shall continue
27 to accrue interest charges until retirement), such life annuity being
28 calculated utilizing the interest rate on thirty year United States
29 treasury bonds as of January first of the calendar year of the effective
30 date of retirement and the mortality tables for options available under
31 section six hundred ten of this article. A retiree of the New York city
32 employees' retirement system or board of education retirement system of
33 the city of New York whose benefit has been so reduced may repay the
34 outstanding balance of the loan at any time. Benefits payable after the
35 repayment of the loan shall not be subject to the actuarial reduction
36 required by this subdivision.

37 § 30. Subdivision b of section 910 of the retirement and social secu-
38 rity law, as amended by chapter 110 of the laws of 2000, is amended to
39 read as follows:

40 b. "Eligible member" shall mean a member of a retirement system, other
41 than a New York city uniformed correction or sanitation revised plan
42 member (as defined in paragraph two of subdivision a of section six
43 hundred four-j of this chapter), or other than a member who (1) is an
44 employee of the New York city transit authority, and (2) is either (i)
45 subject to the provisions of section 13-161 of the administrative code
46 of the city of New York or (ii) a New York city transit authority member
47 as defined in paragraph one of subdivision a of section six hundred
48 four-b of this chapter. Notwithstanding any other provision of law to
49 the contrary, the benefits provided herein shall only apply to an eligi-
50 ble member who is a member of a retirement system as defined by subdivi-
51 sion a of this section.

52 § 31. Paragraph (a) of subdivision 86 of section 13-101 of the admin-
53 istrative code of the city of New York, as added by chapter 114 of the
54 laws of 1989, is amended to read as follows:

55 (a) In the case of a uniformed force member (as defined in subdivision
56 eighty-five of this section) (1) who is a member of the uniformed trans-

1 it police force or (2) who is a member of the uniformed correction force
2 and is not a Tier III member (as defined in subdivision seventy-three of
3 this section) or a Tier IV member (as defined in subdivision seventy-
4 four of this section) or (3) who holds a position in the housing police
5 service, the term "normal rate of contribution as a uniformed force
6 member" shall mean the proportion of such member's earnable compensation
7 required to be deducted from his or her compensation by the applicable
8 provisions of sections 13-155, 13-156 and 13-157 of this chapter and
9 section 13-225 of the code, as his or her member contributions, exclu-
10 sive of any increase in such contributions resulting from an election by
11 such member pursuant to law to effect such an increase, or any decrease
12 in such contributions on account of any program for increased-take-home-
13 pay or pursuant to subdivision one of section one hundred thirty-eight-b
14 of the retirement and social security law (relating to election to
15 decrease member contributions by contributions due on account of social
16 security coverage).

17 § 32. Subdivision 86 of section 13-101 of the administrative code of
18 the city of New York is amended by adding a new paragraph (e) to read as
19 follows:

20 (e) In the case of any uniformed force member who is both a member of
21 the uniformed correction force and a Tier IV member, the term "normal
22 rate of contribution as a uniformed force member" shall mean the
23 percentage of the annual wages of such member required to be deducted
24 from such member's wages by subdivision a of section six hundred thir-
25 teen of the retirement and social security law, as his or her member
26 contributions.

27 § 33. Subdivision 89 of section 13-101 of the administrative code of
28 the city of New York is amended by adding a new paragraph (c-1) to read
29 as follows:

30 (c-1) In the case of any contributing uniformed force member who is
31 both (1) a member of the uniformed correction force (as defined in
32 subdivision thirty-nine of this section) and (2) a Tier IV member (as
33 defined in subdivision seventy-four of this section), the term
34 "uniformed force member contributions eligible for pick up by the
35 employer" shall mean the amount which, in the absence of a pick up
36 program applicable to such member pursuant to section 13-125.1 of this
37 chapter, would be required to be deducted from the wages of such member
38 for such payroll period pursuant to subdivision a of section six hundred
39 thirteen of the retirement and social security law as his or her
40 required member contributions for such payroll period.

41 § 34. Paragraph (c) of subdivision 1 of section 13-194 of the adminis-
42 trative code of the city of New York, as amended by chapter 255 of the
43 laws of 2000, is amended to read as follows:

44 (c) "Beneficiary". Any person who receives a retirement allowance by
45 reason of having retired, on or after July first, nineteen hundred nine-
46 ty-nine for service as a correction officer with immediate payability of
47 a retirement allowance, and with credit for (1) twenty or more years of
48 service, if such correction officer retires as a participant in and
49 pursuant to the provisions of a twenty-year uniformed correction plan
50 (as defined in paragraph (e) of this subdivision), or (2) twenty-five or
51 more years of service, if such correction officer retires as a partic-
52 ipant in and pursuant to the provisions of a retirement plan other than
53 a twenty-year uniformed correction plan, provided, however, that no New
54 York city uniformed correction or sanitation revised plan member (as
55 defined in paragraph two of subdivision a of section six hundred four-j
56 of the retirement and social security law) who retires for service



1 pursuant to subdivision b of section six hundred four-j of the retire-
2 ment and social security law as a correction officer shall be entitled
3 to any variable supplements from the correction officers' variable
4 supplements fund established by this section, and provided further that
5 nothing contained in this paragraph shall be construed as modifying any
6 eligibility requirement for service retirement in any service retirement
7 plan.

8 § 35. Subdivisions a, g and h of section 13-696 of the administrative
9 code of the city of New York, subdivision a as amended by chapter 288 of
10 the laws of 2001 and subdivisions g and h as added by chapter 125 of the
11 laws of 2000, are amended to read as follows:

12 a. [A] Except as provided by subdivision l of this section, a cost-of-
13 living adjustment shall be payable to retired members of the New York
14 city employees' retirement system, the New York city teachers' retire-
15 ment system, the New York city police pension fund, the New York city
16 fire department pension fund, the New York city board of education
17 retirement system or the relief and pension fund of the department of
18 street cleaning provided for in subchapter one of this chapter on the
19 basis provided for in this section to: (i) all retired members who have
20 attained age sixty-two and have been retired for five years; (ii) all
21 retired members who have attained age fifty-five and have been retired
22 for ten years; (iii) all members who retired for disability regardless
23 of age who have been retired for five years; and (iv) all recipients of
24 an accidental death benefit regardless of age who have been receiving
25 such benefit for five years.

26 g. Notwithstanding any other provision of law, and except as provided
27 by subdivision l of this section, the surviving spouse of a deceased
28 retired member of the New York city employees' retirement system, the
29 New York city teachers' retirement system, the New York city police
30 pension fund, the New York city fire department pension fund or the New
31 York city board of education retirement system who retired under an
32 option which provides that benefits are to be continued for life to the
33 surviving spouse after the death of the member, shall be entitled to
34 receive a benefit pursuant to this section. Said benefit shall be fifty
35 percent of the monthly benefit which the pensioner would be receiving if
36 living, and shall commence (i) with a payment for the month of Septem-
37 ber, two thousand, or (ii) the month following the death of the deceased
38 retired member, whichever is later.

39 h. Notwithstanding any law to the contrary, and subject to the
40 provision of subdivision j of this section, said cost of living adjust-
41 ment shall be in lieu of the supplemental retirement allowance provided
42 pursuant to sections 13-680 and 13-691 of this subchapter or section two
43 hundred seven-i of the general municipal law or sections thirty and
44 thirty-one of chapter six hundred fifty-eight of the laws of nineteen
45 hundred eighty-four or section ten of chapter eight of the laws of nine-
46 teen hundred eighty-eight as amended by chapter five hundred eighty-one
47 of the laws of nineteen hundred eighty-nine or section twelve of chapter
48 one hundred nineteen of the laws of nineteen hundred ninety-five or
49 sections four and eight of chapter three hundred ninety of the laws of
50 nineteen hundred ninety-eight, unless such other supplemental retirement
51 allowances payable to a pensioner are in excess of that provided by this
52 section, in which latter case such other supplemental retirement allow-
53 ances shall be paid and no supplemental retirement allowance shall be
54 paid under this section, provided however, that in the case of benefits
55 provided pursuant to article fourteen of the retirement and social secu-
56 rity law, the cost of living adjustment provided herein shall be in lieu

1 of the escalation provided by section five hundred ten of the retirement
2 and social security law (other than the escalation provided for in
3 subdivision e of such section), unless such escalation is in excess of
4 the cost of living adjustment provided for in this section, in which
5 latter case such escalation shall be paid and this section shall not
6 apply.

7 § 36. Section 13-696 of the administrative code of the city of New
8 York is amended by adding a new subdivision l to read as follows:

9 l. Notwithstanding any other provision of this section or any other
10 provision of law, no New York city uniformed correction or sanitation
11 revised plan member (as defined in paragraph two of subdivision a of
12 section six hundred four-j of the retirement and social security law) or
13 New York city police or fire revised plan member (as defined in section
14 four hundred fifty of the retirement and social security law) who
15 becomes entitled to a retirement allowance for any reason whatsoever as
16 a result of such membership, and no survivor of such a member who
17 becomes entitled to a retirement allowance as the result of the death of
18 such a member (including, but not limited to, an option benefit or an
19 accidental death benefit), shall be entitled to any cost-of-living
20 adjustment to such retirement allowance pursuant to this section, or to
21 any cost-of-living adjustment or pension supplementation with respect to
22 such retirement allowance pursuant to any other provision of law.

23 § 37. This act shall take effect immediately; provided however that:

24 (a) the amendments to subdivision 33 of section 13-214 of the adminis-
25 trative code of the city of New York made by section nine of this act
26 shall not affect the expiration of such subdivision and shall be deemed
27 to expire therewith;

28 (b) the amendments to subdivision a of section 603 of the retirement
29 and social security law made by section seventeen of this act shall be
30 subject to the expiration and reversion of such subdivision pursuant to
31 section 13 of chapter 682 of the laws of 2003, as amended, when upon
32 such date the provisions of section seventeen-a of this act shall take
33 effect; and

34 (c) the amendments to article 15 of the retirement and social security
35 law made by sections fifteen through twenty-nine of this act shall
36 expire on the same date as such article expires pursuant to section 615
37 of such law; provided, further that the amendments to subdivisions 86
38 and 89 of section 13-101 of the administrative code of the city of New
39 York made by sections thirty-one, thirty-two and thirty-three of this
40 act shall not affect the expiration of such subdivisions and shall be
41 deemed to expire therewith.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

With respect to uniformed employees of the city of New York's police,
fire, corrections and sanitation departments, budgetary savings in the
first year after enactment are estimated at approximately \$25 million,
with annual savings thereafter growing by approximately \$25 million per
year, as new hires replace existing employees when they retire. In ten
years, such city will achieve \$250 million in annual savings and twenty
years from now, annual savings will be approximately \$500 million. This
fiscal note is intended for the 2009 legislative session and was
prepared by Andrew G. Dowling, Assistant Director, New York City Office
of Management and Budget.



1 Section 1. Section 200 of the state finance law is amended by adding
2 two new subdivisions 2-c and 2-d to read as follows:

3 2-c. (a) Notwithstanding the provisions of any other law:

4 (1) For the payrolls covering officers and employees of the state,
5 except as provided in subparagraph two of this paragraph: commencing
6 with the earliest administratively feasible administrative and institu-
7 tional payroll period, payment on the payment date of the five subse-
8 quent payroll periods shall be for nine-tenths of that amount paid each
9 payroll period until a total of five-tenths of salary for one payroll
10 period that would be paid but for this subdivision has been withheld.
11 Thereafter, payment shall be in the same manner as in effect prior to
12 the effective date of this subdivision.

13 (2) The provisions of subparagraph one of this paragraph shall apply
14 to officers and employees of the state subject to section five of chap-
15 ter three hundred fifty-three of the laws of nineteen hundred eighty-two
16 commencing with the payroll period (and corresponding payment date)
17 immediately following the completion of the procedure for the payment of
18 salaries and wages established by the comptroller pursuant to such
19 section of chapter three hundred fifty-three of the laws of nineteen
20 hundred eighty-two.

21 (3) Where salary has been withheld pursuant to this subdivision, in
22 lieu of such salary, an officer or employee, upon retirement or other
23 separation from service, or the beneficiary of an employee who dies,
24 shall be entitled to a lump sum payment equal to the salary so withheld
25 at the rate of basic annual salary in effect at the time of death,
26 retirement, or other separation from service for each day or part there-
27 of for which salary was withheld pursuant to this section, but in no
28 case shall such lump sum payment be less than the amount of salary
29 originally withheld.

30 (4) The withholding provided for in this subdivision shall continue in
31 effect, except as provided in subparagraph three of this paragraph,
32 until April first, two thousand eleven, and for each fiscal year there-
33 after upon a finding by the director of the budget that continuation is
34 necessary to meet the state's financial plan requirements and to address
35 exigent fiscal circumstances. Such a finding shall be made in a written
36 certification by the director of the budget prior to the commencement of
37 the fiscal year in which the withholding is to remain in effect. In
38 determining whether the withholding is required to meet financial plan
39 requirements or in response to exigent fiscal circumstances, the direc-
40 tor of the budget shall consider: (i) whether the state's financial plan
41 is in balance in the then current fiscal year, and whether budget gaps
42 are projected for future years; (ii) the extent to which there has been
43 a diminution in the state's general fund revenue, or an increase in its
44 expenditures, during the prior fiscal year, and any factors which could
45 reasonably be anticipated to lead to such diminution or increase in the
46 fiscal year that follows; (iii) the availability to the state of other
47 sources of revenue or reductions in expenditures such that there is a
48 reasonable likelihood that the state's revenues and expenditures in such
49 financial plan period would not balance; (iv) the potential impact of
50 the termination of the withholding on New York state's credit rating;
51 and (v) such other factors as positively or negatively impact the
52 state's financial plan. Upon the termination of withholding under this
53 subdivision, salary that has been withheld under this section shall be
54 paid within sixty days to each employee in a lump sum payment equal to
55 the salary so withheld at the rate of basic annual salary in effect at

1 the time of such termination, but in no case shall such lump sum payment
2 be less than the amount of salary originally withheld.

3 (b) (1) "Officers and employees of the state" shall mean (i) officers
4 and employees of the executive branch (including the state university
5 and the senior colleges of the city university of New York); (ii) offi-
6 cers and employees of the statutory or contract colleges of the state
7 (but in the case of a statutory or contract college for which state
8 payment is made by reimbursement instead of direct payroll payment, such
9 reimbursement shall be reduced and paid in a manner consistent with the
10 provisions of paragraph (a) of this subdivision); (iii) nonjudicial
11 officers and employees of the unified court system if the chief adminis-
12 trator of the courts so elects; (iv) employees of the senate if the
13 temporary president of the senate so elects; (v) employees of the assem-
14 bly if the speaker of the assembly so elects; (vi) employees of joint
15 legislative employers if the temporary president of the senate and the
16 speaker of the assembly mutually so elect for all such joint legislative
17 employers. Any election made, pursuant to clause (iii), (iv), (v) or
18 (vi) of this subparagraph shall be in writing and filed with the state
19 comptroller not later than seven days from the effective date of this
20 subdivision; in the case of an entity described in clauses (iii) through
21 (vi) of this subparagraph for which an election is not made, other
22 equivalent demonstrable savings shall be effected for the fiscal year
23 ending March thirty-first, two thousand ten.

24 (2) "Employees of the senate, assembly or a joint legislative employ-
25 er" shall be as defined in section seven-d of the legislative law
26 (including sections seven-a and seven-b of such law) or by any other
27 provision of law which classifies employees of an entity to be legisla-
28 tive employees for all purposes; such term shall not include senators or
29 members of the assembly.

30 (3) "Joint legislative employer" shall mean legislative commissions,
31 committees, task forces, councils or similar bodies whose membership is
32 comprised of both senators and assembly members, or which consists of
33 commissioners, or the majority of whose membership is appointed by one
34 or more of the following: the temporary president of the senate, the
35 speaker of the assembly, the minority leader of the senate, and/or the
36 minority leader of the assembly. The temporary president of the senate
37 and speaker of the assembly shall be the joint legislative employer of
38 the employees of the legislature referred to in sections seven-a and
39 seven-b of the legislative law.

40 (c) For officers and employees hired after the effective date of this
41 subdivision, the withholding of five days of salary shall be accom-
42 plished in the same manner provided in paragraph (a) of this subdivision
43 provided, however, such withholding shall be taken on the first five
44 payment dates in which such new employees would otherwise have received
45 their salary.

46 2-d. For nonjudicial officers and employees of the unified court
47 system: commencing with the earliest administratively feasible payroll
48 period (and corresponding payment date) subsequent to the effective date
49 of this subdivision, payment on the payment date of the five subsequent
50 payroll periods shall be for nine-tenths of that amount paid each
51 payroll period until a total of five-tenths of salary for one payroll
52 period that would be paid but for this provision has been withheld. For
53 nonjudicial officers and employees hired after the effective date of
54 this subdivision, the withholding of five days of salary shall be accom-
55 plished in the same manner described above, provided, however, such

1 withholding shall be made on the first five payment dates in which such
2 new officers or employees would otherwise have received their salary.

3 § 2. This act shall take effect immediately.

4

PART FF

5 Section 1. Section 544 of the real property tax law is amended by
6 adding a new subdivision 3 to read as follows:

7 3. Notwithstanding any other provision of law, all taxes paid by the
8 state after April first, two thousand nine pursuant to this article
9 shall be no greater than the amount paid by the state during the fiscal
10 year ending March thirty-first, two thousand nine. For lands acquired by
11 the state after April first, two thousand nine or after the taxable
12 status date of such lands during the state fiscal year ending March
13 thirty-first, two thousand nine, the taxes paid shall be no greater than
14 the taxes owed on such lands during the fiscal year in which the state's
15 initial tax payment was due pursuant to this article.

16 § 2. Section 19 of the public lands law, as amended by chapter 385 of
17 the laws of 1994, is amended to read as follows:

18 § 19. Taxes and assessments for local improvements on state lands. A
19 person, body or board authorized to assess lands for local improvements
20 or purposes, shall serve on the comptroller of the state, at least three
21 weeks prior to the confirmation of the same, a written notice of every
22 assessment on state lands, showing the purpose for which the assessment
23 is made, the state lands assessed and the amounts for which they are
24 assessed, and referring to the law authorizing the assessment, and no
25 such assessment shall be legal unless such notice is duly served. No
26 fee, interest, penalty or expense shall be added to or accrue on any
27 such assessment against state lands, nor shall such lands be sold there-
28 for; but such assessments shall, if confirmed and uncontested, be paid
29 and discharged out of any moneys appropriated therefor. All sales of
30 state lands for unpaid taxes or assessments for local improvements or
31 purposes are void. All taxes and assessments legally made on state
32 lands, and all legal rents or charges thereon, shall be audited by the
33 comptroller and paid out of the treasury. On or before January fifteenth
34 the comptroller, in consultation with the board of real property
35 services and other agencies as may be appropriate, shall submit to the
36 governor and the legislature an annual accounting of taxes and assess-
37 ments paid pursuant to this section during the preceding and current
38 fiscal years. Such accounting shall include, but not be limited to the
39 number, type and amount of such payments, as well as an estimate of
40 payments to be made during the remainder of the current fiscal year and
41 during the following fiscal year. If any provision of this section
42 conflict with any provision of any other general, special or local law,
43 this section shall prevail; and no other general, special or local law
44 shall be deemed to repeal, alter or abridge any provision of this
45 section, unless this section or this article or this chapter be express-
46 ly and specifically referred to therein. This section shall extend, in
47 its operation and effect, so as to include all actions and proceedings,
48 whether judicial or administrative, heretofore commenced under any
49 general, special or local law and now pending. All payments made by the
50 state pursuant to this section after March first, two thousand nine
51 shall be equal to an amount equal to the assessment otherwise owed less
52 six per centum.

53 § 3. Subdivisions 2 and 2-a of section 19-a of the public lands law,
54 subdivision 2 as added by chapter 161 of the laws of 1965, paragraph 3

1 of subdivision 2 as amended by section 2 of part F of chapter 56 of the
2 laws of 2000 and subdivision 2-a as amended by section 1 of part K1 of
3 chapter 109 of the laws of 2006, are amended to read as follows:

4 2. The state aid payable to a city pursuant to this section shall be
5 computed and paid as follows:

6 (1) Commencing with the first fiscal year of such city subsequent to
7 the taxable status date of the assessment roll of such city occurring
8 after the acquisition of such land and improvements thereon by the state
9 or agency of the state and for each fiscal year thereafter to and not
10 including the first fiscal year of such city subsequent to the taxable
11 status date of such roll occurring after the final completion of
12 construction of such facilities on such land, an amount shall be paid
13 equal to the amount of taxes levied by or in behalf of the city against
14 such lands and the improvements thereon on the last assessment roll
15 finally completed prior to the acquisition by the state or agency of the
16 state;

17 (2) Commencing with the first fiscal year of such city subsequent to
18 the taxable status date of the assessment roll of such city occurring
19 after the final completion of the construction of such facilities and
20 for each fiscal year thereafter for the period of probable usefulness as
21 set forth in section sixty-one of the state finance law of such facili-
22 ties or of such lands on which the facilities are constructed whichever
23 is longer but in no event to exceed a period of thirty years, an amount
24 equal to one percent of the sum of the actual acquisition cost of the
25 land and the improvements thereon and the actual cost of the
26 construction of facilities thereon, provided, however, that the state
27 director of the budget and the mayor of a city with the approval of the
28 legislative body of such city may agree in writing that such state aid
29 may be an amount less than herein provided or that such city shall not
30 make application for any such aid under this section; [and]

31 (3) The aggregate amount of state aid paid pursuant to this section,
32 exclusive of the amount of state aid paid pursuant to subdivision two-a
33 of this section, shall in no event exceed the aggregate amount of state
34 aid provided in paragraph two of this subdivision[.]; and

35 (4) Payment made pursuant to this subdivision after March first, two
36 thousand nine shall be equal to the amount calculated according to the
37 provisions of this subdivision less six per centum.

38 2-a. (1) Notwithstanding any provision of this section to the contra-
39 ry, in addition to state aid otherwise payable pursuant to this section,
40 there shall be payable to any city located in a county in which there
41 has been constructed a state office building project in accordance with
42 the provisions of chapter one hundred fifty-two of the laws of nineteen
43 hundred sixty-four, as amended, and pursuant to an agreement entitled
44 the "South Mall contract" dated May eleventh, nineteen hundred sixty-
45 five, state aid in accordance with the following schedule:

46	State	
47	Fiscal	
48	Year	Amount
49	2000-2001	\$4,500,000
50	2001-2002	\$4,500,000
51	2002-2003	\$4,500,000
52	2003-2004	\$9,850,000
53	2004-2005	\$16,850,000
54	2005-2006	\$22,850,000
55	2006-2007	\$22,850,000

1	2007-2008	\$22,850,000	
2	2008-2009	\$22,850,000	
3	2009-2010	[\$22,850,000]	<u>\$21,479,000</u>
4	2010-2011	[\$22,850,000]	<u>\$21,479,000</u>
5	2011-2012	[\$15,000,000]	<u>\$14,100,000</u>
6	2012-2013	[\$15,000,000]	<u>\$14,100,000</u>
7	2013-2014	[\$15,000,000]	<u>\$14,100,000</u>
8	2014-2015	[\$15,000,000]	<u>\$14,100,000</u>
9	2015-2016	[\$15,000,000]	<u>\$14,100,000</u>
10	2016-2017	[\$15,000,000]	<u>\$14,100,000</u>
11	2017-2018	[\$15,000,000]	<u>\$14,100,000</u>
12	2018-2019	[\$15,000,000]	<u>\$14,100,000</u>
13	2019-2020	[\$15,000,000]	<u>\$14,100,000</u>
14	2020-2021	[\$15,000,000]	<u>\$14,100,000</u>
15	2021-2022	[\$15,000,000]	<u>\$14,100,000</u>
16	2022-2023	[\$15,000,000]	<u>\$14,100,000</u>
17	2023-2024	[\$15,000,000]	<u>\$14,100,000</u>
18	2024-2025	[\$15,000,000]	<u>\$14,100,000</u>
19	2025-2026	[\$15,000,000]	<u>\$14,100,000</u>
20	2026-2027	[\$15,000,000]	<u>\$14,100,000</u>
21	2027-2028	[\$15,000,000]	<u>\$14,100,000</u>
22	2028-2029	[\$15,000,000]	<u>\$14,100,000</u>
23	2029-2030	[\$15,000,000]	<u>\$14,100,000</u>
24	2030-2031	[\$15,000,000]	<u>\$14,100,000</u>
25	2031-2032	[\$15,000,000]	<u>\$14,100,000</u>
26	2032-2033	[\$15,000,000]	<u>\$14,100,000</u>

27 (2) The state aid payable to any such city pursuant to this subdivi-
 28 sion shall be the sole and exclusive state aid payable pursuant to this
 29 section to any such city with respect to the state-leased or state-owned
 30 lands referenced in this subdivision. Any such city shall continue to be
 31 eligible for the payment of state aid pursuant to the other provisions
 32 of this section but not with respect to the state-leased or state-owned
 33 lands referenced in this subdivision.

34 (3) State aid otherwise payable on account of the real property
 35 described in this subdivision shall no longer be paid if title to such
 36 real property is conveyed to a person or entity other than the state or
 37 an agency of the state.

38 (4) The state aid payable under paragraph one of this subdivision
 39 shall be payable upon application to the state comptroller by the chief
 40 fiscal officer of a city which qualifies for aid pursuant to this subdivi-
 41 sion. The application shall be made on a form prescribed by such
 42 comptroller and shall contain such information as such comptroller shall
 43 require. Upon approval of the application and determination by such
 44 comptroller of the amount of state aid payable under this subdivision,
 45 such state aid shall be paid upon the warrant of such comptroller. Annu-
 46 al payment shall be made to a qualified city not later than December
 47 first in each year commencing with the year two thousand and ending in
 48 the year two thousand ten. Thereafter, payment shall be made to a quali-
 49 fied city in two equal installments, the first occurring no earlier than
 50 April first and no later than May first, the second occurring no earlier
 51 than October first and no later than November first. Such payments shall
 52 conclude in the year two thousand thirty-two. Provided however, that any
 53 such payment shall be reduced by any amount necessary to meet eligible
 54 obligations of the Albany convention center authority, as created by
 55 section twenty-six hundred seventy-five-d of the public authorities law
 56 and as certified by the chairperson of said authority, provided that

1 such certification in such form as the authority deems desirable, but
2 including at a minimum the exact amount of payment required to satisfy
3 the authority's obligations pursuant to section twenty-six hundred
4 seventy-five-ii of the public authorities law is delivered to the state
5 comptroller no later than March first and September first, respectively.
6 The state comptroller, upon receipt of such certificate from the author-
7 ity, shall withhold from the qualified city state aid payable to such
8 qualified city, to the extent necessary to meet the required amount of
9 payments pursuant to such certificate. The state comptroller shall pay
10 over to the authority the amount so withheld on or before March
11 fifteenth and September fifteenth, respectively, and shall remit any
12 remaining amount of such installment payment to the qualified city, as
13 otherwise provided by this subdivision.

14 § 4. This act shall take effect March 1, 2009, provided that the
15 provisions of section one of this act shall take effect April 1, 2009.

16

PART GG

17 Section 1. Paragraph d of subdivision 10 of section 54 of the state
18 finance law, as added by section 1 of part F of chapter 56 of the laws
19 of 2007, is amended to read as follows:

20 d. Additional annual apportionments. Within amounts appropriated in
21 the state fiscal year commencing April first, two thousand seven and in
22 [each state fiscal year thereafter through and including] the state
23 fiscal year commencing April first, two thousand [ten] eight, munici-
24 palities shall receive additional aid apportioned as follows:

25 (i) Any municipality with an average full valuation per capita equal
26 to or less than the average full valuation per capita for municipalities
27 that is a city, a town with a population greater than fifteen thousand,
28 or a village with a population greater than ten thousand, shall be
29 eligible to receive an additional annual apportionment equal to:

30 (1) nine percent of such municipality's base level grant if the muni-
31 cipality meets all of the fiscal distress indicators in paragraph c of
32 this subdivision,

33 (2) seven percent of such municipality's base level grant if the muni-
34 cipality meets any three of the fiscal distress indicators in paragraph
35 c of this subdivision, or

36 (3) five percent of such municipality's base level grant if the muni-
37 cipality meets at least one but no more than two of the fiscal distress
38 indicators in paragraph c of this subdivision.

39 (ii) Any municipality with an average full valuation per capita equal
40 to or less than the average full valuation per capita for municipalities
41 that is a town with a population of fifteen thousand or less or a
42 village with a population of ten thousand or less which meets one or
43 more of the fiscal distress indicators in subparagraphs (i), (ii) and
44 (iii) of paragraph c of this subdivision shall be eligible to receive an
45 additional annual apportionment equal to five percent of such munici-
46 pality's base level grant.

47 (iii) Any municipality that does not qualify for an additional annual
48 apportionment pursuant to subparagraphs (i) and (ii) of this paragraph
49 shall be eligible to receive an additional annual apportionment equal to
50 three percent of such municipality's base level grant.

51 § 2. Paragraph e of subdivision 10 of section 54 of the state finance
52 law, as amended by section 3 of part O of chapter 56 of the laws of
53 2008, is amended to read as follows:

1 e. Per capita adjustment. Within amounts appropriated in the state
2 fiscal year commencing April first, two thousand seven and in [each
3 state fiscal year thereafter through and including] the state fiscal
4 year commencing April first, two thousand [ten] eight, additional aid
5 shall be apportioned as follows:

6 (i) For the purposes of subparagraphs (ii), (iii), (iv) and (v) of
7 this paragraph, the threshold percentage shall be seventy-five percent
8 in the state fiscal year commencing April first, two thousand seven[;]
9 and eighty percent in the state fiscal year commencing April first, two
10 thousand eight[; eighty-five percent in the state fiscal year commencing
11 April first, two thousand nine; and ninety percent in the state fiscal
12 year commencing April first, two thousand ten].

13 (ii) A municipality with an average full valuation per capita equal to
14 or less than the average full valuation per capita for municipalities
15 that is a city with a population greater than or equal to one hundred
16 twenty-five thousand and receives per capita state aid less than or
17 equal to the threshold percentage of the average for cities with a popu-
18 lation greater than or equal to one hundred twenty-five thousand shall
19 be eligible to receive additional aid of four and one-half percent of
20 such city's base level grant, subject to the availability of funds.

21 (iii) A municipality with an average full valuation per capita equal
22 to or less than the average full valuation per capita for municipalities
23 that is a city with a population less than one hundred twenty-five thou-
24 sand, meets one or more of the fiscal distress indicators, and receives
25 per capita state aid less than or equal to the threshold percentage of
26 the average for cities with a population less than one hundred twenty-
27 five thousand that meet one or more of the fiscal distress indicators,
28 shall be eligible to receive additional aid of four and one-half percent
29 of such city's base level grant, subject to the availability of funds.

30 (iv) A municipality with an average full valuation per capita equal to
31 or less than the average full valuation per capita for municipalities
32 that is a town with a population greater than fifteen thousand, meets
33 one or more of the fiscal distress indicators, and receives per capita
34 state aid less than or equal to the threshold percentage of the average
35 for towns with a population greater than fifteen thousand that meet one
36 or more of the fiscal distress indicators, shall be eligible to receive
37 additional aid of four and one-half percent of such town's base level
38 grant, subject to the availability of funds.

39 (v) A municipality with an average full valuation per capita equal to
40 or less than the average full valuation per capita for municipalities
41 that is a village with a population greater than ten thousand, meets one
42 or more of the fiscal distress indicators, and receives per capita state
43 aid less than or equal to the threshold percentage of the average for
44 villages with a population greater than ten thousand that meet one or
45 more of the fiscal distress indicators, shall be eligible to receive
46 additional aid of four and one-half percent of such village's base level
47 grant, subject to the availability of funds.

48 (vi) If sufficient funds are not available for additional aid in the
49 amount authorized pursuant to subparagraphs (ii), (iii), (iv) and (v) of
50 this paragraph, additional aid shall be apportioned to each municipality
51 eligible for such aid based on the municipality's pro rata share of
52 available funds.

53 § 3. Subparagraph (ii) of paragraph g of subdivision 10 of section 54
54 of the state finance law, as amended by section 4 of part 0 of chapter
55 56 of the laws of 2008, is amended to read as follows:

1 (ii) As a condition of receiving [an additional annual apportionment
2 pursuant to paragraph d of this subdivision] a base level grant pursuant
3 to paragraph b of this subdivision, each municipality that is a city,
4 other than a city subject to a control period under a state imposed
5 fiscal stability authority or a city subject to the requirements of
6 subparagraph (i) of this paragraph and each municipality that is a
7 village that [will receive an additional annual apportionment pursuant
8 to clause one of subparagraph (i) of paragraph d of this subdivision],
9 meets all four fiscal distress indicators in paragraph c of this subdivi-
10 vision shall develop a multi-year financial plan that includes: project-
11 ed employment levels, projected annual expenditures for personal
12 service, fringe benefits, non-personal services and debt service; appro-
13 priate reserve fund amounts; estimated annual revenues including
14 projected property tax rates, the value of the taxable real property and
15 resulting tax levy, annual growth in sales tax and non-property tax
16 revenues, and the proposed use of one-time revenue sources. Such multi-
17 year financial plan shall consist of, at a minimum, four fiscal years
18 including the municipality's most recently completed fiscal year, its
19 current fiscal year adopted budget and the subsequent two fiscal years.
20 On or before March thirty-first, two thousand eight and on or before
21 March thirty-first in each year thereafter through and including two
22 thousand eleven, the chief elected official of such municipality shall
23 submit written certification to the director of the budget that such
24 municipality has complied with the requirements of this subparagraph.

25 § 4. Paragraph j of subdivision 10 of section 54 of the state finance
26 law, as amended by section 1 of part KK of chapter 57 of the laws of
27 2008, is amended to read as follows:

28 j. Special aid and incentives for municipalities to the city of New
29 York. In the state fiscal year commencing April first, two thousand
30 seven a city with a population of one million or more shall receive
31 twenty million dollars on or before December fifteenth. In the state
32 fiscal year commencing April first, two thousand eight, a city with a
33 population of one million or more shall receive two hundred forty-five
34 million nine hundred forty-four thousand eight hundred thirty-four
35 dollars payable on or before December fifteenth. [In the state fiscal
36 year commencing April first, two thousand nine, a city with a population
37 of one million or more shall receive eighty-one million nine hundred
38 forty-four thousand eight hundred thirty-four dollars payable on or
39 before June thirtieth and shall receive an additional two hundred
40 forty-five million nine hundred forty-four thousand eight hundred thir-
41 ty-four dollars payable on or before December fifteenth. In the state
42 fiscal year commencing April first, two thousand ten, and in each state
43 fiscal year thereafter, a city with a population of one million or more
44 shall receive three hundred twenty-seven million eight hundred eighty-
45 nine thousand six hundred sixty-eight dollars payable on or before
46 December fifteenth.] Special aid and incentives for municipalities to
47 the city of New York shall be apportioned and paid as required as
48 follows:

49 (i) Any amounts required to be paid to the city university
50 construction fund pursuant to the city university construction fund act;

51 (ii) Any amounts required to be paid to the New York city housing
52 development corporation pursuant to the New York city housing develop-
53 ment corporation act;

54 (iii) Five hundred thousand dollars to the chief fiscal officer of the
55 city of New York for payment to the trustees of the police pension fund
56 of such city;

1 (iv) Eighty million dollars to the special account for the municipal
2 assistance corporation for the city of New York in the municipal assist-
3 ance tax fund created pursuant to section ninety-two-d of this chapter
4 to the extent that such amount has been included by the municipal
5 assistance corporation for the city of New York in any computation for
6 the issuance of bonds on a parity with outstanding bonds pursuant to a
7 contract with the holders of such bonds prior to the issuance of any
8 other bonds secured by payments from the municipal assistance corpo-
9 ration for the city of New York in the municipal assistance state aid
10 fund created pursuant to section ninety-two-e of this chapter;

11 (v) The balance of the special account for the municipal assistance
12 corporation for the city of New York in the municipal assistance state
13 aid fund created pursuant to section ninety-two-e of this chapter;

14 (vi) Any amounts to be refunded to the general fund of the state of
15 New York pursuant to the annual appropriation enacted for the municipal
16 assistance state aid fund;

17 (vii) To the state of New York municipal bond bank agency to the
18 extent provided by section twenty-four hundred thirty-six of the public
19 authorities law; and

20 (viii) To the transit construction fund to the extent provided by
21 section twelve hundred twenty-five-i of the public authorities law, and
22 thereafter to the city of New York.

23 Notwithstanding any other law to the contrary, the amount paid to any
24 city with a population of one million or more on or before December
25 fifteenth shall be for an entitlement period ending the immediately
26 preceding June thirtieth.

27 § 5. Clause 2 of subparagraph (viii) of paragraph a of subdivision 10
28 of section 54 of the state finance law, as amended by section 1 of part
29 0 of chapter 56 of the laws of 2008, is amended to read as follows:

30 (2) for the state fiscal year commencing April first, two thousand
31 eight and in each state fiscal year thereafter, the base level grant
32 received in the immediately preceding state fiscal year pursuant to
33 paragraph b of this subdivision plus any additional apportionments
34 received in such year pursuant to paragraph d of this subdivision and
35 any per capita adjustments received in such year pursuant to paragraph e
36 of this subdivision plus any additional aid received in such year pursu-
37 ant to [subparagraph (i) or subparagraph (iii) of] paragraph p of this
38 subdivision.

39 § 6. Paragraph p of subdivision 10 of section 54 of the state finance
40 law, as added by section 8 of part 0 of chapter 56 of the laws of 2008,
41 is amended to read as follows:

42 p. Local government efficiency grant program municipal merger incen-
43 tives. For the purposes of this paragraph, "municipalities" shall mean
44 cities with a population less than one million, towns and villages.
45 Within the annual amounts appropriated therefor, surviving municipi-
46 palities following a merger, consolidation or dissolution occurring on
47 or after the state fiscal year commencing April first, two thousand
48 seven may be awarded [one of the following as selected by the governing
49 body of the merged, consolidated or surviving, in the case of a dissol-
50 ution, municipality: (i) Additional aid in the state fiscal year follow-
51 ing such merger, consolidation or dissolution equal to twenty-five
52 percent of the combined base level grants received, pursuant to para-
53 graph b of this subdivision, by the municipalities that were party to
54 such merger, consolidation or dissolution in the state fiscal year in
55 which such merger, consolidation or dissolution took effect. In
56 instances where only a portion of a city, town or village is party to a

1 consolidation, merger or dissolution, the additional aid payable to the
2 resulting successor government shall be based on only a pro rata share
3 of the base level grant received by such city, town or village. Such pro
4 rata share shall be calculated by multiplying the base level grant of
5 such city, town or village in the state fiscal year in which such merg-
6 er, consolidation or dissolution took effect by the ratio of the most
7 recent federal decennial census population of the portion consolidated,
8 merged or dissolved as compared to the total two thousand federal decen-
9 nial census population of the city, town or village party to such
10 consolidation, merger or dissolution. In no case shall a municipality's
11 additional aid pursuant to this subparagraph exceed one million dollars.
12 Such additional aid shall be apportioned and paid to the chief fiscal
13 officer of each merged, consolidated or surviving, in the case of a
14 village dissolution, municipality on audit and warrant of the state
15 comptroller out of moneys appropriated by the legislature for such
16 purpose to the credit of the local assistance fund in the general fund
17 of the state treasury in the same "on or before month and day" manner as
18 the municipality's base level grant is paid pursuant to subparagraph (i)
19 of paragraph i of this subdivision. Any municipality receiving a merger
20 incentive award pursuant to this subparagraph shall use such aid only
21 for general municipal purposes. Such additional aid shall in subsequent
22 state fiscal years be considered prior year aid for the purposes of
23 determining such merged, consolidated or surviving municipality's base
24 level grant pursuant to paragraph b of this subdivision.

25 (ii) Two hundred fifty thousand dollars in the first state fiscal year
26 following such merger, consolidation or dissolution, reduced in equal
27 parts in each of the subsequent four state fiscal years; provided,
28 however, that in no case shall such first state fiscal year award exceed
29 twenty-five percent of the combined property tax levy of the merged or
30 consolidated municipalities in the local fiscal year prior to the local
31 fiscal year in which such merger or consolidation took effect; provided,
32 further, that in the case of a village dissolution, such first state
33 fiscal year award shall not exceed twenty-five percent of the combined
34 property tax levy of the village and surviving town in the local fiscal
35 year prior to the local fiscal year in which such dissolution took
36 effect. Such award shall be used for transitional purposes and long-term
37 savings and efficiencies. In the event a village dissolves into more
38 than one town, the surviving towns shall receive a pro rata portion of
39 the additional aid based on relative population. Such additional aid
40 shall be apportioned and paid to the chief fiscal officer of each
41 merged, consolidated or surviving, in the case of a dissolution, munic-
42 ipality on audit and warrant of the state comptroller out of moneys
43 appropriated by the legislature for such purpose to the credit of the
44 local assistance fund in the general fund of the state treasury in the
45 same "on or before month and day" manner as the municipality's base
46 level grant is paid pursuant to subparagraph (i) of paragraph i of this
47 subdivision.

48 (iii) Additional] additional aid in the state fiscal year following
49 such merger, consolidation or dissolution equal to fifteen percent of
50 the combined amount of real property taxes levied by all of the munic-
51 ipalities participating in the merger, consolidation or dissolution in
52 the local fiscal year prior to the local fiscal year in which such merg-
53 er, consolidation or dissolution took effect. [In instances where only a
54 portion of a city, town or village is party to a consolidation, merger
55 or dissolution, the additional annual aid payable to the resulting
56 successor government shall be based on only a pro rata share of the

1 total real property taxes levied by such city, town or village. Such pro
2 rata share shall be calculated by multiplying the total real property
3 tax levy of such city, town or village in the local fiscal year prior to
4 the local fiscal year in which such merger, consolidation or dissolution
5 took effect by the ratio of the most recent federal decennial census
6 population of the portion consolidated, merged or dissolved as compared
7 to the total two thousand federal decennial census population of the
8 city, town or village party to such consolidation, merger or dissol-
9 ution.] In instances of the dissolution of a village located in more
10 than one town, such additional aid shall equal the sum of fifteen
11 percent of the real property taxes levied by such village in the village
12 fiscal year prior to the village fiscal year in which such dissolution
13 took effect plus fifteen percent of the average amount of real property
14 taxes levied by the towns in which the village was located in the town
15 fiscal year prior to the town fiscal year in which such dissolution took
16 effect, and shall be divided among such towns based on the percentage of
17 such village's population that resided in each such town as of the most
18 recent federal decennial census. Such additional aid shall be appor-
19 tioned and paid to the chief fiscal officer of each consolidated or
20 merged municipality on audit and warrant of the state comptroller out of
21 moneys appropriated by the legislature for such purpose to the credit of
22 the local assistance fund in the general fund of the state treasury in
23 the same "on or before month and day" manner as the municipality's base
24 level grant is paid pursuant to subparagraph (i) of paragraph i of this
25 subdivision. Any municipality receiving a merger incentive award pursu-
26 ant to this [subparagraph] paragraph shall use such aid only for general
27 municipal purposes. In no case shall [a municipality's annual] the addi-
28 tional aid pursuant to this [subparagraph] paragraph exceed one million
29 dollars. Such additional aid shall in subsequent state fiscal years be
30 considered prior year aid for the purposes of determining such merged,
31 consolidated or surviving municipality's base level grant pursuant to
32 paragraph b of this subdivision.

33 § 7. Clause 1 of subparagraph (i) of paragraph o of subdivision 10 of
34 section 54 of the state finance law, as added by section 7 of part 0 of
35 chapter 56 of the laws of 2008, is amended to read as follows:

36 (1) For the purposes of this paragraph, "municipality" shall mean
37 counties, cities, towns, villages, special improvement districts, fire
38 districts, [library districts] public libraries, association libraries,
39 water authorities, sewer authorities, regional planning and development
40 boards, school districts, and boards of cooperative educational
41 services; provided, however, that for the purposes of this definition, a
42 board of cooperative educational services shall be considered a munici-
43 pality only in instances where such board of cooperative educational
44 services advances a joint application on behalf of school districts and
45 other municipalities within the board of cooperative educational
46 services region; provided, however, that any agreements with a board of
47 cooperative educational services: shall not generate additional state
48 aid; shall be deemed not to be a part of the program, capital and admin-
49 istrative budgets of the board of cooperative educational services for
50 the purposes of computing charges upon component school districts pursu-
51 ant to subparagraph seven of paragraph b of subdivision four of section
52 nineteen hundred fifty and subdivision one of section nineteen hundred
53 fifty and subdivision one of section nineteen hundred fifty-one of the
54 education law; and shall be deemed to be a cooperative municipal service
55 for purposes of subparagraph two of paragraph d of subdivision four of
56 section nineteen hundred fifty of the education law.

1 § 8. This act shall take effect immediately; and shall be deemed to
2 have been in full force and effect on and after March 1, 2009.

3

PART HH

4 Section 1. Subdivision 1 of section 101 of the general municipal law,
5 as amended by section 1 of part MM of chapter 57 of the laws of 2008, is
6 amended and a new subdivision 6 is added to read as follows:

7 1. Except as otherwise provided in section two hundred twenty-two of
8 the labor law, every officer, board or agency of a political subdivision
9 or of any district therein, charged with the duty of preparing specifi-
10 cations or awarding or entering into contracts for the erection,
11 construction, reconstruction or alteration of buildings, when the entire
12 cost of such public work shall exceed [three] ten million dollars in the
13 counties of the Bronx, Kings, New York, Queens, and Richmond; one
14 million five hundred thousand dollars in the counties of Nassau, Suffolk
15 and Westchester; and five hundred thousand dollars in all other counties
16 within the state, shall prepare separate specifications for the follow-
17 ing three subdivisions of the work to be performed:

18 a. Plumbing and gas fitting;
19 b. Steam heating, hot water heating, ventilating and air conditioning
20 apparatus; and
21 c. Electric wiring and standard illuminating fixtures.

22 6. Notwithstanding subdivision one of this section and any other law
23 to the contrary, any contract, subcontract, lease, grant, bond, coven-
24 ant, or other agreement for projects undertaken by school districts
25 shall not be subject to the requirements of separate specifications
26 (referred to as the Wicks Law).

27 § 2. Paragraph (b) of subdivision 7 of section 120-w of the general
28 municipal law, as amended by section 2 of part MM of chapter 57 of the
29 laws of 2008, is amended to read as follows:

30 (b) Except as otherwise provided in section two hundred twenty-two of
31 the labor law, when the entire cost of constructing such building shall
32 exceed [three] ten million dollars in the counties of the Bronx, Kings,
33 New York, Queens, and Richmond; one million five hundred thousand
34 dollars in the counties of Nassau, Suffolk and Westchester; and five
35 hundred thousand dollars in all other counties within the state, the
36 project developer shall prepare separate specifications for the follow-
37 ing subdivisions of such work, so as to permit separate and independent
38 bidding upon each subdivision:

39 (i) plumbing and gas fittings;
40 (ii) steam heating, hot water heating, ventilating and air condition-
41 ing apparatus; and
42 (iii) electric wiring and standard illuminating fixtures.

43 § 3. The opening paragraph of section 135 of the state finance law, as
44 amended by section 3 of part MM of chapter 57 of the laws of 2008, is
45 amended to read as follows:

46 Except as otherwise provided in section two hundred twenty-two of the
47 labor law, every officer, board, department, commission or commissions,
48 charged with the duty of preparing specifications or awarding or enter-
49 ing into contracts for the erection, construction or alteration of
50 buildings, for the state, when the entire cost of such work shall exceed
51 [three] ten million dollars in the counties of the Bronx, Kings, New
52 York, Queens, and Richmond; one million five hundred thousand dollars in
53 the counties of Nassau, Suffolk and Westchester; and five hundred thou-
54 sand dollars in all other counties within the state, must have prepared

1 separate specifications for each of the following three subdivisions of
2 the work to be performed:

3 § 4. Subdivision 1 of section 151-a of the public housing law, as
4 amended by section 4 of part MM of chapter 57 of the laws of 2008, is
5 amended to read as follows:

6 1. Notwithstanding any inconsistent provision of this chapter or any
7 other general, special or local law, except as otherwise provided in
8 section two hundred twenty-two of the labor law, any authority or muni-
9 cipality, or any officer, board, department, commission or other agency
10 thereof charged with the duty of preparing specifications or awarding or
11 entering into contracts involving the erection, construction, recon-
12 struction or alteration of any building or other appurtenance as a part
13 of or in connection with a project or any part thereof in any part of
14 the state under or pursuant to the authority of this chapter, when the
15 entire cost of such work shall exceed [three] ten million dollars in the
16 counties of the Bronx, Kings, New York, Queens, and Richmond; one
17 million five hundred thousand dollars in the counties of Nassau, Suffolk
18 and Westchester; and five hundred thousand dollars in all other counties
19 within the state, must have prepared separate specifications for the
20 following three subdivisions of the work to be performed:

21 a. Plumbing and gas fitting;
22 b. Steam heating, hot water heating, ventilating and air conditioning
23 apparatus; and
24 c. Electric wiring and standard illuminating fixtures.

25 § 5. Subdivisions 2 and 2-a of section 458 of the education law,
26 subdivision 2 as amended and subdivision 2-a as added by section 5 of
27 part MM of chapter 57 of the laws of 2008, are amended to read as
28 follows:

29 2. [Except as otherwise provided in section two hundred twenty-two of
30 the labor law, every contract, lease or other agreement entered into by
31 or on behalf of the fund for the acquisition, lease, construction,
32 reconstruction, rehabilitation or improvement of the school portion of
33 the work in any combined occupancy structure shall contain a provision
34 that, when the entire cost of any such contemplated construction, recon-
35 struction, rehabilitation or improvement for the school portion of the
36 work shall exceed three million dollars in the counties of the Bronx,
37 Kings, New York, Queens, and Richmond; one million five hundred thousand
38 dollars in the counties of Nassau, Suffolk and Westchester; and five
39 hundred thousand dollars in all other counties within the state, sepa-
40 rate specifications shall be prepared for the following three subdivi-
41 sions of the work on the school portion to be performed:

42 a. Plumbing and gas fitting;
43 b. Steam heating, hot water heating, ventilating and air conditioning
44 apparatus; and
45 c. Electric wiring and standard illuminating fixtures.

46 Such specifications shall be drawn so as to permit the letting of
47 separate and independent contracts for each of the above three subdivi-
48 sions of work. Within the above three subdivisions of work, any equip-
49 ment, apparatus and/or installations which shall be designed to service
50 the entire combined occupancy structure shall be included within the
51 school portion of the work or let as separate and independent contracts
52 even if physically located within the non-school portion of the work.]
53 Except as otherwise provided by the public housing law, the provisions
54 of which shall apply when the developer is the New York city housing
55 authority, every developer or general contractor undertaking the
56 construction, reconstruction, rehabilitation or improvement of any such

1 combined occupancy structure pursuant to or in furtherance of the
2 provisions of this article shall let [separate] contracts to the lowest
3 responsible bidder for the [three subdivisions of the above specified]
4 work to persons, firms or corporations approved by the chairman of the
5 fund as being qualified, responsible and reliable bidders engaged in
6 these classes of work. All such qualified bidders engaged in [the above
7 specified] this work shall be entitled to bid and to receive, upon
8 request, a copy of the plans and specifications. All such bids shall be
9 submitted to the fund and shall be opened publicly at a stated time and
10 place.

11 2-a. Each bidder on a public work contract[, where the preparation of
12 separate specifications is not required,] shall submit with its bid a
13 separate sealed list that names each subcontractor that the bidder will
14 use to perform work on the contract, and the agreed-upon amount to be
15 paid to each, for: a. plumbing and gas fitting, b. steam heating, hot
16 water heating, ventilating and air conditioning apparatus and c. elec-
17 tric wiring and standard illuminating fixtures. After the low bid is
18 announced, the sealed list of subcontractors submitted with such low bid
19 shall be opened and the names of such subcontractors shall be announced,
20 and thereafter any change of subcontractor or agreed-upon amount to be
21 paid to each shall require the approval of the public owner, upon a
22 showing presented to the public owner of legitimate construction need
23 for such change, which shall be open to public inspection. Legitimate
24 construction need shall include, but not be limited to, a change in
25 project specifications, a change in construction material costs, a
26 change to subcontractor status as determined pursuant to paragraph (e)
27 of subdivision two of section two hundred twenty-two of the labor law,
28 or the subcontractor has become otherwise unwilling, unable or unavail-
29 able to perform the subcontract. The sealed lists of subcontractors
30 submitted by all other bidders shall be returned to them unopened after
31 the contract award.

32 § 6. Subdivisions 2 and 2-a of section 482 of the education law,
33 subdivision 2 as amended and subdivision 2-a as added by section 6 of
34 part MM of chapter 57 of the laws of 2008, are amended to read as
35 follows:

36 2. [Except as otherwise provided in section two hundred twenty-two of
37 the labor law, every contract, lease or other agreement entered into by
38 or on behalf of the fund for the acquisition, lease, construction,
39 reconstruction, rehabilitation or improvement of any combined occupancy
40 structure shall contain a provision that, when the entire cost of any
41 such contemplated construction, reconstruction, rehabilitation or
42 improvement shall exceed three million dollars in the counties of the
43 Bronx, Kings, New York, Queens, and Richmond; one million five hundred
44 thousand dollars in the counties of Nassau, Suffolk and Westchester; and
45 five hundred thousand dollars in all other counties within the state,
46 separate specifications shall be prepared for the following three subdivi-
47 sions of the work to be performed:

- 48 a. Plumbing and gas fitting;
- 49 b. Steam heating, hot water heating, ventilating and air conditioning
50 apparatus; and
- 51 c. Electric wiring and standard illuminating fixtures.

52 Such specifications shall be drawn so as to permit the letting of
53 separate and independent contracts for each of the above three subdivi-
54 sions of work.] Except as otherwise provided by the public housing law,
55 the provisions of which shall apply when the developer is the Yonkers
56 city housing authority, every developer or general contractor undertak-

1 ing the construction, reconstruction, rehabilitation or improvement of
2 any such combined occupancy structure pursuant to or in furtherance of
3 the provisions of this article shall let [separate] contracts to the
4 lowest responsible bidder for the [three subdivisions of the above spec-
5 ified] work to persons, firms or corporations approved by the chairman
6 of the fund as being qualified, responsible and reliable bidders engaged
7 in these classes of work. All such qualified bidders engaged in [the
8 above specified] this work shall be entitled to bid and to receive, upon
9 request, a copy of the plans and specifications. All such bids shall be
10 submitted to the fund and shall be opened publicly at a stated time and
11 place.

12 2-a. Each bidder on a public work contract[, where the preparation of
13 separate specifications is not required,] shall submit with its bid a
14 separate sealed list that names each subcontractor that the bidder will
15 use to perform work on the contract, and the agreed-upon amount to be
16 paid to each, for: a. plumbing and gas fitting, b. steam heating, hot
17 water heating, ventilating and air conditioning apparatus and c. elec-
18 tric wiring and standard illuminating fixtures. After the low bid is
19 announced, the sealed list of subcontractors submitted with such low bid
20 shall be opened and the names of such subcontractors shall be announced,
21 and thereafter any change of subcontractor or agreed-upon amount to be
22 paid to each shall require the approval of the public owner, upon a
23 showing presented to the public owner of legitimate construction need
24 for such change, which shall be open to public inspection. Legitimate
25 construction need shall include, but not be limited to, a change in
26 project specifications, a change in construction material costs, a
27 change to subcontractor status as determined pursuant to paragraph (e)
28 of subdivision two of section two hundred twenty-two of the labor law,
29 or the subcontractor has become otherwise unwilling, unable or unavail-
30 able to perform the subcontract. The sealed lists of subcontractors
31 submitted by all other bidders shall be returned to them unopened after
32 the contract award.

33 § 7. Subdivision 2 of section 1045-i of the public authorities law, as
34 amended by section 7 of part MM of chapter 57 of the laws of 2008, is
35 amended to read as follows:

36 2. Any such agreements (i) shall describe in sufficient detail for
37 reasonable identification the particular water project to be financed in
38 whole or in part by the authority, (ii) shall describe the plan for the
39 financing of the cost of the construction of such water project, includ-
40 ing the amount, if any, to be provided by the water board and the source
41 or sources thereof, (iii) shall set forth the method by which and by
42 whom and the terms and conditions upon which moneys provided by the
43 authority shall be disbursed, (iv) may require, in the discretion of the
44 authority, the payment to the authority of the proceeds of any state and
45 federal grants available to the water board, (v) shall provide for the
46 establishment of user fees, rates, rents and other charges and the
47 charging and collection thereof by the water board for the use of, or
48 services furnished, rendered or made available by such system such as to
49 provide that such board receive revenues at least sufficient, together
50 with other revenues of the board, if any, to meet the requirements of
51 subdivision one of section one thousand forty-five-j of this title,
52 provided that revenues received by such board shall be deposited in a
53 special fund established pursuant to this title and disbursed to, and
54 upon certification of, the authority, (vi) may provide for the transfer
55 by the city to the water board pursuant to section one thousand forty-
56 five-h of this title of ownership of the sewerage system or water



1 system, or both, as the case may be, of which such project will form a
2 part by the city, (vii) shall provide for the construction and
3 completion of such water project by the city and for the operation,
4 maintenance and repair thereof as an integrated part of the system of
5 which such water project forms a part, subject to such terms and condi-
6 tions, not inconsistent with this title, which may be in the public
7 interest and necessary or desirable properly and adequately to secure
8 the holders of bonds of the authority, provided, however, all contracts
9 for public work and all purchase contracts shall be awarded by the city
10 as provided by law for the award of such contracts by the city and that
11 all contracts for construction shall be let in accordance with the
12 provisions of state law pertaining to prevailing wages, labor standards
13 and working hours. Except as otherwise provided in section two hundred
14 twenty-two of the labor law, when the entire cost of constructing a
15 building as part of any water project shall exceed [three] ten million
16 dollars, the city shall prepare separate specifications for the follow-
17 ing three subdivisions of the work to be performed: (a) plumbing and gas
18 fitting; (b) steam heating, hot water heating, ventilating and air
19 conditioning apparatus; and (c) electric wiring and standard illuminat-
20 ing fixtures, (viii) shall provide for the discontinuance or discon-
21 nection of the supply of water or the provision of sewerage service, or
22 both, as the case may be, for non-payment of fees, rates, rents or other
23 charges therefor imposed by the water board, provided such discontin-
24 uance or disconnection of any supply of water or the provision of sewer-
25 age service, or both, as the case may be, shall not be carried out
26 except in the manner and upon the notice as is required of a waterworks
27 corporation pursuant to subdivisions three-a, three-b and three-c of
28 section eighty-nine-b and section one hundred sixteen of the public
29 service law, and (ix) in the discretion of the authority, require
30 reports concerning the project from the water board to the authority and
31 the city.

32 § 8. Subdivision 1 of section 1735 of the public authorities law, as
33 amended by chapter 410 of the laws of 1999, is amended to read as
34 follows:

35 1. Notwithstanding the provisions of paragraph b of subdivision one of
36 section seventeen hundred thirty-four of this title, the award of
37 construction contracts by the authority [between July first, nineteen
38 hundred eighty-nine and June thirtieth, two thousand two,] shall not be
39 subject to the provisions of section one hundred one of the general
40 municipal law.

41 § 9. The opening paragraph of subdivision (c) of section 4 of chapter
42 560 of the laws of 1980, authorizing the city of New York to adopt a
43 solid waste management law, as amended by section 13 of part MM of chap-
44 ter 57 of the laws of 2008, is amended to read as follows:

45 Except as otherwise provided in section 222 of the labor law, every
46 contract, lease or other agreement entered into, pursuant to this
47 section, by the city of New York for construction, reconstruction, reha-
48 bilitation or improvement of buildings for a solid waste recovery and
49 management facility shall contain a provision that, when the entire cost
50 of such work shall exceed [three] ten million dollars, separate specifi-
51 cations shall be prepared for the following three subdivisions of work:

52 § 10. The opening paragraph of section 9 of chapter 892 of the laws of
53 1971 amending the public authorities law and other laws relating to
54 enabling the dormitory authority to construct and finance dormitories,
55 buildings and health facilities, as amended by section 14 of part MM of
56 chapter 57 of the laws of 2008, is amended to read as follows:

1 Except as otherwise provided in section 222 of the labor law, the
2 dormitory authority in awarding or entering into contracts for the
3 erection, construction, reconstruction or alteration of buildings,
4 pursuant to the provisions added by this act, when the entire cost of
5 such work shall exceed [three] ten million dollars in the counties of
6 the Bronx, Kings, New York, Queens, and Richmond; one million five
7 hundred thousand dollars in the counties of Nassau, Suffolk and West-
8 chester; and five hundred thousand dollars in all other counties within
9 the state, shall prepare separate specifications for the following three
10 subdivisions of the work to be performed:

11 § 11. Paragraph (e) of subdivision 2 of section 222 of the labor law,
12 as added by section 18 of part MM of chapter 57 of the laws of 2008, is
13 amended to read as follows:

14 (e) Any contract, subcontract, lease, grant, bond, covenant, or other
15 agreement for construction, reconstruction, demolition, excavation,
16 rehabilitation, repair, renovation, alteration, or improvement with
17 respect to each project undertaken pursuant to this section, the entity
18 shall consider the financial and organizational capacity of contractors
19 and subcontractors in relation to the magnitude of work they may
20 perform, the record of performance of contractors and subcontractors on
21 previous work, the record of contractors and subcontractors in complying
22 with existing labor standards and maintaining harmonious labor
23 relations, and the commitment of contractors to work with minority and
24 women-owned business enterprises pursuant to article fifteen-A of the
25 executive law through joint ventures of subcontractor relationships.
26 [With respect to any contract for construction, reconstruction, demoli-
27 tion, excavation, rehabilitation, repair, renovation, alteration, or
28 improvement in excess of three million dollars in the counties of the
29 Bronx, Kings, New York, Queens, and Richmond; one million five hundred
30 thousand dollars in the counties of Nassau, Suffolk and Westchester; and
31 five hundred thousand dollars in all other counties within the state;
32 the entity shall further require that each contractor and subcontractor
33 shall participate in apprentice training programs in the trades of work
34 it employs that have been approved by the department for not less than
35 three years and shall have graduated at least one apprentice in the last
36 three years and shall have at least one apprentice currently enrolled in
37 such apprenticeship training program. In addition, it must be demon-
38 strated that the program has made significant efforts to attract and
39 retain minority apprentices, as determined by affirmative action goals
40 established for such program by the department.]

41 § 12. Section 19 of chapter 738 of the laws of 1988, amending the
42 administrative code of the city of New York and other laws relating to
43 establishing the New York City school construction authority, as amended
44 by chapter 134 of the laws of 2004, is amended to read as follows:

45 § 19. This act shall take effect immediately, provided, however, that
46 the provisions of subdivision 6 of section 209 of the civil service law,
47 as added by section four of this act, shall expire and be deemed
48 repealed on and after June 30, 1995, and further provided that the
49 provisions of section 1735 of the public authorities law, as added by
50 section fourteen of this act, shall expire and be deemed repealed on
51 June 30, [2009] 2014.

52 § 13. Subdivisions (a) and (b) of section 4545 of the civil practice
53 law and rules are REPEALED and subdivisions (c) and (d) are relettered
54 subdivisions (a) and (b).

55 § 14. Subdivisions (d) and (e) of rule 4111 of the civil practice law
56 and rules are REPEALED.

1 § 15. Subdivision (f) of rule 4111 of the civil practice law and
2 rules, as amended by chapter 100 of the laws of 1994, is amended to read
3 as follows:

4 [(f)] (d) Itemized verdict in certain actions. In an action brought to
5 recover damages for personal injury, injury to property or wrongful
6 death, [which is not subject to subdivisions (d) and (e) of this rule,]
7 the court shall instruct the jury that if the jury finds a verdict
8 awarding damages, it shall in its verdict specify the applicable
9 elements of special and general damages upon which the award is based
10 and the amount assigned to each element including, but not limited to,
11 medical expenses, dental expenses, loss of earnings, impairment of earn-
12 ing ability, and pain and suffering. Each element shall be further item-
13 ized into amounts intended to compensate for damages that have been
14 incurred prior to the verdict and amounts intended to compensate for
15 damages to be incurred in the future. In itemizing amounts intended to
16 compensate for future damages, the jury shall set forth the period of
17 years over which such amounts are intended to provide compensation. In
18 actions in which article fifty-A or fifty-B of this chapter applies, in
19 computing said damages, the jury shall be instructed to award the full
20 amount of future damages, as calculated, without reduction to present
21 value.

22 § 16. Subdivision (b) of section 4213 of the civil practice law and
23 rules, as separately amended by chapters 485 and 682 of the laws of
24 1986, is amended to read as follows:

25 (b) Form of decision. The decision of the court may be oral or in
26 writing and shall state the facts it deems essential. In [a medical,
27 dental or podiatric malpractice action or in an action against a public
28 employer or a public employee who is subject to indemnification by a
29 public employer with respect to such action or both, as such terms are
30 defined in subdivision (b) of section forty-five hundred forty-five, for
31 personal injury or wrongful death arising out of an injury sustained by
32 a public employee while acting within the scope of his public employment
33 or duties, and in] any [other] action brought to recover damages for
34 personal injury, injury to property, or wrongful death, a decision
35 awarding damages shall specify the applicable elements of special and
36 general damages upon which the award is based and the amount assigned to
37 each element, including but not limited to medical expenses, dental
38 expenses, podiatric expenses, loss of earnings, impairment of earning
39 ability, and pain and suffering. In [a medical, dental or podiatric
40 malpractice action, and in] any [other] such action [brought to recover
41 damages for personal injury, injury to property, or wrongful death],
42 each element shall be further itemized into amounts intended to compen-
43 sate for damages which have been incurred prior to the decision and
44 amounts intended to compensate for damages to be incurred in the future.
45 In itemizing amounts intended to compensate for future damages, the
46 court shall set forth the period of years over which such amounts are
47 intended to provide compensation. In computing said damages, the court
48 shall award the full amount of future damages, as calculated, without
49 reduction to present value.

50 § 17. Subdivision 1 of section 3-a of the general municipal law, as
51 amended by chapter 4 of the laws of 1991, is amended to read as follows:

52 1. Except as provided in subdivisions two, four and five of this
53 section, the rate of interest to be paid by a municipal corporation upon
54 any judgment or accrued claim against the municipal corporation shall
55 [not exceed nine per centum per annum] be calculated at a rate equal to
56 the weekly average one year constant maturity treasury yield, as

1 published by the board of governors of the federal reserve system, for
2 the calendar week preceding the date of the entry of the judgment award-
3 ing damages. In no event, however, shall a municipal corporation pay a
4 rate of interest on any judgment or accrued claim more than nine per
5 centum per annum.

6 § 18. Subdivision 5 of section 157 of the public housing law, as
7 amended by chapter 681 of the laws of 1982, is amended to read as
8 follows:

9 5. The rate of interest to be paid by an authority upon any judgment
10 or accrued claim against the authority shall [not exceed nine per centum
11 per annum] be calculated at a rate equal to the weekly average one year
12 constant maturity treasury yield, as published by the board of governors
13 of the federal reserve system, for the calendar week preceding the date
14 of the entry of the judgment awarding damages. In no event, however,
15 shall an authority pay a rate of interest on any judgment or accrued
16 claim more than nine per centum per annum.

17 § 19. Section 16 of the state finance law, as amended by chapter 681
18 of the laws of 1982, is amended to read as follows:

19 § 16. Rate of interest on judgments and accrued claims against the
20 state. The rate of interest to be paid by the state upon any judgment
21 or accrued claim against the state shall [not exceed nine per centum per
22 annum] be calculated at a rate equal to the weekly average one year
23 constant maturity treasury yield, as published by the board of governors
24 of the federal reserve system, for the calendar week preceding the date
25 of the entry of the judgment awarding damages. In no event, however,
26 shall the state pay a rate of interest on any judgment or accrued claim
27 more than nine per centum per annum.

28 § 20. Section 1 of chapter 585 of the laws of 1939, relating to the
29 rate of interest to be paid by certain public corporations upon judg-
30 ments and accrued claims, as amended by chapter 681 of the laws of 1982,
31 is amended to read as follows:

32 Section 1. The rate of interest to be paid by a public corporation
33 upon any judgment or accrued claim against the public corporation shall
34 [not exceed nine per centum per annum] be calculated at a rate equal to
35 the weekly average one year constant maturity treasury yield, as
36 published by the board of governors of the federal reserve system, for
37 the calendar week preceding the date of the entry of the judgment award-
38 ing damages. In no event, however, shall a public corporation pay a
39 rate of interest on any judgment or accrued claim more than nine per
40 centum per annum. The term "public corporation" as used in this act
41 shall mean and include every corporation created for the construction of
42 public improvements, other than a county, city, town, village, school
43 district or fire district or an improvement district established in a
44 town or towns, and possessing both the power to contract indebtedness
45 and the power to collect rentals, charges, rates or fees for services or
46 facilities furnished or supplied.

47 § 21. Subdivision 1 of section 103 of the general municipal law, as
48 amended by chapter 741 of the laws of 2005, is amended to read as
49 follows:

50 1. Except as otherwise expressly provided by an act of the legislature
51 or by a local law adopted prior to September first, nineteen hundred
52 fifty-three, all contracts for public work involving an expenditure of
53 more than [twenty] fifty thousand dollars and all purchase contracts
54 involving an expenditure of more than [ten] twenty thousand dollars,
55 shall be awarded by the appropriate officer, board or agency of a poli-
56 tical subdivision or of any district therein including but not limited

1 to a soil conservation district, to the lowest responsible bidder
2 furnishing the required security after advertisement for sealed bids in
3 the manner provided by this section. In any case where a responsible
4 bidder's gross price is reducible by an allowance for the value of used
5 machinery, equipment, apparatus or tools to be traded in by a political
6 subdivision, the gross price shall be reduced by the amount of such
7 allowance, for the purpose of determining the low bid. In cases where
8 two or more responsible bidders furnishing the required security submit
9 identical bids as to price, such officer, board or agency may award the
10 contract to any of such bidders. Such officer, board or agency may, in
11 his or its discretion, reject all bids and readvertise for new bids in
12 the manner provided by this section. For purposes of this section,
13 "sealed bids", as that term applies to purchase contracts, shall include
14 bids submitted in an electronic format, provided that the governing
15 board of the political subdivision or district, by resolution, has
16 authorized the receipt of bids in such format. Submission in electronic
17 format may not, however, be required as the sole method for the
18 submission of bids. Bids submitted in an electronic format shall be
19 transmitted by bidders to the receiving device designated by the poli-
20 tical subdivision or district. Any method used to receive electronic
21 bids shall comply with article three of the state technology law, and
22 any rules and regulations promulgated and guidelines developed there-
23 under and, at a minimum, must (a) document the time and date of receipt
24 of each bid received electronically; (b) authenticate the identity of
25 the sender; (c) ensure the security of the information transmitted; and
26 (d) ensure the confidentiality of the bid until the time and date estab-
27 lished for the opening of bids. The timely submission of an electronic
28 bid in compliance with instructions provided for such submission in the
29 advertisement for bids and/or the specifications shall be the responsi-
30 bility solely of each bidder or prospective bidder. No political subdi-
31 vision or district therein shall incur any liability from delays of or
32 interruptions in the receiving device designated for the submission and
33 receipt of electronic bids.

34 § 22. Section 103 of the general municipal law is amended by adding
35 three new subdivisions 1-b, 1-c and 13 to read as follows:

36 1-b. When the officer, board or agency of any political subdivision
37 or of any district therein charged with the awarding of contracts under
38 this section determines that it is in the best interest of the political
39 subdivision or district therein, they may award contracts for services
40 on the basis of best value as defined in section one hundred sixty-three
41 of the state finance law to responsive and responsible offerers.
42 Notwithstanding any other provision of this section, a contract for
43 services may be awarded on the basis of best value provided that the
44 contracting process and award shall comply with the guidelines estab-
45 lished under section one hundred sixty-three of the state finance law by
46 the state procurement council. Any procurement made under this subdivi-
47 sion shall be approved by the governing body of the purchasing political
48 subdivision or district therein.

49 1-c. A political subdivision or any district therein shall have the
50 option of purchasing information technology and telecommunications hard-
51 ware, software and professional services through cooperative purchasing
52 permissible pursuant to federal general services administration informa-
53 tion technology schedule seventy or any successor schedule. A political
54 subdivision or any district therein that purchases through general
55 services administration schedule seventy, information technology and
56 consolidated schedule contracts shall comply with federal schedule



1 ordering procedures as provided in federal acquisition regulation
2 8.405-1 or 8.405-2, whichever is applicable. Adherence to such proce-
3 dures shall constitute compliance with the competitive bidding require-
4 ments under this section.

5 13. Notwithstanding the provisions of subdivision one of this section
6 and in addition to the provisions of subdivision three of this section
7 and section one hundred four of this article, any officer, board or
8 agency of a political subdivision or of any district therein authorized
9 to make purchases of materials, equipment and supplies may make such
10 purchases as may be required by such political subdivision or any
11 district therein through the use of a contract let by any other state or
12 political subdivision if such contract was let in accordance with
13 competitive bidding requirements that are consistent with this section
14 and with the intent of extending its use to certain other governmental
15 entities. Prior to making such a purchase, the governing board of the
16 political subdivision or district making the purchase shall determine,
17 upon review of any necessary documentation and, as appropriate, upon
18 advice of its counsel, that the requirements of this paragraph have been
19 met, and shall certify, by resolution, that such purchase is permitted
20 under the procurement policies and procedures of the political subdivi-
21 sion or district, adopted pursuant to section one hundred four-b of this
22 article.

23 § 23. Subdivision 10 of section 2799-bb of the public authorities law,
24 as added by chapter 16 of the laws of 1997, is amended to read as
25 follows:

26 10. "Project capital costs" or "costs" means costs, appropriated in
27 the capital budget of the city pursuant to chapters nine and ten of the
28 New York city charter, as amended from time to time, providing for the
29 construction, reconstruction, acquisition or installation of physical
30 public betterments or improvements [which would be classified as capital
31 assets under generally accepted accounting principles for munici-
32 palities], or the costs of any preliminary studies, surveys, maps,
33 plans, estimates and hearings, or incidental costs, including, but not
34 limited to, legal fees, printing or engraving, publication of notices,
35 taking of title, apportionment of costs, and interest during
36 construction, or any underwriting or other costs incurred in connection
37 with the financing thereof.

38 § 24. Subdivision 1 and paragraph (b) of subdivision 3 of section
39 2799-gg of the public authorities law, as amended by chapter 411 of the
40 laws of 2006, are amended to read as follows:

41 1. The authority shall have the power and is hereby authorized from
42 time to time to issue bonds, in conformity with applicable provisions of
43 the uniform commercial code, in such principal amounts as it may deter-
44 mine to be necessary pursuant to section twenty-seven hundred ninety-
45 nine-ff of this title to pay the cost of any project and to fund
46 reserves to secure such bonds, including incidental expenses in
47 connection therewith.

48 The aggregate principal amount of such bonds, notes or other obli-
49 gations [so issued] outstanding shall not exceed thirteen billion, five
50 hundred million dollars (\$13,500,000,000), excluding bonds, notes or
51 other obligations issued [to refund or otherwise repay bonds, notes or
52 other obligations theretofore issued for such purposes] pursuant to
53 sections twenty-seven hundred ninety-nine-ss and twenty-seven hundred
54 ninety-nine-tt of this title; provided, however, that upon any refunding
55 or repayment of bonds (which term shall not, for this purpose, include
56 bond anticipation notes), the total aggregate principal amount of

1 outstanding bonds, notes or other obligations may be greater than thir-
2 teen billion, five hundred million dollars (\$13,500,000,000) only if the
3 refunding or repayment bonds, notes or other obligations were issued in
4 accordance with the provisions of subparagraph (a) of subdivision two of
5 paragraph b of section 90.10 of the local finance law, as amended from
6 time to time. Notwithstanding the foregoing, bonds, notes or other
7 obligations issued by the authority may be outstanding in an amount
8 greater than the amount permitted by the preceding sentence, provided
9 that such additional amount at issuance, together with the amount of
10 indebtedness contracted by the city of New York, shall not exceed the
11 limit prescribed by section 104.00 of the local finance law. The author-
12 ity shall have the power from time to time to refund any bonds of the
13 authority by the issuance of new bonds whether the bonds to be refunded
14 have or have not matured, and may issue bonds partly to refund bonds of
15 the authority then outstanding and partly to pay the cost of any project
16 pursuant to section twenty-seven hundred ninety-nine-ff of this title.
17 Bonds issued by the authority shall be payable solely out of particular
18 revenues or other moneys of the authority as may be designated in the
19 proceedings of the authority under which the bonds shall be authorized
20 to be issued, subject to any agreements entered into between the author-
21 ity and the city, and subject to any agreements with the holders of
22 outstanding bonds pledging any particular revenues or moneys.

23 (b) The authority shall not issue variable rate bonds [if the princi-
24 pal amount of its variable rate bonds outstanding after such issuance
25 would exceed two billion, seven hundred million dollars
26 (\$2,700,000,000)] pursuant to this section in an amount outstanding at
27 issuance exceeding twenty percent of the limit prescribed by subdivision
28 one of this section, excluding bonds (i) bearing interest at rates and
29 for periods of time that are specified without reference to future
30 events or contingencies, or (ii) the interest on which is [economically
31 fixed] reasonably expected to be equivalent over time in conjunction
32 with other bonds[,] or [(iii) the interest on which is offset] by agree-
33 ments with financially responsible third parties.

34 § 25. Paragraph c of subdivision 4 of section 9-b of section 2 of
35 chapter 868 of the laws of 1975, constituting the New York state finan-
36 cial emergency act for the city of New York, as added by chapter 201 of
37 the laws of 1978, is amended to read as follows:

38 c. Bond anticipation notes shall mature not later than [six months]
39 one year after their date of issuance and may be renewed for a period
40 not to exceed [six months] one year.

41 § 26. Paragraph 3 of subdivision h of section 266 of the New York city
42 charter, as added by a vote of the people of the city of New York at the
43 general election held in November of 2005, section 7 of question 4, is
44 amended to read as follows:

45 (3) Bond anticipation notes shall mature not later than [six months]
46 one year after their date of issuance and may be renewed for a period
47 not to exceed [six months] one year.

48 § 27. This act shall take effect immediately, provided, however, that:

49 (a) sections one through twelve of this act shall control all
50 contracts advertised or solicited for bid on or after such date under
51 the provisions of any law requiring contracts to be let pursuant to
52 provisions of law amended by this act, and sections one through seven,
53 nine, ten, and eleven of this act shall expire and be deemed repealed
54 five years after such effective date;

55 (b) the amendments to the civil practice law and rules made by
56 sections thirteen through sixteen of this act shall apply to all actions

1 and proceedings pending on or commenced on or after such effective date
2 except that it shall not apply to trials or settlements that occurred
3 prior to such effective date;

4 (c) the amendments to section 1735 of the public authorities law made
5 by section eight of this act shall not affect the expiration of such
6 section and shall expire and be deemed repealed therewith; and

7 (d) the amendments to subdivision 1 of section 103 of the general
8 municipal law, made by section twenty-one of this act shall not affect
9 the expiration of such subdivision and shall expire and be deemed
10 repealed therewith.

11

PART II

12 Section 1. Section 2 of chapter 540 of the laws of 1992, amending the
13 real property tax law relating to oil and gas charges, as amended by
14 chapter 140 of the laws of 2006, is amended to read as follows:

15 § 2. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after April 1, 1992; provided,
17 however that any charges imposed by section 593 of the real property tax
18 law as added by section one of this act shall first be due for values
19 for assessment rolls with tentative completion dates after July 1, 1992,
20 and provided further, that this act shall remain in full force and
21 effect until March 31, [2009] 2012, at which time section 593 of the
22 real property tax law as added by section one of this act shall be
23 repealed.

24 § 2. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after March 1, 2009.

26

PART JJ

27 Section 1. Subdivision 3 of section 333 of the real property law, as
28 separately amended by section 2 of part B of chapter 57 and chapter 521
29 of the laws of 2004, is amended to read as follows:

30 3. The recording officer of every county and the city of New York
31 shall impose a fee of one hundred sixty-five dollars, or in the case of
32 a transfer involving qualifying residential or farm property as defined
33 by paragraph iv of subdivision one-e of this section, a fee of seventy-
34 five dollars, for every real property transfer reporting form submitted
35 for recording as required under subdivision one-e of this section. In
36 the city of New York, the recording officer shall impose a fee of fifty
37 dollars for each real property transfer tax form filed in accordance
38 with chapter twenty-one of title eleven of the administrative code of
39 the city of New York, except where a real property transfer reporting
40 form is also submitted for recording for the transfer as required under
41 subdivision one-e of this section. The recording officer shall deduct
42 nine dollars from such fee and remit the remainder of the revenue
43 collected to the state office of real property services every month for
44 deposit [in the improvement of real property tax administration account
45 established pursuant to section ninety-seven-11 of the state finance
46 law] into the general fund. The amount duly deducted by the recording
47 officer shall be retained by the county or by the city of New York.

48 § 2. Subdivision 3 of section 333 of the real property law, as amended
49 by section one of this act, is amended to read as follows:

50 3. The recording officer of every county and the city of New York
51 shall impose a fee of [one hundred sixty-five] two hundred fifty
52 dollars, or in the case of a transfer involving qualifying residential



1 or farm property as defined by paragraph iv of subdivision one-e of this
2 section, a fee of [seventy-five] one hundred twenty-five dollars, for
3 every real property transfer reporting form submitted for recording as
4 required under subdivision one-e of this section. In the city of New
5 York, the recording officer shall impose a fee of [fifty] one hundred
6 dollars for each real property transfer tax form filed in accordance
7 with chapter twenty-one of title eleven of the administrative code of
8 the city of New York, except where a real property transfer reporting
9 form is also submitted for recording for the transfer as required under
10 subdivision one-e of this section. The recording officer shall deduct
11 nine dollars from such fee and remit the remainder of the revenue
12 collected to the state office of real property services every month for
13 deposit into the general fund. The amount duly deducted by the record-
14 ing officer shall be retained by the county or by the city of New York.

15 § 3. Subdivisions 2 and 3 of section 97-11 of the state finance law,
16 as amended by section 2 of part C-2 of chapter 62 of the laws of 2003,
17 are amended to read as follows:

18 [2. All revenue received by the state office of real property services
19 from the state share of a recording fee pertaining to the transfer of
20 real property shall be deposited to the credit of the improvement of
21 real property tax administration account.

22 3.] 2. Moneys within the improvement of real property tax adminis-
23 tration account, upon appropriation by the legislature, shall be avail-
24 able to the state office of real property services for all services and
25 expenses of the state office which relate to activities including, but
26 not limited to, preparation and certification of state equalization
27 rates, the administration of state technical and financial assistance to
28 local governments, review and certification of adjusted base proportions
29 for special assessing units and approved assessing units pursuant to
30 articles eighteen and nineteen of the real property tax law, the deter-
31 mination of class equalization rates for portions within special assess-
32 ing units and approved assessing units pursuant to article twelve of the
33 real property tax law, continuance of the market value survey cycle,
34 maintenance of effort in the production of agricultural lands value
35 assessments, advisory appraisals, and assessor training and certifi-
36 cation.

37 § 4. This act shall take effect immediately; provided, however that
38 section two of this act shall take effect June 1, 2009 and shall be
39 applicable to conveyances submitted for recording on and after such
40 date.

41

PART KK

42 Section 1. Section 54-1 of the state finance law, as amended by
43 section 1 of part R of chapter 57 of the laws of 2007, is amended to
44 read as follows:

45 § 54-1. State assistance to eligible cities and eligible munici-
46 palities in which a video lottery gaming facility is located. 1. Defi-
47 nitions. When used in this section, unless otherwise expressly stated:

48 a. "Eligible city" shall mean [(i) for the fiscal year commencing
49 April first, two thousand seven] a city with a population equal to or
50 greater than one hundred twenty-five thousand and less than one million
51 in which a video lottery gaming facility is located and operating as of
52 January first, two thousand nine pursuant to section sixteen hundred
53 seventeen-a of the tax law [and (ii) for the fiscal year commencing
54 April first, two thousand eight and for each state fiscal year thereaft-



1 er, shall mean a city with a population equal to or greater than one
2 hundred twenty-five thousand in which a video lottery gaming facility is
3 located pursuant to section sixteen hundred seventeen-a of the tax law].

4 b. "Eligible municipality" shall mean a county, city, town or village
5 in which a video lottery gaming facility is located and operating as of
6 January first, two thousand nine pursuant to section sixteen hundred
7 seventeen-a of the tax law that is not located in a city with a popu-
8 lation equal to or greater than one hundred twenty-five thousand.

9 c. "Estimated net machine income" shall mean the estimated full annual
10 value of total revenue wagered after payout for prizes for games known
11 as "video lottery gaming" as authorized under article thirty-four of the
12 tax law during the state fiscal year in which state aid payments are
13 made pursuant to subdivision two of this section.

14 d. "Population" shall mean population based on the most recent federal
15 decennial census.

16 2. Within amounts appropriated therefor, [beginning in the state
17 fiscal year commencing April first, two thousand seven, and in each
18 state fiscal year thereafter,] an eligible city and an eligible munic-
19 ipality shall receive a state aid payment as follows:

20 a. An eligible city shall receive: (i) for the state fiscal years
21 commencing April first, two thousand seven and April first, two thousand
22 eight, a state aid payment equal to three and one-half percent of the
23 "estimated net machine income" generated by a video lottery gaming
24 facility located in such eligible city. Such state aid payment shall not
25 exceed twenty million dollars per eligible city; and (ii) for the state
26 fiscal year commencing April first, two thousand nine and for each state
27 fiscal year thereafter, an amount equal to the state aid payment
28 received in the state fiscal year commencing April first, two thousand
29 eight.

30 b. Eligible municipalities shall receive: (i) for the state fiscal
31 years commencing April first, two thousand seven and April first, two
32 thousand eight, a share of three and one-half percent of the "estimated
33 net machine income" generated by a video lottery gaming facility located
34 within such eligible municipality as follows: [(i)] (1) twenty-five
35 percent shall be apportioned and paid to the county; and [(ii)] (2)
36 seventy-five percent shall be apportioned and paid on a pro rata basis
37 to eligible municipalities, other than the county, based upon the popu-
38 lation of such eligible municipalities. Such state aid payment shall not
39 exceed twenty-five percent of an eligible municipality's total expendi-
40 tures as reported in the statistical report of the comptroller in the
41 preceding state fiscal year pursuant to section thirty-seven of the
42 general municipal law; and (ii) for the state fiscal year commencing
43 April first, two thousand nine and for each state fiscal year thereaft-
44 er, an amount equal to fifty percent of the state aid payment received
45 in the state fiscal year commencing April first, two thousand eight.

46 3. a. State aid payments made to an eligible city pursuant to para-
47 graph a of subdivision two of this section shall be used to increase
48 support for public schools in such city.

49 b. State aid payments made to an eligible municipality pursuant to
50 paragraph b of subdivision two of this section shall be used by such
51 eligible municipality to: (i) defray local costs associated with a video
52 lottery gaming facility, or (ii) minimize or reduce real property taxes.

53 4. [a. On or before June first of each state fiscal year, beginning in
54 the state fiscal year commencing April first, two thousand seven, at the
55 request of the director of the division of the budget, the director of
56 the division of the lottery shall transmit a schedule of payments

1 required pursuant to this section to the director of the division of the
2 budget. In determining such schedule of payments, the director of the
3 division of the lottery shall include a reconciliation of the state aid
4 paid in the preceding fiscal year. Such reconciliation shall adjust for
5 the difference between the state aid paid in the preceding fiscal year
6 and what the state aid payment would have been if the actual full annual
7 value of net machine income had been used in the calculation of state
8 aid. Such reconciliation shall be subject to the maximum amounts identi-
9 fied in subdivision two of this section for the year being reconciled.

10 b. Notwithstanding any other provision of law to the contrary, in the
11 event any eligible city or eligible municipality receives any payment
12 under subdivision two of this section that has been recommended to be
13 reconciled by the director of the division of the lottery as set forth
14 in this subdivision, and the amounts payable pursuant to subdivision two
15 of this section are insufficient to support such reconciliation, the
16 comptroller shall deduct from any moneys payable to such eligible city
17 or eligible municipality the amount required for such reconciliation
18 upon receipt of a certification of the reconciliation amount from the
19 director of the division of the lottery.

20 5.] Payments of state aid pursuant to this section shall be made on or
21 before June thirtieth of each state fiscal year to the chief fiscal
22 officer of each eligible city and each eligible municipality on audit
23 and warrant of the state comptroller out of moneys appropriated by the
24 legislature for such purpose to the credit of the local assistance fund
25 in the general fund of the state treasury.

26 § 2. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after March 1, 2009.

28

PART LL

29 Section 1. Subdivisions (a), (b), (d), (e), (g), (h) and (j) of
30 section 1111-a of the vehicle and traffic law, subdivisions (a), (b) and
31 (d) as amended by chapter 658 of the laws of 2006, subdivision (e) as
32 amended by chapter 479 of the laws of 1994 and subdivisions (g), (h) and
33 (j) as added by chapter 746 of the laws of 1988, are amended to read as
34 follows:

35 (a) 1. Notwithstanding any other provision of law, each city with a
36 population of one [million] hundred twenty-five thousand or more [is] or
37 county with a population of one million or more is hereby authorized and
38 empowered to adopt and amend a local law or ordinance establishing a
39 [demonstration] program imposing monetary liability on the owner of a
40 vehicle for failure of an operator thereof to comply with traffic-con-
41 trol indications in such city or county in accordance with the
42 provisions of this section. [Such demonstration program shall empower a
43 city to install and operate traffic-control signal photo violation-moni-
44 toring devices at no more than one hundred intersections within such
45 city at any one time.]

46 2. Such [demonstration] program shall utilize necessary technologies
47 to ensure, to the extent practicable, that photographs produced by such
48 traffic-control signal photo violation-monitoring systems shall not
49 include images that identify the driver, the passengers, or the contents
50 of the vehicle. Provided, however, that no notice of liability issued
51 pursuant to this section shall be dismissed solely because a photograph
52 or photographs allow for the identification of the contents of a vehi-
53 cle, provided that such city or county has made a reasonable effort to
54 comply with the provisions of this paragraph.



1 (b) In any city or county which has adopted a local law or ordinance
2 pursuant to subdivision (a) of this section, the owner of a vehicle
3 shall be liable for a penalty imposed pursuant to this section if such
4 vehicle was used or operated with the permission of the owner, express
5 or implied, in violation of subdivision (d) of section eleven hundred
6 eleven of this article, and such violation is evidenced by information
7 obtained from a traffic-control signal photo violation-monitoring
8 system; provided however that no owner of a vehicle shall be liable for
9 a penalty imposed pursuant to this section where the operator of such
10 vehicle has been convicted of the underlying violation of subdivision
11 (d) of section eleven hundred eleven of this article.

12 (d) A certificate, sworn to or affirmed by a technician employed by
13 the city or county in which the charged violation occurred, or a facsim-
14 ile thereof, based upon inspection of photographs, microphotographs,
15 videotape or other recorded images produced by a traffic-control signal
16 photo violation-monitoring system, shall be prima facie evidence of the
17 facts contained therein. Any photographs, microphotographs, videotape or
18 other recorded images evidencing such a violation shall be available for
19 inspection in any proceeding to adjudicate the liability for such
20 violation pursuant to a local law or ordinance adopted pursuant to this
21 section.

22 (e) An owner liable for a violation of subdivision (d) of section
23 eleven hundred eleven of this article pursuant to a local law or ordi-
24 nance adopted pursuant to this section shall be liable for monetary
25 penalties in accordance with a schedule of fines and penalties to be set
26 forth in such local law or ordinance, except that in a city which, by
27 local law, has authorized the adjudication of such owner liability by a
28 parking violations bureau, such schedule shall be promulgated by such
29 bureau, and in a county which, by local law, has authorized the adjudi-
30 cation of such owner liability by a traffic and parking violations agen-
31 cy, such schedule may be promulgated by the board of judges of the
32 district court for such county, pursuant to subdivision one of section
33 twenty-four hundred eight or subdivision one of section twenty-four
34 hundred eleven of the uniform district court act. The liability of the
35 owner pursuant to this section shall not exceed [fifty] one hundred
36 dollars for each violation; provided, however, that such local law or
37 ordinance may provide for an additional penalty not in excess of twen-
38 ty-five dollars for each violation for the failure to respond to a
39 notice of liability within the prescribed time period.

40 (g) 1. A notice of liability shall be sent by first class mail to each
41 person alleged to be liable as an owner for a violation of subdivision
42 (d) of section eleven hundred eleven of this article pursuant to this
43 section. Personal delivery on the owner shall not be required. A manual
44 or automatic record of mailing prepared in the ordinary course of busi-
45 ness shall be prima facie evidence of the facts contained therein.

46 2. A notice of liability shall contain the name and address of the
47 person alleged to be liable as an owner for a violation of subdivision
48 (d) of section eleven hundred eleven of this article pursuant to this
49 section, the registration number of the vehicle involved in such
50 violation, the location where such violation took place, the date and
51 time of such violation and the identification number of the camera which
52 recorded the violation or other document locator number.

53 3. The notice of liability shall contain information advising the
54 person charged of the manner and the time in which he may contest the
55 liability alleged in the notice. Such notice of liability shall also
56 contain a warning to advise the persons charged that failure to contest

1 in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

2
3 4. The notice of liability shall be prepared and mailed by the city or
4 county having jurisdiction over the intersection where the violation
5 occurred, or by any other entity authorized by the city or county to
6 prepare and mail such notification of violation.

7 (h) Adjudication of the liability imposed upon owners by this section
8 shall be by a traffic violations bureau or traffic and parking
9 violations agency established pursuant to section three hundred seventy
10 of the general municipal law or, if there be none, by the court having
11 jurisdiction over traffic infractions, except that any city or county
12 which has established an administrative tribunal to hear and determine
13 complaints of traffic infractions constituting parking, standing or
14 stopping violations, or an administrative tribunal to adjudicate the
15 liability imposed by this section, may, by local law, authorize such
16 adjudication by such tribunal. When a county has established a program
17 under this section, and when adjudication is by a court having jurisdic-
18 tion over traffic infractions, all fines and penalties collected under
19 such program shall be made to the county treasurer within the first ten
20 days of the month following collection.

21 (j) 1. In a city or a county where the adjudication of liability
22 imposed upon owners pursuant to this section is by a traffic violations
23 bureau, a traffic and parking violations agency or a court having juris-
24 diction, an owner who is a lessor of a vehicle to which a notice of
25 liability was issued pursuant to subdivision (g) of this section shall
26 not be liable for the violation of subdivision (d) of section eleven
27 hundred eleven of this article, provided that he or she sends to the
28 traffic violations bureau, traffic and parking violations agency or
29 court having jurisdiction a copy of the rental, lease or other such
30 contract document covering such vehicle on the date of the violation,
31 with the name and address of the lessee clearly legible, within thirty-
32 seven days after receiving notice from the traffic violations bureau,
33 traffic and parking violations agency or court of the date and time of
34 such violation, together with the other information contained in the
35 original notice of liability. Failure to send such information within
36 such thirty-seven day time period shall render the owner liable for the
37 penalty prescribed by this section. Where the lessor complies with the
38 provisions of this paragraph, the lessee of such vehicle on the date of
39 such violation shall be deemed to be the owner of such vehicle for
40 purposes of this section, shall be subject to liability for the
41 violation of subdivision (d) of section eleven hundred eleven of this
42 article pursuant to this section and shall be sent a notice of liability
43 pursuant to subdivision (g) of this section.

44 2. (i) In a city or a county which, by local law, has authorized the
45 adjudication of liability imposed upon owners by this section by a park-
46 ing violations bureau, an owner who is a lessor of a vehicle to which a
47 notice of liability was issued pursuant to subdivision (g) of this
48 section shall not be liable for the violation of subdivision (d) of
49 section eleven hundred eleven of this article, provided that:

50 (A) prior to the violation, the lessor has filed with the bureau in
51 accordance with the provisions of section two hundred thirty-nine of
52 this chapter; and

53 (B) within thirty-seven days after receiving notice from the bureau of
54 the date and time of a liability, together with the other information
55 contained in the original notice of liability, the lessor submits to the
56 bureau the correct name and address of the lessee of the vehicle identi-

1 fied in the notice of liability at the time of such violation, together
2 with such other additional information contained in the rental, lease or
3 other contract document, as may be reasonably required by the bureau
4 pursuant to regulations that may be promulgated for such purpose.

5 (ii) Failure to comply with clause (B) of subparagraph (i) of this
6 paragraph shall render the owner liable for the penalty prescribed in
7 this section.

8 (iii) Where the lessor complies with the provisions of this paragraph,
9 the lessee of such vehicle on the date of such violation shall be deemed
10 to be the owner of such vehicle for purposes of this section, shall be
11 subject to liability for such violation pursuant to this section and
12 shall be sent a notice of liability pursuant to subdivision (g) of this
13 section.

14 § 2. Subdivision (m) of section 1111-a of the vehicle and traffic law
15 is REPEALED.

16 § 3. Section 17 of chapter 746 of the laws of 1988 amending the vehi-
17 cle and traffic law, the general municipal law and the public officers
18 law relating to the civil liability of vehicle owners for traffic
19 control signal violations, as amended by chapter 667 of the laws of
20 2004, is amended to read as follows:

21 § 17. This act shall take effect on the thirtieth day after it shall
22 have become a law [and shall remain in full force and effect until
23 December 1, 2009 when upon such date the amendments and provisions made
24 by this act shall be deemed repealed; provided, however, any such local
25 laws as may be enacted pursuant to this act shall remain in full force
26 and effect only until the expiration on December 1, 2009].

27 § 4. Subdivisions (a), (f) and (n) of section 19-210 of the adminis-
28 trative code of the city of New York, subdivision (a) as amended by
29 chapter 658 of the laws of 2006, subdivision (f) as amended by local law
30 number 29 of the city of New York for the year 1994, and subdivision (n)
31 as amended by local law number 25 of the city of New York for the year
32 1994, are amended to read as follows:

33 (a) 1. Notwithstanding any other provision of law, the parking
34 violations bureau is hereby authorized and empowered to establish a
35 [demonstration] program imposing monetary liability on the owner of a
36 vehicle for failure of an operator thereof to comply with traffic-con-
37 trol indications in accordance with the provisions of this section. [The
38 department of transportation, for purposes of implementation of such
39 program, shall be authorized to install and operate traffic-control
40 signal photo violation-monitoring devices at no more than one hundred
41 intersections at any one time.]

42 2. Such [demonstration] program shall utilize necessary technologies
43 to ensure, to the extent practicable, that photographs produced by such
44 traffic-control signal photo violation-monitoring systems shall not
45 include images that identify the driver, the passengers, or the contents
46 of the vehicle. Provided, however, that no notice of liability issued
47 pursuant to this section shall be dismissed solely because a photograph
48 or photographs allow for the identification of the contents of a vehi-
49 cle, provided that such city has made a reasonable effort to comply with
50 the provisions of this paragraph.

51 (f) An owner liable for a violation of subdivision (d) of section
52 eleven hundred eleven of the vehicle and traffic law pursuant to this
53 section shall be liable for monetary penalties in accordance with a
54 schedule of fines and penalties to be promulgated by such bureau. The
55 liability of the owner pursuant to this section shall not exceed [fifty]
56 one hundred dollars for each violation; provided however that such

1 bureau may provide for an additional penalty not in excess of twenty-
2 five dollars for each violation for the failure to respond to a notice
3 of liability within the prescribed time period. Such bureau shall adju-
4 dicate liability imposed by this section.

5 (n) On or before September 1, 1989, and every four months thereafter,
6 until such time as the [demonstration] program authorized in subdivision
7 (a) hereof shall be fully operational, the commissioner of transporta-
8 tion shall submit a written report to the council on the status of said
9 [demonstration] program. Such report shall include, but not be limited
10 to, the locations selected for inclusion in the [demonstration] program
11 and the cost to the city, both individually and collectively, of each
12 location included in such [demonstration] project.

13 § 5. Subdivision (o) of section 19-210 of the administrative code of
14 the city of New York is REPEALED.

15 § 6. Section 2 of local law number 46 of the city of New York for the
16 year 1989 amending the administrative code of the city of New York
17 relating to civil liability of vehicle owners for traffic control signal
18 violations, as amended by chapter 667 of the laws of 2004, is amended to
19 read as follows:

20 § 2. This local law shall take effect immediately [and shall expire on
21 December 1, 2009].

22 § 7. This act shall take effect immediately.

23

PART MM

24 Section 1. Section 20-b of the general city law, as amended by chapter
25 310 of the laws of 1962, the opening paragraph as amended by chapter 287
26 of the laws of 1979, is amended to read as follows:

27 § 20-b. Cities authorized to impose taxes on utilities. 1. Notwith-
28 standing any other provisions of law to the contrary, any city of this
29 state, acting through its local legislative body, is hereby authorized
30 and empowered to adopt and amend local laws imposing in any such city a
31 tax such as was imposed by section one hundred eighty-six-a of the tax
32 law, in effect on January first, nineteen hundred fifty-nine, except
33 that the term "utility" as defined in that section also includes any
34 provider of telecommunication services, as defined in paragraph (e) of
35 subdivision one of section one hundred eighty-six-e of the tax law, and
36 except that the rate thereof shall not exceed one per centum of gross
37 income or of gross operating income, as the case may be, and may make
38 provision for the collection thereof by the chief fiscal officer of such
39 city; provided, however, that the rate of such tax imposed by the cities
40 of Rochester, Buffalo and Yonkers shall not exceed three per centum of
41 gross income or gross operating income, as the case may be; and provided
42 further that nothing herein contained shall be construed so as to
43 prevent any city from adopting local laws exempting from such tax [omni-
44 bus corporations] common carriers subject to the supervision of the
45 [state department of public service] commissioner of transportation
46 under article [three-a] five of the [public service] transportation law.
47 For purposes of any tax imposed pursuant to the authority of this
48 section, the terms "telephony and telegraphy" and "telephone and tele-
49 graph service" include mobile telecommunications service.

50 2. A tax imposed pursuant to this section shall have application only
51 within the territorial limits of any such city, and shall be in addition
52 to any and all other taxes. [This] Except as otherwise provided, this
53 section shall not authorize the imposition of a tax on any transaction
54 originating or consummated outside of the territorial limits of any such

1 city, notwithstanding that some act be necessarily performed with
2 respect to such transaction within such limits. Any tax on mobile tele-
3 communications service authorized to be imposed by this section must be
4 imposed only on mobile telecommunications service provided by a home
5 service provider where the mobile telecommunications customer's place of
6 primary use is within the territorial limits of the city. For purposes
7 of any tax imposed pursuant to the authority of this section, the terms
8 "mobile telecommunications service", "place of primary use", "mobile
9 telecommunications customer", and "home service provider" shall have the
10 same meaning as those terms have in paragraphs twenty-four, twenty-six
11 and twenty-seven, respectively, of subdivision (b) of section eleven
12 hundred one of the tax law.

13 3. Revenues resulting from the imposition of taxes authorized by this
14 section heretofore or hereafter imposed shall be paid into the treasury
15 of the city imposing the same, and shall be credited to and deposited in
16 the general fund of such city.

17 4. All of the provisions of [section] sections one hundred
18 eighty-six-a and one hundred eighty-six-e of the tax law, so far as the
19 same are or can be made applicable, with such limitations as are set
20 forth in this section, and such modifications as may be necessary in
21 order to adapt such taxes to local conditions shall apply to the taxes
22 authorized by this section.

23 5. Any final determination of the amount of any tax payable hereunder
24 shall be reviewable for error, illegality or unconstitutionality or any
25 other reason whatsoever by a proceeding under article seventy-eight of
26 the civil practice law and rules if application therefor is made to the
27 supreme court within thirty days after the giving of the notice of such
28 final determination, provided, however, that any such proceeding under
29 article seventy-eight of the civil practice law and rules shall not be
30 instituted unless the amount of any tax sought to be reviewed, with such
31 interest and penalties thereon as may be provided for by local law or
32 regulation, shall be first deposited and an undertaking filed, in such
33 amount and with such sureties as a justice of the supreme court shall
34 approve to the effect that if such proceeding be dismissed or the tax
35 confirmed the petitioner will pay all costs and charges which may accrue
36 in the prosecution of such proceeding.

37 6. Where any tax imposed hereunder shall have been erroneously, ille-
38 gally or unconstitutionally collected and application for the refund
39 thereof duly made to the proper fiscal officer or officers, and such
40 officer or officers shall have made a determination denying such refund,
41 such determination shall be reviewable by a proceeding under article
42 seventy-eight of the civil practice law and rules, provided, however,
43 that such proceeding is instituted within thirty days after the giving
44 of the notice of such denial, that a final determination of tax due was
45 not previously made, and that an undertaking is filed with the proper
46 fiscal officer or officers in such amount and with such sureties as a
47 justice of the supreme court shall approve to the effect that if such
48 proceeding be dismissed or the tax confirmed, the petitioner will pay
49 all costs and charges which may accrue in the prosecution of such
50 proceeding.

51 § 2. Section 5-530 of the village law is amended to read as follows:

52 § 5-530 Villages authorized to impose taxes on utilities. 1. Notwith-
53 standing any other provisions of law to the contrary, any village is
54 hereby authorized and empowered to adopt and amend local laws imposing
55 in any such village a tax such as was imposed by section one hundred
56 eighty-six-a of the tax law, in effect on January first, nineteen

1 hundred fifty-nine, except that the term "utility" as defined in that
2 section also includes any provider of telecommunication services, as
3 defined in paragraph (e) of subdivision one of section one hundred
4 eighty-six-e of the tax law, and except that the rate thereof shall not
5 exceed one per centum of gross income or of gross operating income, as
6 the case may be, and may make provision for the collection thereof by
7 the chief fiscal officer of such village; provided, however, that noth-
8 ing herein contained shall be construed so as to prevent any village
9 from adopting local laws exempting from such tax [omnibus corporations]
10 common carriers subject to the supervision of the [state department of
11 public service] commissioner of transportation under article [three-a]
12 five of the [public service] transportation law. For purposes of any
13 tax imposed pursuant to the authority of this section, the terms "tele-
14 phony and telegraphy" and "telephone and telegraph service" include
15 mobile telecommunications service.

16 2. A tax imposed pursuant to this section shall have application only
17 within the territorial limits of any such village, and shall be in addi-
18 tion to any and all other taxes. [This] Except as otherwise provided,
19 this section shall not authorize the imposition of a tax on any trans-
20 action originating or consummated outside of the territorial limits of
21 any such village, notwithstanding that some act be necessarily performed
22 with respect to such transaction within such limits.

23 [2.] Any tax on mobile telecommunications service authorized to be
24 imposed by this section must be imposed only on mobile telecommuni-
25 cations service provided by a home service provider where the mobile
26 telecommunications customer's place of primary use is within the terri-
27 torial limits of the village. For purposes of any tax imposed pursuant
28 to the authority of this section, the terms "mobile telecommunications
29 service", "place of primary use", "mobile telecommunications customer",
30 and "home service provider" shall have the same meaning as those terms
31 have in paragraphs twenty-four, twenty-six, and twenty-seven, respec-
32 tively, of subdivision (b) of section eleven hundred one of the tax law.

33 3. Revenues resulting from the imposition of taxes authorized by this
34 section heretofore or hereafter imposed shall be paid to the treasurer
35 of the village imposing the same, and shall be credited to and deposited
36 in the general fund of such village.

37 [3.] 4. All of the provisions of [section] sections one hundred eight-
38 y-six-a and one hundred eighty-six-e of the tax law, so far as the same
39 are or can be made applicable, with such limitations as are set forth in
40 this section, and such modifications as may be necessary in order to
41 adapt such taxes to local conditions shall apply to the taxes authorized
42 by this section.

43 [4.] 5. Notwithstanding any other provisions of this section or of
44 section one hundred eighty-six-a of the tax law, the words "gross
45 income" shall include:

46 a. In the case of a utility engaged in selling telephony or telephone
47 service other than mobile telecommunications service, only receipts from
48 local exchange service wholly consummated within the village; [and]

49 b. In the case of a utility engaged in selling telegraphy or telegraph
50 service other than mobile telecommunications service, only receipts from
51 transactions wholly consummated within the village; and

52 c. In the case of a utility engaged in selling mobile telecommuni-
53 cations service, only receipts from sales of mobile telecommunications
54 service to mobile telecommunications customers with a place of primary
55 use within the village.

1 [5.] 6. Any final determination of the amount of any tax payable here-
 2 under shall be reviewable for error, illegality, or unconstitutionality
 3 or any other reason whatsoever by a proceeding under article seventy-
 4 eight of the civil practice law and rules if the proceeding is commenced
 5 within ninety days after the giving of the notice of such final determi-
 6 nation; provided, however, that any such proceeding under said article
 7 seventy-eight shall not be instituted unless the amount of any tax
 8 sought to be reviewed, with such interest and penalties thereon as may
 9 be provided for by local law, ordinance or resolution, shall be first
 10 deposited and an undertaking filed, in such amount and with such sure-
 11 ties as a justice of the supreme court shall approve to the effect that
 12 if such proceeding be dismissed or the tax confirmed the petitioner will
 13 pay all costs and charges which may accrue in the prosecution of such
 14 proceeding.

15 [6.] 7. Where any tax imposed hereunder shall have been erroneously,
 16 illegally or unconstitutionally collected and application for the refund
 17 thereof duly made to the proper fiscal officer or officers, and such
 18 officer or officers shall have made a determination denying such refund,
 19 such determination shall be reviewable by a proceeding under article
 20 seventy-eight of the civil practice law and rules, provided, however,
 21 that such proceeding is commenced within ninety days after the giving of
 22 the notice of such denial, that a final determination of tax due was not
 23 previously made, and that an undertaking is filed with the proper fiscal
 24 officer or officers in such amount and with such sureties as a justice
 25 of the supreme court shall approve to the effect that if such proceeding
 26 be dismissed or the tax confirmed, the petitioner will pay all costs and
 27 charges which may accrue in the prosecution of such proceeding.

28 [7.] 8. Except in the case of a willfully false or fraudulent return
 29 with intent to evade the tax, no assessment of additional tax shall be
 30 made with respect to taxes imposed under this section, after the expira-
 31 tion of more than three years from the date of the filing of a return,
 32 provided, that where no return has been filed as provided by local law
 33 the tax may be assessed at any time.

34 § 3. Any local law adopted pursuant to the authority of section 20-b
 35 of the general city law or section 5-530 of the village law shall be
 36 deemed amended to conform to the provisions of sections one and two of
 37 this act with respect to taxable periods beginning on or after September
 38 1, 2009, except that any exemption applicable to an omnibus corporation
 39 in effect on September 1, 2009, shall not be affected by any amendment
 40 made to such provisions.

41 § 4. This act shall take effect immediately, and shall apply to taxa-
 42 ble periods beginning on and after September 1, 2009.

43

PART NN

44 Section 1. Subsection (d) of section 3231 of the insurance law, as
 45 added by chapter 501 of the laws of 1992, is amended to read as follows:

46 (d) (1) Notwithstanding any other provision of this chapter to the
 47 contrary, no policy form subject to this section shall be issued or
 48 delivered, nor any insurance contract entered into, unless and until the
 49 insurer has filed with the superintendent a schedule of premiums, not to
 50 exceed twelve months in duration, to be paid under the policy forms and
 51 obtained the superintendent's approval thereof. The superintendent may
 52 refuse such approval if he or she finds that such premiums are exces-
 53 sive, inadequate, or unfairly discriminatory. The superintendent may
 54 consider the financial condition of such insurer in approving or disap-

1 proving any premium. In determining whether to approve the schedule of
2 premiums filed, the superintendent shall, subject to the provisions of
3 section three thousand two hundred thirty-three of this article, consid-
4 er the prior experience of the insurer's community pool and the insur-
5 er's projections relating to claim costs, utilization and administrative
6 expenses and shall not adjust the insurer's rates based upon the rates
7 approved for other insurers.

8 (2) An insurer shall provide specific claims experience to a municipal
9 corporation, as defined in subsection (f) of section four thousand seven
10 hundred two of this chapter, covered by the insurer under a community
11 rated policy when the municipal corporation requests its claims experi-
12 ence for purposes of forming or joining a municipal cooperative health
13 benefit plan certified pursuant to article forty-seven of this chapter.
14 Notwithstanding the forgoing provisions, no insurer shall be required to
15 provide more than three years' claims experience to a municipal corpo-
16 ration making this request.

17 § 2. Subsection (d) of section 4317 of the insurance law, as added by
18 chapter 501 of the laws of 1992, is amended to read as follows:

19 (d) (1) This section shall also apply to contracts issued to a group
20 defined in subsection (c) of section four thousand two hundred thirty-
21 five of this chapter, including but not limited to an association or
22 trust of employers, if the group includes one or more member employers
23 or other member groups which have fifty or fewer employees or members
24 exclusive of spouses and dependents.

25 (2) A corporation shall provide specific claims experience to a munic-
26 ipal corporation, as defined in subsection (f) of section four thousand
27 seven hundred two of this chapter, covered by the corporation under a
28 community rated contract when the municipal corporation requests its
29 claims experience for purposes of forming or joining a municipal cooper-
30 ative health benefit plan certified pursuant to article forty-seven of
31 this chapter. Notwithstanding the foregoing provisions, no corporation
32 shall be required to provide more than three years' claims experience to
33 a municipal corporation making this request.

34 § 3. Paragraph 2 of subsection (a) of section 4704 of the insurance
35 law, as added by chapter 689 of the laws of 1994, is amended to read as
36 follows:

37 (2) except for any plan that provided medical, surgical and hospital
38 services on or before January first, nineteen hundred ninety-three
39 pursuant to a municipal cooperation agreement, the number of municipal
40 corporations participating in the municipal cooperative health benefit
41 plan shall be at least [five] three;

42 § 4. Paragraph 1 of subsection (a) of section 4706 of the insurance
43 law, as added by chapter 689 of the laws of 1994, is amended to read as
44 follows:

45 (1) a reserve for payment of claims and expenses thereon reported but
46 not yet paid, and claims and expenses thereon incurred but not yet
47 reported which [shall not be less than an amount equal to twenty-five
48 percent of expected incurred claims and expenses thereon for the current
49 plan year, unless a qualified actuary has demonstrated to the super-
50 intendent's satisfaction that a lesser amount will be adequate] shall
51 provide for the payment of all losses or claims and expenses incurred on
52 or prior to the date of statement as determined by a qualified actuary,
53 meeting the requirements prescribed by the superintendent;

54 § 5. The opening paragraph of section 4714 of the insurance law, as
55 added by chapter 689 of the laws of 1994, is amended to read as follows:

1 For municipal cooperative health benefit plans [that provided medical,
2 surgical or hospital services on or before January first, nineteen
3 hundred ninety-three pursuant to a municipal cooperation agreement
4 authorized under article five-G of the general municipal law] certified
5 on or after July first, two thousand nine, the reserve and surplus
6 requirements in section four thousand seven hundred six of this article
7 may be phased in over a period of up to five plan years, provided that:

8 § 6. Paragraph 1 of subsection (a) of section 4714 of the insurance
9 law, as added by chapter 689 of the laws of 1994, is amended to read as
10 follows:

11 (1) at the end of the first plan year [on or] after [the effective
12 date of this article] certification shall not be less than [twelve]
13 fifty percent of [expected incurred claims and expenses thereon for such
14 plan year] the amount established pursuant to such paragraph; and

15 § 7. The superintendent of insurance shall order a study of the impact
16 to the community rated health insurance market of allowing a public
17 entity, as defined in paragraph 51 of subsection (a) of section 107 of
18 the insurance law, with fifty or fewer employees to join with public
19 entities with more than fifty employees to purchase health insurance
20 coverage under experience rated policies. The study shall be performed
21 by a member of the American academy of actuaries. The study shall be
22 completed and a report submitted by September 1, 2010 to the governor,
23 the superintendent of insurance, the temporary president of the senate
24 and the speaker of the assembly.

25 § 8. Section 180 of the agriculture and markets law, as added by chap-
26 ter 874 of the laws of 1977, is amended to read as follows:

27 § 180. Municipal directors of weights and measures. 1. There shall be
28 a county director of weights and measures in each county, except where
29 (a) a county is wholly embraced within a city there shall be a city
30 director of weights and measures, or (b) where two or more counties have
31 entered into an intermunicipal agreement, pursuant to article five-G of
32 the general municipal law, to share the functions, powers, and duties of
33 one director of weights and measures. Any county or city having a popu-
34 lation of one million or more may elect to designate its commissioner of
35 consumer affairs as its director of weights and measures. Subdivision
36 four of this section shall not apply to a commissioner of consumer
37 affairs so designated.

38 2. No city may institute a weights and measures program. Provided,
39 that any city which maintained a weights and measures program on January
40 first, nineteen hundred seventy-six may continue such program under a
41 city director of weights and measures.

42 a. Any such city may contract with the legislature of the county in
43 which it is located for the county director of weights and measures to
44 perform the duties of and have the same powers within such city as the
45 city director. Such contract shall fix the amount to be paid annually by
46 the city to the county for such services. During the period such
47 contract is in force and effect, the office of city director of weights
48 and measures shall be abolished.

49 b. The county director shall not have jurisdiction in any city which
50 has a city director of weights and measures, except in the county of
51 Westchester the county director shall have concurrent jurisdiction with
52 city directors of weights and measures in such county.

53 3. Nothing contained herein shall prohibit the governing body of any
54 county or city from assigning to its municipal director powers and
55 duties in addition to the powers and duties prescribed by this article
56 provided such additional powers and duties deal primarily with services

1 designed to aid and protect the consumer and are not inconsistent with
2 the provisions of this article.

3 4. The municipal director shall be appointed by the appropriate
4 authority of the municipality in which he resides having the general
5 power of appointment of officers and employees. Where two or more coun-
6 ties have entered into an intermunicipal agreement, pursuant to article
7 five-G of the general municipal law, to share the functions, powers, and
8 duties of one director of weights and measures, said municipal director
9 may reside in any county that is a party to the intermunicipal agree-
10 ment. He shall be paid a salary determined by the appropriate authority
11 and shall be provided by such authority with the working standards of
12 weights, measures and other equipment as required by rules and regu-
13 lations promulgated in accordance with this article. The position of
14 municipal director shall be in the competitive class of the civil
15 service with respect to all persons appointed on or after the effective
16 date of this act.

17 § 9. Section 775 of the county law is amended to read as follows:

18 § 775. [County sealer] Director of weights and measures; duties. The
19 [county sealer] director of weights and measures shall perform the
20 duties prescribed by law for the enforcement of honest weights and meas-
21 ures. He shall perform such additional and related duties as may be
22 prescribed by law and directed by the board of supervisors.

23 § 10. Section 99-r of the general municipal law, as amended by chapter
24 165 of the laws of 2008, is amended to read as follows:

25 § 99-r. Contracts for services. Notwithstanding any other provisions
26 of law to the contrary, the governing board of any municipal corporation
27 may enter into agreements and/or contracts with any state agency includ-
28 ing any department, board, bureau, commission, division, office, coun-
29 cil, committee, or officer of the state, whether permanent or temporary,
30 [or a] any public benefit corporation or public authority, [or a] any
31 soil and water conservation district, [and] the governing board of any
32 other municipal corporation and/or any unit of the state university of
33 New York, pursuant to and consistent with sections three hundred fifty-
34 five and sixty-three hundred one of the education law within or without
35 such municipal corporation to provide or receive fuel, equipment, main-
36 tenance and repair, supplies, water supply, street sweeping or mainte-
37 nance, sidewalk maintenance, right-of-way maintenance, storm water and
38 other drainage, sewage disposal, landscaping, mowing, highway infras-
39 tructure inspection, repair or maintenance, including related traffic
40 control and enforcement, training and education, engineering, or any
41 other services of government. Such municipal corporation, state agency,
42 soil and water conservation district, or unit of the state university of
43 New York, within the limits of any [specific] statutory appropriation
44 authorized and made available therefor by the legislature or by the
45 governing body responsible for the operation of such state agency, soil
46 and water conservation district, or unit of the state university of New
47 York may contract with any municipal corporation for such services as
48 herein provided and may provide, in agreements and/or contracts entered
49 into pursuant to this section, for the reciprocal provision of services
50 or other consideration of approximately equivalent value, including, but
51 not limited to, routine and/or emergency services, monies, equipment,
52 buildings and facilities, materials or a commitment to provide future
53 routine and/or emergency services, monies, equipment, buildings and
54 facilities or materials. Any such contract may be entered into by
55 direct negotiations and shall not be subject to the provisions of
56 section one hundred three of this chapter.

1 § 11. Section 10 of the highway law is amended by adding a new subdi-
2 vision 46 to read as follows:

3 46. Have the authority to enter into agreements and/or contracts to
4 provide or receive services pursuant to section ninety-nine-r of the
5 general municipal law upon such terms and conditions as deemed appropri-
6 ate by the commissioner or commissioner's designee.

7 § 12. Section 12 of the highway law, as amended by chapter 1110 of the
8 laws of 1971, subdivision 2 as amended by chapter 249 of the laws of
9 1972, subdivision 2-a as added by chapter 568 of the laws of 1986 and
10 subdivision 7 as added by chapter 691 of the laws of 1971, is amended to
11 read as follows:

12 § 12. Commissioner [of transportation] to provide for maintenance,
13 repair, and [for] control of snow and ice; roads and driveways on state
14 lands. 1. The maintenance and repair of improved state highways in towns
15 and incorporated villages, exclusive, however, of the cost of maintain-
16 ing and repairing bridges having a span in excess of twenty feet shall
17 be under the direct supervision and control of the commissioner [of
18 transportation] and he or she shall be responsible therefor. The cost of
19 such maintenance and repair shall be borne wholly by the state and be
20 paid from moneys appropriated therefor by the legislature. Such mainte-
21 nance and repair may be done in the discretion of the commissioner
22 either directly by the department [of transportation] or by contract
23 awarded to the lowest responsible bidder at a public letting after due
24 advertisement, and under such rules and regulations as the commissioner
25 [of transportation] may prescribe. The commissioner [of transportation]
26 shall also have the power to adopt such system as may seem expedient so
27 that each section of such highways shall be effectively and economically
28 preserved, maintained and repaired.

29 2. The maintenance of state highways shall include the control of snow
30 and ice and other highway maintenance activities on such highways or any
31 parts thereof, as the commissioner [of transportation] may deem to be
32 necessary to provide reasonable passage and movement of vehicles over
33 such highways. The commissioner [of transportation] is authorized also
34 to erect snow fences at suitable locations. The work of such control of
35 snow and ice and other highway maintenance activities may be done by any
36 municipality which for the purposes of this section shall include only a
37 county, city, town or village. The governing board or body of any such
38 municipality and the commissioner [of transportation] are hereby author-
39 ized to enter into an agreement for the performance of the work of such
40 control of snow and ice and other highway maintenance activities upon
41 such terms, rules and regulations as may be deemed by the commissioner
42 [of transportation] to be for the best interest of the public. Such
43 agreement may provide for periodic payments based upon a percentage of
44 the estimated total cost. Any agreement authorized by this subdivision
45 shall be for a term of [three] up to five years and at the expiration of
46 [each] the year preceding the last year of the term specified in the
47 agreement, as such term may be extended as herein provided, the munici-
48 pality shall notify the commissioner either (a) that it requests, with
49 the approval of the commissioner, that the term of the agreement be
50 extended for [one year] a specified term of up to five years or (b) it
51 intends not to extend the agreement and such agreement shall expire at
52 the end of the term. If the municipality fails to notify the commission-
53 er as herein provided, it shall be deemed that the municipality intends
54 not to extend the agreement. Such agreement may be terminated during
55 the specified term provided the municipality shall notify the commis-
56 sioner eighteen months prior to such termination of an agreement for the

1 control of snow and ice. If any such agreement expires, a new agreement
2 between the commissioner and a municipality may be entered into for a
3 term of [three] up to five years, with extended term or terms upon
4 notification as above provided. Whenever the commissioner shall deem the
5 work of control of snow and ice and other highway maintenance activities
6 by any municipality to be inadequate or unsatisfactory according to the
7 terms of any such agreement, he or she may, by official order to be
8 filed in [his office] the department, and by filing a certified copy
9 thereof in the office of the department of state, cancel said agreement,
10 and the payments thereunder provided by the state shall cease; whereupon
11 the commissioner may carry out the work of control of snow and ice and
12 other highway maintenance activities. [The] An official order provided
13 in this subdivision and relating to the control of snow and ice shall
14 become effective at the expiration of five days after the commissioner
15 shall mail a certified copy thereof to the clerk or other official who
16 performs related duties in such municipality. The governing board or
17 body of any such municipality is authorized to appropriate such sum as
18 it deems necessary to enable such municipality to perform the terms of
19 such agreement. The work of such control of snow and ice and other high-
20 way maintenance activities may be done by any of the methods provided in
21 subdivision one of this section for the work of maintenance and repair,
22 or by a combination of such methods. Any county is hereby authorized to
23 enter into a contract with another municipality located within the same
24 county for the performance of the work of such control of snow and ice
25 and other highway maintenance activities as a subcontractor under any
26 agreement with the commissioner [of transportation] as such agreement is
27 hereinbefore provided. Moneys received by a county under the terms of
28 any agreement authorized by this subdivision shall be credited to the
29 fund from which moneys were appropriated to enable the county to perform
30 the terms of such agreement. Moneys so received by a town shall be cred-
31 ited to the highway fund. Moneys so received by a city or village shall
32 be credited to the general fund.

33 2-a. (a) Except as provided hereafter the state shall indemnify and
34 hold harmless such municipalities for any and all liability for damages
35 for personal injury, injury to property or wrongful death for losses
36 arising from or occasioned by the manner of performance of the functions
37 under any agreement with a municipality for the control of snow and ice
38 and other highway maintenance activities pursuant to this section.

39 (b) In no event shall the state be obligated to defend or indemnify
40 such municipality, in any action, proceeding, claim or demand arising
41 out of the actual operation of an insured vehicle or vehicle subject to
42 self-insurance while engaged in the operation of snow and ice control
43 functions and other highway maintenance activities under such agreement.

44 (c) The municipality shall be entitled to representation by the attor-
45 ney general in any claim described in paragraph (a) of this subdivision,
46 provided, however, that the municipality shall be entitled to itself
47 defend any such action, proceeding, claim or demand whenever the attor-
48 ney general determines, based upon his investigation and review of the
49 facts and circumstances of the case that representation by the attorney
50 general would be inappropriate, or whenever a court of competent juris-
51 diction determines that a conflict of interest exists and that the muni-
52 cipality is entitled to be separately represented. Whenever the muni-
53 cipality is entitled to defend the action itself, the state shall
54 reimburse the municipality for any and all costs and expenses, includ-
55 ing, but not limited to, counsel fees and disbursements.

1 (d) The state shall indemnify and save harmless such municipality in
2 the amount of any judgment obtained against such municipality in any
3 state or federal court on any claim described in paragraph (a) of this
4 subdivision, or in the amount of any settlement of such claim, or shall
5 pay such judgment or settlement; provided, however, that the act or
6 omission from which such judgment or settlement arose occurred while the
7 municipality was acting within the scope of its functions for control of
8 snow and ice and other highway maintenance activities; provided,
9 further, that no stipulation of settlement of any such action, proceed-
10 ing, claim or demand shall be made or executed without approval of the
11 attorney general and of the commissioner [of transportation] or his
12 designee. Payment of any claim made pursuant to settlement shall not
13 exceed the sum of fifty thousand dollars. Nothing herein shall authorize
14 the state to indemnify or save harmless with respect to punitive or
15 exemplary damages.

16 (e) The duty to defend or indemnify and save harmless prescribed by
17 this subdivision shall be conditioned upon (i) delivery to the attorney
18 general or an assistant attorney general at the office of the department
19 of law located in Albany or New York city and by delivery to the commis-
20 sioner [of transportation] or his designee a copy of any claim, summons,
21 complaint, process, notice, demand or other pleading within ten days
22 after such municipality is served with such document and (ii) the full
23 cooperation of the municipality in the defense of such action, proceed-
24 ing, claim or demand and in the defense of any action, proceeding, claim
25 or demand against the state based upon the same act or omission, and in
26 the prosecution of any appeal.

27 (f) The benefits of this subdivision shall inure only to such munici-
28 palities and shall not enlarge or diminish the rights of any other party
29 nor shall any provision of this subdivision be construed to effect,
30 alter or repeal any provision of the workers' compensation law.

31 (g) This subdivision shall not in any way affect the obligation of any
32 claimant to give notice to the state under section ten of the court of
33 claims act or any other provision of law.

34 (h) The provisions of this subdivision shall not be construed to
35 impair, alter, limit or modify the rights and obligations of any insurer
36 under any insurance agreement.

37 (i) Except as otherwise specifically provided in this subdivision, the
38 provisions of this subdivision shall not be construed in any way to
39 impair, alter, limit, modify, abrogate or restrict any immunity avail-
40 able to or conferred upon any unit, entity, officer or employee of the
41 state or municipality or any other level of government, or any right to
42 defense and indemnification provided for any governmental officer or
43 employee by, in accordance with, or by reason of, any other provision of
44 state or federal statutory or common law.

45 3. The commissioner [of transportation] shall have the power to
46 purchase (a) materials for such maintenance and repair, except where
47 such work is done by contract, and to contract for the delivery thereof
48 at convenient intervals along such highways, and (b) equipment and
49 appliances that he may deem necessary to carry out the provisions of
50 this section. Any municipality, acting by and through its authorized
51 official, is hereby empowered to rent its machinery, tools, equipment,
52 and storage space, to the state, acting by and through the commissioner
53 [of transportation], for the purpose of such control of snow and ice and
54 other highway maintenance activities upon such terms and at such rate as
55 may be agreed between the municipality and the commissioner [of trans-
56 portation]. Notwithstanding the provisions of any general, special or

1 local law or of any charter, the governing board or body of any such
2 municipality is hereby authorized to sell such machinery, tools and
3 equipment to the state, acting by and through the commissioner [of
4 transportation], for the purposes of this section and without compet-
5 itive bidding or other limitation or restriction provided in any gener-
6 al, special or local law or of any charter, and the commissioner [of
7 transportation], may, upon approval by the state comptroller and the
8 state commissioner of general services, purchase such machinery, tools
9 and equipment from any such municipality as herein provided.

10 4. Whenever funds therefor are made available, the commissioner [of
11 transportation] shall have power to acquire for the state, by purchase,
12 or by appropriation through the procedure described in section thirty of
13 this chapter, property for the purpose of storing, maintaining or proc-
14 essing construction [and], maintenance supplies, material or equipment
15 and for the purpose of providing, erecting and maintaining offices for
16 department personnel and structures for storing, maintaining or process-
17 ing construction and maintenance materials or equipment.

18 5. Whenever a state highway has been constructed at a greater width
19 than that provided in the original plans, upon petition of a village, as
20 provided in sections forty-six and forty-seven of this chapter, or upon
21 petition of a town or county, as provided in sections forty-eight,
22 forty-nine, or fifty-nine of this chapter, or whenever such highway has
23 been widened by a town or county under a permit granted as provided in,
24 or under conditions and regulations prescribed pursuant to section
25 fifty-two of this chapter, the additional width of pavement shall be
26 deemed to be a part of the highway and shall be maintained by the
27 commissioner [of transportation] as provided herein, but in no case
28 where any such highway has been widened as provided above, shall the
29 state be responsible for the maintenance of any curb or of any paved
30 gutter or paved shoulder, provided, however, that on any highway main-
31 tained by the state the commissioner shall have authority to clean any
32 pavement or paved gutter or repair any unpaved shoulder or unpaved
33 gutter outside of the pavement maintained by the state, where necessary
34 for the protection of such pavement.

35 6. Whenever the head of any state department having jurisdiction or
36 control over lands owned and occupied by the state, requests the commis-
37 sioner [of transportation] to maintain and to repair any road and drive-
38 way which is located on, over and across such lands, the commissioner
39 [of transportation] is, notwithstanding the provisions of any general,
40 special or local law, authorized to grant such request by his official
41 order therefor. Such official order shall contain a general description
42 of any such road and driveway. A certified copy of such official order
43 shall be filed by the commissioner [of transportation] in the office of
44 (a) the state department having jurisdiction or control over such lands,
45 and (b) the department of audit and control. Thereupon any such road
46 and driveway shall be maintained and repaired under the direct super-
47 vision and control of the commissioner [of transportation] in the same
48 manner as is provided in this section for the maintenance and repair of
49 improved state highways in towns and in incorporated villages.

50 7. Whenever the head of any state department, agency, institution or
51 public benefit corporation having jurisdiction or control over the lands
52 owned and occupied by the state or such department, agency, institution
53 or public benefit corporation requests the commissioner to construct,
54 reconstruct, and/or maintain any loop or peripheral roadway which is
55 is to be located on, around, over, or across such lands, notwithstanding
56 the provisions of any general, special or local law, the commissioner is

1 authorized to grant such request and undertake such construction, recon-
2 struction and/or maintenance. Before undertaking the work of
3 construction, reconstruction and/or maintenance of such roadways, the
4 commissioner and the head of the state department, agency, institution
5 or public benefit corporation shall enter into a written agreement,
6 subject to the approval of the director of the budget, providing the
7 funds therefor, or reimbursement by such state department, agency,
8 institution or public benefit corporation of the funds therefor, includ-
9 ing all costs incurred by the department in connection with such
10 construction, reconstruction and/or maintenance. Where such loop or
11 peripheral roadway is to be constructed, reconstructed and/or maintained
12 on lands occupied by either the state university of New York or the
13 state university construction fund, both the state university of New
14 York and the state university construction fund shall be parties to such
15 agreement. Such roadway shall be constructed, or reconstructed, to
16 mutually agreeable standards, in the same manner as state highways are
17 constructed or reconstructed pursuant to this chapter. The maintenance
18 of such roadway shall be in the same manner as provided for state high-
19 ways in this chapter. If such a maintenance agreement extends for a
20 period greater than one year, the funds shall be made available for, or
21 reimbursed, on an annual basis. The head of such state department, agen-
22 cy, institution or public benefit corporation may terminate such mainte-
23 nance agreement upon six months written notice to the commissioner
24 making provision for the department [of transportation] to be reimbursed
25 for all costs incurred by such department up to such termination date.
26 In connection with the maintenance of such a roadway the commissioner
27 shall cause an official order to be issued therefor. Such official order
28 shall contain a general description of such roadway. A certified copy of
29 such official order shall be filed by the commissioner in the office of
30 the head of the state department, agency, institution or public benefit
31 corporation making such request for maintenance and with the department
32 of audit and control.

33 § 13. Section 55 of the highway law, as amended by chapter 1110 of the
34 laws of 1971, is amended to read as follows:

35 § 55. Emergency aid [for control of snow and ice] in municipalities.
36 Notwithstanding any inconsistent provision of law, general, special or
37 local, the commissioner of transportation, when authorized by the gover-
38 nor or the governor's designee, is empowered to aid and accept aid from
39 any county, city, town or village of the state in [the control of snow
40 and ice during] emergency situations, providing the governing board or
41 body of any such municipality or the commissioner certifies to the
42 governor (a) that such aid is required to promote the public welfare,
43 (b) that such municipality or the department does not have available and
44 is unable to secure and provide the necessary equipment, facilities and
45 personnel to perform the immediate work [of control of snow and ice],
46 and (c) that adequate and appropriate provision has been made [to reim-
47 burse the state for] for reimbursement of any actual costs of labor and
48 of maintenance and operation and for the depreciation of the necessary
49 equipment and facilities [of the state]. The governing board or body of
50 any such municipality and the commissioner of transportation are hereby
51 authorized to enter into a contract for the purposes of this section
52 upon such terms and conditions as shall be reasonable for the protection
53 of the public.

54 § 14. Section 351 of the public health law, subdivision 1 as amended
55 by chapter 83 of the laws of 1975, is amended to read as follows:

1 § 351. County or part-county health commissioner, public health direc-
2 tor or county health director; appointment; compensation. 1. The board
3 of health of each county and part-county health district or other body
4 having the powers and duties of a board of health of a county or part-
5 county health district or the county executive in those counties where
6 the county charter provides that said commissioner is to be appointed by
7 the county executive shall appoint a county health commissioner, county
8 health director or, when authorized under the state sanitary code,
9 public health director; except, however,

10 (a) that the boards of health of not more than three county or part-
11 county health districts or other bodies having the powers and duties of
12 a board of health of a county or part-county health district may appoint
13 the same person to serve as county health commissioner, county health
14 director or, when authorized by the state sanitary code, public health
15 director for said health districts, if the total population of health
16 districts is not in excess of one hundred fifty thousand according to
17 the latest federal decennial census, provided the approval of the
18 commissioner is obtained[.]; or

19 [The] (b) the board of health or other body having the powers and
20 duties of a board of health of a county or part-county health district
21 of any county health district with a population of less than thirty-five
22 thousand [population] according to the latest federal decennial census
23 may appoint the same person employed by a contiguous county or part-
24 county health district to serve as county health commissioner, county
25 health director or, when authorized by the state sanitary code, public
26 health director without regard to the total population of both health
27 districts, provided the approval of the commissioner is obtained.

28 [2.] The commissioner shall periodically review his or her determi-
29 nation to ensure such employment of the same county health director,
30 director of public health or county health commissioner continues to
31 serve the interest of public health and may terminate his or her
32 approval at his or her discretion.

33 2. If the commissioner has approved the appointment of the same person
34 to serve as the county commissioner of health or public health director
35 of more than one county or part-county health district pursuant to
36 subdivision one of this section, then during the continuation of such
37 approval the commissioner may also authorize the same members to be
38 appointed to the board of health of each respective health district,
39 notwithstanding their residency in the other county.

40 3. Any boards of health or other bodies having the powers and duties
41 of a board of health of a county or part-county health district having
42 the same members shall annually submit such information and reports
43 regarding the effect of such employment on administration of the respec-
44 tive health districts and the provision of public health services as the
45 commissioner may require. The commissioner shall use such information in
46 determining whether such common membership continues to serve the inter-
47 est of public health.

48 4. The county health commissioner or public health director shall
49 possess such qualifications for office as are prescribed in the sanitary
50 code.

51 [3.] 5. The county health commissioner or public health director shall
52 serve for a term of six years and shall not be removed during the term
53 for which he or she shall have been appointed, except upon written
54 charges after a hearing and upon notice.

55 [4.] 6. The county health commissioner or public health director shall
56 receive such compensation as may be fixed by the board of supervisors

1 or, if the commissioner's approval has been obtained for the employment
2 of the same person as the county health commissioner or public health
3 director pursuant to subdivision one of this section, by the boards of
4 supervisors.

5 § 15. Section 214 of the town law, as amended by chapter 344 of the
6 laws of 2005, is amended to read as follows:

7 § 214. Oaths, undertakings and compensation of commissioners. Each
8 commissioner, before entering upon the duties of his office, shall take
9 the constitutional oath of office and execute to the town and file with
10 the town clerk an official undertaking in such sum and with such sure-
11 ties as the town board may direct. The town board at any time may
12 require any such commissioners to file a new official undertaking for
13 such sum and with such sureties as the board shall approve. [Such]
14 Notwithstanding any provision of any general, special or local law,
15 ordinance, resolution, rule or regulation to the contrary, such commis-
16 sioners [may be paid such an amount as the town board may designate, but
17 not to exceed the sum of one hundred dollars per day each for each day
18 actually and necessarily spent in the service of the district. Such
19 compensation shall be deemed an expense of maintaining the district]
20 shall not receive any compensation of any kind, including but not limit-
21 ed to wages, salaries, gratuities, vehicles assigned to them, insurance,
22 annuities or retirement plans, or any other perquisite or fringe bene-
23 fit, but shall be reimbursed for the actual and necessary expenses
24 incurred by them in the performance of their duties.

25 § 16. The town law is amended by adding a new section 198-b to read as
26 follows:

27 § 198-b. Powers of town boards with respect to certain sanitary,
28 refuse and garbage districts. 1. Applicability. This section shall apply
29 to sanitary districts, refuse and garbage districts, or any similar town
30 improvement districts that provide sanitary, refuse, or garbage
31 services.

32 2. Powers of town boards in such districts. Notwithstanding any other
33 provision of law to the contrary, in such districts all powers and
34 duties with respect to the districts, including the powers and duties of
35 improvement district commissioners as provided for in section two
36 hundred fifteen of this chapter or in any other general, special, or
37 local law, and excepting those powers provided for in subdivisions three
38 and four of this section, shall reside with the board of the town in
39 which such district is located.

40 3. Powers of district commissioners in such districts. In such
41 districts that have district commissioners, the commissioners shall
42 retain the power and duties to:

43 (a) Elect officers of the board as currently provided for in subdivi-
44 sion one of section two hundred fifteen of this chapter;

45 (b) Give notice of annual election as currently provided for in subdivi-
46 vision three of section two hundred fifteen of this chapter; and

47 (c) Provide for a nominating process and the filling of vacancies as
48 currently provided for in subdivisions twenty and twenty-one of section
49 two hundred fifteen of this chapter.

50 4. Level of service. In such districts that have district commission-
51 ers, the commissioners may also hold a referendum on whether the level
52 of service provided by the town shall be increased or decreased. Prior
53 to the referendum, the town shall provide cost estimates for such
54 increase or such decrease in services that are to be considered in such
55 referendum.



1 5. Transfer of function. Employees of the district who are transferred
2 to the town shall be transferred pursuant to the civil service law.

3 § 17. The opening paragraph of section 215 of the town law is amended
4 to read as follows:

5 Subject to law and the provisions of this chapter, the commissioners
6 of every improvement district shall constitute and be known as the board
7 of commissioners of such improvement district. Such board of commission-
8 ers, except when restricted by section one hundred ninety-eight-b of
9 this chapter:

10 § 18. The general municipal law is amended by adding a new article
11 17-A to read as follows:

12 ARTICLE 17-A
13 MUNICIPAL MERGERS LAW

14 Section 750. Short title.

15 751. Legislative intent.

16 752. Definitions.

17 753. Merger process upon petition or resolution.

18 754. Petition to start the merger process.

19 755. Merger committee.

20 756. Preliminary merger plan contents.

21 757. Merger proposition and referendum.

22 758. Final merger plan contents.

23 759. Effect of merger.

24 760. Elections for officers of the new municipality.

25 761. Effect on county boundaries.

26 762. Effect on non-participating villages and districts.

27 763. Environmental review not required.

28 764. Severability clause.

29 765. Savings clause.

30 § 750. Short title. This article shall be known and may be cited as
31 the "municipal mergers law".

32 § 751. Legislative intent. It is the intention of the legislature by
33 the enactment of this article to provide municipalities and citizens
34 with a simplified and unified process by which two or more munici-
35 palities may become one. The creation and evolution of municipalities in
36 this state have constituted a vital part of its political and social
37 historical development. Municipalities have provided a strong basis for
38 local pride and identification, yet fiscal and other needs may call for
39 a merger of their corporate structures. This law allows for citizens and
40 municipalities to restructure their governments while maintaining local
41 choice and control over the final decision to merge.

42 § 752. Definitions. As used in this article, unless otherwise express-
43 ly stated or unless the context requires otherwise, the following terms
44 shall mean:

45 1. Adjoining. Municipalities are adjoining: if they have a common
46 boundary line, no matter how small; if their common boundary line lies
47 along or within a public highway or a body of water; or if one munici-
48 pality is wholly included within the boundaries of another municipality.
49 More than two municipalities are adjoining if each of them has a common
50 boundary line with any of the others.

51 2. Final merger plan. The detailed merger plan developed by a merger
52 committee following a referendum that requires the merger of a munici-
53 pality.

54 3. Former municipality. A participating municipality that was merged
55 into the new municipality through this process.

1 4. General election. The general election held annually on the Tuesday
2 following the first Monday in November; or a general village election as
3 defined in article one of the election law; or any other annual or bien-
4 nial general election where federal, state, county, or municipal offi-
5 cers are elected.

6 5. Governing board. The legislative body of a municipality.

7 6. Hamlet. A geographic designation within the new municipality that
8 may identify a participating municipality's former boundaries for the
9 purpose of local place name identification.

10 7. Merger. The creation of a new town by consolidating two or more
11 towns within the same county. The creation of a new village by consol-
12 idating two or more villages. The dissolution of a village into one or
13 more towns, and in such case, all terms written or described in the
14 plural, including but not limited to jointly, shall be read in the
15 singular.

16 8. Merger committee. The committee jointly appointed by governing
17 boards of participating municipalities to develop the recommended merger
18 plan or plans.

19 9. Municipality. A town or village.

20 10. New municipality. The municipality that is created by the merger
21 of participating municipalities by this process. In the case of village
22 dissolution, the "new municipality" is the town or towns in which the
23 village dissolves.

24 11. Participating municipality. A town or village that has started the
25 merger process. In the case of a village dissolution, the village is the
26 only "participating municipality".

27 12. Preliminary merger plan. The plan for merger of the participating
28 municipalities developed by the merger committee prior to the merger
29 referendum.

30 13. Qualified elector. A person who is registered to vote in accord-
31 ance with the provisions of the election law.

32 14. Village dissolution. A merger that consists of the dissolution of
33 a village into one or more towns.

34 § 753. Merger process upon petition or resolution. 1. Initiation of
35 merger process. The merger process shall start in two or more adjoining
36 municipalities, or, in the case of a village dissolution, just a
37 village, if one of the following actions occurs in each municipality:

38 (a) the governing board passes a resolution to start the merger proc-
39 ess; or

40 (b) a petition from residents to start the merger process is filed
41 with the municipal clerk.

42 2. Appoint merger committee. Within thirty days from the date the last
43 participating municipality started the merger process, the governing
44 boards of the participating municipalities shall jointly appoint a merg-
45 er committee.

46 3. Develop preliminary merger plan. The merger committee shall develop
47 and submit a preliminary merger plan to the governing boards of the
48 participating municipalities no later than one year from the date the
49 last participating municipality started the merger process. This dead-
50 line may be extended up to one additional year upon resolution of the
51 governing board of each participating municipality.

52 4. Public hearing by merger committee on preliminary plan. The commit-
53 tee shall hold at least one public hearing before submitting its prelim-
54 inary merger plan to the governing boards of the participating munici-
55 palities. Notice of the hearing shall be given at least ten but no more
56 than twenty days before the hearing is held. Notice of the hearing shall

1 be published in the official newspaper of each participating municipi-
2 pality or, if there is no official newspaper, a newspaper having general
3 circulation in the participating municipality. Notice of the public
4 hearing shall also be posted on the website of each participating muni-
5 cipality at least ten days before the hearing is held, as far as practi-
6 cable.

7 5. Submission to governing boards. The merger committee shall present
8 its preliminary merger plan to the governing boards of the participating
9 municipalities.

10 6. Joint hearing of the governing boards. Within sixty days of
11 submission of the preliminary merger plan to the governing boards of the
12 participating municipalities, the governing boards must hold a joint
13 hearing on the preliminary merger plan. Notice of the hearing shall be
14 given at least ten but no more than twenty days before the hearing is
15 held. Notice of the hearing shall be published in the official newspaper
16 of each participating municipality or, if there is no official newspa-
17 per, a newspaper having general circulation in the participating muni-
18 cipalities. Notice of the public hearing shall also be posted on the
19 website of each participating municipality at least ten days before the
20 hearing is held, as far as practicable. The hearing shall be closed upon
21 motion of the joint board within sixty-two days after it has been
22 opened.

23 7. Changes to preliminary plan. The governing boards may jointly make
24 changes to the preliminary merger plan up to forty-five days before the
25 referendum on the merger proposition is to be held. The changes may not
26 alter the preliminary merger plan in a manner that undermines the feasi-
27 bility of the merger. If the governing boards of the participating
28 municipalities cannot jointly agree to a change to the preliminary merg-
29 er plan or choose not to make changes, the preliminary merger plan
30 submitted by the merger committee shall be the plan presented with the
31 merger proposition.

32 8. Merger proposition. The participating municipalities shall submit
33 the question of whether to merge to the voters pursuant to section seven
34 hundred fifty-seven of this article.

35 9. Filing of results. A certificate of the election shall be filed
36 with the secretary of state, with the clerks of each participating muni-
37 cipality, and with the clerks of each county in which any part of the
38 participating municipalities are situated.

39 10. Development of final merger plan. If the majority of votes cast on
40 the merger or village dissolution referendum in each of the participat-
41 ing municipalities are in the affirmative, the merger committee shall,
42 within thirty days of the date of the referendum, begin work on the
43 final merger plan based on the preliminary merger plan approved by
44 referendum.

45 11. Public hearing by merger committee on final merger plan. The merg-
46 er committee shall hold at least one public hearing before presenting
47 its final merger plan to the governing boards of the participating muni-
48 cipalities. Notice of the hearing shall be given at least ten but no
49 more than twenty days before the hearing is held. Notice of the hearing
50 shall be published in the official newspaper of each participating muni-
51 cipality or, if there is no official newspaper, a newspaper having
52 general circulation in the participating municipalities.

53 12. Submission of final merger plan to governing boards. The final
54 merger plan and any other recommendations shall be submitted to the
55 boards of the participating municipalities no later than six months from
56 the date of the referendum on the proposition.

1 13. Joint public hearing on final merger plan by governing boards.
 2 Within sixty days of submission of the final merger plan to the govern-
 3 ing boards of the participating municipalities, the governing boards
 4 must hold a joint hearing on the final merger plan. Notice of the hear-
 5 ing shall be given at least ten but no more than twenty days before the
 6 hearing is held. Notice of the hearing shall be published in the offi-
 7 cial newspaper of each participating municipality or, if there is no
 8 official newspaper, a newspaper having general circulation in the
 9 participating municipalities. Notice of the public hearing shall also be
 10 posted on the website of each participating municipality at least ten
 11 days before the hearing is held, as far as practicable. The hearing
 12 shall be closed upon motion of the joint board within sixty-two days
 13 after it has been opened.

14 14. Vote on final merger plan. Such plan will be considered adopted if
 15 (a) a majority vote of those governing board members present at a joint
 16 board meeting vote to approve a plan which is in substantial agreement
 17 with the plan presented at the joint public hearing; or (b) if thirty
 18 days have passed since the close of the public hearing, such period
 19 which may be extended an additional thirty days by a majority vote of
 20 the boards meeting jointly.

21 15. Notification and submission of the final merger plan. At least one
 22 hundred twenty days prior to the effective date of a merger, the partic-
 23 ipating municipalities shall notify the state division of the budget,
 24 the office of the state comptroller, the office of real property
 25 services, the state department of civil service, and the state depart-
 26 ment of state of the scheduled merger, and shall submit to such agencies
 27 the plan of merger and any other binding agreements or resolutions as
 28 such agencies may require.

29 16. Waiting period. If the majority of votes cast on the merger or
 30 village dissolution referendum are in the negative in any of the partic-
 31 ipating municipalities, the referendum shall fail and the merger process
 32 may not be initiated for the same purpose within two years of the date
 33 of such referendum.

34 § 754. Petition to start the merger process. 1. Eligible signatures.
 35 To start the merger process, a petition must have signatures from resi-
 36 dents of the jurisdiction to be merged, equal to at least ten percent of
 37 the resident electors qualified to vote in the last general election.
 38 Those signing the petition must be qualified to vote at the time of the
 39 filing of the petition with the municipal clerk.

40 2. Time limit. A signature shall be invalid if it is signed upon the
 41 petition more than one hundred eighty days before the petition is filed
 42 with the municipal clerk, unless the governing board passes a resolution
 43 to give additional time to collect signatures.

44 3. Form. The petition shall be in substantially the following form:

45 PETITION

46 We, the undersigned, electors of the (insert type of municipality - town
 47 or village) of (insert name of municipality)
 48 , New York, qualified to vote at the next general or special election,
 49 do hereby petition that there be submitted to the voters of (insert name
 50 of municipality), pursuant to law, a proposition as follows:
 51 (Insert proposition sought to be submitted) The undersigned qualified
 52 electors hereby request that a referendum vote upon the above proposi-
 53 tion be taken as provided by law. In witness whereof, we have signed
 54 our names on the dates indicated next to our signatures.

55 Date Name - print name under signature Home Address

56 1. _____

1 2. _____
2 3. _____

3 (On the bottom of each page, after all the numbered signatures, insert a
4 witness statement or a statement by a notary public or commissioner of
5 deeds, in substantially the following form:)

6 I, (name of witness), state that I am a registered voter of the State of
7 New York. I am a resident of the (town or village) of (name of town or
8 village). The persons that have signed this petition sheet containing
9 (fill in number) signatures, have signed their names in my presence on
10 the dates indicated above and identified themselves to be the same
11 persons who signed the sheet. I understand that this statement will be
12 accepted for all purposes as the equivalent of an affidavit, and if it
13 contains a materially false statement, shall subject me to the penalties
14 of perjury.

15 _____
16 Date Signature of Witness

17 (In lieu of the signed statement of a witness who is a duly qualified
18 voter of the State, qualified to sign the petition as a resident of the
19 town or village, the following statement signed by a notary public or a
20 commissioner of deeds shall be accepted.) On the date above indicated
21 before me personally came each of the voters whose signatures appear on
22 this petition sheet containing (fill in number) signatures, who signed
23 same in my presence and who, being by me duly sworn, each for himself or
24 herself, said that the foregoing statement made and subscribed by him or
25 her, was true.

26 _____
27 Date Notary Public or Commissioner of Deeds

28 4. Liberal construction. In matters of form, this section shall be
29 given a liberal construction, and precise compliance is not required.

30 § 755. Merger committee. 1. Purpose. The merger committee shall
31 develop plans for the merger of the participating municipalities, as
32 well as make any other necessary or desirable recommendations.

33 2. Membership. The committee shall include:
34 (a) at least one, but no more than two, government officials or
35 employees from each participating municipality;

36 (b) in the case of a village dissolution, at least one, but no more
37 than two, government officials or employees from each town the village
38 is located in; and

39 (c) if the merger process was started by a petition in a participating
40 municipality, at least one resident elector who signed the petition.

41 3. Subcommittees. The committee shall organize and form subcommittees
42 as necessary.

43 4. Open meetings law. The committee shall comply with the provisions
44 of article seven of the public officers law.

45 5. Access to records. The committee shall have access to any municipal
46 records and officials necessary to complete its work.

47 6. Assistance from state agencies. All relevant state agencies,
48 including but not limited to the state division of the budget, the
49 office of the state comptroller, the office of real property services,
50 the state department of civil service, and the department of state,
51 shall provide any information or technical support to the merger commit-
52 tee to the extent available within the agency and not prohibited by any
53 provision of law providing for the confidentiality of such information.

54 § 756. Preliminary merger plan contents. 1. The preliminary merger
55 plan shall include the following information:

1 a. the name of each participating municipality to be merged and the
2 name of the new municipality or, in the case of a village dissolution,
3 just the name of the village to be dissolved;

4 b. the class of government of the new municipality and the details of
5 the governmental structure to be implemented for the new municipality;

6 c. a general plan for the disposition of property and assets of the
7 participating municipalities;

8 d. a general plan for the payment of outstanding obligations and the
9 levy and collection of the necessary taxes and assessments for these
10 obligations;

11 e. a general plan for the separation from or continued employment of
12 appointed officers and employees of the participating municipalities;

13 f. a general plan for apportioning responsibility and costs in the
14 event of an unexpected liability incurred before the merger;

15 g. the names and geographic areas designated as hamlets of the new
16 municipality, if any; and

17 h. the effective date of the merger, which shall take effect, unless
18 the preliminary merger plan provides otherwise, at the expiration of the
19 thirty-first day of December in the odd numbered year following the year
20 the merger proposition is approved by a majority of qualified electors.

21 2. In addition to complying with the public officers law, the govern-
22 ing boards of the participating municipalities shall make the prelimi-
23 nary merger plan and any other recommendations of the merger committee
24 available for public review at the offices of the municipal clerk in
25 each participating municipality, at other readily accessible public
26 places, such as libraries, within the territory of participating munici-
27 palities, and, if practicable, on a publicly available web site.

28 § 757. Merger proposition and referendum. Where a merger process is
29 initiated by petition or resolution, the following provisions shall
30 apply.

31 1. Date of referendum on the merger proposition. a. A referendum on
32 the merger proposition shall be submitted to a vote of the qualified
33 electors of each participating municipality at the next general election
34 as defined in this article, held no less than sixty days following the
35 close of the joint public hearing held by the governing boards of the
36 participating municipalities on the preliminary merger plan.

37 b. Notwithstanding paragraph a of this subdivision, a referendum on
38 the merger proposition may be held at a special election if at least one
39 of the following occurs:

40 (i) all the governing boards of participating municipalities pass
41 resolutions to submit the referendum on the merger proposition at a
42 special election to be held on the same day in all the participating
43 municipalities, such day being no less than sixty and no more than one
44 hundred twenty days following the close of the joint public hearing held
45 by the governing boards on the preliminary merger plan; or

46 (ii) if the petition to start the merger process requests that the
47 referendum on the merger proposition be held at a special election. In
48 such case, the legislative bodies of the participating municipalities
49 shall set the date of the special election to be held on the same day in
50 all the participating municipalities, such day being no less than sixty
51 and no more than one hundred twenty days following the close of the
52 joint public hearing held by the governing boards on the preliminary
53 merger plan. If within thirty days of the close of such public hearing
54 any of the legislative bodies fails to act to set the date of the
55 special election, the date of the special election shall be ninety days
56 following the close of such public hearing, unless such day is a Satur-

1 day or Sunday in which case the date of the special election shall be
2 the Tuesday following such Saturday or Sunday.

3 2. Notice of referendum. A notice of the referendum shall be published
4 by the governing boards of each participating municipality in the offi-
5 cial newspaper of each participating municipality or, if there is no
6 official newspaper, a newspaper having general circulation in the
7 participating municipalities, at least ten but no more than twenty days
8 prior to the date the election is to be held. Such notice shall contain
9 the following:

10 a. the time and place or places at which the referendum will be held;

11 b. the content of the proposition;

12 c. an abstract of the preliminary merger plan prepared jointly by the
13 governing boards of the participating municipalities; and

14 d. information regarding where more detailed documents relating to the
15 merger may be viewed.

16 3. Availability of documents. At least thirty days before the merger
17 proposition is to be submitted to a vote of the qualified electors and
18 up to the date of the general election, the governing boards of the
19 participating municipalities, in addition to complying with article six
20 of the public officers law, shall make the preliminary merger plan and
21 the abstract thereof available for public review at the offices of the
22 municipal clerk in each participating municipality, at other readily
23 accessible public places, such as libraries, within the territory of
24 participating municipalities, and, if practicable, on a publicly avail-
25 able web site.

26 4. Content of proposition. The proposition to be voted upon shall
27 state: "Shall the (names of the participating municipalities)
28 be merged to become the (name of the new municipality)
29 pursuant to the preliminary plan of merger?" or in the case of a village
30 dissolution: "Shall the (name of the village to be dissolved)
31 be dissolved pursuant to the preliminary plan of merger?".

32 § 758. Final merger plan contents. The final merger plan shall
33 include:

34 1. A detailed plan for the separation from or continued employment of
35 appointed officers and employees of the participating municipalities. In
36 the absence of such plan, the terms of appointed officers shall expire
37 on the effective date of the merger.

38 2. A detailed plan for the apportioning responsibility and costs in
39 the event of an unexpected liability incurred before the effective date
40 of the merger.

41 3. A plan for the performance of functions and services that were
42 rendered by the participating municipalities prior to the merger,
43 subject to the following conditions and limitations: unless the merger
44 plan provides otherwise or unless limited by operation of law, the new
45 municipality shall continue to perform and render in the territory of
46 the former municipalities all functions that were performed and services
47 that were rendered by the former. The cost and expense of performing
48 these functions and rendering these services continued pursuant to this
49 section shall be budgeted, levied upon, assessed against and collected
50 from the territory of the former municipalities served as if no merger
51 had taken place.

52 4. A plan for the continuance or discontinuance of all local laws,
53 ordinances, rules or regulations of each participating municipality,
54 subject to the following conditions and limitations: unless the merger
55 plan provides otherwise, all local laws, ordinances, rules or regu-
56 lations of each participating municipality in effect on the date of the

1 merger, including but not limited to zoning ordinances or local laws,
2 shall remain in effect for a period of five years following the merger
3 as if they had been adopted by the new municipality. These local laws,
4 ordinances, rules or regulations shall be enforced by the new munici-
5 pality within the territory of the former municipalities, except that
6 the new municipality shall have the power at any time to amend or repeal
7 them in the manner as other local laws, ordinances, rules or regulations
8 of the new municipality.

9 5. A plan for the disposition of all of the real and personal property
10 and other assets of the participating municipalities, subject to the
11 following conditions and limitations: unless the merger plan provides
12 otherwise, all of the real and personal property and other assets of the
13 former municipalities shall become the property of the new municipality.

14 6. No action or claim for or against any former municipality shall be
15 affected by reason of its merger into a new municipality. All rights,
16 privileges, franchises, rights-of-way, and interests shall transfer to
17 the new municipality, and no title to real property vested in any
18 participating municipality shall be deemed to revert or be impaired in
19 any way by reason of a merger pursuant to this article. The rights of
20 creditors and liens upon property of participating municipalities shall
21 not be impacted by the merger, nor shall any contractual rights of any
22 parties in contract with the participating municipalities be impacted
23 except as set forth in this article. Jurisdiction over criminal prose-
24 cutions shall lie with the new municipality, and no pending prosecutions
25 in participating municipalities shall be in any way compromised;

26 7. The names and geographic areas designated as hamlets of the new
27 municipality, if any.

28 8. A plan for the payment of outstanding obligations and the levy and
29 collection of the necessary taxes and assessments for these obligations,
30 subject to the following conditions and limitations:

31 a. The merger plan may allocate some or all of the former munici-
32 pality's debt as a charge upon the taxable property within the limits
33 of the territory of the former municipality.

34 b. In the case of a village dissolution, unless the merger plan
35 provides otherwise, the outstanding debts and obligations of the former
36 municipalities shall be assumed by the town or towns and be a charge
37 upon the taxable property within the limits of the dissolved village and
38 collected in the same manner as the town's or towns' taxes and charges.

39 c. All indebtedness incurred on behalf of special or improvement
40 districts shall remain as if such municipalities had not merged.

41 9. Any other matter necessary or desirable to carry out the proposed
42 merger.

43 § 759. Effect of merger. 1. Effective date. Unless the preliminary
44 merger plan provides otherwise, the merger shall take effect at the
45 expiration of the thirty-first day of December in the odd numbered year
46 following the year in which such referendum occurred. Upon the effective
47 date of the merger, the participating municipalities shall be merged
48 into the new municipality. The new municipality shall possess, in the
49 territory of the former municipalities all of the powers that the
50 participating municipalities possessed prior to the merger.

51 2. Municipal records. Upon merger, all records, books and papers of
52 the former municipalities shall be deposited with the clerk of the new
53 municipality and they shall thereupon become records of the new munici-
54 pality.

55 3. Assessment rolls. At least sixty days prior to the effective date
56 of merger, the governing boards of the participating municipalities

1 shall present the assessment rolls of their respective governments to
 2 the governing body of the county. Such new municipality shall cause each
 3 of the assessments thereon to be transferred and added to the assessment
 4 roll of the new municipality and all of the assessments so transferred
 5 shall upon the effective date of merger, for tax purposes, be part of
 6 the taxable property and assessments of the new municipality.

7 4. Elector registrations. All elector registrations of participating
 8 municipalities shall be transferred to the proper registration books of
 9 the new municipality.

10 5. The new municipality shall be responsible for satisfaction of any
 11 outstanding debts and obligations of the former municipalities. The new
 12 municipality's board shall have all powers with respect to such debts
 13 and obligations as the former municipalities' boards; including the
 14 power to issue bonds to redeem bond anticipation notes issued by the
 15 former municipalities.

16 § 760. Elections for officers of the new municipality. 1. Election
 17 date. Except in the case of a village dissolution, and unless the merger
 18 plan provides otherwise, elections for officers of the new municipality
 19 shall be held on the Tuesday succeeding the first Monday in November in
 20 the odd numbered year following the year in which such approval
 21 occurred. All officers elected to the new municipality shall take office
 22 upon the effective date of the merger.

23 2. Expiration of terms of office. The term of all elected officials of
 24 the participating municipalities shall expire when the merger becomes
 25 effective, except for the terms of county officials who have been
 26 elected by electors of the entire county.

27 § 761. Effect on county boundaries. Merger of municipalities pursuant
 28 to this article shall not affect any existing county boundaries.

29 § 762. Effect on non-participating villages and districts. Merger
 30 shall not affect any non-participating village, fire district, fire
 31 protection district, or improvement district located wholly or partially
 32 in a participating municipality involved in a merger.

33 § 763. Environmental review not required. No act or action, vote,
 34 study, submission, planning, funding, or approval required under this
 35 article nor any acts or activities taken or proposed to be taken by the
 36 participating municipalities or by any other person or entity, public or
 37 private, in connection with the merger contemplated in this article,
 38 shall be subject to the provisions of article eight of the environmental
 39 conservation law or the regulations promulgated thereunder (SEORA), or
 40 to any local law or ordinance adopted pursuant to any such article or
 41 regulations.

42 § 764. Severability clause. If any part of this article shall be
 43 adjudged invalid by any court of competent jurisdiction, such judgment
 44 shall not invalidate the remainder thereof, but shall be confined in its
 45 operation to the part directly involved in the controversy wherein such
 46 judgment shall have been rendered.

47 § 765. Savings clause. Nothing contained in this article shall be
 48 construed to affect any town or village that is in the process of
 49 dissolution or consolidation upon the effective date of this article.
 50 For the purposes of this section the process of dissolution or consol-
 51 idation shall be deemed to begin upon approval by the voters of a plan
 52 for dissolution or consolidation.

53 § 19. Article 19 of the village law is REPEALED.

54 § 20. Sections 18-1806, 18-1808, 18-1810, 18-1812, 18-1814, 18-1816,
 55 and 18-1818 of the village law are REPEALED.

1 § 21. Subdivisions 2 and 3 of section 9-912 of the village law, para-
2 graph (e) of subdivision 2 as amended by chapter 230 of the laws of
3 1974, are amended to read as follows:

4 2. The questions which may or shall be submitted as propositions upon
5 petition or motion of the board of trustees, as hereinbefore provided,
6 are:

7 (a) Whether or not the area of the village should be diminished.

8 (b) Whether or not the village should be reincorporated.

9 (c) [Whether or not the village should be consolidated with one or
10 more villages.

11 (d)] Whether or not the name of the village should be changed.

12 [(e)] (d) Whether or not the month of the general village election
13 should be changed.

14 3. [The board of trustees of any village may, and upon a petition of
15 the electors of the village shall, adopt a resolution submitting a
16 proposition for the dissolution of the village in accordance with arti-
17 cle nineteen of this chapter.] A proposition for the dissolution or
18 consolidation of a village shall be noticed and conducted pursuant to
19 article seventeen-A of the general municipal law.

20 § 22. Article 5-A of the town law is REPEALED.

21 § 23. Article 5-B of the town law is REPEALED.

22 § 24. The first undesignated paragraph of section 172 of the town law,
23 as amended by chapter 37 of the laws of 2000, is amended to read as
24 follows:

25 Irrespective of the manner of their original establishment, whenever
26 two or more fire districts adjoin, the town board of the town in which
27 such districts are located or, if said districts be situate in more than
28 one town, the town boards thereof acting jointly by a majority vote of
29 the members of each such town boards, upon a written petition of [resi-
30 dent taxpayers owning taxable real property aggregating at least one-
31 half of the assessed valuation of all the taxable real property of each
32 of the districts so adjoining owned by resident taxpayers thereof, as
33 such valuations appear upon the latest completed assessment roll of said
34 town or towns] residents of each fire district who are qualified to vote
35 at the time the petition is filed with the municipal clerk, equal to at
36 least ten percent of the registered voters residing in each district at
37 the time of the last general election, or upon the written petition of a
38 majority of the members of the board of commissioners of each fire
39 district proposed to be included within the consolidated district may
40 consolidate such fire districts and establish the same into one fire
41 district after a public hearing thereon. Such petition or petitions
42 shall be [signed, and acknowledged or proved in the same manner as a
43 deed to be recorded, or authenticated in the manner provided by the
44 election law for the authentication of nominating petitions] in accord-
45 ance with article seventeen-A of the general municipal law, except that
46 on said petition, the name of the fire district and the town in which it
47 is located shall appear. Notice of such hearing shall be given and such
48 hearing held and the subject matters thereof determined in the manner
49 provided herein for hearings upon the establishment of fire districts,
50 except that the notice of hearing shall state in general terms the
51 purposes of the hearing and specify each of the existing districts
52 proposed to be included within the consolidated district.

53 § 25. The first undesignated paragraph of section 172-b of the town
54 law, as amended by chapter 37 of the laws of 2000, is amended to read as
55 follows:

1 Irrespective of the manner of their original establishment, whenever
2 two or more fire protection districts adjoin, the town board of the town
3 in which such districts are located or, if said districts be situate in
4 more than one town, the town boards thereof acting jointly by a majority
5 vote of the members of each such town boards, upon its or their own
6 motion and without a petition or upon a written petition of [resident
7 taxpayers owning taxable real property aggregating at least one-half of
8 the assessed valuation of all the taxable real property of each of the
9 districts so adjoining owned by resident taxpayers thereof, as such
10 valuations appear upon the latest completed assessment-roll of said town
11 or towns] residents of each fire protection district who are qualified
12 to vote at the time the petition is filed with the municipal clerk,
13 equal to at least ten percent of the registered voters residing in each
14 district at the time of the last general election, may consolidate such
15 fire protection districts and establish the same into one fire
16 protection district after a public hearing thereon. Such petition or
17 petitions shall be [signed, and acknowledged or proved in the same
18 manner as a deed to be recorded, or authenticated in the manner provided
19 by the election law for the authentication of nominating petitions] in
20 accordance with article seventeen-A of the general municipal law, except
21 that on said petition, the name of the fire protection district and the
22 town in which it is located shall appear. Notice of such hearing shall
23 be given and such hearing held and the subject matters thereof deter-
24 mined in the manner provided [herein] in this section for hearings upon
25 the establishment of fire protection districts, except that the notice
26 of hearing shall state in general terms the purposes of the hearing and
27 specify each of the existing districts proposed to be included within
28 the consolidated district. Any resolution of consolidation made upon
29 motion of the town board or town boards without a petition shall be
30 subject to a permissive referendum as provided in article seven of this
31 chapter.

32 § 26. Subdivision 6 of section 20 of the town law, as added by chapter
33 792 of the laws of 1934, paragraphs (a), (b) and (c) as relettered by
34 chapter 302 of the laws of 1974, is amended to read as follows:

35 6. (a) (i) At least one hundred fifty days prior to any biennial town
36 election, the town board of any town in which the appointive office of
37 town clerk shall exist, may adopt a resolution, subject to a permissive
38 referendum, that the office of town clerk shall be an elective office in
39 such town. Every elector of the town shall be entitled to vote at any
40 referendum held thereon pursuant to the provisions of article seven of
41 this chapter. If the town board shall have adopted such a resolution and
42 no petition shall have been filed within the time specified in article
43 seven of this chapter for a referendum thereon, or, if a majority of the
44 votes cast on any such proposition submitted pursuant to the provisions
45 of article seven of this chapter be in the affirmative the office of
46 town clerk shall thereafter be an elective office in such town, and a
47 town clerk shall be elected at the succeeding biennial town election for
48 the term provided by this chapter, beginning on the first day of January
49 next succeeding such biennial town election and the term of office of
50 the appointive town clerk for whom such successor shall be elected shall
51 expire on said first day of January.

52 (ii) At least one hundred fifty days prior to any biennial town
53 election, the town board of any town in which the elective office of
54 town clerk shall exist, may adopt a resolution, subject to a permissive
55 referendum that the office of town clerk shall be an appointive office
56 in such town. Every elector of the town shall be entitled to vote at any



1 referendum held thereon pursuant to the provisions of article seven of
 2 this chapter. If the town board shall have adopted such a resolution and
 3 no petition shall have been filed within the time specified in article
 4 seven of this chapter for a referendum thereon, or, if a majority of the
 5 votes cast on any such proposition submitted pursuant to the provisions
 6 of article seven of this chapter be in the affirmative the office of
 7 town clerk shall thereafter be an appointive office in such town, and
 8 the town board shall appoint a town clerk for the term provided by this
 9 chapter, beginning on the first day of January next succeeding such
 10 biennial town election and the term of office of the elective town clerk
 11 for whom such successor shall be appointed shall expire on said first
 12 day of January.

13 (b) (i) At least one hundred fifty days prior to any biennial town
 14 election the town board of any town in which the appointive office of
 15 town superintendent of highways shall exist, may adopt a resolution,
 16 subject to a permissive referendum that the office of town superinten-
 17 dent of highways shall be an elective office in such town. Every elector
 18 of the town shall be entitled to vote at any referendum held thereon
 19 pursuant to the provisions of article seven of this chapter. If the town
 20 board shall have adopted such a resolution and no petition shall have
 21 been filed within the time specified in article seven of this chapter
 22 for a referendum thereon, or, if a majority of the votes cast on any
 23 such proposition submitted pursuant to the provisions of article seven
 24 of this chapter be in the affirmative the office of town superintendent
 25 of highways shall thereafter be an elective office in such town, and a
 26 town superintendent of highways shall be elected at the succeeding bien-
 27 nial town election for the term provided by this chapter, beginning on
 28 the first day of January next succeeding such biennial town election and
 29 the term of office of the appointive town superintendent of highways for
 30 whom such successor shall be elected shall expire on said first day of
 31 January.

32 (ii) At least one hundred fifty days prior to any biennial town
 33 election the town board of any town in which the elective office of town
 34 superintendent of highways shall exist, may adopt a resolution, subject
 35 to a permissive referendum that the office of town superintendent of
 36 highways shall be an appointive office in such town. Every elector of
 37 the town shall be entitled to vote at any referendum held thereon pursu-
 38 ant to the provisions of article seven of this chapter. If the town
 39 board shall have adopted such a resolution and no petition shall have
 40 been filed within the time specified in article seven of this chapter
 41 for a referendum thereon, or, if a majority of the votes cast on any
 42 such proposition submitted pursuant to the provisions of article seven
 43 of this chapter be in the affirmative, the office of town superintendent
 44 of highways shall thereafter be an appointive office in such town, and
 45 the town board shall appoint a town superintendent of highways for the
 46 term provided by this chapter, beginning on the first day of January
 47 next succeeding such biennial town election and the term of office of
 48 the elective town superintendent of highways for whom such successor
 49 shall be appointed shall expire on said first day of January.

50 (c) (i) At least one hundred fifty days prior to any biennial town
 51 election, the town board of any town of the first class in which the
 52 appointive office of receiver of taxes and assessments shall exist, may
 53 adopt a resolution, subject to a permissive referendum, that the office
 54 of receiver of taxes and assessments shall be an elective office in such
 55 town. Every elector of the town shall be entitled to vote at any refer-
 56 endum held thereon pursuant to the provisions of article seven of this

1 chapter. If the town board shall have adopted such a resolution and no
2 petition shall have been filed within the time specified in article
3 seven of this chapter for a referendum thereon, or, if a majority of the
4 votes cast on any such proposition submitted pursuant to the provisions
5 of article seven of this chapter be in the affirmative the office of
6 receiver of taxes and assessments shall thereafter be an elective office
7 in such town, and a receiver of taxes and assessments shall be elected
8 at the succeeding biennial town election for the term provided by this
9 chapter, beginning on the first day of January next succeeding such
10 biennial town election and the term of office of the appointive receiver
11 of taxes and assessments for whom such successor shall be elected shall
12 expire on said first day of January.

13 (ii) At least one hundred fifty days prior to any biennial town
14 election, the town board of any town of the first class in which the
15 elective office of receiver of taxes and assessments shall exist, may
16 adopt a resolution, subject to a permissive referendum that the office
17 of receiver of taxes and assessments shall be an appointive office in
18 such town. Every elector of the town shall be entitled to vote at any
19 referendum held thereon pursuant to the provisions of article seven of
20 this chapter. If the town board shall have adopted such a resolution and
21 no petition shall have been filed within the time specified in article
22 seven of this chapter for a referendum thereon, or, if a majority of the
23 votes cast on any such proposition submitted pursuant to the provisions
24 of article seven of this chapter be in the affirmative the office of
25 receiver of taxes and assessments shall thereafter be an appointive
26 office in such town, and the town board shall appoint a receiver of
27 taxes and assessments for the term provided by this chapter, beginning
28 on the first day of January next succeeding such biennial town election
29 and the term of office of the elective receiver of taxes and assessments
30 for whom such successor shall be appointed shall expire on said first
31 day of January.

32 § 27. Subdivision 1 of section 36 of the town law, as amended by chap-
33 ter 437 of the laws of 1963, is amended to read as follows:

34 1. In any town [of the second class] in which the office of tax
35 collector or receiver of taxes and assessments exists, the town board
36 thereof may by resolution duly adopted at least one hundred fifty days
37 prior to any biennial town election, determine that said office be abol-
38 ished, same to take effect at the expiration of the term of office to
39 which the incumbent was elected or appointed; and no such tax collector
40 or town receiver of taxes and assessments shall be elected at any bien-
41 nial town election held not less than one hundred fifty days thereafter.
42 Upon the expiration of the term of office of such tax collector or town
43 receiver of taxes and assessments as provided [herein] in this chapter,
44 he shall surrender and deliver to the town clerk of said town all
45 assessment rolls, books, papers, writings and all other documents and
46 property in his possession as such officer. In all towns where the
47 office of tax collector or receiver of taxes and assessments has been
48 abolished, it shall be the duty of such town clerk to collect and
49 receive all state, county and town taxes and assessments that may be
50 levied in such town and the town clerk shall have all the powers and be
51 subject to all the duties of a collector in a town of the second class,
52 or of a receiver of taxes and assessments in a town of the first class
53 with respect to the collection of such taxes, the deposit of receipts
54 and the return of unpaid taxes, as provided by subdivision one of
55 section thirty-five or section thirty-seven of this [chapter] article,
56 as the case may be.



1 § 28. Subdivision 21-a of section 64 of the town law is amended by
2 adding a new paragraph 6 to read as follows:

3 6. Notwithstanding the provisions of any general, special or local law
4 to the contrary, every town which has established a department of public
5 works pursuant to this section may adopt a resolution, subject to
6 permissive referendum as provided by article seven of this chapter, that
7 the office of the town superintendent of highways shall be abolished.
8 The commissioner of public works shall thereafter be the head of the
9 department of public works and the highway department, and he or she
10 shall have all the powers and duties conferred upon the superintendent
11 of highways within this chapter, the highway law, and any other general,
12 special, or local law, rule, regulation or code.

13 § 29. This act shall take effect March 1, 2009; provided however
14 sections fifteen and sixteen of this act shall take effect January 1,
15 2010.

16 PART 00

17 Section 1. Paragraph d of subdivision 1 of section 11-a of the domes-
18 tic relations law, as amended by chapter 424 of the laws of 1990, is
19 amended to read as follows:

20 d. In all cases in which the city clerk of such city or one of his or
21 her deputies or the permanent members of his or her staff so designated
22 shall perform a marriage ceremony such official shall demand and be
23 entitled to collect therefor a fee to be fixed by the council of the
24 city of New York not exceeding [twenty-five] forty dollars, which sum
25 shall be paid by the contracting parties before or immediately upon the
26 solemnization of the marriage; and all such fees so received shall be
27 paid over to the commissioner of finance of the city.

28 § 2. Subdivision 2 of section 14-a of the domestic relations law, as
29 amended by chapter 413 of the laws of 1991, is amended to read as
30 follows:

31 2. a. Such town and city clerks shall be entitled to a fee for such
32 certificate, payable at the time of issuance of the marriage license, in
33 a sum not exceeding ten dollars, to be fixed in the case of town clerks
34 by the town board, and in the case of city clerks by the common council
35 or governing body of such cities. In the city of New York, the fee for
36 such certificate shall be in a sum not exceeding fifteen dollars. The
37 town and city clerks shall, upon request of any applicant whose name
38 appears thereon, issue a similar certificate of marriage, as set forth
39 above, and similarly expanded with additional facts upon the express
40 additional request, for all marriages heretofore indexed and recorded in
41 the office of the town or city clerks. For such certificate of marriage,
42 the town and city clerks shall be entitled to a fee not exceeding ten
43 dollars, to be fixed in the case of town clerks by the town board, and
44 in the case of city clerks by the common council or governing body of
45 such city. In the city of New York, the fee for such certificate shall
46 be in a sum not exceeding fifteen dollars.

47 b. In addition to the foregoing, upon request of any applicant whose
48 name appears thereon for a certificate of marriage, the town or city
49 clerk may issue a photograph, micro-photograph or photocopy of the
50 marriage record on file in the office of such clerk. Such photograph,
51 micro-photograph or photocopy, when certified by the town or city clerk,
52 shall be deemed an original record for all purposes, including introduc-
53 tion in evidence in all courts or administrative agencies. For such
54 certificate of marriage and the certification thereof, the town or city

1 clerk shall be entitled to a fee not exceeding ten dollars, to be fixed
2 in the case of town clerks by the town board, and in the case of city
3 clerks by the common council or governing body of such city. In the city
4 of New York, the fee for such certificate and the certification thereof
5 shall be in a sum not exceeding fifteen dollars.

6 § 3. Section 14-a of the domestic relations law is amended by adding a
7 new subdivision 6 to read as follows:

8 6. The city clerk of the city of New York may institute an additional
9 fee of fifteen dollars for priority handling for each certification,
10 certified copy or certified transcript of certificates of marriage.

11 § 4. Subdivision 4 of section 15 of the domestic relations law, as
12 amended by chapter 424 of the laws of 1990, is amended to read as
13 follows:

14 4. Notwithstanding any other provision of this section, the city clerk
15 of the city of New York, before issuing any licenses herein provided
16 for, shall be entitled to a fee of [twenty-five] up to forty dollars,
17 which sum shall be paid by the applicants before or at the time the
18 license is issued and all such fees so received shall be paid monthly
19 into the city treasury.

20 § 5. The opening paragraph of subdivision 1 of section 19 of the
21 domestic relations law, as amended by chapter 674 of the laws of 1985,
22 is amended to read as follows:

23 Each town and city clerk hereby empowered to issue marriage licenses
24 shall keep a book supplied by the state department of health in which
25 such clerk shall record and index such information as is required there-
26 in, which book shall be kept and preserved as a part of the public
27 records of his or her office. Whenever an application is made for a
28 search of such records the city or town clerk, excepting the city clerk
29 of the city of New York, may make such search and furnish a certificate
30 of the result to the applicant upon the payment of a fee of five dollars
31 for a search of one year and a further fee of one dollar for the second
32 year for which such search is requested and fifty cents for each addi-
33 tional year thereafter, which fees shall be paid in advance of such
34 search. Whenever an application is made for a search of such records in
35 the city of New York, the city clerk of the city of New York may make
36 such search and furnish a certificate of the result to the applicant
37 upon the payment of a fee of [five] up to fifteen dollars for a search
38 of one year and a further fee of one dollar for the second year for
39 which search is requested and fifty cents each additional year thereaft-
40 er. Notwithstanding any other provision of this article, no fee shall be
41 charged for any search or certificate when required by the veterans
42 administration or by the division of veterans' affairs of the state of
43 New York to be used in determining the eligibility of any person to
44 participate in the benefits made available by the veterans adminis-
45 tration or by the state of New York. All such affidavits, statements and
46 consents, immediately upon the taking or receiving of the same by the
47 town or city clerk, shall be recorded and indexed as provided herein and
48 shall be public records and open to public inspection whenever the same
49 may be necessary or required for judicial or other proper purposes. At
50 such times as the commissioner shall direct, the said town or city
51 clerk, excepting the city clerk of the city of New York, shall file in
52 the office of the state department of health the original of each affi-
53 davit, statement, consent, order of a justice or judge authorizing imme-
54 diate solemnization of marriage, license and certificate, filed with or
55 made before such clerk during the preceding month. Such clerk shall not
56 be required to file any of said documents with the state department of

1 health until the license is returned with the certificate showing that
2 the marriage to which they refer has been actually performed.

3 § 6. Subdivision 3 of section 140 of the executive law, as amended by
4 chapter 424 of the law of 1990, is amended to read as follows:

5 3. Such appointment shall not require the approval of the mayor, and
6 hereafter, at the time of subscribing or filing the oath of office, the
7 city clerk shall collect from each person appointed a commissioner of
8 deeds [the sum of twenty-five] up to thirty dollars, and he or she shall
9 not administer or file such oath unless such fee has been paid.

10 § 7. Section 4179 of the public health law, as added by chapter 414 of
11 the laws of 1990, is amended to read as follows:

12 § 4179. Vital records; fees; city of New York. 1. Notwithstanding the
13 provisions of paragraph one of subdivision a of section 207.13 of the
14 health code of the city of New York, the department of health and mental
15 hygiene shall charge, and the applicant shall pay, for a search of two
16 consecutive calendar years under one name and the issuance of a certif-
17 icate of birth, death or termination of pregnancy, or a certification of
18 birth or death, or a certification that the record cannot be found, a
19 fee of [fifteen] up to thirty dollars for each copy.

20 2. The department of health and mental hygiene may institute an addi-
21 tional fee of fifteen dollars for priority handling for each certif-
22 ication, certified copy or certified transcript of certificates of birth
23 or death.

24 § 8. This act shall take effect March 1, 2009, except that any rules
25 necessary for the timely implementation of this act on such effective
26 date may be promulgated on or before such date.

27

PART PP

28 Section 1. The state comptroller is hereby authorized and directed to
29 loan money in accordance with the provisions set forth in subdivision 5
30 of section 4 of the state finance law to the following funds and/or
31 accounts:

- 32 1. Tuition reimbursement fund (050):
33 a. Tuition reimbursement account (01).
34 b. Proprietary vocational school supervision account (02).
35 2. Local government records management improvement fund (052):
36 a. Local government records management account (01).
37 3. Dedicated highway and bridge trust fund (072):
38 a. Highway and bridge capital account (01).
39 4. State University Residence Hall Rehabilitation Fund (074).
40 5. State parks infrastructure trust fund (076):
41 a. State parks infrastructure account (01).
42 6. Clean water/clean air implementation fund (079).
43 7. State lottery fund (160):
44 a. Education - New (03).
45 b. VLT - Admin (05).
46 c. VLT - Sound basic education fund (06).
47 8. Medicaid management information system escrow fund (179).
48 9. Federal operating grants fund (290) federal capital grants fund
49 (291).
50 10. Sewage treatment program management and administration fund (300).
51 11. Environmental conservation special revenue fund (301):
52 a. Hazardous bulk storage account (F7).
53 b. Utility environmental regulation account (H4).
54 c. Low level radioactive waste siting account (K5).

- 1 d. Recreation account (K6).
- 2 e. Conservationist magazine account (S4).
- 3 f. Environmental regulatory account (S5).
- 4 g. Natural resource account (S6).
- 5 h. Mined land reclamation program account (XB).
- 6 i. Federal grants indirect cost recovery account (IC).
- 7 12. Environmental protection and oil spill compensation fund (303).
- 8 13. Hazardous waste remedial fund (312):
- 9 a. Site investigation and construction account (01).
- 10 b. Hazardous waste remedial clean up account (06).
- 11 14. Mass transportation operating assistance fund (313):
- 12 a. Public transportation systems account (01).
- 13 b. Metropolitan mass transportation (02).
- 14 15. Clean air fund (314):
- 15 a. Operating permit program account (01).
- 16 b. Mobile source account (02).
- 17 16. Centralized services fund (323).
- 18 17. State exposition special fund (325).
- 19 18. Agency enterprise fund (331):
- 20 a. OGS convention center account (55).
- 21 19. Agencies internal service fund (334):
- 22 a. Archives records management account (02).
- 23 b. Federal single audit account (05).
- 24 c. Quick copy center account (07).
- 25 d. Civil service law: sec 11 admin account (09).
- 26 e. Civil service EHS occupational health program account (10).
- 27 f. Banking services account (12).
- 28 g. Cultural resources survey account (14).
- 29 h. Neighborhood work project (17).
- 30 i. Automation & printing chargeback account (18).
- 31 j. OFT NYT account (20).
- 32 k. Data center account (23).
- 33 l. Human service telecom account (24).
- 34 m. Centralized Technology services account (30).
- 35 n. OMRDD copy center account (26).
- 36 o. Intrusion detection account (27).
- 37 p. Domestic violence grant account (28).
- 38 20. Miscellaneous special revenue fund (339):
- 39 a. Statewide planning and research cooperative system account (03).
- 40 b. OMRDD provider of service account (05).
- 41 c. New York state thruway authority account (08).
- 42 d. Mental hygiene patient income account (13).
- 43 e. Financial control board account (15).
- 44 f. Regulation of racing account (16).
- 45 g. New York metropolitan transportation council account (17).
- 46 h. Quality of care account (20).
- 47 i. Cyber upgrade account (25).
- 48 j. Certificate of need account (26).
- 49 k. Hospital and nursing home management account (44).
- 50 l. State university dormitory income reimbursable account (47).
- 51 m. Training, management and evaluation (50).
- 52 n. Energy research account (60).
- 53 o. Criminal justice improvement account (62).
- 54 p. Fingerprint identification and technology account (68).
- 55 q. Environmental laboratory reference fee account (81).
- 56 r. Clinical laboratory reference system assessment account (90).



1 s. Public employment relations board account (93).
2 t. Radiological health protection account (95).
3 u. Teacher certification account (A4).
4 v. Banking department account (A5).
5 w. Cable television account (A6).
6 x. Indirect cost recovery account (AH).
7 y. High school equivalency program account (AI).
8 z. Rail safety inspection account (AQ).
9 aa. Child support revenue account (AX).
10 bb. Multi-agency training account (AY).
11 cc. Critical infrastructure account (B3).
12 dd. Insurance department account (B6).
13 ee. Bell jar collection account (BJ).
14 ff. Industry and utility service account (BK).
15 gg. Real property disposition account (BP).
16 hh. Parking account (BQ).
17 ii. Asbestos safety training program account (BW).
18 jj. Improvement of real property tax administration account (BZ).
19 kk. Public service account (C3).
20 ll. Plant industry account (CZ).
21 mm. Batavia school for the blind account (D9).
22 nn. Investment services account (DC).
23 oo. Surplus property account (DE).
24 pp. OMRDD day services account (DH).
25 qq. Financial oversight account (DI).
26 rr. Regulation of indian gaming account (DT).
27 ss. Special conservation activities account (CU).
28 tt. Interest assessment account (DZ).
29 uu. Office of the professions account (E3).
30 vv. Rome school for the deaf account (E6).
31 ww. Seized assets account (E8).
32 xx. Administrative adjudication account (E9).
33 yy. Client notices system (EG).
34 zz. Federal salary sharing account (EC).
35 aaa. Cultural education account (EN).
36 bbb. Examination and miscellaneous revenue account (ER).
37 ccc. Transportation regulation account (F1).
38 ddd. Local services account (G3).
39 eee. Electronic benefit transfer and common benefit identification
40 card account (GD).
41 fff. Housing special revenue account (H2).
42 ggg. Department of motor vehicles compulsory insurance account (H7).
43 hhh. Housing Indirect cost recovery (HI).
44 iii. Housing credit agency application fee account (J5).
45 jjj. EPIC premium account (J6).
46 kkk. Federal gasoline and diesel fuel excise tax account (L6).
47 lll. OTDA earned revenue account (L7).
48 mmm. Medical assistance disability account (LF).
49 nnn. Low income housing credit monitoring fee account (NG).
50 ooo. Procurement opportunities newsletter account (P4).
51 ppp. Corporation administration account (P6).
52 qqq. Montrose veteran's home account (Q6).
53 rrr. Excelsior capital corporation reimbursement account (R1).
54 sss. Motor fuel quality account (R4).
55 ttt. Weights and measures account (R5).
56 uuu. Deferred compensation administration account (R7).

- 1 vvv. Rent revenue other account (RR).
- 2 www. Batavia medicaid income account (S1).
- 3 xxx. Rent revenue account (S8).
- 4 yyy. Tax revenue arrearage account (TR).
- 5 zzz. Solid waste management account (W3).
- 6 aaaa. Occupational health clinics account (W4).
- 7 bbbb. Capacity contracting (XU).
- 8 cccc. Point insurance reduction program account.
- 9 dddd. Internet point insurance reduction program account.
- 10 eeee. Mental hygiene program fund account (10).
- 11 21. State university income fund (345):
- 12 a. State university general income offset account (11).
- 13 22. State police and motor vehicle law enforcement fund (354):
- 14 a. State police motor vehicle law enforcement account (02).
- 15 23. Youth facilities improvement fund (357):
- 16 a. Youth facilities improvement account (01).
- 17 24. Highway safety program fund (362):
- 18 a. Highway safety program account (01).
- 19 25. Drinking water program management and administration fund (366):
- 20 a. EFC drinking water program account (01).
- 21 b. DOH drinking water program account (02).
- 22 26. New York city county clerks offset fund (368):
- 23 a. NYCCC operating offset account (01).
- 24 27. Housing assistance fund (374).
- 25 28. Housing program fund (376).
- 26 29. Department of transportation - engineering services fund (380):
- 27 a. Highway facility purpose account (01).
- 28 30. Miscellaneous capital projects fund (387):
- 29 a. Clean air capital account (08).
- 30 b. New York racing account.
- 31 31. Mental hygiene facilities capital improvement fund (389).
- 32 32. Joint labor/management administration fund (394):
- 33 a. Joint labor/management administration fund (01).
- 34 33. Audit and control revolving fund (395):
- 35 a. Executive direction internal audit account (04).
- 36 34. Health insurance internal service fund (396):
- 37 a. Health insurance internal service account (00).
- 38 b. Civil service employee benefits div admin (01).
- 39 35. Correctional industries revolving fund (397).
- 40 36. Correctional facilities capital improvement fund (399).
- 41 37. Industrial exhibit authority fund (450).
- 42 38. Federal unemployment insurance administration fund (480):
- 43 a. UI administration (01).
- 44 39. Federal unemployment insurance occupational training fund (484):
- 45 a. Federal unemployment insurance occupational training (00).
- 46 b. Disaster relief grants (01).
- 47 40. Federal employment and training grants (486):
- 48 a. DOL workforce investment act (09).
- 49 41. HCRA resources fund (061):
- 50 a. EPIC premium account (J6).
- 51 b. Maternal and child HIV services account (LC).
- 52 c. Hospital based grants program account (AF).
- 53 d. Child health plus program account (29).
- 54 § 2. Notwithstanding any law to the contrary, and in accordance with
- 55 section 4 of the state finance law, the comptroller is hereby authorized
- 56 and directed to transfer, upon request of the director of the budget, on

1 or before March 31, 2010, up to the unencumbered balance or the follow-
2 ing amounts:

3 Economic Development and Public Authorities:

4 1. \$300,000 from the miscellaneous special revenue fund (339) under-
5 ground facilities safety training account (US), to the general fund.

6 2. \$273,000,000 from the miscellaneous special revenue fund (339)
7 public service account (C3), to the general fund.

8 3. An amount up to the unencumbered balance from the miscellaneous
9 special revenue fund (339), business and licensing services account (AG),
10 to the general fund.

11 4. \$14,260,000 from the miscellaneous special revenue fund (339), code
12 enforcement account (07), to the general fund.

13 5. \$15,000,000 from the miscellaneous special revenue fund (339),
14 insurance department account (B6), to the general fund.

15 6. \$8,000,000 from the miscellaneous special revenue fund (339), bank-
16 ing department account (A5), to the general fund.

17 7. \$138,861,000 from the miscellaneous special revenue fund (339),
18 insurance department account (B6), to the health care reform fund (061),
19 HCRA undistributed account (99).

20 Education:

21 1. \$2,356,000,000 from the general fund to the state lottery fund
22 (160), education account (03), as reimbursement for disbursements made
23 from such fund for supplemental aid to education pursuant to section
24 92-c of the state finance law that are in excess of the amounts deposit-
25 ed in such fund for such purposes pursuant to section 1612 of the tax
26 law.

27 2. \$523,000,000 from the general fund to the state lottery fund (160),
28 VLT education account (06), as reimbursement for disbursements made from
29 such fund for supplemental aid to education pursuant to section 92-c of
30 the state finance law that are in excess of the amounts deposited in
31 such fund for such purposes pursuant to section 1612 of the tax law.

32 3. Moneys from the state lottery fund (160) up to an amount deposited
33 in such fund pursuant to section 1612 of the tax law in excess of the
34 current year appropriation for supplemental aid to education pursuant to
35 section 92-c of the state finance law.

36 4. \$300,000 from the local government records management improvement
37 fund (052) to the archives partnership trust fund (024).

38 5. \$700,000 from the general fund to the miscellaneous special revenue
39 fund (339), Batavia school for the blind account (D9).

40 6. \$400,000 from the general fund to the miscellaneous special revenue
41 fund (339), Rome school for the deaf account (E6).

42 7. \$1,500,000 from the general fund for the private schools for the
43 blind and deaf may be transferred to the department of health miscella-
44 neous special revenue fund (339), quality assurance and audit revenue
45 activities account (GB). Notwithstanding any other law, rule or regu-
46 lation to the contrary, funds shall be available for transfer to the
47 department of health miscellaneous special revenue fund (339), quality
48 assurance and audit revenue activities account (GB), upon the approval
49 by the director of the budget of a staffing and expenditure plan devel-
50 oped by the department of health in consultation with the state educa-
51 tion department.

52 8. \$40,000,000 from the state university dormitory income fund (330)
53 to the state university residence hall rehabilitation fund (074).

54 9. \$315,000,000 from the state university dormitory income fund (330)
55 to the miscellaneous special revenue fund (339), state university dormi-
56 tory income reimbursable account (47).

1 10. \$500,000 from the miscellaneous special revenue fund (339), volun-
2 teer recruitment service scholarships account (VR) to the general fund.

3 11. \$1,000,000 from the miscellaneous special revenue fund (339),
4 cultural education account (EN), to the miscellaneous special revenue
5 fund (339), summer school of the arts account (38).

6 12. \$22,000,000 from the state university income fund (345), state
7 university general income fund reimbursable account (10), to the general
8 fund.

9 13. \$24,000,000 from any of the state education department special
10 revenue and internal service funds to the miscellaneous special revenue
11 fund (339), indirect cost recovery account (AH).

12 14. \$8,318,000 from the general fund to the state university income
13 fund (345), state university income offset account (11), for the states
14 share of repayment of the STIP loan.

15 15. \$75,000,000 from the state university income fund (345), state
16 university general income fund reimbursable account (10), to the state
17 university income fund (345), supplemental operating fund account.

18 Environmental Affairs:

19 1. \$500,000 from the department of transportation's federal capital
20 projects fund (291) to the office of parks and recreation federal oper-
21 ating grants fund (290), miscellaneous operating grants account.

22 2. \$5,000,000 from the general fund to the hazardous waste remedial
23 fund (312), hazardous waste remediation oversight and assistance account
24 (00).

25 3. \$45,000,000 from the environmental protection fund (078), environ-
26 mental protection transfer account (01), to the general fund.

27 4. \$50,000,000 from resources made available through the use of bond
28 financing for activities in the environmental protection fund (078),
29 environmental protection transfer account (01), to the general fund.

30 5. \$5,000,000 from the general fund to the state parks infrastructure
31 fund (076), state infrastructure account (01).

32 6. \$16,000,000 from any of the department of environmental conserva-
33 tion's special revenue federal funds to the special revenue fund (301)
34 federal grant indirect cost recovery account.

35 7. \$2,000,000 from any of the office of parks, recreation, and histor-
36 ical preservation special revenue federal funds to the special revenue
37 fund (339) federal grant indirect cost recovery account.

38 8. \$1,000,000 from any of the office of parks, recreation and historic
39 preservation special revenue federal funds to the special revenue fund
40 (339) federal grant indirect cost recovery account (Z1).

41 9. \$1,000,000 from any of the office of parks, recreation and historic
42 preservation special revenue federal funds to the special revenue fund
43 (339), I love NY water account (39).

44 10. \$1,000,000 from any of the office of parks, recreation and histor-
45 ic preservation special revenue federal funds to the special revenue
46 fund (339), patron services account (T2).

47 11. \$500 from the Hudson river valley greenway fund (056), greenway
48 communities council account (01), to the general fund.

49 12. \$44 from the Hudson river valley greenway fund (056), greenway
50 heritage conservancy account (02), to the general fund.

51 Family Assistance:

52 1. \$10,000,000 from any of the office of children and family services,
53 office of temporary and disability assistance, or department of health
54 special revenue federal funds and the general fund, in accordance with
55 agreements with social services districts, to the miscellaneous special

- 1 revenue fund (339), office of human resources development state match
2 account (2C).
- 3 2. \$3,000,000 from any of the office of children and family services
4 or office of temporary and disability assistance special revenue federal
5 funds to the miscellaneous special revenue fund (339), family preserva-
6 tion and support services and family violence services account (GC).
- 7 3. \$6,000,000 from any of the office of children and family services
8 special revenue federal funds to the general fund for title IV-E
9 reimbursement of youth facility costs.
- 10 4. \$28,000,000 from any of the office of children and family services,
11 office of temporary and disability assistance, or department of health
12 special revenue federal funds and any other miscellaneous revenues
13 generated from the operation of office of children and family services
14 programs to the miscellaneous special revenue fund (339), office of
15 children and family services income account (AR).
- 16 5. \$10,000,000 from any of the office of children and family services
17 or office of temporary and disability assistance special revenue funds
18 or the general fund to the miscellaneous special revenue fund (339),
19 connections account (WK).
- 20 6. \$41,000,000 from any of the office of temporary and disability
21 assistance accounts within the federal health and human services fund
22 (265) to the general fund.
- 23 7. \$7,300,000 from the federal health and human services fund (265) to
24 the miscellaneous special revenue fund (339), ODD earned revenue account
25 (AD).
- 26 8. \$8,300,000 from any of the office of temporary and disability
27 assistance accounts within the federal health and human services fund
28 (265) to the miscellaneous special revenue fund (339), client notices
29 account (EG).
- 30 9. \$81,886,000 from any of the office of temporary and disability
31 assistance, department of health or office of children and family
32 services special revenue funds to the miscellaneous special revenue fund
33 (339), office of temporary and disability assistance earned revenue
34 account (L7).
- 35 10. \$4,309,000 from the federal block grant fund (269) or the federal
36 health and human services fund (265) to the miscellaneous special reven-
37 ue fund (339), home energy assistance earned revenue account (QA).
- 38 11. \$7,500,000 from any of the office of temporary and disability
39 assistance or office of children and family services special revenue
40 federal funds to the miscellaneous special revenue fund (339), office of
41 temporary and disability assistance program account (AL).
- 42 12. \$50,000,000 from any of the office of children and family
43 services, office of temporary and disability assistance, department of
44 labor, and department of health special revenue federal funds to the
45 office of children and family services miscellaneous special revenue
46 fund (339), multi-agency training contract account (AY).
- 47 13. \$30,000,000 from the office of temporary and disability assistance
48 federal health and human services fund (265) to the miscellaneous
49 special revenue fund (339), child support revenue account (AX).
- 50 14. \$6,300,000 from any of the office of children and family services,
51 office of temporary and disability assistance, department of labor, or
52 department of health special revenue funds to the office of temporary
53 and disability assistance miscellaneous special revenue fund (339),
54 multi-agency systems development account (MD).
- 55 15. \$2,322,000 from any of the office of temporary and disability
56 assistance special revenue federal funds, in accordance with agreements

1 with social services districts, to the miscellaneous special revenue
2 fund (339), OTDA office of human resources development state match
3 account (49).

4 16. \$10,731,000 from any of the office of temporary and disability
5 assistance special revenue federal funds, to the miscellaneous special
6 revenue fund (339), OTDA training contract account (48).

7 17. \$97,000 from the employment training fund (341), JTPA youth
8 employment account (04), to the general fund.

9 18. \$147,000 from the employment training fund (341), JTPA youth
10 employment account (01), to the general fund.

11 19. \$6,000,000 from the miscellaneous special revenue fund (339),
12 adult shelter sanction account (GA), to the general fund.

13 20. \$121,000,000 from the miscellaneous special revenue fund (339),
14 youth facility per Diem account (YF), to the general fund.

15 21. \$2,700,000 from the miscellaneous special revenue fund (339),
16 state central registry account (CY), to the general fund.

17 22. \$10,000,000 from the miscellaneous special revenue fund (339),
18 office of temporary and disability assistance earned revenue account
19 (L7), to the general fund.

20 23. \$1,381,800 from the general fund to the children and family trust
21 fund (020).

22 General Government:

23 1. \$1,545,000 from the miscellaneous special revenue fund (339), exam-
24 ination and miscellaneous revenue account (ER) to the general fund.

25 2. \$12,500,000 from the general fund to the health insurance revolving
26 fund (396).

27 3. \$192,400,000 from the health insurance reserve receipts fund (167)
28 to the general fund.

29 4. \$150,000 from the general fund to the not-for-profit revolving loan
30 fund (055).

31 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
32 general fund.

33 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
34 property disposition account (BP), to the general fund.

35 7. \$3,000,000 from the miscellaneous special revenue fund (339),
36 surplus property account (DE), to the general fund.

37 8. \$21,480,000 from the general fund to the miscellaneous special
38 revenue fund (339), alcoholic beverage control account (DB).

39 9. \$2,000,000 from the miscellaneous special revenue fund (339),
40 federal liability account (FL), to the general fund.

41 10. \$10,000,000 from centralized services fund (323), OGS building
42 administration account (ZY), to the general fund.

43 11. \$15,000,000 from the miscellaneous special revenue fund (339),
44 revenue arrearage account (CR), to the general fund.

45 12. \$1,326,000 from the miscellaneous special revenue fund (339)
46 revenue arrearage account (CR), to the miscellaneous special revenue
47 fund (339) authority budget office account.

48 13. \$1,000,000 from the miscellaneous special revenue fund (339),
49 parking services account (BQ), to the general debt service fund (311),
50 general debt service account.

51 14. Intentionally omitted.

52 15. \$60,000,000 from any account within the special revenue federal
53 funds receiving money pursuant to federal Medicare Part D legislation to
54 the general fund.

55 Health:

- 1 1. \$1,500,000 from any of the department of health accounts within the
2 federal health and human services fund (265) to the miscellaneous
3 special revenue fund (339), quality assurance and audit revenue activ-
4 ities account (GB).
- 5 2. \$139,560,000 from any of the department of health accounts within
6 the federal health and human services fund (265) to the miscellaneous
7 special revenue fund (339), quality of care account (20).
- 8 3. \$1,000,000 from the general fund to the combined gifts, grants and
9 bequests fund (020), breast cancer research and education account (BD),
10 an amount equal to the monies collected and deposited into that account
11 in the previous fiscal year.
- 12 4. \$2,464,000 from any of the department of health accounts within the
13 federal health and human services fund (265) to the department of health
14 miscellaneous special revenue fund (339), statewide planning and
15 research cooperation system (SPARCS) program account (03).
- 16 5. \$250,000 from the general fund to the combined gifts, grants and
17 bequests fund (020), prostate cancer research, detection, and education
18 account (PR), an amount equal to the moneys collected and deposited into
19 that account in the previous fiscal year.
- 20 6. \$500,000 from the general fund to the combined gifts, grants and
21 bequests fund (020), Alzheimer's disease research and assistance account
22 (AA), an amount equal to the moneys collected and deposited into that
23 account in the previous fiscal year.
- 24 7. \$1,000,000 from the miscellaneous special revenue fund (339),
25 administration account (AP), to the general fund.
- 26 8. \$600,000,000 from any of the department of health accounts within
27 the federal health and human services fund (265) to the miscellaneous
28 special revenue fund (339), federal state health reform partnership
29 account (FS).
- 30 9. \$85,000,000 from the general fund to the miscellaneous special
31 revenue fund (339) empire state stem cell trust fund account (SR).
- 32 Labor:
 - 33 1. \$700,000 from the labor standards miscellaneous special revenue
34 fund (339), fee and penalty account (30), to the child performer
35 protection fund (025), child performer protection account (CP).
 - 36 2. \$12,000,000 from the labor standards miscellaneous special revenue
37 fund (339), fee and penalty account (30), to the general fund.
 - 38 3. \$9,000,000 from the occupational safety and health special revenue
39 fund (305), occupational safety and health training and education
40 account (01), to the general fund.
 - 41 4. \$5,000,000 from the unemployment insurance interest and penalty
42 special revenue fund (482), unemployment insurance special interest and
43 penalty account (01), to the general fund.
- 44 Mental Hygiene:
 - 45 1. \$5,000,000 from the miscellaneous special revenue fund (339),
46 mental hygiene patient income account (13), to the miscellaneous special
47 revenue fund (339), federal salary sharing account (EC).
 - 48 2. \$10,000,000 from the miscellaneous special revenue fund (339),
49 mental hygiene patient income account (13), to the miscellaneous special
50 revenue fund (339), federal salary sharing account (EC).
 - 51 3. \$190,000,000 from the miscellaneous special revenue fund (339),
52 mental hygiene patient income account (13) to the miscellaneous special
53 revenue fund (339), provider of service accounts (05).
 - 54 4. \$144,000,000 from the miscellaneous special revenue fund (339),
55 mental hygiene program fund account (10) to the miscellaneous special
56 revenue fund (339), provider of service account (05).



- 1 5. \$150,000,000 from the general fund to the miscellaneous special
2 revenue fund (339), mental hygiene patient income account (13).
- 3 6. \$150,000,000 from the general fund to the miscellaneous special
4 revenue fund (339), mental hygiene program fund account (10).
- 5 7. \$3,600,000 from the miscellaneous special revenue fund (332),
6 Intermediate Care Facility (ICF)/Home and Community Based Services
7 (HCBS) loan account (05), to the general fund.
- 8 8. \$197,400,000 from the miscellaneous special revenue fund (339),
9 mental hygiene program fund account (10) to the general fund.
- 10 9. \$24,200,000 from the miscellaneous special revenue fund (339),
11 mental hygiene patient income account (13) to the general fund.
- 12 Public Protection:
- 13 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
14 gency management account (61), to the general fund.
- 15 2. \$3,300,000 from the general fund to the miscellaneous special
16 revenue fund (339), recruitment incentive account (U2).
- 17 3. \$14,000,000 from the general fund to the correctional industries
18 revolving fund (397), correctional industries internal service account
19 (00).
- 20 4. \$25,500,000 from the miscellaneous special revenue fund (339),
21 statewide public safety communications account (LZ), to the miscella-
22 neous special revenue fund (339), seized assets account (E8).
- 23 5. \$1,500,000 from the miscellaneous special revenue fund (339),
24 statewide public safety communications account (LZ), to the combined
25 gifts, grants and bequests fund (020), New York state emergency services
26 revolving loan account (AU).
- 27 6. \$10,000,000 from the miscellaneous special revenue fund (339),
28 statewide public safety communications account (LZ), to the miscella-
29 neous special revenue fund (339), local wireless public safety answering
30 point account (LW).
- 31 7. \$23,559,000 from the miscellaneous special revenue fund (339),
32 statewide public safety communications account (LZ), to the general debt
33 service fund (311), revenue bond tax account (02).
- 34 8. \$10,000,000 from federal miscellaneous operating grants fund (290),
35 DMNA damage account (71), to the general fund.
- 36 9. \$6,000,000 from the general fund to the miscellaneous special
37 revenue fund (339), crimes against revenue program account (CA).
- 38 10. \$2,000,000 from the general fund to the Attica state employee
39 victims' fund (013).
- 40 11. \$20,000,000 from any office of homeland security account within
41 the federal miscellaneous operating grants fund (290), receiving money
42 through the homeland security grants program, to the general fund.
- 43 12. \$11,500,000 from the federal miscellaneous operating grants fund
44 (290) world trade center account, to the general fund.
- 45 13. \$4,800,000 from the federal miscellaneous operating grants fund
46 (290) world trade center account, to the miscellaneous special revenue
47 fund (339) New York alert account.
- 48 14. \$100,000,000 from the miscellaneous special revenue fund (339),
49 statewide public safety communications account (LZ), to the state capi-
50 tal projects fund (002).
- 51 15. \$800,000 from the miscellaneous special revenue fund (339) crimi-
52 nal justice improvement account (62) to the general fund.
- 53 16. \$7,200,000 from the miscellaneous special revenue fund (390) indi-
54 gent legal services fund (01), to the general fund.
- 55 Transportation:

- 1 1. \$17,672,000 from the federal miscellaneous operating grants fund
2 (290) to the special revenue fund (339), tri-state federal regional
3 planning account (17).
- 4 2. \$20,147,000 from the federal capital projects fund (291) to the
5 special revenue fund (339), tri-state federal regional planning accounts
6 (17).
- 7 3. \$12,300,000 from the miscellaneous special revenue fund (339),
8 compulsory insurance account (H7), to the general fund.
- 9 4. \$20,000,000 from the suburban transportation fund (327) to the mass
10 transportation operating assistance fund (313), additional mass trans-
11 portation fund account (06).
- 12 5. \$14,183,000 from the general fund to the mass transportation oper-
13 ating assistance fund (313) public transportation systems accounts (01).
- 14 6. \$16,721,000 from the mass transportation operating assistance fund
15 (313) metropolitan mass transit operating assistance account (02), to
16 the mass transportation operating assistance fund (313) public transpor-
17 tation systems operating assistance account (01).
- 18 7. \$339,229,000 from the general fund to the dedicated highway and
19 bridge trust fund (072).
- 20 Miscellaneous:
 - 21 1. \$75,000,000 from the general fund to any funds or accounts for the
22 purpose of reimbursing certain outstanding accounts receivable balances.
 - 23 2. \$250,000,000 from the general fund to the debt reduction reserve
24 fund (064).
 - 25 3. \$23,300,000 from the general fund to the miscellaneous special
26 revenue fund (339), improvement of real property tax administrative
27 account (BZ).
- 28 § 3. Notwithstanding any law to the contrary, and in accordance with
29 section 4 of the state finance law, the comptroller is hereby authorized
30 and directed to transfer, on or before March 31, 2010:
 - 31 1. Upon request of the commissioner of environmental conservation, up
32 to \$10,463,500 from revenues credited to any of the department of envi-
33 ronmental conservation special revenue funds, including \$3,068,300 from
34 the environmental protection and oil spill compensation fund (303), and
35 \$1,723,000 from the conservation fund (302), to the environmental
36 conservation special revenue fund (301), indirect charges account (BJ).
 - 37 2. Upon request of the commissioner of agriculture and markets, up to
38 \$3,000,000 from any special revenue fund or enterprise fund within the
39 department of agriculture and markets to the miscellaneous special
40 revenue fund (339) administrative costs account, to pay appropriate
41 administrative expenses.
 - 42 3. Upon request of the commissioner of agriculture and markets, up to
43 \$2,000,000 from the state exposition special fund (325), state fair
44 receipts account (01), or the industrial exhibit authority fund (450),
45 industrial exhibit authority account (01), to the miscellaneous capital
46 projects fund (387), state fair capital improvement account (13).
 - 47 4. Upon request of the commissioner of the division of housing and
48 community renewal, up to \$2,911,000 from revenues credited to any divi-
49 sion of housing and community renewal miscellaneous special revenue fund
50 (339) to the agency cost recovery account (HI).
 - 51 5. Upon request of the commissioner of health up to \$15,000,000 from
52 revenues credited to any of the department of health's special revenue
53 funds, to the miscellaneous special revenue fund (339), administration
54 account (AP).
- 55 § 4. Notwithstanding section 2815 of the public health law or any
56 other contrary provision of law, upon the direction of the director of



1 the budget and the commissioner of health, the dormitory authority of
2 the state of New York is directed to transfer seven million dollars
3 annually from funds available and uncommitted in the New York state
4 health care restructuring pool to the health care reform act (HCRA)
5 resources fund - HCRA resources account.

6 § 5. Notwithstanding any law to the contrary, the state university
7 chancellor or his designee is authorized and directed to transfer esti-
8 mated tuition revenue balances from the state university collection fund
9 (344) to the state university fund (345), state university revenue
10 offset account (12) on or before March 31, 2010.

11 § 6. Notwithstanding any law to the contrary, and in accordance with
12 section 4 of the state finance law, the comptroller is hereby authorized
13 and directed to transfer, upon request of the state university chancel-
14 lor or his designee, up to \$40,000,000 from the state university income
15 fund (345), state university hospitals income reimbursable account (22)
16 under hospital income reimbursable for services and expenses of hospital
17 operations and capital expenditures at the state university hospitals,
18 and the state university income fund (345) Long Island veterans' home
19 account (09) to the state university capital projects fund (384) on or
20 before June 30, 2010.

21 § 7. Notwithstanding any law to the contrary, and in accordance with
22 section 4 of the state finance law, the comptroller is hereby authorized
23 and directed to transfer, upon request of the director of the budget, up
24 to \$128,700,000 from the general fund to the state university income
25 fund (345), state university hospitals income reimbursable account (22)
26 during the period July 1, 2009 through June 30, 2010 to reflect ongoing
27 state subsidy of SUNY hospitals and to pay costs attributable to the
28 SUNY hospitals' state agency status.

29 § 8. Notwithstanding any law to the contrary, and in accordance with
30 section 4 of the state finance law, the comptroller, after consultation
31 with the state university chancellor or his or her designee, is hereby
32 authorized and directed to transfer moneys, in the first instance, from
33 the state university collection fund (344), Stony Brook hospital
34 collection account (07), Brooklyn hospital collection account (08), and
35 Syracuse hospital collection account (09) to the state university income
36 fund (345), state university hospitals income reimbursable account (22)
37 in the event insufficient funds are available in the state university
38 income fund (345), state university hospitals income reimbursable
39 account (22) to transfer moneys, in amounts sufficient to permit the
40 full transfer of moneys authorized for transfer, to the general debt
41 service fund (311) for payment of debt service related to the SUNY
42 hospitals. Notwithstanding any law to the contrary, the comptroller is
43 also hereby authorized and directed, after consultation with the state
44 university chancellor or his or her designee, to transfer moneys from
45 the state university income fund (345) to the state university income
46 fund (345), state university hospitals income reimbursable account (22)
47 in the event insufficient funds are available in the state university
48 income fund (345), state university hospitals income reimbursable
49 account (22) to pay hospital operating costs or to transfer moneys, in
50 amounts sufficient to permit the full transfer of moneys authorized for
51 transfer, to the general debt service fund (311) for payment of debt
52 service related to the SUNY hospitals on or before March 31, 2010.

53 § 9. On or before March 31, 2010, the comptroller is authorized and
54 directed to transfer the unencumbered balance from the family benefit
55 fund (329) to the general fund.

1 § 10. On or before March 31, 2010, the comptroller is hereby author-
2 ized and directed to deposit earnings that would otherwise accrue to the
3 general fund that are attributable to the operation of section 98-a of
4 the state finance law, to the agencies internal service fund (334),
5 banking services account (12), for the purpose of meeting direct
6 payments from such account.

7 § 11. Notwithstanding any law to the contrary, and in accordance with
8 section 4 of the state finance law, the comptroller is hereby authorized
9 and directed to transfer monies, upon request of the director of the
10 budget, on or before March 31, 2010, from and to any of the following
11 accounts: the miscellaneous special revenue fund (339), patient income
12 account (13), the miscellaneous special revenue fund (339), mental
13 hygiene program fund account or the general fund in any combination, the
14 aggregate of which shall not exceed \$200 million.

15 § 12. Notwithstanding any law to the contrary, and in accordance with
16 section 4 of the state finance law, the comptroller is hereby authorized
17 and directed to transfer, at the request of the director of the budget,
18 up to \$200 million from the unencumbered balance of any special revenue
19 fund or account, or combination of funds and accounts, to the general
20 fund. The amounts transferred pursuant to this authorization shall be in
21 addition to any other transfers expressly authorized in the 2009-10
22 budget. Transfers from federal funds, debt service funds, capital
23 projects funds, or the community projects fund are not permitted pursu-
24 ant to this authorization. The director of the budget shall notify both
25 houses of the legislature in writing prior to initiating transfers
26 pursuant to this authorization.

27 § 13. Subdivision 5 of section 97-rrr of the state finance law, as
28 amended by section 14 of part RR of chapter 57 of the laws of 2008, is
29 amended to read as follows:

30 5. Notwithstanding the provisions of section one hundred seventy-one-a
31 of the tax law, as separately amended by chapters four hundred eighty-
32 one and four hundred eighty-four of the laws of nineteen hundred eight-
33 y-one, or any other provisions of law to the contrary, during the fiscal
34 year beginning April first, two thousand [eight] nine, the state comp-
35 troller is hereby authorized and directed to deposit to the fund created
36 pursuant to this section from amounts collected pursuant to article
37 twenty-two of the tax law and pursuant to a schedule submitted by the
38 director of the budget, up to [[\$4,970,000,000] \$3,415,450,000, as may be
39 certified in such schedule as necessary to meet the purposes of such
40 fund for the fiscal year beginning April first, two thousand [eight]
41 nine.

42 § 13-a. Section 51 of part RR of chapter 57 of the laws of 2008
43 providing for the administration of certain funds and accounts related
44 to the 2008-2009 budget, is amended to read as follows:

45 § 51. This act shall take effect immediately and shall be deemed to
46 have been in full force and effect on and after April 1, 2008; provided,
47 however, that the amendments to subdivision 6 of section 4 and subdivi-
48 sion 4 of section 40 of the state finance law made by sections fifteen
49 and sixteen of this act shall expire on the same date such subdivisions
50 expire; and provided, further, however, that section thirty-four of this
51 act shall take effect on the same date as the reversion of section 69-c
52 of the state finance law as provided in section 58 of part T of chapter
53 57 of the laws of 2007, as amended; provided, further that such amend-
54 ments shall expire and be deemed repealed March 31, 2010; and provided,
55 further, however, that sections one, three, four, [fourteen,] and eigh-
56 teen through twenty-seven of this act shall expire March 31, 2009 when

1 upon such date the provisions of such sections shall be deemed repealed;
2 and provided further that section fourteen of this act shall expire
3 March 31, 2010 when upon such date the provisions of such section shall
4 be deemed repealed.

5 § 13-b. Section 11-a of part RR of chapter 57 of the laws of 2008,
6 relating to providing for the administration of certain funds and
7 accounts related to the 2008-2009 budget, is amended to read as follows:

8 § 11-a. Notwithstanding any provision of law to the contrary, the
9 power authority of the state of New York, as deemed feasible and advis-
10 able by its trustees, is authorized to make contributions to the state
11 treasury to the credit of the general fund as follows: for the fiscal
12 year commencing April 1, 2008, a total of ~~[\$60,000,000]~~ \$361,000,000,
13 not less than \$50,000,000 of which will be paid within thirty days of
14 the enactment of the state budget for such fiscal year, not less than
15 \$119,000,000 shall be paid by January 30, 2009 and \$182,000,000 shall be
16 paid by March 27, 2009; for the fiscal year commencing April 1, 2009, a
17 total of ~~[\$35,000,000]~~ \$210,000,000, not less than ~~[\$25,000,000]~~
18 \$103,000,000 of which will be paid within ~~[thirty]~~ one hundred eighty
19 days of the enactment of the state budget for such fiscal year[; and for
20 the fiscal year commencing April 1, 2010, a total of \$35,000,000, not
21 less than \$25,000,000 of which will be paid within thirty days of the
22 enactment of the state budget for such fiscal year] and \$107,000,000
23 shall be paid prior to March 26, 2010.

24 § 14. Section 41 of chapter 60 of the laws of 1993, amending the
25 public authorities law and other laws relating to the bonding authority
26 of the environmental facilities corporation is amended by adding a new
27 subdivision 4 to read as follows:

28 4. Moneys in the contingency reserve fund may be temporarily loaned to
29 the general fund during any fiscal year in anticipation of the receipt
30 of revenues from taxes, fees and other sources required to be paid into
31 the general fund during such fiscal year. Moneys so temporarily loaned
32 shall be repaid in cash during the same fiscal year.

33 § 15. Section 92-cc of the state finance law is amended by adding a
34 new subdivision 5 to read as follows:

35 5. Moneys in the rainy day reserve fund may be temporarily loaned to
36 the general fund during any fiscal year in anticipation of the receipt
37 of revenues from taxes, fees and other sources required to be paid into
38 the general fund during such fiscal year. Moneys so temporarily loaned
39 shall be repaid in cash during the same fiscal year.

40 § 16. Subdivision 5 of section 4 of the state finance law, as amended
41 by chapter 524 of the laws of 2008, is amended to read as follows:

42 5. No money or other financial resources shall be transferred or
43 temporarily loaned from one fund to another without specific statutory
44 authorization for such transfer or temporary loan, except that [the]
45 money or other financial resources of a fund may be temporarily loaned
46 to the general fund during the state fiscal year provided that such loan
47 shall be repaid in full no later than (a) four months after it was made
48 or (b) by the end of the same fiscal year in which it was made, whichev-
49 er period is shorter, so that an accurate accounting and reporting of
50 the balance of financial resources in each fund may be made. The comp-
51 troller is hereby authorized to temporarily loan money from the general
52 fund or any other fund to the fund/accounts that are authorized to
53 receive a loan. Such loans shall be limited to the amounts immediately
54 required to meet disbursements, made in pursuance of an appropriation by
55 law and authorized by a certificate of approval issued by the director
56 of the budget with copies thereof filed with the comptroller and the

1 chair of the senate finance committee and the chair of the assembly ways
2 and means committee. The director of the budget shall not issue such a
3 certificate unless he or she shall have determined that the amounts to
4 be so loaned are receivable on account. When making loans, the comp-
5 troller shall establish appropriate accounts and if the loan is not
6 repaid by the end of the month, provide on or before the fifteenth day
7 of the following month to the director of the budget, the chair of the
8 senate finance committee and the chair of the assembly ways and means
9 committee, an accurate accounting and report of the financial resources
10 of each such fund at the end of such month. Within ten days of the
11 receipt of such accounting and reporting, the director of the budget
12 shall provide the comptroller and the chair of the senate finance
13 committee and the chair of the assembly ways and means committee an
14 expected schedule of repayment by fund and by source for each outstand-
15 ing loan. Repayment shall be made by the comptroller from the first cash
16 receipt of this fund.

17 § 17. Subdivision (b) of section 1 of part P of chapter 57 of the laws
18 of 2007, providing funding for certain community projects is REPEALED.

19 § 18. Subdivision (a) of section 2 and section 3 of part MM of chapter
20 59 of the laws of 2008, amending chapter 57 of the laws of 2007, provid-
21 ing funding for certain community projects, relating to increasing such
22 funding, are REPEALED.

23 § 19. (Intentionally omitted.)

24 § 20. The comptroller is authorized and directed to deposit to the
25 general fund-state purposes account reimbursements from moneys appropri-
26 ated or reappropriated to the correctional facilities capital improve-
27 ment fund (399) by a chapter of the laws of 2009. Reimbursements shall
28 be available for spending from appropriations made to the department of
29 correctional services in the general fund-state purposes account by a
30 chapter of the laws of 2009 for costs associated with the administration
31 and security of capital projects and for other costs which are attribut-
32 able, according to a plan, to such capital projects.

33 § 21. Notwithstanding any other law, rule, or regulation to the
34 contrary, the comptroller is hereby authorized and directed to deposit,
35 to the credit of the capital projects fund, reimbursement from the
36 proceeds of notes and bonds issued by the environmental facilities
37 corporation for a capital appropriation for \$22,404,000 authorized by
38 chapter 55 of the laws of 1999 to the department of environmental
39 conservation for payment of a portion of the state's match for federal
40 capitalization grants for the water pollution control revolving loan
41 fund, reimbursements for spending from various appropriations for
42 projects related to the New York city watershed, reimbursement from the
43 proceeds of notes and bonds issued by the environmental facilities
44 corporation for a capital appropriation for \$22,500,000 authorized by
45 chapter 55 of the laws of 1999 to the environmental facilities corpo-
46 ration for payment for the jobs two thousand pipeline for jobs program,
47 reimbursement from the proceeds of notes and bonds issued by the dormi-
48 tory authority of the state of New York for a capital appropriation for
49 \$47,500,000 authorized by chapter 55 of the laws of 1999 to the office
50 of science, technology and academic research for payment for the jobs
51 two thousand capital facilities program, reimbursement from the proceeds
52 of notes and bonds issued by the dormitory authority of the state of New
53 York for a capital appropriation for \$145,000,000 authorized by chapter
54 53 of the laws of 1999 to the state education department for payment of
55 capital construction grants to school districts pursuant to the rebuild-
56 ing schools to uphold education program, and reimbursement from the

1 proceeds of notes and bonds issued by the urban development corporation
2 for a capital appropriation for \$25,000,000 authorized by chapter 55 of
3 the laws of 1999 to all state agencies for payment of costs related to
4 economic development, land acquisition, and heritage trail projects.

5 § 22. Notwithstanding any other law, rule, or regulation to the
6 contrary, the comptroller is hereby authorized and directed to deposit,
7 to the credit of the capital projects fund, reimbursement from the
8 proceeds of notes or bonds issued by the environmental facilities corpo-
9 ration for a capital appropriation for \$43,383,000 authorized by chapter
10 55 of the laws of 2000 to the department of environmental conservation
11 for payment of a portion of the state's match for federal capitalization
12 grants for the water pollution control revolving loan fund, to reimburse
13 spending from various appropriations for certain projects related to the
14 New York city watershed, reimbursement from the proceeds of notes and
15 bonds issued by the urban development corporation for capital appropri-
16 ation for \$15,000,000 authorized by chapter 55 of the laws of 2000 to
17 the urban development corporation for payment of costs related to a
18 sports facility in the city of Rochester, reimbursement from the
19 proceeds of notes and bonds issued by the urban development corporation
20 of the state of New York for a capital appropriation for \$50,000,000
21 authorized by chapter 55 of the laws of 2000 to the urban development
22 corporation for payment of costs related to economic development
23 projects in the downtown Buffalo, the Buffalo inner harbor area, or
24 surrounding environs, reimbursement from proceeds of notes and bonds
25 issued by the dormitory authority of the state of New York for a capital
26 appropriation for \$225,000,000 authorized by chapter 55 of the laws of
27 2000 to all state agencies for payment of costs related to the strategic
28 investment program, reimbursement from the proceeds of notes and bonds
29 issued by the dormitory authority of the state of New York for a capital
30 appropriation for \$50,000,000 authorized by chapter 53 of the laws of
31 2000 to the state education department for payment of capital
32 construction grants to school districts pursuant to the rebuilding
33 schools to uphold education program, for reimbursement from the proceeds
34 of notes and bonds issued by the dormitory authority of the state of New
35 York for a capital appropriation for \$15,000,000 authorized by chapter
36 53 of the laws of 2000 to the office of children and family services for
37 payment of costs related to the child care facilities development
38 program, and for reimbursement from the proceeds of notes and bonds
39 issued by the dormitory authority of the state of New York for a capital
40 appropriation for \$10,000,000 authorized by chapter 55 of the laws of
41 2000 to the office of science, technology and academic research for
42 payment of costs related to biomedical research and/or manufacturing
43 facilities.

44 § 23. Notwithstanding any other law, rule, or regulation to the
45 contrary, the comptroller is hereby authorized and directed to deposit
46 to the credit of the capital projects fund, reimbursement from the
47 proceeds of notes or bonds issued by the environmental facilities corpo-
48 ration for a capital appropriation for \$29,772,000 authorized by chapter
49 54 of the laws of 2001 to the department of environmental conservation
50 for payment of a portion of the state's match for federal capitalization
51 grants for the water pollution control revolving loan fund.

52 § 24. Notwithstanding any other law, rule, or regulation to the
53 contrary, the comptroller is hereby authorized and directed to deposit,
54 to the credit of the capital projects fund, reimbursement from the
55 proceeds of notes or bonds issued by the environmental facilities corpo-
56 ration for a capital appropriation for \$29,365,000 authorized by chapter

1 54 of the laws of 2002 to the department of environmental conservation
2 for payment of a portion of the state's match for federal capitalization
3 grants for the water pollution control revolving loan fund, reimburse-
4 ment from the proceeds of notes and bonds issued by the urban develop-
5 ment corporation or other financing source for a capital appropriation
6 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the
7 office of general services for payment of capital construction costs for
8 the Alfred E. Smith office building located in the city of Albany,
9 reimbursement from the proceeds of notes and bonds issued by the urban
10 development corporation or other financing source for capital appropri-
11 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to
12 the office of general services for payment of capital construction costs
13 for the Elk street parking garage building located in the city of Alba-
14 ny, reimbursement from the proceeds of notes or bonds issued by the
15 urban development corporation for disbursements of up to \$12,000,000
16 from any capital appropriation or reappropriation authorized by chapter
17 50 of the laws of 2002 to the office of general services for various
18 purposes, reimbursement from the proceeds of notes or bonds issued by
19 the urban development corporation for a capital appropriation of
20 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy
21 research and development authority for the Western New York Nuclear
22 Service Center at West Valley, reimbursement from the proceeds of notes
23 or bonds issued by the urban development corporation for a capital
24 appropriation of \$14,300,000 authorized by chapter 55 of the laws of
25 2002 to the urban development corporation to finance a portion of the
26 jobs now program, reimbursement from the proceeds of notes or bonds
27 issued by the dormitory authority for disbursements of up to \$20,800,000
28 from any capital appropriation or reappropriation authorized by chapter
29 51 of the laws of 2002 to the judiciary for courthouse improvements,
30 reimbursement from the proceeds of notes or bonds issued by the urban
31 development corporation for disbursements of up to \$15,000,000 from
32 appropriations or reappropriations authorized by chapter 50 of the laws
33 of 2002 to any agency for costs related to homeland security, and
34 reimbursement from the proceeds of notes or bonds issued by the environ-
35 mental facilities corporation for a capital appropriation of \$10,000,000
36 authorized by chapter 54 of the laws of 2002 to the department of envi-
37 ronmental conservation for Onondaga lake.

38 § 25. Notwithstanding any other law, rule, or regulation to the
39 contrary, the comptroller is hereby authorized and directed to deposit
40 to the credit of the capital projects fund, reimbursement from the
41 proceeds of notes or bonds issued by the environmental facilities corpo-
42 ration for a capital appropriation of \$30,174,000 authorized by chapter
43 55 of the laws of 2003 to the department of environmental conservation
44 for payment of a portion of the state's match for federal capitalization
45 grants for the water pollution control revolving loan fund, reimburse-
46 ment from the proceeds of notes or bonds issued by the urban development
47 corporation or other financing source for a capital appropriation of
48 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
49 50 of general services for payment of capital construction costs for the
50 51 Elk street parking garage building located in the city of Albany,
51 reimbursement from the proceeds of notes or bonds issued by the urban
52 development corporation for disbursements of up to \$10,000,000 from any
53 capital appropriation or reappropriation authorized by chapter 50 of the
54 laws of 2003 to the office of general services for various purposes,
55 reimbursement from the proceeds of notes or bonds issued by the environ-
56 mental facilities corporation for a capital appropriation of \$13,250,000

1 authorized by chapter 55 of the laws of 2003 to the energy research and
2 development authority for the Western New York Nuclear Service Center at
3 West Valley, reimbursement from the proceeds of notes or bonds issued by
4 the dormitory authority for disbursements of up to \$16,400,000 from any
5 capital appropriation or reappropriation authorized by chapter 51 of the
6 laws of 2003 to the judiciary for courthouse improvements, reimbursement
7 from the proceeds of notes or bonds issued by the urban development
8 corporation for disbursements of up to \$10,000,000 from appropriations
9 or reappropriations authorized by chapter 50 of the laws of 2003 to any
10 agency for costs related to homeland security, reimbursement from the
11 proceeds of notes or bonds issued by the environmental facilities corpo-
12 ration for a capital appropriation of \$10,000,000 authorized by chapter
13 55 of the laws of 2003 to the department of environmental conservation
14 for Onondaga lake, reimbursement from the proceeds of notes or bonds
15 issued by the environmental facilities corporation for disbursements of
16 up to \$11,000,000 from any capital appropriations or reappropriations
17 authorized by chapter 55 of the laws of 2003 to the department of envi-
18 ronmental conservation for environmental purposes, and reimbursement
19 from the proceeds of notes or bonds issued by the dormitory authority
20 for disbursements of up to \$100,000,000 from a capital appropriation
21 authorized by chapter 50 of the laws of 2003 to the department of state
22 for enhanced 911 wireless service.

23 § 26. Notwithstanding any other law, rule, or regulation to the
24 contrary, the comptroller is hereby authorized and directed to deposit
25 to the credit of the capital projects fund, reimbursement from the
26 proceeds of notes or bonds issued by the environmental facilities corpo-
27 ration for a capital appropriation for \$28,893,000 authorized by chapter
28 55 of the laws of 2004 to the department of environmental conservation
29 for payment of a portion of the state's match for federal capitalization
30 grants for the water pollution control revolving loan fund, reimburse-
31 ment from the proceeds of notes or bonds issued by reimbursement from
32 the proceeds of notes or bonds issued by the urban development corpo-
33 ration for disbursements of up to \$10,000,000 from any capital appropri-
34 ation or reappropriation authorized by chapter 50 of the laws of 2004 to
35 the office of general services for various purposes, reimbursement from
36 the proceeds of notes or bonds issued by the environmental facilities
37 corporation for a capital appropriation of \$11,350,000 authorized by
38 chapter 55 of the laws of 2004 to the energy research and development
39 authority for the Western New York Nuclear Service Center at West
40 Valley, reimbursement from the proceeds of notes or bonds issued by the
41 environmental facilities corporation, for a capital appropriation of
42 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
43 ment of environmental conservation for Onondaga lake, reimbursement from
44 the proceeds of notes or bonds issued by the environmental facilities
45 corporation for disbursements of up to \$11,000,000 from any capital
46 appropriations or reappropriations authorized by chapter 55 of the laws
47 of 2004 to the department of environmental conservation for environ-
48 mental purposes, reimbursement from the proceeds of notes or bonds
49 issued by the dormitory authority for a capital appropriation of
50 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
51 tion department for capital transition grants for transportation,
52 reimbursement from the proceeds of notes or bonds issued by the dormito-
53 ry authority for a capital appropriation of \$250,000,000 authorized by
54 chapter 55 of the laws of 2004 for payment of costs related to economic
55 development projects and reimbursement from the proceeds of notes or
56 bonds issued by the dormitory authority for a capital appropriation of



1 \$350,000,000 authorized by chapter 3 of the laws of 2004 for the New
2 York state economic development program.

3 § 27. Notwithstanding any other law, rule, or regulation to the
4 contrary, the comptroller is hereby authorized and directed to deposit
5 to the credit of the capital projects fund, reimbursement from the
6 proceeds of notes or bonds issued by the environmental facilities corpo-
7 ration for a capital appropriation for \$29,602,000 authorized by chapter
8 55 of the laws of 2005 to the department of environmental conservation
9 for payment of a portion of the state's match for federal capitalization
10 grants for the water pollution control revolving loan fund, reimburse-
11 ment from the proceeds of notes or bonds issued by the urban development
12 corporation for disbursements of up to \$10,000,000 from any capital
13 appropriation or reappropriation authorized by chapter 50 of the laws of
14 2005 to the office of general services for various purposes, reimburse-
15 ment from the proceeds of notes or bonds issued by the environmental
16 facilities corporation for a capital appropriation of \$11,350,000
17 authorized by chapter 55 of the laws of 2005 to the energy research and
18 development authority for the Western New York Nuclear Service Center at
19 West Valley, reimbursement from the proceeds of notes or bonds issued by
20 the environmental facilities corporation for a capital appropriation of
21 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
22 ment of environmental conservation for Onondaga lake, reimbursement from
23 the proceeds of notes or bonds issued by the environmental facilities
24 corporation for disbursements of up to \$11,000,000 from any capital
25 appropriations or reappropriations authorized by chapter 55 of the laws
26 of 2005 to the department of environmental conservation for environ-
27 mental purposes, reimbursement from the proceeds of notes or bonds
28 issued by the urban development corporation for a capital appropriation
29 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
30 Javits center, reimbursement from the proceeds of notes or bonds issued
31 by the dormitory authority for a capital appropriation of \$90,000,000
32 authorized by chapter 62 of the laws of 2005 for regional development,
33 reimbursement from the proceeds of notes or bonds issued by the dormito-
34 ry authority for a capital appropriation of \$250,000,000 authorized by
35 chapter 62 of the laws of 2005 for technology and development,
36 reimbursement from the proceeds of notes or bonds issued by the urban
37 development corporation for a capital appropriation of \$75,000,000
38 authorized by chapter 162 of the laws of 2005 for the New York state
39 economic development program, reimbursement from the proceeds of notes
40 or bonds issued by the urban development corporation for a capital
41 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
42 2005 for the higher education facilities capital matching grants
43 program, reimbursement from the proceeds of notes or bonds issued by the
44 dormitory authority or other financing source for a capital appropri-
45 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
46 office of general services for payment of capital construction costs for
47 the Elk street parking garage building located in the city of Albany,
48 reimbursement from the proceeds of notes or bonds issued by the urban
49 development corporation for a capital appropriation of \$15,000,000
50 authorized by chapter 53 of the laws of 2005 to the state education
51 department for payment of capital construction costs for public broad-
52 casting facilities, reimbursement from the proceeds of notes or bonds
53 issued by the urban development corporation for a capital appropriation
54 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
55 sion of state police for public protection facilities, and reimbursement
56 from the proceeds of notes or bonds issued by the urban development



1 corporation for capital disbursements of up to \$3,000,000 from any capi-
2 tal appropriation or reappropriation authorized by chapter 50 of the
3 laws of 2005 to the division of military and naval affairs for various
4 purposes.

5 § 28. Notwithstanding any other law, rule, or regulation to the
6 contrary, the comptroller is hereby authorized and directed to deposit
7 to the credit of the capital projects fund, reimbursement from the
8 proceeds of notes or bonds issued by the environmental facilities corpo-
9 ration for a capital appropriation for \$29,600,000 authorized by chapter
10 55 of the laws of 2006 to the department of environmental conservation
11 for payment of a portion of the state's match for federal capitalization
12 grants for the water pollution control revolving loan fund, reimburse-
13 ment from the proceeds of notes or bonds issued by the urban development
14 corporation for disbursements of up to \$20,000,000 from any capital
15 appropriation or reappropriation authorized by chapter 50 of the laws of
16 2006 to the office of general services for various purposes, reimburse-
17 ment from the proceeds of notes or bonds issued by the environmental
18 facilities corporation for a capital appropriation of \$14,000,000
19 authorized by chapter 55 of the laws of 2006 to the energy research and
20 development authority for the Western New York Nuclear Service Center at
21 West Valley, reimbursement from the proceeds of notes or bonds issued by
22 the environmental facilities corporation for a capital appropriation of
23 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
24 ment of environmental conservation for Onondaga lake, reimbursement from
25 the proceeds of notes or bonds issued by the environmental facilities
26 corporation for disbursements of up to \$12,000,000 from any capital
27 appropriations or reappropriations authorized by chapter 55 of the laws
28 of 2006 to the department of environmental conservation for environ-
29 mental purposes, reimbursement from the proceeds of notes or bonds
30 issued by the urban development corporation for capital disbursements of
31 up to \$3,000,000 from any capital appropriation or reappropriation
32 authorized by chapter 50 of the laws of 2006 to the division of military
33 and naval affairs for various purposes, reimbursement from the proceeds
34 of notes or bonds issued by the urban development corporation for
35 disbursements of up to \$12,400,000 from any capital appropriation or
36 reappropriation authorized by chapter 50 of the laws of 2006 to the
37 division of state police for public protection facilities, reimbursement
38 from the proceeds of notes or bonds issued by the urban development
39 corporation for a capital appropriation of \$117,000,000 authorized by
40 chapter 50 of the laws of 2006 to all state departments and agencies for
41 the purchase of equipment, reimbursement from the proceeds of notes or
42 bonds issued by the dormitory authority or the urban development corpo-
43 ration for all or a portion of capital appropriations of \$603,050,000
44 authorized by chapter 108 of the laws of 2006 to the urban development
45 corporation for economic development/other projects, reimbursement from
46 the proceeds of notes or bonds issued by the urban development corpo-
47 ration for a capital appropriation of \$269,500,000 authorized by chapter
48 108 of the laws of 2006 to the dormitory authority or the urban develop-
49 ment corporation for economic development projects, reimbursement from
50 the proceeds of notes or bonds issued by the dormitory authority or the
51 urban development corporation for a capital appropriation of
52 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
53 development corporation for university development projects, reimburse-
54 ment from the proceeds of notes or bonds issued by the dormitory author-
55 ity or for a capital appropriation of \$143,000,000 authorized by chapter
56 108 of the laws of 2006 to the urban development corporation for



1 cultural facilities projects, reimbursement from the proceeds of notes
2 or bonds issued by the dormitory authority or the urban development
3 corporation for capital appropriations totaling \$60,000,000 authorized
4 by chapter 108 of the laws of 2006 to the urban development corporation
5 for energy/environmental projects, reimbursement from the proceeds of
6 notes or bonds issued by the dormitory authority or the urban develop-
7 ment corporation for a capital appropriation of \$20,000,000 authorized
8 by chapter 108 of the laws of 2006 to the urban development corporation
9 for a competitive solicitation for construction of a pilot cellulosic
10 ethanol refinery, reimbursement from the proceeds of notes or bonds
11 issued by the urban development corporation for a capital appropriation
12 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
13 development corporation for services and expenses related to infrastruc-
14 ture for a new stadium in Queens county, and reimbursement from the
15 proceeds of notes or bonds issued by the urban development corporation
16 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
17 the laws of 2006 to the urban development corporation for services and
18 expenses related to infrastructure improvements to construct a new park-
19 ing facility at a new stadium in Bronx county, reimbursement from the
20 proceeds of notes and bonds issued by the environmental facilities
21 corporation for a capital appropriation for \$5,000,000 authorized by
22 chapter 55 of the laws of 2006 to the environmental facilities corpo-
23 ration for payment for the pipeline for jobs program, reimbursement from
24 the proceeds of notes or bonds issued by the dormitory authority for
25 capital disbursements of up to \$14,000,000 from any capital appropri-
26 ation or reappropriation authorized by chapter 53 of the laws of 2006
27 for the library construction purpose, reimbursement from the proceeds of
28 notes or bonds issued by the urban development corporation or the dormi-
29 tory authority for an appropriation of \$2,000,000 authorized by chapter
30 53 of the laws of 2006 for a Cornell equine drug testing laboratory,
31 reimbursement from the proceeds of notes or bonds issued by the urban
32 development corporation or the dormitory authority for an appropriation
33 of \$1,200,000 authorized by chapter 53 of the laws of 2006 for the towns
34 of Bristol and Canandaigua public water systems, reimbursement from the
35 proceeds of notes or bonds issued by the urban development corporation
36 or the dormitory authority for an appropriation of \$5,500,000 authorized
37 by chapter 53 of the laws of 2006 for Belleayre mountain ski center,
38 reimbursement from the proceeds of notes or bonds issued by the urban
39 development corporation or the dormitory authority for an appropriation
40 of \$25,000,000 authorized by chapter 53 of the laws of 2006 for the town
41 of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement
42 from the proceeds of notes or bonds issued by the urban development
43 corporation or the dormitory authority for an appropriation of
44 \$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of
45 New York umbilical cord bank, reimbursement from the proceeds of notes
46 or bonds issued by the urban development corporation or the dormitory
47 authority for an appropriation of \$5,500,000 authorized by chapter 53 of
48 the laws of 2006 for an Old Gore mountain ski bowl connection,
49 reimbursement from the proceeds of notes or bonds issued by the urban
50 development corporation or the dormitory authority for an appropriation
51 of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredo-
52 nia vineyard laboratory, reimbursement from the proceeds of notes or
53 bonds issued by the urban development corporation or the dormitory
54 authority for an appropriation of \$99,500,000 authorized by chapter 108
55 of the laws of 2006 to the office for technology for payment of capital
56 construction costs for a consolidated data center, reimbursement from



1 the proceeds of notes or bonds issued by the dormitory authority or the
2 urban development corporation for an appropriation of \$40,000,000
3 authorized by chapter 108 of the laws of 2006 for a food testing labora-
4 tory, reimbursement from the proceeds of notes or bonds issued by the
5 New York state thruway authority for an appropriation of \$22,000,000
6 authorized by chapter 108 of the laws of 2006 to the department of
7 transportation for high speed rail, reimbursement from the proceeds of
8 notes or bonds issued by the urban development corporation for capital
9 disbursements of up to \$500,000,000 from an appropriation authorized by
10 chapter 108 of the laws of 2006 to the urban development corporation for
11 development of a semiconductor manufacturing facility, reimbursement
12 from the proceeds of notes or bonds issued by the urban development
13 corporation of up to \$150,000,000 from an appropriation authorized by
14 chapter 108 of the laws of 2006 to the urban development corporation for
15 research and development activities of a semiconductor manufacturer, and
16 reimbursement from the proceeds of notes or bonds issued by the urban
17 development corporation for capital disbursements of up to \$300,000,000
18 from an appropriation to the urban development corporation authorized by
19 chapter 108 of the laws of 2006 for community revitalization projects.

20 § 29. Notwithstanding any other law, rule, or regulation to the
21 contrary, the comptroller is hereby authorized and directed to deposit
22 to the credit of the capital projects fund, reimbursement from the
23 proceeds of notes or bonds issued by the environmental facilities corpo-
24 ration for a capital appropriation for \$29,600,000 authorized by chapter
25 55 of the laws of 2007 to the department of environmental conservation
26 for payment of a portion of the state's match for federal capitalization
27 grants for the water pollution control revolving loan fund, reimburse-
28 ment from the proceeds of notes or bonds issued by the urban development
29 corporation for disbursements of up to \$20,000,000 from any capital
30 appropriation or reappropriation authorized by chapter 50 of the laws of
31 2007 to the office of general services for various purposes, reimburse-
32 ment from the proceeds of notes or bonds issued by the environmental
33 facilities corporation for a capital appropriation of \$13,500,000
34 authorized by chapter 55 of the laws of 2007 to the energy research and
35 development authority for the Western New York Nuclear Service Center at
36 West Valley, reimbursement from the proceeds of notes or bonds issued by
37 the environmental facilities corporation for a capital appropriation of
38 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
39 ment of environmental conservation for Onondaga lake, reimbursement from
40 the proceeds of notes or bonds issued by the environmental facilities
41 corporation for disbursements of up to \$12,000,000 from any capital
42 appropriations or reappropriations authorized by chapter 55 of the laws
43 of 2007 to the department of environmental conservation for environ-
44 mental purposes, reimbursement from the proceeds of notes or bonds
45 issued by the urban development corporation for capital disbursements of
46 up to \$3,000,000 from any capital appropriation or reappropriation
47 authorized by chapter 50 of the laws of 2007 to the division of military
48 and naval affairs for various purposes, reimbursement from the proceeds
49 of notes or bonds issued by the urban development corporation for
50 disbursements from a capital appropriation of \$50,000,000 authorized by
51 chapter 50 of the laws of 2007 to the division of state police for
52 construction of a Troop G facility, reimbursement from the proceeds of
53 notes or bonds issued by the urban development corporation for disburse-
54 ments from a capital appropriation of \$6,000,000 authorized by chapter
55 50 of the laws of 2007 to the division of state police for construction
56 of evidence storage facilities, reimbursement from the proceeds of notes



1 or bonds issued by the urban development corporation for capital appro-
2 priations totaling \$77,900,000 authorized by chapter 51 of the laws of
3 2007 to the judiciary for court training facilities and courthouse
4 improvement projects, reimbursement from the proceeds of notes or bonds
5 issued by the urban development corporation for a capital appropriation
6 of \$20,000,000 authorized by chapter 50 of the laws of 2007 to all state
7 departments and agencies for the purchase of equipment, reimbursement
8 from the proceeds of notes or bonds issued by the dormitory authority
9 for capital disbursements of up to \$14,000,000 from any capital appro-
10 priation or reappropriation authorized by chapter 53 of the laws of 2007
11 for library construction, reimbursement from the proceeds of notes or
12 bonds issued by the dormitory authority for capital disbursements of up
13 to \$60,000,000 from any capital appropriation or reappropriation author-
14 ized by chapter 53 of the laws of 2007 for cultural education storage
15 facilities, reimbursement from the proceeds of notes or bonds issued by
16 the urban development corporation for capital disbursements of up to
17 \$15,000,000 from any capital appropriation or reappropriation authorized
18 by chapter 55 of the laws of 2007 for the Roosevelt Island Operating
19 Corporation aerial tramway, reimbursement from the proceeds of notes or
20 bonds issued by the urban development corporation for capital disburse-
21 ments of up to \$20,000,000 from any capital appropriation or reappropri-
22 ation authorized by chapter 55 of the laws of 2007 for Governor's
23 Island, reimbursement from the proceeds of notes or bonds issued by the
24 urban development corporation for capital disbursements of up to
25 \$7,500,000 from any capital appropriation or reappropriation authorized
26 by chapter 55 of the laws of 2007 for Harriman research and technology
27 park, reimbursement from the proceeds of notes or bonds issued by the
28 urban development corporation for capital disbursements of up to
29 \$7,950,000 from any capital appropriation or reappropriation authorized
30 by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement
31 from the proceeds of notes or bonds issued by the urban development
32 corporation for capital disbursements of up to \$1,300,000 from appropri-
33 ations authorized by chapter 50 of the laws of 2007 made to the office
34 of general services for legislative office building hearing rooms.

35 § 30. Notwithstanding any other law, rule, or regulation to the
36 contrary, the comptroller is hereby authorized and directed to deposit
37 to the credit of the capital projects fund, reimbursement from the
38 proceeds of notes or bonds issued by the environmental facilities corpo-
39 ration for a capital appropriation for \$29,600,000 authorized by chapter
40 55 of the laws of 2008 to the department of environmental conservation
41 for payment of a portion of the state's match for federal capitalization
42 grants for the water pollution control revolving loan fund, reimburse-
43 ment from the proceeds of notes or bonds issued by the urban development
44 corporation for a capital appropriation of \$141,000,000 authorized by
45 chapter 50 of the laws of 2008 to all state departments and agencies for
46 the purchase of equipment or systems development, reimbursement from the
47 proceeds of notes or bonds issued by the urban development corporation
48 for disbursements of up to \$45,500,000 from any capital appropriation or
49 reappropriation authorized by chapter 50 of the laws of 2008 to the
50 office of general services for various purposes, reimbursement from the
51 proceeds of notes or bonds issued by the environmental facilities corpo-
52 ration for a capital appropriation of \$13,500,000 authorized by chapter
53 55 of the laws of 2008 to the energy research and development authority
54 for the Western New York Nuclear Service Center at West Valley,
55 reimbursement from the proceeds of notes or bonds issued by the environ-
56 mental facilities corporation for a capital appropriation of \$10,000,000



1 authorized by chapter 55 of the laws of 2008 to the department of envi-
2 ronmental conservation for Onondaga lake, reimbursement from the
3 proceeds of notes or bonds issued by the environmental facilities corpo-
4 ration for disbursements of up to \$12,000,000 from any capital appropri-
5 ations or reappropriations authorized by chapter 55 of the laws of 2008
6 to the department of environmental conservation for environmental
7 purposes, reimbursement from the proceeds of notes or bonds issued by
8 the urban development corporation for capital disbursements of up to
9 \$3,000,000 from any capital appropriation or reappropriation authorized
10 by chapter 50 of the laws of 2008 to the division of military and naval
11 affairs for various purposes, reimbursement from the proceeds of notes
12 or bonds issued by the urban development corporation for a capital
13 appropriation of \$11,000,000 authorized by chapter 50 of the laws of
14 2008 to the office for technology for the costs of development of inter-
15 im data center facilities, reimbursement from the proceeds of notes or
16 bonds issued by the urban development corporation for a capital appro-
17 priation of \$10,000,000 authorized by chapter 50 of the laws of 2008 to
18 the office for technology for activities related to broadband service,
19 reimbursement from the proceeds of notes or bonds issued by the urban
20 development corporation for a capital appropriation of \$6,000,000
21 authorized by chapter 50 of the laws of 2008 to the division of state
22 police for rehabilitation of facilities, reimbursement from the proceeds
23 and notes or bonds issued by the Dormitory Authority of the State of New
24 York or other financing source for a capital appropriation authorized by
25 chapter 55 of the laws of 2008 for \$14,000,000 to the education depart-
26 ment for library construction, reimbursement from the proceeds and notes
27 or bonds issued by the Dormitory Authority of the State of New York or
28 other financing source for a capital appropriation authorized by chapter
29 55 of the laws of 2008 for \$12,585,000 to the education department for
30 state records center expansion, reimbursement from the proceeds and
31 notes or bonds issued by the Dormitory Authority of the State of New
32 York or other financing source for a capital appropriation authorized by
33 chapter 55 of the laws of 2008 for \$15,000,000 to the education depart-
34 ment for museum renewal project, reimbursement from the proceeds of
35 notes or bonds issued by the urban development corporation for capital
36 appropriation of \$50,000,000 authorized by chapter 53 of the laws of
37 2008 to the urban development corporation for services and expenses
38 related to the investment opportunity fund, reimbursement from the
39 proceeds of notes or bonds issued by the urban development corporation
40 for capital appropriation of \$30,000,000 authorized by chapter 53 of the
41 laws of 2008 to the urban development corporation for services and
42 expenses related to arts and cultural projects, reimbursement from the
43 proceeds of bonds or notes issued by the urban development corporation
44 for a capital appropriation of \$35,000,000 authorized by chapter 53 of
45 the laws of 2008 for economic and community development projects,
46 reimbursement from the proceeds of bonds or notes issued by the urban
47 development corporation for a capital appropriation of \$30,000,000
48 authorized by chapter 53 of the laws of 2008 for New York City water-
49 front development projects, reimbursement from the proceeds of bonds or
50 notes issued by the urban development corporation for a capital appro-
51 priation of \$45,000,000 authorized by chapter 53 of the laws of 2008 for
52 luther forest infrastructure projects, reimbursement from the proceeds
53 of notes or bonds issued by the urban development corporation for capi-
54 tal appropriation of \$35,000,000 authorized by chapter 53 of the laws of
55 2008 to the urban development corporation for services and expenses
56 related to downstate regional projects, reimbursement from the proceeds



1 of notes or bonds issued by the urban development corporation for capi-
2 tal appropriation of \$145,000,000 authorized by chapter 53 of the laws
3 of 2008 to the urban development corporation for services and expenses
4 related to upstate city-by-city projects, reimbursement from the
5 proceeds of notes or bonds issued by the urban development corporation
6 for capital appropriation of \$35,000,000 authorized by chapter 53 of the
7 laws of 2008 to the urban development corporation for services and
8 expenses related to the downstate revitalization projects, reimbursement
9 from the proceeds of notes or bonds issued by the urban development
10 corporation for capital appropriation of \$120,000,000 authorized by
11 chapter 53 of the laws of 2008 to the urban development corporation for
12 services and expenses related to the upstate regional blueprint fund,
13 reimbursement from the proceeds of notes or bonds issued by the urban
14 development corporation for capital appropriation of \$40,000,000 author-
15 ized by chapter 53 of the laws of 2008 to the urban development corpo-
16 ration for services and expenses related to the upstate agricultural
17 economic development fund, reimbursement from the proceeds of notes or
18 bonds issued by the urban development corporation for capital appropri-
19 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
20 the urban development corporation for services and expenses related to
21 the New York state capital assistance program, reimbursement from the
22 proceeds of notes or bonds issued by the urban development corporation
23 for capital appropriation of \$350,000,000 authorized by chapter 53 of
24 the laws of 2008 to the urban development corporation for services and
25 expenses related to the New York state economic development assistance
26 program, and reimbursement from the proceeds of notes or bonds issued by
27 the urban development corporation for capital appropriation of
28 \$20,000,000 authorized by chapter 55 of the laws of 2008 to the urban
29 development corporation for services and expenses related to the empire
30 state economic development fund.

31 § 31. Notwithstanding any other law, rule, or regulation to the
32 contrary, the comptroller is hereby authorized and directed to deposit
33 to the credit of the capital projects fund, reimbursement from the
34 proceeds of notes or bonds issued by the environmental facilities corpo-
35 ration for a capital appropriation for \$29,600,000 authorized by a chap-
36 ter of the laws of 2009 to the department of environmental conservation
37 for payment of a portion of the state's match for federal capitalization
38 grants for the water pollution control revolving loan fund, reimburse-
39 ment from the proceeds of notes or bonds issued by the urban development
40 corporation for a capital appropriation of \$129,800,000 authorized by a
41 chapter of the laws of 2009 to all state departments and agencies for
42 the purchase of equipment or systems development, reimbursement from the
43 proceeds of notes or bonds issued by the urban development corporation
44 for disbursements of up to \$24,000,000 from any capital appropriation or
45 reappropriation authorized by a chapter of the laws of 2009 to the
46 office of general services for various purposes, reimbursement from the
47 proceeds of notes or bonds issued by the environmental facilities corpo-
48 ration for a capital appropriation of \$13,500,000 authorized by a chap-
49 ter of the laws of 2009 to the energy research and development authority
50 for the Western New York Nuclear Service Center at West Valley,
51 reimbursement from the proceeds of notes or bonds issued by the environ-
52 mental facilities corporation for a capital appropriation of \$10,000,000
53 authorized by a chapter of the laws of 2009 to the department of envi-
54 ronmental conservation for Onondaga lake, reimbursement from the
55 proceeds of notes or bonds issued by the environmental facilities corpo-
56 ration for disbursements of up to \$12,000,000 from any capital appropri-



1 ations or reappropriations authorized by a chapter of the laws of 2009
2 to the department of environmental conservation for environmental
3 purposes, reimbursement from the proceeds of notes or bonds issued by
4 the urban development corporation for capital disbursements of up to
5 \$3,000,000 from any capital appropriation or reappropriation authorized
6 by a chapter of the laws of 2009 to the division of military and naval
7 affairs for various purposes, reimbursement from the proceeds of notes
8 or bonds issued by the urban development corporation for a capital
9 appropriation of \$6,000,000 authorized by a chapter of the laws of 2009
10 to the division of state police for rehabilitation of facilities,
11 reimbursement from the proceeds and notes or bonds issued by the Dormi-
12 tory Authority of the State of New York or other financing source for a
13 capital appropriation for \$14,000,000 to the State Education Department
14 for library construction, reimbursement from the proceeds and notes or
15 bonds issued by the Dormitory Authority of the State of New York or
16 other financing source for a capital appropriation for \$4,000,000 to the
17 State Education Department for rehabilitation associated with the St.
18 Regis Mohawk elementary school authorized by a chapter of the laws of
19 2009 and reimbursement from the proceeds of notes or bonds issued by the
20 urban development corporation for capital appropriation of \$25,000,000
21 authorized by a chapter of the laws of 2009 to the urban development
22 corporation for services and expenses related to the empire state
23 economic development fund.

24 § 32. Notwithstanding any other law, rule, or regulation to the
25 contrary, the comptroller is hereby authorized and directed to deposit
26 to the credit of the city university special revenue fund (377),
27 reimbursement from the proceeds of notes or bonds issued by the Dormito-
28 ry Authority of the State of New York for capital disbursements of up to
29 \$20,000,000 from any appropriation or reappropriation authorized by a
30 chapter of the laws of 2009 to the city university of New York for vari-
31 ous purposes.

32 § 33. Notwithstanding any other law, rule, or regulation to the
33 contrary, the state comptroller is hereby authorized and directed to use
34 any balance remaining in the mental health services fund debt service
35 appropriation, after payment by the state comptroller of all obligations
36 required pursuant to any lease, sublease, or other financing arrangement
37 between the dormitory authority of the state of New York as successor to
38 the New York state medical care facilities finance agency, and the
39 facilities development corporation pursuant to chapter 83 of the laws of
40 1995 and the department of mental hygiene for the purpose of making
41 payments to the dormitory authority of the state of New York for the
42 amount of the earnings for the investment of monies deposited in the
43 mental health services fund that such agency determines will or may have
44 to be rebated to the federal government pursuant to the provisions of
45 the internal revenue code of 1986, as amended, in order to enable such
46 agency to maintain the exemption from federal income taxation on the
47 interest paid to the holders of such agency's mental services facilities
48 improvement revenue bonds. On or before June 30, 2010, such agency shall
49 certify to the state comptroller its determination of the amounts
50 received in the mental health services fund as a result of the invest-
51 ment of monies deposited therein that will or may have to be rebated to
52 the federal government pursuant to the provisions of the internal reven-
53 ue code of 1986, as amended.

54 § 34. (1) Notwithstanding any other law, rule, or regulation to the
55 contrary, the state comptroller shall at the commencement of each month
56 certify to the director of the budget, the commissioner of environmental

1 conservation, the chair of the senate finance committee, and the chair
2 of the assembly ways and means committee the amounts disbursed from all
3 appropriations for hazardous waste site remediation disbursements for
4 the month preceding such certification.

5 (2) Notwithstanding any law to the contrary, prior to the issuance by
6 the comptroller of bonds authorized pursuant to subdivision a of section
7 4 of the environmental quality bond act of nineteen hundred eighty-six,
8 as enacted by chapter 511 of the laws of 1986, disbursements from all
9 appropriations for that purpose shall first be reimbursed from moneys
10 credited to the hazardous waste remedial fund, site investigation and
11 construction account, to the extent moneys are available in such
12 account. For purposes of determining moneys available in such account,
13 the commissioner of environmental conservation shall certify to the
14 comptroller the amounts required for administration of the hazardous
15 waste remedial program.

16 (3) The comptroller is hereby authorized and directed to transfer any
17 balance above the amounts certified by the commissioner of environmental
18 conservation to reimburse disbursements pursuant to all appropriations
19 from such site investigation and construction account; provided, howev-
20 er, that if such transfers are determined by the comptroller to be
21 insufficient to assure that interest paid to holders of state obli-
22 gations issued for hazardous waste purposes pursuant to the environ-
23 mental quality bond act of nineteen hundred eighty-six, as enacted by
24 chapter 511 of the laws of 1986, is exempt from federal income taxation,
25 the comptroller is hereby authorized and directed to transfer, from such
26 site investigation and construction account to the general fund, the
27 amount necessary to redeem bonds in an amount necessary to assure the
28 continuation of such tax exempt status. Prior to the making of any such
29 transfers, the comptroller shall notify the director of the budget of
30 the amount of such transfers.

31 § 35. Section 69-c of the state finance law, as amended by section 34
32 of part RR of chapter 57 of the laws of 2008, is amended to read as
33 follows:

34 § 69-c. Variable rate bonds. Notwithstanding any other provision of
35 law to the contrary, any State-supported debt may be issued as variable
36 rate bonds.

37 Notwithstanding any other provision of law to the contrary, for
38 purposes of calculating the present value of debt service and calculat-
39 ing savings in connection with the issuance of refunding indebtedness,
40 (i) the effective interest rate and debt service payable on variable
41 rate bonds in connection with which, and to the extent that, an author-
42 ized issuer has entered into an interest rate exchange or similar agree-
43 ment pursuant to which the authorized issuer makes payments based on a
44 fixed rate and receives payments based on a variable rate that is
45 reasonably expected by such authorized issuer to be equivalent over time
46 to the variable rate paid on the related variable rate bonds, shall be
47 calculated assuming that the rate of interest on such variable rate
48 bonds is the fixed rate payable by the authorized issuer on such inter-
49 est rate exchange or similar agreement for the scheduled term of such
50 agreement; (ii) the effective interest rate and debt service on variable
51 rate bonds in connection with which, and to the extent that, an author-
52 ized issuer has not entered into such an interest rate exchange or simi-
53 lar agreement shall be calculated assuming that interest on such vari-
54 able interest rate bonds is payable at a rate or rates reasonably
55 assumed by the authorized issuer; (iii) the effective interest rate and
56 debt service on any bonds subject to optional or mandatory tender shall

1 be a rate or rates reasonably assumed by the authorized issuer; [and]
2 (iv) any variable rate bonds that are converted or refunded to a fixed
3 rate, whether or not financed on an interim basis with bond anticipation
4 notes, shall be assumed to generate a present value savings; and (v)
5 otherwise, the effective interest rate and debt service on any bonds
6 shall be calculated at a rate or rates reasonably assumed by the author-
7 ized issuer. Notwithstanding any other provision of law to the contrary,
8 for calculating the present value of debt service and calculating
9 savings in connection with the issuance of refunding indebtedness, the
10 refunding of variable rate debt instruments with new variable rate debt
11 instruments shall be excluded from any such requirements, if effectuated
12 for sound business purposes.

13 § 36. Paragraph (c) of subdivision 19 of section 1680 of the public
14 authorities law, as amended by section 35 of part RR of chapter 57 of
15 the laws of 2008, is amended to read as follows:

16 (c) Subject to the provisions of chapter fifty-nine of the laws of two
17 thousand, the dormitory authority shall not issue any bonds for state
18 university educational facilities purposes if the principal amount of
19 bonds to be issued when added to the aggregate principal amount of bonds
20 issued by the dormitory authority on and after July first, nineteen
21 hundred eighty-eight for state university educational facilities will
22 exceed [eight] ten billion [five hundred eighty-three] eighty-nine
23 million dollars; provided, however, that bonds issued or to be issued
24 shall be excluded from such limitation if: (1) such bonds are issued to
25 refund state university construction bonds and state university
26 construction notes previously issued by the housing finance agency; or
27 (2) such bonds are issued to refund bonds of the authority or other
28 obligations issued for state university educational facilities purposes
29 and the present value of the aggregate debt service on the refunding
30 bonds does not exceed the present value of the aggregate debt service on
31 the bonds refunded thereby; provided, further that upon certification by
32 the director of the budget that the issuance of refunding bonds or other
33 obligations issued between April first, nineteen hundred ninety-two and
34 March thirty-first, nineteen hundred ninety-three will generate long
35 term economic benefits to the state, as assessed on a present value
36 basis, such issuance will be deemed to have met the present value test
37 noted above. For purposes of this subdivision, the present value of the
38 aggregate debt service of the refunding bonds and the aggregate debt
39 service of the bonds refunded, shall be calculated by utilizing the true
40 interest cost of the refunding bonds, which shall be that rate arrived
41 at by doubling the semi-annual interest rate (compounded semi-annually)
42 necessary to discount the debt service payments on the refunding bonds
43 from the payment dates thereof to the date of issue of the refunding
44 bonds to the purchase price of the refunding bonds, including interest
45 accrued thereon prior to the issuance thereof. The maturity of such
46 bonds, other than bonds issued to refund outstanding bonds, shall not
47 exceed the weighted average economic life, as certified by the state
48 university construction fund, of the facilities in connection with which
49 the bonds are issued, and in any case not later than the earlier of
50 thirty years or the expiration of the term of any lease, sublease or
51 other agreement relating thereto; provided that no note, including
52 renewals thereof, shall mature later than five years after the date of
53 issuance of such note. The legislature reserves the right to amend or
54 repeal such limit, and the state of New York, the dormitory authority,
55 the state university of New York, and the state university construction
56 fund are prohibited from covenanting or making any other agreements with



1 or for the benefit of bondholders which might in any way affect such
2 right.

3 § 37. Paragraph j of subdivision 2 of section 1680 of the public
4 authorities law, as amended by section 36 of part RR of chapter 57 of
5 the laws of 2008, is amended to read as follows:

6 j. Subject to the provisions of chapter fifty-nine of the laws of two
7 thousand, the maximum amount of bonds and notes to be issued after March
8 thirty-first, two thousand two for a housing unit for the use of
9 students at a state-operated institution or statutory or contract
10 college under the jurisdiction of the state university of New York shall
11 be one billion [one] two hundred [fifty] thirty million dollars. Such
12 amount shall be exclusive of bonds and notes issued to fund any reserve
13 fund or funds, costs of issuance, and to refund any outstanding bonds
14 and notes relating to a housing unit under the jurisdiction of the state
15 university of New York.

16 § 38. Subdivision 10-a of section 1680 of the public authorities law,
17 as amended by section 37 of part RR of chapter 57 of the laws of 2008,
18 is amended to read as follows:

19 10-a. Subject to the provisions of chapter fifty-nine of the laws of
20 two thousand, but notwithstanding any other provision of the law to the
21 contrary, the maximum amount of bonds and notes to be issued after March
22 thirty-first, two thousand two, on behalf of the state, in relation to
23 any locally sponsored community college, shall be [four] five hundred
24 [sixty-six] thirty-six million dollars. Such amount shall be exclusive
25 of bonds and notes issued to fund any reserve fund or funds, costs of
26 issuance and to refund any outstanding bonds and notes, issued on behalf
27 of the state, relating to a locally sponsored community college.

28 § 39. Paragraph (c) of subdivision 14 of section 1680 of the public
29 authorities law, as amended by section 38 of part RR of chapter 57 of
30 the laws of 2008, is amended to read as follows:

31 (c) Subject to the provisions of chapter fifty-nine of the laws of two
32 thousand, (i) the dormitory authority shall not deliver a series of
33 bonds for city university community college facilities, except to refund
34 or to be substituted for or in lieu of other bonds in relation to city
35 university community college facilities pursuant to a resolution of the
36 dormitory authority adopted before July first, nineteen hundred eighty-
37 five or any resolution supplemental thereto, if the principal amount of
38 bonds so to be issued when added to all principal amounts of bonds
39 previously issued by the dormitory authority for city university commu-
40 nity college facilities, except to refund or to be substituted in lieu
41 of other bonds in relation to city university community college facili-
42 ties will exceed the sum of four hundred twenty-five million dollars and
43 (ii) the dormitory authority shall not deliver a series of bonds issued
44 for city university facilities, including community college facilities,
45 pursuant to a resolution of the dormitory authority adopted on or after
46 July first, nineteen hundred eighty-five, except to refund or to be
47 substituted for or in lieu of other bonds in relation to city university
48 facilities and except for bonds issued pursuant to a resolution supple-
49 mental to a resolution of the dormitory authority adopted prior to July
50 first, nineteen hundred eighty-five, if the principal amount of bonds so
51 to be issued when added to the principal amount of bonds previously
52 issued pursuant to any such resolution, except bonds issued to refund or
53 to be substituted for or in lieu of other bonds in relation to city
54 university facilities, will exceed six billion [one] eight hundred
55 [eighteen] forty-three million two hundred thousand dollars. The legis-
56 lature reserves the right to amend or repeal such limit, and the state

1 of New York, the dormitory authority, the city university, and the fund
2 are prohibited from covenanting or making any other agreements with or
3 for the benefit of bondholders which might in any way affect such right.

4 § 40. Subdivision 1 of section 1689-i of the public authorities law,
5 as amended by section 39 of part RR of chapter 57 of the laws of 2008,
6 is amended to read as follows:

7 1. The dormitory authority is authorized to issue bonds, at the
8 request of the commissioner of education, to finance eligible library
9 construction projects pursuant to section two hundred seventy-three-a of
10 the education law, in amounts certified by such commissioner not to
11 exceed a total principal amount of [forty-two] fifty-six million
12 dollars.

13 § 41. Subdivision 1 of section 1680-m of the public authorities law,
14 as amended by section 40 of part RR of chapter 57 of the laws of 2008,
15 is amended to read as follows:

16 1. Notwithstanding the provisions of any other law to the contrary,
17 the authority and the urban development corporation are hereby author-
18 ized to issue bonds or notes in one or more series for the purpose of
19 funding project costs for construction and rehabilitation associated
20 with the cultural education facilities and the St. Regis Mohawk elemen-
21 tary school. The aggregate principal amount of bonds authorized to be
22 issued pursuant to this section shall not exceed [eighty-seven] ninety-
23 one million five hundred eighty-five thousand dollars, excluding bonds
24 issued to fund one or more debt service reserve funds, to pay costs of
25 issuance of such bonds, and bonds or notes issued to refund or otherwise
26 repay such bonds or notes previously issued. Such bonds and notes of the
27 authority and the urban development corporation shall not be a debt of
28 the state, and the state shall not be liable thereon, nor shall they be
29 payable out of any funds other than those appropriated by the state to
30 the authority for principal, interest, and related expenses pursuant to
31 a service contract and such bonds and notes shall contain on the face
32 thereof a statement to such effect. Except for purposes of complying
33 with the internal revenue code, any interest income earned on bond
34 proceeds shall only be used to pay debt service on such bonds.

35 § 42. Subdivision 3 of section 1285-p of the public authorities law,
36 as amended by section 41 of part RR of chapter 57 of the laws of 2008,
37 is amended to read as follows:

38 3. The maximum amount of bonds that may be issued for the purpose of
39 financing environmental infrastructure projects authorized by this
40 section shall be [six] seven hundred [ninety-eight] eighty-seven million
41 five hundred thousand dollars, exclusive of bonds issued to fund any
42 debt service reserve funds, pay costs of issuance of such bonds, and
43 bonds or notes issued to refund or otherwise repay bonds or notes previ-
44 ously issued. Such bonds and notes of the corporation shall not be a
45 debt of the state, and the state shall not be liable thereon, nor shall
46 they be payable out of any funds other than those appropriated by the
47 state to the corporation for debt service and related expenses pursuant
48 to any service contracts executed pursuant to subdivision one of this
49 section, and such bonds and notes shall contain on the face thereof a
50 statement to such effect.

51 § 43. Subdivision (a) of section 27 of part Y of chapter 61 of the
52 laws of 2005, providing for the administration of certain funds and
53 accounts related to the 2005-2006 budget, as amended by section 42 of
54 part RR of chapter 57 of the laws of 2008, is amended to read as
55 follows:

1 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
2 notwithstanding any provisions of law to the contrary, the urban devel-
3 opment corporation is hereby authorized to issue bonds or notes in one
4 or more series in an aggregate principal amount not to exceed
5 [\\$108,100,000] \\$114,100,000, excluding bonds issued to finance one or
6 more debt service reserve funds, to pay costs of issuance of such bonds,
7 and bonds or notes issued to refund or otherwise repay such bonds or
8 notes previously issued, for the purpose of financing capital projects
9 for division of state police facilities, debt service and leases; and to
10 reimburse the state general fund for disbursements made therefor. Such
11 bonds and notes of such authorized issuer shall not be a debt of the
12 state, and the state shall not be liable thereon, nor shall they be
13 payable out of any funds other than those appropriated by the state to
14 such authorized issuer for debt service and related expenses pursuant to
15 any service contract executed pursuant to subdivision (b) of this
16 section and such bonds and notes shall contain on the face thereof a
17 statement to such effect. Except for purposes of complying with the
18 internal revenue code, any interest income earned on bond proceeds shall
19 only be used to pay debt service on such bonds.

20 § 44. Subdivision (a) of section 48 of part K of chapter 81 of the
21 laws of 2002, providing for the administration of certain funds and
22 accounts related to the 2002-2003 budget, as amended by section 43 of
23 part RR of chapter 57 of the laws of 2008, is amended to read as
24 follows:

25 (a) Subject to the provisions of chapter 59 of the laws of 2000[,] but
26 notwithstanding the provisions of section 18 of the urban development
27 corporation act, the corporation is hereby authorized to issue bonds or
28 notes in one or more series in an aggregate principal amount not to
29 exceed \$25,000,000 excluding bonds issued to fund one or more debt
30 service reserve funds, to pay costs of issuance of such bonds, and bonds
31 or notes issued to refund or otherwise repay such bonds or notes previ-
32 ously issued, for the purpose of financing capital costs related to
33 homeland security for the division of state police, the division of
34 military and naval affairs, and any other state agency, including the
35 reimbursement of any disbursements made from the state capital projects
36 fund, and is hereby authorized to issue bonds or notes in one or more
37 series in an aggregate principal amount not to exceed [\\$128,800,000]
38 \\$155,800,000, excluding bonds issued to fund one or more debt service
39 reserve funds, to pay costs of issuance of such bonds, and bonds or
40 notes issued to refund or otherwise repay such bonds or notes previously
41 issued, for the purpose of financing improvements to State office build-
42 ings and other facilities located statewide, including the reimbursement
43 of any disbursements made from the state capital projects fund. Such
44 bonds and notes of the corporation shall not be a debt of the state, and
45 the state shall not be liable thereon, nor shall they be payable out of
46 any funds other than those appropriated by the state to the corporation
47 for debt service and related expenses pursuant to any service contracts
48 executed pursuant to subdivision (b) of this section, and such bonds and
49 notes shall contain on the face thereof a statement to such effect.

50 Except for purposes of complying with the internal revenue code, any
51 interest income earned on bond proceeds shall only be used to pay debt
52 service on such bonds.

53 § 45. Subdivision 4 of section 66-b of the state finance law, as
54 amended by section 44 of part RR of chapter 57 of the laws of 2008, is
55 amended to read as follows:

1 4. Subject to the provisions of chapter fifty-nine of the laws of two
2 thousand, but notwithstanding any other provisions of law to the contra-
3 ry, the maximum amount of certificates of participation or similar
4 instruments representing periodic payments due from the state of New
5 York, issued on behalf of state departments and agencies, the city
6 university of New York and any other state entity otherwise specified
7 after March thirty-first, two thousand three shall be [four] five
8 hundred [thirty-four] sixty-four million dollars. Such amount shall be
9 exclusive of certificates of participation or similar instruments issued
10 to fund a reserve fund or funds, costs of issuance and to refund
11 outstanding certificates of participation.

12 § 46. Subdivision 1 of section 16 of part D of chapter 389 of the laws
13 of 1997, providing for the financing of the correctional facilities
14 improvement fund and the youth facility improvement fund, as amended by
15 section 46 of part RR of chapter 57 of the laws of 2008, is amended to
16 read as follows:

17 1. Subject to the provisions of chapter 59 of the laws of 2000, but
18 notwithstanding the provisions of section 18 of section 1 of chapter 174
19 of the laws of 1968, the New York state urban development corporation is
20 hereby authorized to issue bonds, notes and other obligations in an
21 aggregate principal amount not to exceed five billion [five] eight
22 hundred [eleven] thirty-seven million [four] eight hundred thousand
23 dollars [\$5,511,400,000] \$5,837,800,000, and shall include all bonds,
24 notes and other obligations issued pursuant to chapter 56 of the laws of
25 1983, as amended or supplemented. The proceeds of such bonds, notes or
26 other obligations shall be paid to the state, for deposit in the correc-
27 tional facilities capital improvement fund to pay for all or any portion
28 of the amount or amounts paid by the state from appropriations or reap-
29 propriations made to the department of correctional services from the
30 correctional facilities capital improvement fund for capital projects.
31 The aggregate amount of bonds, notes or other obligations authorized to
32 be issued pursuant to this section shall exclude bonds, notes or other
33 obligations issued to refund or otherwise repay bonds, notes or other
34 obligations theretofore issued, the proceeds of which were paid to the
35 state for all or a portion of the amounts expended by the state from
36 appropriations or reappropriations made to the department of correction-
37 al services; provided, however, that upon any such refunding or repay-
38 ment the total aggregate principal amount of outstanding bonds, notes or
39 other obligations may be greater than five billion [five] eight hundred
40 [eleven] thirty-seven million [four] eight hundred thousand dollars
41 [\$5,511,400,000] \$5,837,800,000, only if the present value of the aggre-
42 gate debt service of the refunding or repayment bonds, notes or other
43 obligations to be issued shall not exceed the present value of the
44 aggregate debt service of the bonds, notes or other obligations so to be
45 refunded or repaid. For the purposes hereof, the present value of the
46 aggregate debt service of the refunding or repayment bonds, notes or
47 other obligations and of the aggregate debt service of the bonds, notes
48 or other obligations so refunded or repaid, shall be calculated by
49 utilizing the effective interest rate of the refunding or repayment
50 bonds, notes or other obligations, which shall be that rate arrived at
51 by doubling the semi-annual interest rate (compounded semi-annually)
52 necessary to discount the debt service payments on the refunding or
53 repayment bonds, notes or other obligations from the payment dates ther-
54 eof to the date of issue of the refunding or repayment bonds, notes or
55 other obligations and to the price bid including estimated accrued



1 interest or proceeds received by the corporation including estimated
2 accrued interest from the sale thereof.

3 § 47. Paragraph (a) of subdivision 2 of section 47-e of the private
4 housing finance law, as amended by section 47 of part RR of chapter 57
5 of the laws of 2008, is amended to read as follows:

6 (a) Subject to the provisions of chapter fifty-nine of the laws of two
7 thousand, in order to enhance and encourage the promotion of housing
8 programs and thereby achieve the stated purposes and objectives of such
9 housing programs, the agency shall have the power and is hereby author-
10 ized from time to time to issue negotiable housing program bonds and
11 notes in such principal amount as shall be necessary to provide suffi-
12 cient funds for the repayment of amounts disbursed (and not previously
13 reimbursed) pursuant to law or any prior year making capital appropri-
14 ations or reappropriations for the purposes of the housing program;
15 provided, however, that the agency may issue such bonds and notes in an
16 aggregate principal amount not exceeding two billion [two] four hundred
17 [ninety-one] twenty-seven million [nine] one hundred forty-one thousand
18 dollars, plus a principal amount of bonds issued to fund the debt
19 service reserve fund in accordance with the debt service reserve fund
20 requirement established by the agency and to fund any other reserves
21 that the agency reasonably deems necessary for the security or marketa-
22 bility of such bonds and to provide for the payment of fees and other
23 charges and expenses, including underwriters' discount, trustee and
24 rating agency fees, bond insurance, credit enhancement and liquidity
25 enhancement related to the issuance of such bonds and notes. No reserve
26 fund securing the housing program bonds shall be entitled or eligible to
27 receive state funds apportioned or appropriated to maintain or restore
28 such reserve fund at or to a particular level, except to the extent of
29 any deficiency resulting directly or indirectly from a failure of the
30 state to appropriate or pay the agreed amount under any of the contracts
31 provided for in subdivision four of this section.

32 § 48. The section heading and subdivision 1 of section 43 of section 1
33 of chapter 174 of the laws of 1968, constituting the New York state
34 urban development corporation act, as added by section 48 of part RR of
35 chapter 57 of the laws of 2008, are amended to read as follows:

36 2008 and 2009 Economic development initiatives. 1. Notwithstanding the
37 provisions of any other law to the contrary, the dormitory authority and
38 the corporation are hereby authorized to issue bonds or notes in one or
39 more series for the purpose of funding project costs for various econom-
40 ic development and regional initiatives, the upstate regional blueprint
41 fund, the downstate revitalization fund, the upstate agricultural
42 economic fund, the New York state capital assistance program, the New
43 York state economic development assistance program and other state costs
44 associated with such projects. The aggregate principal amount of bonds
45 authorized to be issued pursuant to this section shall not exceed one
46 billion [two] three hundred [eighty-five] ten million dollars, excluding
47 bonds issued to fund one or more debt service reserve funds, to pay
48 costs of issuance of such bonds, and bonds or notes issued to refund or
49 otherwise repay such bonds or notes previously issued. Such bonds and
50 notes of the dormitory authority and the corporation shall not be a debt
51 of the state, and the state shall not be liable thereon, nor shall they
52 be payable out of any funds other than those appropriated by the state
53 to the dormitory authority and the corporation for principal, interest,
54 and related expenses pursuant to a service contract and such bonds and
55 notes shall contain on the face thereof a statement to such effect.
56 Except for purposes of complying with the internal revenue code, any

1 interest income earned on bond proceeds shall only be used to pay debt
2 service on such bonds.

3 § 49. Subdivision (b) of section 11 of chapter 329 of the laws of
4 1991, amending the state finance law and other laws relating to the
5 establishment of the dedicated highway and bridge trust fund, as amended
6 by section 50 of part RR of chapter 57 of the laws of 2008, is amended
7 to read as follows:

8 (b) Any service contract or contracts for projects authorized pursuant
9 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
10 14-k of the transportation law, and entered into pursuant to subdivision
11 (a) of this section, shall provide for state commitments to provide
12 annually to the thruway authority a sum or sums, upon such terms and
13 conditions as shall be deemed appropriate by the director of the budget,
14 to fund, or fund the debt service requirements of any bonds or any obli-
15 gations of the thruway authority issued to fund such projects having a
16 cost not in excess of [\$5,806,200,000] \$5,746,300,000 cumulatively by
17 the end of fiscal year 2009-10.

18 § 50. Subdivision 8 of section 68-b of the state finance law, as added
19 by section 2 of part I of chapter 383 of the laws of 2001, is amended to
20 read as follows:

21 8. Revenue bonds may only be issued for authorized purposes, as
22 defined in section sixty-eight-a of this article. Notwithstanding the
23 foregoing, any authorized issuer may issue revenue bonds [in place of
24 (a) housing program bonds or notes as authorized by section forty-sev-
25 en-e of the private housing finance law, (b) bonds to finance the state
26 match for federal capitalization grants for the purpose of any state
27 revolving fund as authorized by paragraph (a) of subdivision one of
28 section twelve hundred ninety of the public authorities law and (c)
29 certificates of participation as authorized by article five-a of this
30 chapter] for any authorized purpose of any other such authorized issuer;
31 provided, however, that if an authorized issuer issues an amount of
32 revenue bonds for an authorized purpose of any other authorized issuer
33 which would otherwise require the approval of the public authorities
34 control board, such amount of revenue bonds shall be subject to the
35 approval of the public authorities control board pursuant to the
36 provisions of section fifty-one of the public authorities law. The
37 authorized issuers shall not issue any revenue bonds in an amount in
38 excess of statutory authorizations for such authorized purposes.
39 Authorizations for such authorized purposes shall be reduced in an
40 amount equal to the amount of revenue bonds issued for such authorized
41 purposes under this article. Such reduction shall not be made in
42 relation to revenue bonds issued to fund reserve funds, if any, and
43 costs of issuance, if these items are not counted under existing author-
44 izations, nor shall revenue bonds issued to refund bonds issued under
45 existing authorizations reduce the amount of such authorizations.

46 § 51. For purposes of sections twenty-one through thirty-one of this
47 act, the comptroller is also hereby authorized and directed to deposit
48 to the credit of any capital projects fund, reimbursement from the
49 proceeds of bonds and notes issued by any authorized issuer, as defined
50 by section 68-a of the state finance law, in the amounts and for the
51 purposes listed in such sections.

52 § 52. Section 49 of the private housing finance law is amended to read
53 as follows:

54 § 49. State's right to require redemption of bonds. Notwithstanding
55 and in addition to any provisions for the redemption of bonds which may
56 be contained in any contract with the holders of the bonds, the state

1 may, upon furnishing sufficient funds therefor, require the agency to
2 redeem, prior to maturity, as a whole, any issue of bonds on any inter-
3 est payment date not less than twenty years after the date of the bonds
4 of such issue at one hundred five per centum of their face value and
5 accrued interest or at such lower redemption price as may be provided in
6 the bonds in case of the redemption thereof as a whole on the redemption
7 date. Notice of such redemption shall be published in at least two news-
8 papers publishing and circulating respectively in the cities of Albany
9 and New York at least twice, the first publication to be at least thirty
10 days before the date of redemption. The provisions of this section
11 relating to the state's right to require redemption of bonds, shall not
12 apply to state-supported debt, as defined in section sixty-seven-a of
13 the state finance law, issued by the agency. Such agency bonds shall
14 remain subject to redemption pursuant to any contract with the holders
15 of such bonds.

16 § 53. Section 25 of section 1 of chapter 174 of the laws of 1968,
17 constituting the New York state urban development corporation act, is
18 amended to read as follows:

19 § 25. State's right to require redemption of bonds. Notwithstanding
20 and in addition to any provisions for the redemption of bonds which may
21 be contained in any contract with the holders of the bonds, the state
22 may, upon furnishing sufficient funds therefor, require the corporation
23 to redeem, prior to maturity, as a whole, any issue of bonds on any
24 interest payment date not less than twenty years after the date of the
25 bonds of such issue at one hundred five per centum of their face value
26 and accrued interest or at such lower redemption price as may be
27 provided in the bonds in case of the redemption thereof as a whole on
28 the redemption date. Notice of such redemption shall be published at
29 least twice in at least two newspapers publishing and circulating
30 respectively in the cities of Albany and New York, the first publication
31 to be at least thirty days before the date of redemption. The provisions
32 of this section relating to the state's right to require redemption of
33 bonds shall not apply to state-supported debt, as defined by section
34 67-a of the state finance law, issued by the corporation. Such corpo-
35 ration bonds shall remain subject to redemption pursuant to any contract
36 with the holders of such bonds.

37 § 54. Section 367 of the public authorities law, as amended by chapter
38 244 of the laws of 1953, is amended to read as follows:

39 § 367. State's right to require redemption of bonds. Notwithstanding
40 and in addition to any provisions for the redemption of bonds which may
41 be contained in any contract with the holders of the bonds, the state
42 may, upon furnishing sufficient funds therefor, require the authority to
43 redeem, prior to maturity, as a whole, any issue of bonds on any inter-
44 est payment date not less than fifteen years after the date of the bonds
45 of such issue at one hundred four per centum of their face value and
46 accrued interest or at such lower redemption price as may be provided in
47 the bonds in case of the redemption thereof as a whole on the redemption
48 date. Notice of such redemption shall be published in at least two news-
49 papers published and circulating respectively in the cities of Albany
50 and New York at least twice, the first publication to be at least thirty
51 days before the date of redemption. The provisions of this section
52 relating to the state's right to require redemption of bonds, shall not
53 apply to state-supported debt, as defined by section sixty-seven-a of
54 the state finance law, issued by the authority. Such authority bonds
55 shall remain subject to redemption pursuant to any contract with the
56 holders of such bonds.

1 § 55. Section 1293 of the public authorities law, as amended by chap-
2 ter 744 of the laws of 1970, is amended to read as follows:

3 § 1293. Right of state to require redemption of bonds. Notwithstanding
4 and in addition to any provisions for the redemption of bonds which may
5 be contained in any contract with the holders of the bonds, the state
6 may, upon furnishing sufficient funds therefor, require the corporation
7 to redeem, prior to maturity, as a whole, any issue of bonds on any
8 interest payment date not less than twenty years after the date of the
9 bonds of such issue at one hundred five per centum of their face value
10 and accrued interest or at such lower redemption price as may be
11 provided in the bonds in case of the redemption thereof as a whole on
12 the redemption date. Notice of such redemption shall be published in at
13 least two newspapers publishing and circulating respectively in the
14 cities of Albany and New York at least twice, the first publication to
15 be at least thirty days before the date of redemption. The provisions
16 of this section relating to the state's right to require redemption of
17 bonds shall not apply to state-supported debt, as defined by section
18 sixty-seven-a of the state finance law, issued by the corporation. Such
19 corporation bonds shall remain subject to redemption pursuant to any
20 contract with the holders of such bonds.

21 § 56. Section 92-dd of the state finance law is amended by adding a
22 new subdivision (j) to read as follows:

23 (j) The state comptroller shall transfer from the HCRA resources fund
24 to the general debt service fund, revenue bond tax fund (311.02) amounts
25 equal to the debt service paid for bonds, notes, or other obligations
26 issued to finance the HEAL NY capital grant program authorized pursuant
27 to section sixteen hundred eighty-j of the public authorities law.

28 § 57. This act shall take effect immediately and shall be deemed to
29 have been in full force and effect on and after March 1, 2009; provided,
30 however, that sections one, two, three and twenty-one through thirty-one
31 of this act shall expire March 31, 2010, when, upon such date, the
32 provisions of such sections shall be deemed repealed; provided, however
33 that the amendments to subdivision 5 of section 97-rrr of the state
34 finance law made by section thirteen of this act shall not affect the
35 expiration and reversion of such subdivision and shall expire and be
36 deemed repealed therewith; and provided, further that amendments to
37 section 69-c of the state finance law, made by section thirty-five of
38 this act, shall not affect the expiration and reversion of such section
39 and shall expire therewith.

40 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
41 sion, section or part of this act shall be adjudged by any court of
42 competent jurisdiction to be invalid, such judgment shall not affect,
43 impair, or invalidate the remainder thereof, but shall be confined in
44 its operation to the clause, sentence, paragraph, subdivision, section
45 or part thereof directly involved in the controversy in which such judg-
46 ment shall have been rendered. It is hereby declared to be the intent of
47 the legislature that this act would have been enacted even if such
48 invalid provisions had not been included herein.

49 § 3. This act shall take effect immediately provided, however, that
50 the applicable effective date of Parts A through PP of this act shall be
51 as specifically set forth in the last section of such Parts.