

S T A T E O F N E W Y O R K

S. 6255--D

A. 9055--D

S E N A T E - A S S E M B L Y

January 17, 2012

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

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

AN ACT to amend the executive law, in relation to DNA testing of certain offenders convicted of a crime and to amend chapter 19 of the laws of 2012 amending the criminal procedure law and the executive law relating to the DNA testing of certain offenders convicted of a crime, in relation to the effectiveness thereof (Part A); to repeal section 396-ff of the general business law, relating to the pistol and revolver ballistic identification databank (Part B); to amend the vehicle and traffic law, in relation to the administration of traffic infractions (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the executive law, in relation to disaster preparedness (Part G); intentionally omitted (Part H); to amend the civil service law, in relation to the reimbursement of medicare premium charges for employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public

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

LBD12670-06-2

organizations of the state (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the state finance law, in relation to the exemption of centralized contracts from audit prior to finalization, the ability to designate an agency contract as a state-wide contract, the expansion of state contract rights for local governments and non-profit organizations, amending the definition of best value for procurement and in relation to modifications of contracts by not-for-profit corporations; to amend the general municipal law, in relation to expanding contract use rights for local governments; to amend the economic development law, in relation to the procurement opportunities newsletter; to amend the New York state printing and public documents law, the state finance law, the not-for-profit corporation law, the education law and the general municipal law, in relation to the procurement of department printing; to amend chapter 741 of the laws of 1985 relating to authorizing certain organizations to purchase commodities under contracts let by the state office of general services, in relation to purchases by charitable organizations; to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to the effectiveness of certain provisions thereof; and to repeal sections 6 and 7 of the New York state printing and public documents law, relating to department printing (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend the state technology law, the civil service law, the executive law, the state finance law, the tax law, and the county law, in relation to renaming the office for technology the office of information technology services (Part O); intentionally omitted (Part P); in relation to paying the metropolitan transportation authority the costs associated with reimbursements for E-ZPass tolls paid by the residents of Broad Channel and the Rockaway Peninsula for travel over the Cross Bay Veterans Memorial Bridge (Part Q); to amend the workers' compensation law, in relation to the collection of assessments for annual expenses (Part R); to amend the legislative law, in relation to extending the expiration of payments to members of the assembly serving in a special capacity; and to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part S); to amend the correction law, in relation to authorizing the transfer of certain facility parole officers to open positions as the parole officer or senior parole officer title; and providing for the repeal of such provisions upon expiration thereof (Part T); to amend the correction law, in relation to expanding the scope of the annual report by the department of corrections to the legislature concerning the staffing and facilities of state correctional facilities (Part U); to amend the social services law, the family court act, the penal law and the criminal procedure law, in relation to the education reform program; and to amend chapter 535 of the laws of 2011, amending the social services law and other laws relating to creating an education reform program, in relation to the effectiveness thereof (Part V); to amend the state finance law and the county law, in relation to support for the public defense backup center and additional state aid tied to the salary of the district attorney of each county and the calculation thereof; and providing for the repeal of such provisions upon expiration thereof (Part W); and to amend the tax law, in relation to the public safety communications surcharge (Part X)

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 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through X. 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 a 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. Subparagraph (iii) of paragraph (b) of subdivision 3 of
14 section 995-c of the executive law, as added by chapter 19 of the laws
15 of 2012, is amended to read as follows:

16 (iii) In the case of a designated offender whose sentence does not
17 include either a term of imprisonment or a term of probation, outside of
18 the city of New York, the court shall order that A COURT OFFICER TAKE A
19 SAMPLE OR THAT the designated offender report to an office of the sher-
20 iff of that county, and when the designated offender does so, such
21 sample shall be collected by the sheriff's office [or a court officer].
22 Within the city of New York, the court shall order that the sample be
23 collected by a court officer.

24 S 2. Section 9 of chapter 19 of the laws of 2012 amending the criminal
25 procedure law and the executive law relating to the DNA testing of
26 certain offenders convicted of a crime is amended to read as follows:

27 S 9. This act shall take effect [October] AUGUST 1, 2012; provided,
28 however, that the amendments to subdivision 7 of section 995 of the
29 executive law made by section five of this act shall apply to conviction
30 of designated offenses, and subparagraph two of paragraph (a) of subdi-
31 vision 1-a of section 440.30 of the criminal procedure law as added by
32 section two of this act shall apply to a guilty plea entered, on or
33 after such effective date.

34 S 3. This act shall take effect immediately; provided, however that
35 section one of this act shall take effect on the same date as section 6
36 of chapter 19 of the laws of 2012 takes effect.

37 PART B

38 Section 1. Section 396-ff of the general business law is REPEALED.

39 S 2. This act shall take effect immediately.

40 PART C

41 Section 1. Section 1806 of the vehicle and traffic law, as amended by
42 section 1 of part TT of chapter 56 of the laws of 2009, is amended to
43 read as follows:

44 S 1806. Plea of not guilty by a defendant charged with a traffic
45 infraction. In addition to appearing personally to enter a plea of not
46 guilty to a violation of any provision of the tax law or the transporta-
47 tion law regulating traffic, or to a traffic infraction for the

1 violation of any of the provisions of the vehicle and traffic law or of
2 any local law, ordinance, order, rule or regulation relating to the
3 operation of motor vehicles or motorcycles, a defendant may enter a plea
4 of not guilty by mailing to the court of appropriate jurisdiction the
5 ticket making the charge and a signed statement indicating such plea.
6 Such plea must be sent: (a) by registered or certified mail, return
7 receipt requested or by first class mail; and (b) within forty-eight
8 hours after receiving such ticket. Upon receipt of such ticket and
9 statement, the court shall advise the violator, BY FIRST CLASS MAIL, of
10 an appearance AT WHICH NO TESTIMONY SHALL BE TAKEN. IF THE MOTORIST
11 REQUESTS A TRIAL, THE COURT SHALL SET A TRIAL DATE ON A DATE SUBSEQUENT
12 TO THE DATE OF THE INITIAL APPEARANCE AND SHALL NOTIFY THE DEFENDANT OF
13 THE date by first class mail but no warrant of arrest for failure to
14 appear can be issued until the violator is notified of a new court
15 appearance date by registered or certified mail, return receipt
16 requested, and fails to appear.

17 S 2. This act shall take effect immediately.

18 PART D

19 Intentionally omitted

20 PART E

21 Intentionally Omitted

22 PART F

23 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
24 relating to the disposition of monies recovered by county district
25 attorneys before the filing of an accusatory instrument, as amended by
26 section 1 of part B of chapter 57 of the laws of 2011, is amended to
27 read as follows:

28 S 2. This act shall take effect immediately and shall remain in full
29 force and effect until March 31, [2012] 2013, when it shall expire and
30 be deemed repealed.

31 S 2. This act shall take effect immediately and shall be deemed to
32 have been in full force and effect on and after March 31, 2012.

33 PART G

34 Section 1. Subdivision 2 of section 20 of the executive law is amended
35 by adding three new paragraphs i, j and k to read as follows:

36 I. "INCIDENT MANAGEMENT TEAM" MEANS A STATE CERTIFIED TEAM OF TRAINED
37 PERSONNEL FROM DIFFERENT DEPARTMENTS, ORGANIZATIONS, AGENCIES, AND
38 JURISDICTIONS WITHIN THE STATE, OR A REGION OF THE STATE, ACTIVATED TO
39 SUPPORT AND MANAGE MAJOR AND/OR COMPLEX INCIDENTS REQUIRING A SIGNIF-
40 ICANT NUMBER OF LOCAL, REGIONAL, AND STATE RESOURCES.

41 J. "EXECUTIVE LEVEL OFFICER" MEANS A STATE AGENCY OFFICER WITH THE
42 AUTHORITY TO DEPLOY AGENCY ASSETS AND RESOURCES AND MAKE DECISIONS BIND-
43 ING A STATE AGENCY.

44 K. "THIRD PARTY NON-STATE RESOURCES" MEANS ANY CONTRACTED RESOURCE
45 THAT IS NOT OWNED OR CONTROLLED BY THE STATE OR A POLITICAL SUBDIVISION
46 INCLUDING, BUT NOT LIMITED TO, AMBULANCES, CONSTRUCTION CREWS, OR
47 CONTRACTORS.

1 S 2. Subdivision 1 of section 21 of the executive law, as amended by
2 section 93 of subpart B of part C of chapter 62 of the laws of 2011, is
3 amended to read as follows:

4 1. There is hereby created in the executive department a disaster
5 preparedness commission consisting of the commissioners of transporta-
6 tion, health, division of criminal justice services, education, [social
7 services,] economic development, agriculture and markets, housing and
8 community renewal, general services, labor, environmental conservation,
9 mental health, parks, recreation and historic preservation, corrections
10 and community supervision [and], children and family services, HOMELAND
11 SECURITY AND EMERGENCY SERVICES, AND PEOPLE WITH DEVELOPMENTAL DISABILI-
12 TIES, the president of the New York state energy research and develop-
13 ment authority, the superintendents of state police[, insurance, bank-
14 ing,] AND FINANCIAL SERVICES, the secretary of state, the state fire
15 administrator, the chair of the public service commission, the adjutant
16 general, [the directors of the offices within the division of homeland
17 security and emergency services,] the office for technology, and the
18 office of victim services, the chairs of the thruway authority, the
19 metropolitan transportation authority, the port authority of New York
20 and New Jersey, the chief professional officer of the state coordinating
21 chapter of the American Red Cross and three additional members, to be
22 appointed by the governor, two of whom shall be chief executives. Each
23 member agency may designate an EXECUTIVE LEVEL officer of that agency,
24 with responsibility for disaster preparedness matters, who may represent
25 that agency on the commission. The commissioner of the division of home-
26 land security and emergency services shall serve as chair of the commis-
27 sion, and the governor shall designate the vice chair of the commission.
28 The members of the commission, except those who serve ex officio, shall
29 be allowed their actual and necessary expenses incurred in the perform-
30 ance of their duties under this article but shall receive no additional
31 compensation for services rendered pursuant to this article.

32 S 3. Paragraph f of subdivision 3 of section 21 of the executive law,
33 as amended by section 2 of part B of chapter 56 of the laws of 2010, is
34 amended to read as follows:

35 f. (1) unless it deems it unnecessary, create, following the declara-
36 tion of a state disaster emergency, a temporary organization in the
37 disaster area to provide for integration and coordination of efforts
38 among the various federal, state, municipal and private agencies
39 involved. THE COMMISSION, UPON A REQUEST FROM A MUNICIPALITY AND WITH
40 THE APPROVAL OF THE GOVERNOR, SHALL DIRECT THE TEMPORARY ORGANIZATION TO
41 ASSUME DIRECTION OF THE LOCAL DISASTER OPERATIONS OF SUCH MUNICIPALITY,
42 FOR A SPECIFIED PERIOD OF TIME NOT TO EXCEED THIRTY DAYS, AND IN SUCH
43 CASES SUCH TEMPORARY ORGANIZATION SHALL ASSUME DIRECTION OF SUCH LOCAL
44 DISASTER OPERATIONS, SUBJECT TO THE SUPERVISION OF THE COMMISSION. UPON
45 THE EXPIRATION OF THE THIRTY DAY PERIOD THE COMMISSION, AT THE REQUEST
46 OF THE MUNICIPALITY, MAY EXTEND THE TEMPORARY ORGANIZATION'S DIRECTION
47 OF SUCH LOCAL DISASTER OPERATIONS FOR ADDITIONAL PERIODS NOT TO EXCEED
48 THIRTY DAYS. The commission, upon a finding that a municipality is
49 unable to manage local disaster operations, may, with the approval of
50 the governor, direct the temporary organization to assume direction of
51 the local disaster operations of such municipality, for a specified
52 period of time NOT TO EXCEED THIRTY DAYS, and in such cases such tempo-
53 rary organization shall assume direction of such local disaster oper-
54 ations, subject to the supervision of the commission. UPON EXPIRATION
55 OF THE THIRTY DAY PERIOD THE COMMISSION, AFTER CONSULTATION WITH THE
56 MUNICIPALITY, AND WITH THE APPROVAL OF THE GOVERNOR, MAY EXTEND THE

1 TEMPORARY ORGANIZATION'S DIRECTION OF SUCH LOCAL DISASTER OPERATIONS FOR
2 ADDITIONAL PERIODS NOT TO EXCEED THIRTY DAYS. In such event, such tempo-
3 rary organization may utilize such municipality's local resources,
4 provided, however, that the state shall not be liable for any expenses
5 incurred in using such municipality's resources. THE STATE SHALL NOT BE
6 LIABLE FOR THE EXPENSES INCURRED IN USING THIRD PARTY, NON-STATE
7 RESOURCES DEPLOYED TO THE AFFECTED AREA BY THE TEMPORARY ORGANIZATION,
8 WHICH ARE NECESSARY TO PROTECT LIFE AND SAFETY;

9 (2) THE STATE INCIDENT MANAGEMENT TEAM SHALL HAVE THE AUTHORITY TO ACT
10 AS THE OPERATIONAL ARM OF THE TEMPORARY ORGANIZATION. WHEN CALLED TO
11 DUTY AND DEPLOYED BY THE STATE, MEMBERS OF ANY STATE OR LOCAL INCIDENT
12 MANAGEMENT TEAM SHALL BE DEEMED TEMPORARY EMPLOYEES OF THE STATE AND
13 SHALL HAVE THE SAME PRIVILEGES AND IMMUNITIES AFFORDED TO REGULAR STATE
14 EMPLOYEES, SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE PRES-
15 IDENT OF THE STATE CIVIL SERVICE COMMISSION PURSUANT TO SECTION ONE
16 HUNDRED SIXTY-THREE OF THE CIVIL SERVICE LAW;

17 S 4. Subdivision 5 of section 21 of the executive law, as added by
18 section 2 of part B of chapter 56 of the laws of 2010, is amended to
19 read as follows:

20 5. The STATE office of emergency management within the division of
21 homeland security and emergency services shall serve as the [staff]
22 OPERATIONAL arm of the commission and shall be responsible for imple-
23 menting provisions of this article and the rules and policies adopted by
24 the commission. THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGE-
25 MENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
26 SHALL EXERCISE THE AUTHORITY GIVEN TO THE DISASTER PREPAREDNESS COMMIS-
27 SION IN SECTION TWENTY-NINE OF THIS ARTICLE, TO COORDINATE AND DIRECT
28 STATE AGENCIES AND ASSETS IN RESPONSE TO A STATE DISASTER EMERGENCY,
29 THROUGH THEIR RESPECTIVE AGENCY HEADS, ON BEHALF OF THE GOVERNOR AND THE
30 CHAIR OF THE DISASTER PREPAREDNESS COMMISSION, WHEN THE GOVERNOR, THE
31 LIEUTENANT GOVERNOR, AND THE CHAIR OF THE DISASTER PREPAREDNESS COMMIS-
32 SION ARE INCAPACITATED OR WITHOUT AN AVAILABLE MEANS OF RELIABLE COMMU-
33 NICATION WITH THE STATE OFFICE OF EMERGENCY MANAGEMENT. IF THE DIRECTOR
34 OF THE STATE OFFICE OF EMERGENCY MANAGEMENT IS UNABLE TO EXERCISE THIS
35 AUTHORITY, THEN THE EXECUTIVE DEPUTY COMMISSIONER OF THE DIVISION OF
36 HOMELAND SECURITY AND EMERGENCY SERVICES SHALL ACT IN THIS CAPACITY. IN
37 THE EVENT THAT THE EXECUTIVE DEPUTY COMMISSIONER IS UNABLE TO EXERCISE
38 THIS AUTHORITY, THEN SUCH AUTHORITY SHALL BE EXERCISED BY THE OFFICIAL
39 WILLING AND ABLE TO DO SO IN THE FOLLOWING ORDER: THE SUPERINTENDENT OF
40 THE DIVISION OF STATE POLICE; THE STATE FIRE ADMINISTRATOR; OR THE
41 DIRECTOR OF THE OFFICE OF COUNTERTERRORISM WITHIN THE DIVISION OF HOME-
42 LAND SECURITY AND EMERGENCY SERVICES. NOTHING IN THIS SUBDIVISION SHALL
43 BE CONSTRUED TO LIMIT THE AUTHORITY OF THE GOVERNOR, LIEUTENANT GOVER-
44 NOR, OR THE CHAIR OF THE DISASTER PREPAREDNESS COMMISSION TO OVERSEE THE
45 DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT WITHIN THE DIVISION
46 OF HOMELAND SECURITY AND EMERGENCY SERVICES OR ANY OFFICIAL EXERCISING
47 AUTHORITY GIVEN TO THE DISASTER PREPAREDNESS COMMISSION IN SECTION TWEN-
48 TY-NINE OF THIS ARTICLE.

49 S 5. The opening paragraph and paragraph f of subdivision 1 of section
50 24 of the executive law, the opening paragraph as amended by chapter 158
51 of the laws of 1994 and paragraph f of subdivision 1 as amended by
52 section 5 of part B of chapter 56 of the laws of 2010, are amended to
53 read as follows:

54 Notwithstanding any inconsistent provision of law, general or special,
55 in the event of a disaster, rioting, catastrophe, or similar public
56 emergency within the territorial limits of any county, city, town or

1 village, or in the event of reasonable apprehension of immediate danger
2 thereof, and upon a finding by the chief executive thereof that the
3 public safety is imperiled thereby, such chief executive may proclaim a
4 local state of emergency within any part or all of the territorial
5 limits of such local government; provided, however, that in the event of
6 a radiological accident as defined in section twenty-nine-c of this
7 article, such chief executive may request of the governor a declaration
8 of disaster emergency. SUCH PROCLAMATION SHALL REMAIN IN EFFECT FOR A
9 PERIOD NOT TO EXCEED THIRTY DAYS OR UNTIL RESCINDED BY THE CHIEF EXECU-
10 TIVE, WHICHEVER OCCURS FIRST. THE CHIEF EXECUTIVE MAY ISSUE ADDITIONAL
11 PROCLAMATIONS TO EXTEND THE STATE OF EMERGENCY FOR ADDITIONAL PERIODS
12 NOT TO EXCEED THIRTY DAYS. Following such proclamation and during the
13 continuance of such local state of emergency, the chief executive may
14 promulgate local emergency orders to protect life and property or to
15 bring the emergency situation under control. As illustration, such
16 orders may, within any part or all of the territorial limits of such
17 local government, provide for:

18 f. the establishment or designation of emergency shelters, emergency
19 medical shelters, and in consultation with the state commissioner of
20 health, [alternate medical care sites] COMMUNITY BASED CARE CENTERS;

21 S 6. Subdivision 3 of section 24 of the executive law, as added by
22 chapter 640 of the laws of 1978, is amended to read as follows:

23 3. The PROCLAMATION OF A LOCAL STATE OF EMERGENCY AND local emergency
24 orders of a chief executive of a county shall be executed in [triplic-
25 cate] QUADRUPLICATE and shall be filed within seventy-two hours or as
26 soon thereafter as practicable in the office of the clerk of the govern-
27 ing board of the county, the office of the county clerk [and], the
28 office of the secretary of state AND THE STATE OFFICE OF EMERGENCY
29 MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
30 SERVICES. The PROCLAMATION OF A LOCAL STATE OF EMERGENCY AND local emer-
31 gency orders of a chief executive of a city, town or village shall be
32 executed in [triplicate] QUADRUPLICATE and shall be filed within seven-
33 ty-two hours or as soon thereafter as practicable in the office of the
34 clerk of such municipal corporation, the office of the county clerk
35 [and], the office of the secretary of state AND THE STATE OFFICE OF
36 EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMER-
37 GENCY SERVICES.

38 S 7. Subdivision 1 of section 29-a of the executive law, as added by
39 chapter 640 of the laws of 1978, is amended to read as follows:

40 1. Subject to the state constitution, the federal constitution and
41 federal statutes and regulations, [and after seeking the advice of the
42 commission,] the governor may by executive order temporarily suspend
43 specific provisions of any statute, local law, ordinance, or orders,
44 rules or regulations, or parts thereof, of any agency during a state
45 disaster emergency, if compliance with such provisions would prevent,
46 hinder, or delay action necessary to cope with the disaster.

47 S 8. Paragraph c of subdivision 2 of section 29-h of the executive
48 law, as added by section 10-a of part B of chapter 56 of the laws of
49 2010, is amended to read as follows:

50 c. "Local emergency management [officer] DIRECTOR" means the local
51 government official responsible for emergency preparedness, response and
52 recovery;

53 S 9. Paragraph a of subdivision 6 of section 29-h of the executive
54 law, as added by section 10-a of part B of chapter 56 of the laws of
55 2010, is amended to read as follows:

1 a. A participating local government may request assistance of other
2 participating local governments in preventing, mitigating, responding to
3 and recovering from disasters that result in locally-declared emergen-
4 cies, or for the purpose of conducting multi-jurisdictional or regional
5 training, drills or exercises. Requests for assistance may be made
6 verbally or in writing; verbal requests shall be memorialized in writing
7 as soon thereafter as is practicable. NOTWITHSTANDING THE PROVISIONS OF
8 SECTION TWENTY-FIVE OF THIS ARTICLE, THE LOCAL EMERGENCY MANAGEMENT
9 DIRECTOR SHALL HAVE THE AUTHORITY TO REQUEST AND ACCEPT ASSISTANCE AND
10 DEPLOY THE LOCAL RESOURCES OF HIS OR HER JURISDICTION UNDER THE INTRA-
11 STATE MUTUAL AID PROGRAM.

12 S 10. Paragraph b of subdivision 8 of section 29-h of the executive
13 law is relettered paragraph e and three new paragraphs b, c and d are
14 added to read as follows:

15 B. NOTWITHSTANDING THE PROVISIONS OF SECTION TWENTY-FIVE OF THIS ARTI-
16 CLE OR ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY, ANY REQUESTING
17 LOCAL GOVERNMENT REQUESTING ASSISTANCE UNDER THIS PROGRAM SHALL BE
18 LIABLE AND RESPONSIBLE TO THE ASSISTING LOCAL GOVERNMENT FOR ANY LOSS OR
19 DAMAGE TO EQUIPMENT OR SUPPLIES AND SHALL BEAR AND PAY THE EXPENSE
20 INCURRED IN THE OPERATION AND MAINTENANCE OF ANY EQUIPMENT AND THE COST
21 OF MATERIALS AND SUPPLIES USED IN RENDERING ASSISTANCE UNDER THIS
22 SECTION.

23 C. THE ASSISTING LOCAL GOVERNMENT SHALL BE LIABLE FOR SALARIES OR
24 OTHER COMPENSATION FOR ITS EMPLOYEES DEPLOYED TO A REQUESTING LOCAL
25 GOVERNMENT DURING THE TIME THEY ARE NOT RENDERING ASSISTANCE PURSUANT TO
26 SUCH REQUEST, AND SHALL DEFRAY THE ACTUAL TRAVELING AND MAINTENANCE
27 EXPENSE OF ITS EMPLOYEES AND EQUIPMENT WHILE THEY ARE RENDERING ASSIST-
28 ANCE UNDER THIS SECTION. THE REQUESTING LOCAL GOVERNMENT SHALL REIMBURSE
29 THE ASSISTING LOCAL GOVERNMENT FOR ANY MONEYS PAID FOR SUCH SALARIES OR
30 OTHER COMPENSATION AND TRAVELING AND MAINTENANCE EXPENSES INCURRED FROM
31 ACTIVITIES PERFORMED WHILE RENDERING ASSISTANCE UNDER THIS PROGRAM.

32 D. NOTWITHSTANDING PARAGRAPH C OF THIS SUBDIVISION, ANY VOLUNTARY
33 AMBULANCE SERVICE RENDERED PURSUANT TO A REQUEST FOR ASSISTANCE UNDER
34 THIS PROGRAM THAT AFFECTS A VOLUNTEER AMBULANCE WORKERS SERVICE AWARD OR
35 SUPPLEMENTAL SERVICE AWARD FROM A SERVICE AWARD PROGRAM OR A SUPPLE-
36 MENTAL SERVICE AWARD PROGRAM ESTABLISHED PURSUANT TO ARTICLE ELEVEN-AA,
37 ARTICLE ELEVEN-AAA, OR ARTICLE ELEVEN-AAAA OF THE GENERAL MUNICIPAL LAW
38 SHALL BE THE RESPONSIBILITY OF THE POLITICAL SUBDIVISION WHICH ADOPTED
39 THE SERVICE AWARD PROGRAM OR SUPPLEMENTAL SERVICE AWARD PROGRAM AND NOT
40 THE RESPONSIBILITY OF THE REQUESTING LOCAL GOVERNMENT.

41 S 11. Subdivisions 9 and 10 of section 29-h of the executive law are
42 renumbered subdivisions 10 and 11 and subdivision 10, as added by
43 section 10-a of part B of chapter 56 of the laws of 2010, is amended to
44 read as follows:

45 10. Liability. a. Each local government is responsible for procuring
46 and maintaining insurance or other coverage as it deems appropriate.

47 b. WHILE RENDERING ASSISTANCE UNDER THE INTRASTATE MUTUAL AID
48 PROGRAM, EMPLOYEES OF THE ASSISTING LOCAL GOVERNMENT SHALL HAVE THE SAME
49 IMMUNITIES AND PRIVILEGES AS IF SUCH DUTIES WERE PERFORMED WITHIN THEIR
50 HOME JURISDICTION. AN ASSISTING LOCAL GOVERNMENT PROVIDING ASSISTANCE
51 PURSUANT TO THE INTRASTATE MUTUAL AID PROGRAM SHALL BE LIABLE FOR THE
52 NEGLIGENCE OF ITS EMPLOYEES, WHICH OCCURS IN THE PERFORMANCE OF THEIR
53 DUTIES IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH NEGLIGENCE
54 OCCURRED IN THE PERFORMANCE OF THEIR DUTIES IN THEIR HOME JURISDICTION.

55 C. EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT RESPONDING TO OR RENDER-
56 ING ASSISTANCE PURSUANT TO A REQUEST FOR ASSISTANCE WHO SUSTAIN INJURY

1 OR DEATH IN THE COURSE OF, AND ARISING OUT OF, THEIR RESPONSE ARE ENTI-
2 TLED TO ALL APPLICABLE BENEFITS AS IF THEY WERE RESPONDING IN THEIR HOME
3 JURISDICTION. THE ASSISTING LOCAL GOVERNMENT SHALL BE LIABLE FOR ALL
4 COSTS OR PAYMENTS FOR SUCH BENEFITS AS REQUIRED BY LAW.

5 D. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE ASSISTING
6 AND REQUESTING LOCAL GOVERNMENTS FROM AGREEING TO OTHER TERMS RELATED TO
7 LIABILITY AND COMPENSATION. LOCAL GOVERNMENTS MAY CHOOSE TO ENTER INTO
8 AN AGREEMENT, AT ANY TIME, TO ALTER THESE TERMS AS THEY DEEM NECESSARY.

9 E. Nothing in this section shall be construed to provide any
10 protection against liability, or to create any liability, for an indi-
11 vidual who responds to a state of emergency where aid has not been
12 requested, or where aid has not been authorized by the individual's
13 [local government] HOME JURISDICTION.

14 S 12. Section 29-h of the executive law is amended by adding two new
15 subdivisions 9 and 12 to read as follows:

16 9. PERFORMANCE OF SERVICES. A. (1) EMPLOYEES OF AN ASSISTING LOCAL
17 GOVERNMENT SHALL CONTINUE UNDER THE ADMINISTRATIVE CONTROL OF THEIR HOME
18 JURISDICTION. HOWEVER, IN ALL OTHER CASES WHERE NOT PROHIBITED BY GENER-
19 AL, SPECIAL OR LOCAL LAW, RULE OR REGULATION, EMPLOYEES OF AN ASSISTING
20 LOCAL GOVERNMENT SHALL BE UNDER THE DIRECTION AND CONTROL OF THE LOCAL
21 EMERGENCY MANAGEMENT DIRECTOR OR OTHER OFFICIAL CHARGED WITH PERFORMING
22 EMERGENCY MANAGEMENT FUNCTIONS FOR THE REQUESTING LOCAL GOVERNMENT;

23 (2) PERFORMANCE BY EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT OF
24 SERVICES FOR A REQUESTING LOCAL GOVERNMENT PURSUANT TO THIS SECTION
25 SHALL HAVE NO IMPACT UPON WHETHER NEGOTIATING UNIT EMPLOYEES REPRESENTED
26 BY AN EMPLOYEE ORGANIZATION, RECOGNIZED OR CERTIFIED PURSUANT TO SECTION
27 TWO HUNDRED SIX OR TWO HUNDRED SEVEN OF THE CIVIL SERVICE LAW, EXCLU-
28 SIVELY PERFORM SUCH SERVICES, AS THAT PHRASE IS USED BY THE PUBLIC
29 EMPLOYMENT RELATIONS BOARD, ON BEHALF OF THE REQUESTING LOCAL GOVERN-
30 MENT;

31 B. ASSETS AND EQUIPMENT OF AN ASSISTING LOCAL GOVERNMENT SHALL CONTIN-
32 UE UNDER THE OWNERSHIP OF THE ASSISTING LOCAL GOVERNMENT, BUT SHALL BE
33 UNDER THE DIRECTION AND CONTROL OF THE LOCAL EMERGENCY MANAGEMENT DIREC-
34 TOR OR OTHER OFFICIAL CHARGED WITH PERFORMING EMERGENCY MANAGEMENT FUNC-
35 TIONS FOR THE REQUESTING LOCAL GOVERNMENT.

36 12. LICENSE, CERTIFICATE AND PERMIT PORTABILITY. A. STATE CERTIFIED
37 EMERGENCY MEDICAL SERVICES PROVIDERS WHO RESPOND OUTSIDE OF THEIR NORMAL
38 JURISDICTION PURSUANT TO A REQUEST FOR ASSISTANCE UNDER THIS PROGRAM
39 SHALL FOLLOW THEIR NORMAL OPERATING PROTOCOLS AS IF THEY WERE RESPONDING
40 AND RENDERING SERVICES IN THEIR HOME JURISDICTION.

41 B. ANY OTHER INDIVIDUAL AUTHORIZED AND DEPLOYED BY A PARTICIPATING
42 LOCAL GOVERNMENT WHEN RESPONDING PURSUANT TO A REQUEST FOR ASSISTANCE
43 UNDER THIS PROGRAM SHALL HAVE THE SAME POWERS AND DUTIES AS IF THEY WERE
44 RESPONDING IN THEIR HOME JURISDICTION.

45 S 13. Paragraph a of subdivision 8 of section 29-h of the executive
46 law, as added by section 10-a of part B of chapter 56 of the laws of
47 2010, is amended to read as follows:

48 a. Any assisting local government requesting [aid] REIMBURSEMENT under
49 this program for loss, damage or expenses incurred in connection with
50 the provision of [aid] ASSISTANCE that seeks reimbursement by the
51 requesting local government shall make such request in accordance with
52 procedures developed by the intrastate mutual aid committee.

53 S 14. The division of homeland security and emergency services shall,
54 in consultation with the New York state education department, evaluate
55 the inclusion of school district and board of cooperative educational
56 services participation in the intrastate mutual aid program. If advis-

1 able, the commissioner of the division of homeland security and emergen-
2 cy services shall develop a plan or process for implementation. Both
3 the evaluation and the plan, including legislative recommendations,
4 shall be submitted to the governor, the temporary president of the
5 senate and the speaker of the assembly within six months of the effec-
6 tive date of this act.

7 S 15. This act shall take effect immediately.

8 PART H

9 Intentionally Omitted

10 PART I

11 Section 1. Section 167-a of the civil service law, as separately
12 amended by section 8 of part T and section 1 of part U of chapter 56 of
13 the laws of 2010, is amended to read as follows:

14 S 167-a. Reimbursement for medicare premium charges. Upon exclusion
15 from the coverage of the health benefit plan of supplementary medical
16 insurance benefits for which an active or retired employee or a depend-
17 ent covered by the health benefit plan is or would be eligible under the
18 federal old-age, survivors and disability insurance program, an amount
19 equal to the premium charge for such supplementary medical insurance
20 benefits for such active or retired employee and his or her dependents,
21 if any, shall be paid monthly or at other intervals to such active or
22 retired employee from the health insurance fund. Where appropriate, such
23 amount may be deducted from contributions payable by the employee or
24 retired employee; or where appropriate in the case of a retired employee
25 receiving a retirement allowance, such amount may be included with
26 payments of his or her retirement allowance. All state employer, employ-
27 ee, retired employee and dependent contributions to the health insurance
28 fund, INCLUDING CONTRIBUTIONS FROM PUBLIC AUTHORITIES, PUBLIC BENEFIT
29 CORPORATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE ELIGIBLE
30 FOR PARTICIPATION IN THE HEALTH BENEFIT PLAN AS AUTHORIZED BY SUBDIVI-
31 SION TWO OF SECTION ONE HUNDRED SIXTY-THREE OF THIS ARTICLE, shall be
32 adjusted as necessary to cover the cost of reimbursing federal old-age,
33 survivors and disability insurance program premium charges under this
34 section. This cost shall be included in the calculation of premium or
35 subscription charges for health coverage provided to [state] employees
36 and retired [state] employees OF THE STATE, PUBLIC AUTHORITIES, PUBLIC
37 BENEFIT CORPORATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE;
38 provided, however, the state, PUBLIC AUTHORITIES, PUBLIC BENEFIT CORPO-
39 RATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE shall remain
40 obligated to pay no less than its share of such increased cost consist-
41 ent with its share of premium or subscription charges provided for by
42 this article. All other employer contributions to the health insurance
43 fund shall be adjusted as necessary to provide for such payments.

44 S 2. This act shall take effect immediately and shall be deemed to
45 have been in full force and effect on and after April 1, 2012.

46 PART J

47 Intentionally Omitted

48 PART K

49 Intentionally Omitted

1

PART L

2 Section 1. Intentionally omitted.

3 S 2. Paragraph j of subdivision 1 of section 163 of the state finance
4 law, as added by chapter 83 of the laws of 1995, is amended to read as
5 follows:6 j. "Best value" means the basis for awarding contracts for services to
7 the offerer which optimizes quality, cost and efficiency, among respon-
8 sive and responsible offerers. Such basis shall reflect, wherever possi-
9 ble, objective and quantifiable analysis. SUCH BASIS MAY ALSO IDENTIFY A
10 QUANTITATIVE FACTOR FOR OFFERERS THAT ARE SMALL BUSINESSES OR CERTIFIED
11 MINORITY- OR WOMEN-OWNED BUSINESS ENTERPRISES AS DEFINED IN SUBDIVISIONS
12 ONE, SEVEN, FIFTEEN AND TWENTY OF SECTION THREE HUNDRED TEN OF THE EXEC-
13 UTIVE LAW TO BE USED IN EVALUATION OF OFFERS FOR AWARDING OF CONTRACTS
14 FOR SERVICES.15 S 3. Subparagraphs (iv) and (viii) of paragraph a of subdivision 3 of
16 section 163 of the state finance law, subparagraph (iv) as amended by
17 chapter 430 of the laws of 1997, and subparagraph (viii) as amended by
18 section 165 of subpart B of part C of chapter 62 of the laws of 2011,
19 are amended to read as follows:20 (iv) The commissioner is authorized to permit [any officer, body or
21 agency of the state or of a political subdivision or a district therein,
22 or fire company or volunteer ambulance service as such are defined in
23 section one hundred of the general municipal law, to make] purchases of
24 commodities AND SERVICES FOR AUTHORIZED USERS through the office of
25 general services' centralized contracts[, pursuant to the provisions of
26 section one hundred four of the general municipal law. The commissioner
27 is authorized to permit any county extension service association as
28 authorized under subdivision eight of section two hundred twenty-four of
29 the county law, or any association or other entity as specified in and
30 in accordance with section one hundred nine-a of the general municipal
31 law, or any other association or entity as specified in state law, to
32 make purchases of commodities through the office of general services'
33 centralized contracts; provided, however, that such entity so empowered
34 shall accept sole responsibility for any payment due with respect to
35 such purchase]. SUCH AUTHORIZED USERS SO EMPOWERED SHALL ACCEPT SOLE
36 RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASES.37 [(viii) The commissioner may permit and prescribe the conditions for,
38 (A) any association, consortium or group of privately owned or municip-
39 al, federal or state owned or operated hospitals, medical schools,
40 other health related facilities or voluntary ambulance services, which
41 have entered into a contract and made mutual arrangements for the joint
42 purchase of commodities pursuant to section twenty-eight hundred three-a
43 of the public health law; (B) any institution for the instruction of the
44 deaf or of the blind listed in section forty-two hundred one of the
45 education law; (C) any qualified non-profit-making agency for the blind
46 approved by the commissioner of the office of children and family
47 services or the office of temporary and disability assistance; (D) any
48 qualified charitable non-profit-making agency for the severely disabled
49 approved by the commissioner of education; (E) any hospital or residen-
50 tial health care facility as defined in section twenty-eight hundred one
51 of the public health law; (F) any private not-for-profit mental hygiene
52 facility as defined in section 1.03 of the mental hygiene law; and (G)
53 any public authority or public benefit corporation of the state, includ-
54 ing the port authority of New York and New Jersey and the interstate
55 environmental commission, to make purchases using centralized contracts

1 for commodities. Such qualified non-profit-making agencies for the blind
2 and severely disabled may make purchases from the correctional indus-
3 tries program of the department of corrections and community supervision
4 subject to rules pursuant to the correction law.]

5 S 4. Paragraph d of subdivision 3 of section 163 of the state finance
6 law, as added by chapter 83 of the laws of 1995, is amended to read as
7 follows:

8 d. The commissioner may make, or cause to be made by a duly authorized
9 representative, any investigation which he or she may deem proper for
10 acquiring the necessary information from a state agency, EXCEPT STATE
11 AGENCIES WHERE THE HEAD OF THE AGENCY IS NOT APPOINTED BY THE GOVERNOR,
12 INCLUDING BUT NOT LIMITED TO THE STATE EDUCATION DEPARTMENT, THE DEPART-
13 MENT OF LAW, AND THE DEPARTMENT OF AUDIT AND CONTROL, for the exercise
14 of his or her powers and duties under this [subdivision] SECTION. For
15 such purposes the commissioner may subpoena and compel the attendance of
16 witnesses before him or her, or an authorized representative, and may
17 compel the production of books, papers, records or documents. The
18 commissioner or a duly authorized representative may take and hear
19 proofs and testimony and, for that purpose, the commissioner or the duly
20 authorized representative may administer oaths. In addition, the commis-
21 sioner or the duly authorized representative:

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

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

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

29 S 5. Paragraph e of subdivision 4 of section 163 of the state finance
30 law, as amended by chapter 95 of the laws of 2000, is amended to read as
31 follows:

32 e. [Any officer, body or agency of a political subdivision as defined
33 in section one hundred of the general municipal law or a district there-
34 in, may make purchases of services through the office of general
35 services' centralized contracts for services, subject to the provisions
36 of section one hundred four of the general municipal law. The commis-
37 sioner may permit and prescribe the conditions for the purchase of
38 services through the office of general services' centralized contracts
39 for services by any public authority or public benefit corporation of
40 the state including the port authority of New York and New Jersey. The
41 commissioner is authorized to permit any public library, association
42 library, library system, cooperative library system, the New York
43 Library Association, and the New York State Association of Library
44 Boards or any other library except those which are operated by for
45 profit entities, to make purchases of services through the office of
46 general services' centralized contracts; provided, however, that such
47 entity so empowered shall accept sole responsibility for any payment due
48 with respect to such purchase.] THE COMMISSIONER IS AUTHORIZED TO PERMIT
49 PURCHASES OF SERVICES FOR AUTHORIZED USERS THROUGH THE OFFICE OF GENERAL
50 SERVICES' CENTRALIZED CONTRACTS. SUCH AUTHORIZED USERS SO EMPOWERED
51 SHALL ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO
52 SUCH PURCHASES.

53 S 6. The section heading and subdivision 1 of section 104 of the
54 general municipal law, as amended by section 7 of subpart A of part C of
55 chapter 97 of the laws of 2011, are amended to read as follows:

1 Purchase through office of general services; PURCHASES FROM OTHER
2 PUBLIC CONTRACTS; certain federal contracts. 1. Notwithstanding the
3 provisions of section one hundred three of this article or of any other
4 general, special or local law, any officer, board or agency of a poli-
5 tical subdivision, of a district therein, of a fire company or of a
6 voluntary ambulance service authorized to make purchases of COMMODITIES,
7 materials, equipment, TECHNOLOGY, food products, [or] supplies[,] or
8 services available pursuant to [sections one hundred sixty-one and one
9 hundred sixty-seven] SECTION ONE HUNDRED SIXTY-THREE of the state
10 finance law, may make such purchases[, except of printed material,]
11 through the office of general services OR ANY OTHER DEPARTMENT OR AGENCY
12 OF THE STATE subject to [such] rules [as may be established from time to
13 time] PROMULGATED pursuant to [sections one hundred sixty-three and one
14 hundred sixty-seven] ARTICLE ELEVEN of the state finance law; provided
15 that any such purchase shall exceed five hundred dollars and that the
16 political subdivision, district, fire company or voluntary ambulance
17 service for which such officer, board or agency acts shall accept sole
18 responsibility for any payment due the vendor. All purchases shall be
19 subject to audit and inspection by the political subdivision, district,
20 fire company or voluntary ambulance service for which made. No officer,
21 board or agency of a political subdivision, or a district therein, of a
22 fire company or of a voluntary ambulance service shall make any purchase
23 through such [office] PUBLIC ENTITY when bids have been received for
24 such purchase by such officer, board or agency, unless such purchase may
25 be made upon the same terms, conditions and specifications at a lower
26 price through such office. Two or more fire companies or voluntary ambu-
27 lance services may join in making purchases pursuant to this section,
28 and for the purposes of this section such groups shall be deemed "fire
29 companies or voluntary ambulance services."

30 S 7. Subparagraph (i) of paragraph b of subdivision 4 of section 163
31 of the state finance law, as added by chapter 83 of the laws of 1995 and
32 as designated by chapter 137 of the laws of 2008, is amended to read as
33 follows:

34 (i) Centralized contracts for services may be procured by the office
35 of general services at the request of state agencies [and state agencies
36 may when such centralized contracts are in the form, function or utility
37 required by said agency, purchase from established centralized
38 contracts. The state procurement council may, from time to time, require
39 that state agencies procure services from certain centralized contracts]
40 OR AS DETERMINED BY THE COMMISSIONER. THE PURCHASE OF SERVICES BY STATE
41 AGENCIES, EXCEPT STATE AGENCIES WHERE THE HEAD OF THE AGENCY IS NOT
42 APPOINTED BY THE GOVERNOR, INCLUDING BUT NOT LIMITED TO THE STATE EDUCA-
43 TION DEPARTMENT, THE DEPARTMENT OF LAW, AND THE DEPARTMENT OF AUDIT AND
44 CONTROL, SHALL BE CONDUCTED IN A MANNER THAT ACCORDS SECOND PRIORITY TO
45 CENTRALIZED CONTRACTS MEETING FORM, FUNCTION AND UTILITY REQUIRED BY
46 SAID AGENCY, THIRD PRIORITY TO AGENCY OR MULTI-AGENCY ESTABLISHED
47 CONTRACTS AND FOURTH PRIORITY TO OTHER MEANS OF CONTRACTING.

48 S 8. Intentionally omitted.

49 S 9. Subdivision 5 of section 163 of the state finance law, as added
50 by chapter 83 of the laws of 1995, is amended to read as follows:

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

53 [a.] Determination of need. State agencies shall be responsible for
54 determining the need for a given service or commodity:

55 (i) For commodities, upon such determination of need, state agencies
56 shall ascertain whether the commodity is available in the form, function

1 and utility consistent with their needs from preferred sources and if
2 so, shall purchase said commodity from a preferred source in accordance
3 with the provisions of this article. If not so available, state agencies
4 shall determine whether the commodity is available in the form, function
5 and utility consistent with their needs on a centralized contract and if
6 so, except as provided in subparagraph (v) of paragraph a of subdivision
7 three of this section, shall purchase said commodity using the central-
8 ized contract. If a commodity is not available in the form, function and
9 utility consistent with the needs of the state agency from a preferred
10 source or a centralized contract or as provided for in subparagraph (v)
11 of paragraph a of subdivision three of this section, the state agency
12 may procure the commodity independently or in conjunction with another
13 state agency in accordance with paragraph c of subdivision three of this
14 section.

15 (ii) For services, upon such determination of need, state agencies
16 shall ascertain whether the service is available in the form, function
17 and utility consistent with their needs from preferred sources and, if
18 so, shall purchase said service through the preferred source in accord-
19 ance with the provisions of this article. If not so available, state
20 agencies [may] THE HEADS OF WHICH ARE APPOINTED BY THE GOVERNOR:

21 (A) [Purchase] SHALL PURCHASE the service if it is available in the
22 form, function and utility consistent with their needs using an estab-
23 lished centralized contract procured by either the office of general
24 services or another state agency;

25 (B) [Request] MAY REQUEST that the office of general services procure
26 such a service, particularly with respect to those services having util-
27 ity and/or benefit to more than one state agency; or

28 (C) [Procure] MAY PROCURE the service independently or in conjunction
29 with another state agency.

30 [b. The state procurement council may, from time to time, require
31 state agencies to procure certain services from centralized contracts.]

32 S 10. Subdivision 7 of section 163 of the state finance law, as
33 amended by section 10 of part FF of chapter 56 of the laws of 2010, is
34 amended to read as follows:

35 7. Method of procurement. Consistent with the requirements of subdivi-
36 sions three and four of this section, state agencies shall select among
37 permissible methods of procurement including, but not limited to, an
38 invitation for bid, request for proposals or other means of solicitation
39 pursuant to guidelines issued by the state procurement council. State
40 agencies may accept bids electronically including submission of the
41 statement of non-collusion required by section one hundred thirty-nine-d
42 of this chapter and, STARTING APRIL FIRST, TWO THOUSAND TWELVE, AND
43 ENDING MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN, may, for COMMODITY,
44 SERVICE AND technology contracts [and, in addition, for the period from
45 July first, two thousand ten, to July first, two thousand twelve, fuels
46 (home heating, diesel, gasoline, natural gas), road salt, recycled
47 paper, tires, telecommunications equipment, industrial supplies (tools,
48 equipment), bituminous materials, drainage and culvert pipe, and road
49 aggregate (gravel),] require electronic submission as the sole method
50 for the submission of bids for the solicitation[, provided that the].
51 STATE AGENCIES SHALL UNDERTAKE NO MORE THAN EIGHTY-FIVE SUCH ELECTRONIC
52 BID SOLICITATIONS, NONE OF WHICH SHALL BE REVERSE AUCTIONS, PRIOR TO
53 APRIL FIRST, TWO THOUSAND FIFTEEN. IN ADDITION, STATE AGENCIES MAY
54 CONDUCT UP TO TWENTY REVERSE AUCTIONS THROUGH ELECTRONIC MEANS, PRIOR TO
55 APRIL FIRST, TWO THOUSAND FIFTEEN. PRIOR TO REQUIRING THE ELECTRONIC
56 SUBMISSION OF BIDS, THE agency [has made] SHALL MAKE a determination,

which shall be documented in the procurement record, that [such method] ELECTRONIC SUBMISSION affords a fair and equal opportunity for offerers to submit responsive offers. WITHIN THIRTY DAYS OF THE COMPLETION OF THE EIGHTY-FIFTH ELECTRONIC BID SOLICITATION, OR BY APRIL FIRST, TWO THOUSAND FIFTEEN, WHICHEVER IS EARLIER, THE COMMISSIONER SHALL PREPARE A REPORT ASSESSING THE USE OF ELECTRONIC SUBMISSIONS AND MAKE RECOMMENDATIONS REGARDING FUTURE USE OF THIS PROCUREMENT METHOD. IN ADDITION, WITHIN THIRTY DAYS OF THE COMPLETION OF THE TWENTIETH REVERSE AUCTION THROUGH ELECTRONIC MEANS, OR BY APRIL FIRST, TWO THOUSAND FIFTEEN, WHICHEVER IS EARLIER, THE COMMISSIONER SHALL PREPARE A REPORT ASSESSING THE USE OF REVERSE AUCTIONS THROUGH ELECTRONIC MEANS AND MAKE RECOMMENDATIONS REGARDING FUTURE USE OF THIS PROCUREMENT METHOD. SUCH REPORTS SHALL BE PUBLISHED ON THE WEBSITE OF THE OFFICE OF GENERAL SERVICES. Except where otherwise provided by law, procurements shall be competitive, and state agencies shall conduct formal competitive procurements to the maximum extent practicable. State agencies shall document the determination of the method of procurement and the basis of award in the procurement record. Where the basis for award is the best value offer, the state agency shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

S 11. Intentionally omitted.

S 12. Subdivision 8 of section 163 of the state finance law, as amended by chapter 95 of the laws of 2000, is amended to read as follows:

8. Public notice. All procurements by state agencies, INCLUDING, WITHOUT LIMITATION, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, in excess of [fifteen] FIFTY thousand dollars shall be advertised in the state's procurement opportunities newsletter in accordance with article four-C of the economic development law.

S 13. Paragraph m of subdivision 2 of section 161 of the state finance law, as added by chapter 95 of the laws of 2000, is amended to read as follows:

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

S 14. Subdivision 3 of section 141 of the economic development law, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

3. "Procurement contract" shall mean any written agreement entered into by an agency for the acquisition of goods, services, or construction of any kind in the actual or estimated amount of [fifteen] FIFTY thousand dollars or more. The term does not include an agreement for employment in the civil service.

S 15. Paragraph (b) of subdivision 2 of section 142 of the economic development law, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

(b) for procurement contracts in excess of ten thousand dollars and less than [twenty] FIFTY thousand dollars to be awarded by the state university of New York or the city university of New York, (i) a quarterly listing of projected procurement purchases by commodity for each institution of the state university of New York or the city university

1 of New York; (ii) an explanation of how to apply for placement on any
2 bidder lists maintained by the state university of New York or the city
3 university of New York; and (iii) a description of procedures for
4 providing advance notification by mail to individuals or business enti-
5 ties on such bidder lists of any request for proposals, in accordance
6 with rules and regulations promulgated by the state university or the
7 city university; and

8 S 16. Section 143 of the economic development law is amended by adding
9 a new subdivision 4 to read as follows:

10 4. AT THE TIME AN AGENCY ENTERS INTO A CONTRACT WITH A SINGLE OR SOLE
11 SOURCE PROVIDER PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE
12 FINANCE LAW, FOR AN AMOUNT IN EXCESS OF FIFTY THOUSAND DOLLARS, SUCH
13 AGENCY SHALL SUBMIT AN ANNOUNCEMENT OF THE INTENDED CONTRACT FOR INCLU-
14 SION IN THE PROCUREMENT OPPORTUNITIES NEWSLETTER, AND SHALL SPECIFY THE
15 RECIPIENT OF THE CONTRACT.

16 S 17. Paragraph (e) of subdivision 2 of section 144 of the economic
17 development law, as added by chapter 862 of the laws of 1990, is amended
18 to read as follows:

19 (e) Notwithstanding the foregoing, any agency receiving an exemption
20 for a procurement contract in accordance with this subdivision must
21 nevertheless publish notice of either the letting or award of the
22 contract, and the reasons for any such exemption, in the procurement
23 opportunities newsletter as soon as practicable, unless the comptroller
24 determines that publication would affect the ability of (i) law enforce-
25 ment agencies to carry out investigations, or (ii) agencies to protect
26 security operations, in which case notice of such contract shall not be
27 published. IN THE CASE OF NON-COMPETITIVE AWARDS, SUCH NOTICE SHALL ALSO
28 STATE THE RECIPIENT OF THE CONTRACT, A BRIEF DESCRIPTION OF THE PURPOSE
29 OF THE CONTRACT, THE CONTRACT TERM, AND THE ESTIMATED VALUE.

30 S 18. Paragraph (a) of subdivision 2 of section 112 of the state
31 finance law, as amended by section 2 of part D of chapter 56 of the laws
32 of 2006, is amended to read as follows:

33 (a) Before any contract made for or by any state agency, department,
34 board, officer, commission, or institution, except the office of general
35 services, shall be executed or become effective, whenever such contract
36 exceeds fifty thousand dollars in amount and before any contract made
37 for or by the office of general services shall be executed or become
38 effective, whenever such contract exceeds eighty-five thousand dollars
39 in amount, it shall first be approved by the comptroller and filed in
40 his or her office, [provided, however, that the] WITH THE EXCEPTION OF
41 CONTRACTS ESTABLISHED AS A CENTRALIZED CONTRACT THROUGH THE OFFICE OF
42 GENERAL SERVICES AND PURCHASE ORDERS OR OTHER PROCUREMENT TRANSACTIONS
43 ISSUED UNDER SUCH CENTRALIZED CONTRACTS. THE comptroller shall make a
44 final written determination with respect to approval of such contract
45 within ninety days of the submission of such contract to his or her
46 office unless the comptroller shall notify, in writing, the state agen-
47 cy, department, board, officer, commission, or institution, prior to the
48 expiration of the ninety day period, and for good cause, of the need for
49 an extension of not more than fifteen days, or a reasonable period of
50 time agreed to by such state agency, department, board, officer, commis-
51 sion, or institution and provided, further, that such written determi-
52 nation or extension shall be made part of the procurement record pursu-
53 ant to paragraph f of subdivision one of section one hundred sixty-three
54 of this chapter.

55 S 19. Section 3 of the New York state printing and public documents
56 law, as added by chapter 160 of the laws of 1976, subdivision 1 as

1 amended by chapter 849 of the laws of 1987, and subdivision 5 as amended
2 by chapter 346 of the laws of 1991, is amended to read as follows:

3 S 3. Powers and duties of commissioner OF GENERAL SERVICES AND STATE
4 AGENCIES IN PURCHASING PRINTING. 1. The commissioner of general
5 services shall have general supervision over the letting of all
6 contracts for public printing provided to be made herein. In addition,
7 the commissioner shall exercise such further supervision and control
8 over all contracts for department printing [as herein defined that he
9 has heretofore exercised or may hereafter deem] PURSUANT TO SECTION ONE
10 HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW. THE COMMISSIONER MAY, AS
11 deemed appropriate [including, but not limited to, the establishment of]
12 ESTABLISH standard sizes and grades of paper and OTHER NECESSARY spec-
13 ifications for paper; provided, however, that such specifications shall
14 be in accordance with those established pursuant to section one hundred
15 [sixty-four] SIXTY-THREE AND SUBDIVISION THREE OF SECTION ONE HUNDRED
16 SIXTY-FIVE of the state finance law.

17 (A) THE COMMISSIONER OF GENERAL SERVICES SHALL BE RESPONSIBLE FOR THE
18 STANDARDIZATION AND CENTRALIZED CONTRACTING OF PRINTING REQUIRED BY
19 STATE AGENCIES IN A MANNER WHICH MAXIMIZES THE PURCHASING VALUE OF
20 PUBLIC FUNDS. PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE
21 FINANCE LAW, CONTRACTS FOR PRINTING MAY BE ESTABLISHED BY THE OFFICE OF
22 GENERAL SERVICES OR STATE AGENCIES, AND STATE AGENCIES MAY, WHEN SUCH
23 CENTRALIZED CONTRACTS ESTABLISHED BY THE OFFICE OF GENERAL SERVICES ARE
24 IN THE FORM, FUNCTION AND UTILITY REQUIRED BY SAID AGENCY, PURCHASE FROM
25 SUCH CENTRALIZED CONTRACTS. WHEN PRINTING IS NOT AVAILABLE CONSISTENT
26 WITH THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-THREE OF THE STATE
27 FINANCE LAW IN THE FORM, FUNCTION AND UTILITY REQUIRED BY STATE AGEN-
28 CIES, STATE AGENCIES MAY PROCURE PRINTING INDEPENDENTLY OR IN CONJUNC-
29 TION WITH OTHER STATE AGENCIES.

30 (B) PRINTING CONTRACTS SHALL BE AWARDED ON THE BASIS OF LOWEST PRICE
31 TO A RESPONSIVE AND RESPONSIBLE OFFERER; OR IN THE CASE OF MULTIPLE
32 AWARDS, IN ACCORDANCE WITH PARAGRAPH C OF SUBDIVISION TEN OF SECTION ONE
33 HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW.

34 2. [The commissioner may appoint an expert printer and such assistants
35 and employees as shall be authorized by appropriations made by the
36 legislature therefor, and such employees shall receive such salaries as
37 shall be fixed by the legislature in such appropriation.

38 3. It shall be the duty of said commissioner, in accordance with rules
39 and regulations to be prescribed by him, to let to the lowest responsi-
40 ble bidder, as hereinafter provided, and as will best promote the public
41 interest, all contracts for the work embraced in the legislative print-
42 ing and department printing as those terms are in this chapter defined,
43 except printing done pursuant to law in the correctional facilities of
44 the state, in the state charitable and benevolent institutions for the
45 benefit of such institutions, or by the board or commission having
46 fiscal control of such institutions, the printing of examination ques-
47 tion papers or printing done for the education department or the schools
48 under its jurisdiction in the rooms of the university of the state of
49 New York by its employees, the stationery used by the legislature,
50 briefs and cases on appeal and the bulletins issued by the Geneva and
51 Ithaca experimental stations.] No contract for department printing shall
52 be let to a bidder who, in the opinion of the commissioner, does not
53 have satisfactory facilities and equipment which are ample and suffi-
54 cient to insure proper performance of the contract or who has failed to
55 give adequate security in an amount which may be required by the commis-
56 sioner. Provided further, however, that no contract shall be let to a

bidder other than the lowest PRICE responsible bidder without the written approval of the comptroller.

[4. The said commissioner shall adopt and promulgate appropriate rules and regulations touching the manner of the performance of his work and prescribing the form and manner of advertisement for bids and all requisitions made upon him for printing, except that said commissioner shall make no rule or regulation inconsistent with or in violation of the provisions of this chapter.

5.] 3. Notwithstanding any of the foregoing provisions of this section, or of any general or special act, the commissioner may contract for printing to an amount not exceeding [ten] EIGHTY-FIVE thousand dollars without competitive bidding, and [may by rule prescribing the amount, not exceeding five thousand dollars, authorize] other state departments and agencies [to let contracts,] MAY CONTRACT TO AN AMOUNT NOT EXCEEDING FIFTY THOUSAND DOLLARS without competitive bidding, for printing required by them. [Such rule shall prescribe the form, manner and content of the notice to be given to prospective vendors, the form of specifications and proposals for such printing, and the method used in making an award, except that as such specifications relate to the paper required for printing they shall be in accordance with those established pursuant to section one hundred sixty-four of the state finance law.

Multiple purchases of identical items of printing and printing supplies, made by such other department or agency without competitive bidding within a period of sixty days, shall not exceed the sum of five thousand dollars.]

S 20. Section 6 of the New York state printing and public documents law is REPEALED.

S 21. Section 7 of the New York state printing and public documents law is REPEALED and section 7-a is renumbered section 7.

S 22. Section 8 of the New York state printing and public documents law, as amended by chapter 704 of the laws of 1964 and as renumbered by chapter 160 of the laws of 1976, is amended to read as follows:

S 8. Right to annul contracts. Upon the failure or non-performance of the terms of any of the contracts [set forth in] AWARDED PURSUANT TO this chapter on the part of the contractors with the state, the commissioner OF GENERAL SERVICES OR THE STATE AGENCY may annul the contract in which default is made and the comptroller shall withhold payment from the contractor for all work [done by him] PERFORMED THEREUNDER until the damage to the state shall be ascertained by proper adjudication, and the [said] commissioner OF GENERAL SERVICES OR THE STATE AGENCY, may [readvertise and enter into a] RELET THE contract for the balance of the uncompleted term of [any] A contract so annulled or abrogated in the manner prescribed in the provisions of this chapter.

S 23. Paragraph (g) of section 1509 of the not-for-profit corporation law, as added by chapter 151 of the laws of 1992, is amended to read as follows:

(g) Purchases through office of general services. Notwithstanding the provisions of any general, special or local law, any officer or agent of a cemetery corporation subject to the provisions of this article authorized to make purchases of [materials, equipment or supplies] COMMODITIES AND SERVICES may make such purchases[, except of printed material,] through the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law; provided that any such purchase shall exceed five hundred dollars and that the cemetery corporation for which

1 such officer or agent acts shall accept sole responsibility for any
2 payment due the vendor. All purchases shall be subject to audit and
3 inspection by the cemetery corporation for which made. Two or more ceme-
4 tery corporations may join in making purchases pursuant to this section
5 and, for the purposes of this section, such groups shall be deemed a
6 cemetery corporation.

7 S 24. Paragraph i of subdivision 3 of section 236 of the education
8 law, as added by chapter 9 of the laws of 1979, is amended to read as
9 follows:

10 i. Any corporation created under the provisions of this section may
11 make purchases[, except of printed material, through the state divisions
12 of standards and quality control; and of purchasing in the] OF COMMOD-
13 ITIES AND SERVICES THROUGH THE office of general services subject to
14 such rules as may be established from time to time pursuant to section
15 one hundred sixty-three of the state finance law; provided that each
16 such purchase shall have a cost of five hundred dollars or more and that
17 said corporation shall accept sole responsibility for any payment of
18 such cost due the vendor.

19 S 25. Section 258-a of the education law, as added by chapter 106 of
20 the laws of 1980, is amended to read as follows:

21 S 258-a. Purchases by museums, historical societies, zoological
22 gardens, aquariums, botanical gardens and arboreta through office of
23 general services. Museums, historical societies, zoological gardens,
24 aquariums, botanical gardens and arboreta which are chartered or incor-
25 porated by the regents or otherwise formed pursuant to section two
26 hundred sixteen of this chapter or otherwise pursuant to the laws of
27 this state and are also non-profit ORGANIZATIONS may make purchases [,
28 except of printed material,] OF COMMODITIES AND SERVICES through the
29 [state division of standards and purchase in the] office of general
30 services subject to such rules as may be established from time to time
31 pursuant to section one hundred sixty-three of the state finance law;
32 provided that each such purchase shall have a cost of five hundred
33 dollars or more and that said museum, historical society, zoological
34 garden, aquarium, botanical garden or arboreta shall accept sole respon-
35 sibility for any payment of such cost due the vendor.

36 S 26. Section 6404 of the education law, as added by chapter 734 of
37 the laws of 1976, is amended to read as follows:

38 S 6404. Purchases by certain independent institutions. Any postsecon-
39 dary institution chartered under the powers of the regents pursuant to
40 section two hundred sixteen OF THIS CHAPTER or incorporated under a
41 special act of the legislature may make purchases[, except of printed
42 material,] OF COMMODITIES AND SERVICES pursuant to the terms of
43 contracts let by the [state division of standards and purchase in the]
44 office of general services subject to such rules as may be established
45 from time to time pursuant to section one hundred sixty-three of the
46 state finance law which may establish limitations with respect to
47 commodities AND SERVICES and impose such other appropriate conditions
48 upon purchasing as deemed necessary by the commissioner of general
49 services in order to protect the state's own purchasing interests;
50 provided that each such purchase shall have a cost of five hundred
51 dollars or more and that said [corporation] INSTITUTION shall accept
52 sole responsibility for any payment of such cost due the vendor.

53 S 27. Section 104 of the general municipal law, as amended by chapter
54 137 of the laws of 2008, is amended to read as follows:

55 S 104. Purchase through office of general services. Notwithstanding
56 the provisions of section one hundred three of this article or of any

1 other general, special or local law, any officer, board or agency of a
2 political subdivision, of a district therein, of a fire company or of a
3 voluntary ambulance service IS authorized to make purchases of [materi-
4 als, equipment, food products, or supplies, or services] COMMODITIES AND
5 SERVICES available pursuant to [sections one hundred sixty-one and one
6 hundred sixty-seven] SECTION ONE HUNDRED SIXTY-THREE of the state
7 finance law, may make such purchases[, except of printed material,]
8 through the office of general services subject to such rules as may be
9 established from time to time pursuant to [sections] SECTION one hundred
10 sixty-three [and one hundred sixty-seven] of the state finance law or
11 through the general services administration pursuant to section 1555 of
12 the federal acquisition streamlining act of 1994, P.L. 103-355; provided
13 that any such purchase shall exceed five hundred dollars and that the
14 political subdivision, district, fire company or voluntary ambulance
15 service for which such officer, board or agency acts shall accept sole
16 responsibility for any payment due the vendor. All purchases shall be
17 subject to audit and inspection by the political subdivision, district,
18 fire company or voluntary ambulance service for which made. No officer,
19 board or agency of a political subdivision, or a district therein, of a
20 fire company or of a voluntary ambulance service shall make any purchase
21 through such office when bids have been received for such purchase by
22 such officer, board or agency, unless such purchase may be made upon the
23 same terms, conditions and specifications at a lower price through such
24 office. Two or more fire companies or voluntary ambulance services may
25 join in making purchases pursuant to this section, and for the purposes
26 of this section such groups shall be deemed "fire companies or voluntary
27 ambulance services."

28 S 28. Section 109-a of the general municipal law, as amended by chap-
29 ter 502 of the laws of 2002, is amended to read as follows:

30 S 109-a. Purchases through the office of general services by certain
31 public associations. The New York State Association of Counties, the
32 Association of Towns of the State of New York, the New York State Town
33 Clerk's Association, Inc., the New York State Conference of Mayors and
34 Other Municipal Officials, the New York State School Boards Association,
35 Inc., the New York Planning Federation and the Association of Fire
36 Districts of the State of New York, the New York State Association of
37 School Business Officials, the New York state council of school super-
38 intendents, any nonpublic elementary and/or secondary school of the
39 state of New York, which provides the instruction required by section
40 thirty-two hundred four and article seventeen of the education law, and
41 which is chartered by, registered with or subject to examination and
42 inspection by the department of education and which is a not for profit
43 institution and any public library, association library, library system,
44 cooperative library system, the New York Library Association, and the
45 New York State Association of Library Boards or any other library except
46 those which are operated by for profit entities, may make purchases[,
47 except of printed material,] through the office of general services
48 subject to such rules as may be [established from time to time] PROMUL-
49 GATED pursuant to [sections] SECTION one hundred sixty-three [and one
50 hundred sixty-five] of the state finance law and subdivision eight-a of
51 section one hundred three of this article which may establish limita-
52 tions with respect to commodities and impose such other appropriate
53 conditions upon purchasing as deemed necessary by the commissioner of
54 general services in order to protect the state's own purchasing inter-
55 ests; and that such association, school, library, library system or
56 cooperative library system shall accept sole responsibility for any

1 payment due the vendor. Boards of education may permit such nonpublic
2 schools to make purchases pursuant to this section through the school
3 district in which the nonpublic school is located, provided that any
4 administrative costs incurred by the school district will be paid by the
5 nonpublic school.

6 S 29. Subdivision (a) of section 2 of chapter 741 of the laws of 1985
7 relating to authorizing certain organizations to purchase commodities
8 and services under contracts let by the state office of general
9 services, as amended by chapter 134 of the laws of 1994, is amended to
10 read as follows:

11 (a) Any charitable organization or federation of charitable organiza-
12 tions, as defined in subdivision (b) of this section, maintaining its
13 office in a county of the state and performing all or the predominant
14 part of its charitable, benevolent or philanthropic services or conduct-
15 ing all or the predominant part of its solicitation of charitable
16 contributions in such county and any county, town or other agricultural
17 society, the American institute of the city of New York, performing
18 their activities in any such county on or after January 1, 1993 is
19 authorized to make purchases[, except of printed material,] pursuant to
20 the terms of contracts let by the [state divisions of purchasing and of
21 standards and quality control of the] office of general services subject
22 to such rules as may be [established from time to time under] PROMULGAT-
23 ED PURSUANT TO the provisions of section 163 of the state finance law,
24 which may establish limitations with respect to commodities AND SERVICES
25 and impose such other appropriate conditions upon purchasing as deemed
26 necessary by the commissioner of general services in order to protect
27 the state's own purchasing interests; provided that each such purchase
28 shall exceed five hundred dollars and that such charitable organization
29 or federation of charitable organizations shall accept sole responsibil-
30 ity for any payment due the vendor.

31 S 30. Subdivision 7 of section 160 of the state finance law, as added
32 by chapter 83 of the laws of 1995, is amended to read as follows:

33 7. "Service" or "services" means[, except with respect to contracts
34 for state printing,] the performance of a task or tasks and may include
35 a material good or a quantity of material goods, and which is the
36 subject of any purchase or other exchange. For the purposes of this
37 article, technology shall be deemed a service. Services, as defined in
38 this article, shall not apply to those contracts for architectural,
39 engineering or surveying services, or those contracts approved in
40 accordance with article eleven-B of this chapter.

41 S 31. Paragraph a of subdivision 5 of section 355 of the education
42 law, as amended by section 1 of subpart B of part D of chapter 58 of the
43 laws of 2011, is amended to read as follows:

44 a. (i) purchase materials, PROPRIETARY ELECTRONIC INFORMATION
45 RESOURCES INCLUDING BUT NOT LIMITED TO ACADEMIC, PROFESSIONAL, AND
46 INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING
47 TOOLS, INDEXES AND ABSTRACTS, equipment and supplies, including computer
48 equipment and motor vehicles, (ii) execute contracts for construction
49 and construction-related services contracts, and (iii) contract for
50 printing, without prior approval by any other state officer or agency,
51 but subject to rules and regulations of the state comptroller not other-
52 wise inconsistent with the provisions of this section and in accordance
53 with guidelines promulgated by the state university board of trustees
54 after consultation with the state comptroller;

1 S 32. Paragraph a of subdivision 5 of section 355 of the education
2 law, as amended by chapter 682 of the laws of 2007, is amended to read
3 as follows:

4 a. (i) purchase materials, PROPRIETARY ELECTRONIC INFORMATION
5 RESOURCES INCLUDING BUT NOT LIMITED TO ACADEMIC, PROFESSIONAL, AND
6 INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING
7 TOOLS, INDEXES AND ABSTRACTS equipment and supplies, including computer
8 equipment and motor vehicles, where the amount for a single purchase
9 does not exceed twenty thousand dollars, (ii) execute contracts for
10 services and construction contracts to an amount not exceeding twenty
11 thousand dollars, and (iii) contract for printing to an amount not
12 exceeding five thousand dollars, without prior approval by any other
13 state officer or agency, but subject to rules and regulations of the
14 state comptroller not otherwise inconsistent with the provisions of this
15 section and in accordance with the rules and regulations promulgated by
16 the state university board of trustees after consultation with the state
17 comptroller. In addition, the trustees, after consultation with the
18 commissioner of general services, are authorized to annually negotiate
19 with the state comptroller increases in the aforementioned dollar limits
20 and the exemption of any articles, categories of articles or commodities
21 from these limits. Rules and regulations promulgated by the state
22 university board of trustees shall, to the extent practicable, require
23 that competitive proposals be solicited for purchases, and shall include
24 requirements that purchases and contracts authorized under this section
25 be at the lowest available price, including consideration of prices
26 available through other state agencies, consistent with quality require-
27 ments, and as will best promote the public interest. Such purchases may
28 be made directly from any contractor pursuant to any contract for
29 commodities let by the office of general services or any other state
30 agency;

31 S 33. Subparagraph (i) of paragraph 1 of subdivision a of section 6218
32 of the education law, as amended by section 2 of subpart B of part D of
33 chapter 58 of the laws of 2011, is amended to read as follows:

34 (i) purchase materials[,]; PROPRIETARY ELECTRONIC INFORMATION
35 RESOURCES, INCLUDING, BUT NOT LIMITED TO, ACADEMIC, PROFESSIONAL AND
36 INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING
37 TOOLS, INDEXES AND ABSTRACTS; AND equipment and supplies, including
38 computer equipment and motor vehicles,

39 S 34. Paragraph (i) of subdivision a of section 6218 of the education
40 law, as amended by chapter 697 of the laws of 1993, is amended to read
41 as follows:

42 (i) purchase materials[,]; PROPRIETARY ELECTRONIC INFORMATION
43 RESOURCES, INCLUDING, BUT NOT LIMITED TO, ACADEMIC, PROFESSIONAL AND
44 INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING
45 TOOLS, INDEXES AND ABSTRACTS; AND equipment and supplies, including
46 computer equipment and motor vehicles, where the amount for a single
47 purchase does not exceed twenty thousand dollars,

48 S 35. Subdivision 3 of section 160 of the state finance law, as added
49 by chapter 83 of the laws of 1995, is amended to read as follows:

50 3. "Commodity" or "commodities" means[, except with respect to
51 contracts for state printing,] material goods, supplies, products,
52 construction items, ELECTRONIC INFORMATION RESOURCES or other standard
53 articles of commerce [other than technology] which are the subject of
54 any purchase or other exchange.

55 S 36. Subdivision 1 of section 163 of the state finance law is amended
56 by adding a new paragraph k to read as follows:

1 K. "AUTHORIZED USER" OR "NON-STATE AGENCY PURCHASER" MEANS (I) ANY
2 OFFICER, BODY OR AGENCY OF THE STATE OR OF A POLITICAL SUBDIVISION OR A
3 DISTRICT THEREIN, OR FIRE COMPANY OR VOLUNTEER AMBULANCE SERVICE AS SUCH
4 ARE DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW, TO MAKE
5 PURCHASES OF COMMODITIES, SERVICES AND TECHNOLOGY THROUGH THE OFFICE OF
6 GENERAL SERVICES' CENTRALIZED CONTRACTS, PURSUANT TO THE PROVISIONS OF
7 SECTION ONE HUNDRED FOUR OF THE GENERAL MUNICIPAL LAW; (II) ANY COUNTY
8 EXTENSION SERVICE ASSOCIATION AS AUTHORIZED UNDER SUBDIVISION EIGHT OF
9 SECTION TWO HUNDRED TWENTY-FOUR OF THE COUNTY LAW; (III) ANY ASSOCIATION
10 OR OTHER ENTITY AS SPECIFIED IN AND IN ACCORDANCE WITH SECTION ONE
11 HUNDRED NINE-A OF THE GENERAL MUNICIPAL LAW; (IV) ANY ASSOCIATION,
12 CONSORTIUM OR GROUP OF PRIVATELY OWNED OR MUNICIPAL, FEDERAL OR STATE
13 OWNED OR OPERATED HOSPITALS, MEDICAL SCHOOLS, OTHER HEALTH RELATED
14 FACILITIES OR VOLUNTARY AMBULANCE SERVICES, WHICH HAVE ENTERED INTO A
15 CONTRACT AND MADE MUTUAL ARRANGEMENTS FOR THE JOINT PURCHASE OF COMMOD-
16 ITIES, SERVICES AND TECHNOLOGY PURSUANT TO SECTION TWENTY-EIGHT HUNDRED
17 THREE-A OF THE PUBLIC HEALTH LAW; (V) ANY INSTITUTION FOR THE INSTRU-
18 CTION OF THE DEAF OR OF THE BLIND LISTED IN SECTION FORTY-TWO HUNDRED ONE
19 OF THE EDUCATION LAW; (VI) ANY QUALIFIED NON-PROFIT-MAKING AGENCY FOR
20 THE BLIND APPROVED BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND
21 FAMILY SERVICES OR THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE;
22 (VII) ANY QUALIFIED CHARITABLE NON-PROFIT-MAKING AGENCY FOR THE SEVERELY
23 DISABLED APPROVED BY THE COMMISSIONER OF EDUCATION; (VIII) ANY HOSPITAL
24 OR RESIDENTIAL HEALTH CARE FACILITY AS DEFINED IN SECTION TWENTY-EIGHT
25 HUNDRED ONE OF THE PUBLIC HEALTH LAW; (IX) ANY PRIVATE NOT-FOR-PROFIT
26 MENTAL HYGIENE FACILITY AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE
27 LAW; (X) ANY PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION OF THE
28 STATE, INCLUDING THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND THE
29 INTERSTATE ENVIRONMENTAL COMMISSION; (XI) ANY PUBLIC LIBRARY, ASSOCI-
30 ATION LIBRARY, LIBRARY SYSTEM, COOPERATIVE LIBRARY SYSTEM, THE NEW YORK
31 LIBRARY ASSOCIATION, AND THE NEW YORK STATE ASSOCIATION OF LIBRARY
32 BOARDS OR ANY OTHER LIBRARY EXCEPT THOSE WHICH ARE OPERATED BY FOR
33 PROFIT ENTITIES; (XII) ANY OTHER ASSOCIATION OR ENTITY AS SPECIFIED IN
34 STATE LAW, TO MAKE PURCHASES OF COMMODITIES, SERVICES AND TECHNOLOGY
35 THROUGH THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS. SUCH
36 QUALIFIED NON-PROFIT-MAKING AGENCIES FOR THE BLIND AND SEVERELY DISABLED
37 MAY MAKE PURCHASES FROM THE CORRECTIONAL INDUSTRIES PROGRAM OF THE
38 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION SUBJECT TO RULES
39 PURSUANT TO THE CORRECTION LAW.

40 S 37. Subdivision 5 of section 362 of chapter 83 of the laws of 1995
41 amending the state finance law and other laws relating to bonds, notes
42 and revenues, as amended by chapter 137 of the laws of 2008, is amended
43 to read as follows:

44 5. Sections thirty-one through forty-two of this act shall take effect
45 on the thirtieth day after it shall have become a law and shall be
46 deemed to have been in full force and effect on and after April 1, 1995;
47 provided that section 163 of the state finance law, as added by section
48 thirty-three of this act shall remain in full force and effect until
49 June 30, [2012] 2016 at which time it shall expire and be deemed
50 repealed. Contracts executed prior to the expiration of such section 163
51 shall remain in full force and effect until the expiration of any such
52 contract notwithstanding the expiration of certain provisions of this
53 act.

54 S 38. Section 179-ee of the state finance law is amended by adding a
55 new subdivision 3 to read as follows:

1 3. A MODIFICATION TO A CONTRACT THAT WOULD RESULT IN A TRANSFER OF
2 FUNDS AMONG PROGRAM ACTIVITIES OR BUDGET COST CATEGORIES BUT DOES NOT
3 AFFECT THE AMOUNT, CONSIDERATION, SCOPE OR OTHER TERMS OF SUCH CONTRACT
4 SHALL NOT, BY ITSELF, REQUIRE SUCH CONTRACT AND MODIFICATION TO BE
5 SUBMITTED TO THE COMPTROLLER FOR REVIEW; PROVIDED, HOWEVER, WHERE THE
6 AMOUNT OF SUCH MODIFICATION IS, AS A PORTION OF THE TOTAL VALUE OF THE
7 CONTRACT, EQUAL TO OR GREATER THAN TEN PERCENT FOR CONTRACTS OF LESS
8 THAN FIVE MILLION DOLLARS, OR FIVE PERCENT FOR CONTRACTS OF MORE THAN
9 FIVE MILLION DOLLARS, THE COMPTROLLER MAY REQUIRE THAT SUCH MODIFICATION
10 BE SUBMITTED TO HIM OR HER FOR REVIEW.

11 S 39. This act shall take effect immediately, provided, however, that
12 procurement contracts for which bid solicitations have been issued prior
13 to the effective date of this act shall be subject to the provisions of
14 law in effect at the time of issuance; provided, however, that the
15 amendments made to section 163 of the state finance law by sections two,
16 three, four, five, seven, nine, ten, twelve and thirty-six of this act
17 shall not affect the repeal of such section and shall be deemed to be
18 repealed therewith; and provided, however, that the amendments to
19 section 104 of the general municipal law made by section six of this act
20 shall be subject to the expiration and reversion of such section pursu-
21 ant to section 9 of subpart A of part C of chapter 97 of the laws of
22 2011, when upon such date the provisions of section twenty-seven of this
23 act shall take effect; and provided, however, that the amendments to
24 paragraph a of subdivision 5 of section 355 of the education law made by
25 section thirty-one of this act shall be subject to the expiration and
26 reversion of such subdivision pursuant to section 4 of subpart B of part
27 D of chapter 58 of the laws of 2011, when upon such date the provisions
28 of section thirty-two of this act shall take effect; and provided that
29 the amendments to subdivision a of section 6218 of the education law
30 made by section thirty-three of this act shall be subject to the expira-
31 tion and reversion of such subdivision pursuant to section 4 of subpart
32 B of part D of chapter 58 of the laws of 2011, as amended, when upon
33 such date the provisions of section thirty-four of this act shall take
34 effect.

35 PART M

36 Intentionally Omitted

37 PART N

38 Intentionally Omitted

39 PART O

40 Section 1. The article heading of article 1 of the state technology
41 law, as added by chapter 430 of the laws of 1997 and such article as
42 renumbered by chapter 437 of the laws of 2004, is amended to read as
43 follows:

44 OFFICE [FOR TECHNOLOGY] OF INFORMATION TECHNOLOGY SERVICES

45 S 2. Subdivision 3 of section 101 of the state technology law, as
46 added by chapter 430 of the laws of 1997 and such section as renumbered
47 by chapter 437 of the laws of 2004, is amended to read as follows:

48 3. "Office" means the office [for technology] OF INFORMATION TECHNOLO-
49 GY SERVICES.

1 S 3. The section heading and subdivision 1 of section 102 of the state
2 technology law, as added by chapter 430 of the laws of 1997 and such
3 section as renumbered by chapter 437 of the laws of 2004, are amended to
4 read as follows:

5 Office [for technology] OF INFORMATION TECHNOLOGY SERVICES; director,
6 organization and employees. 1. The office [for technology] OF INFORMA-
7 TION TECHNOLOGY SERVICES is hereby created within the executive depart-
8 ment to have and exercise the functions, powers and duties provided by
9 the provisions of this article and any other provision of law.

10 S 4. Subdivision 4 of section 202 of the state technology law, as
11 amended by chapter 17 of the laws of 2002, is amended to read as
12 follows:

13 4. "Office" shall mean the state office [for technology] OF INFORMA-
14 TION TECHNOLOGY SERVICES.

15 S 5. Subdivision 1 of section 303 of the state technology law, as
16 amended by chapter 437 of the laws of 2004, is amended to read as
17 follows:

18 1. The office [for technology] OF INFORMATION TECHNOLOGY SERVICES
19 shall be the electronic facilitator and administer this article. In
20 addition to the authority, duties and responsibilities set forth in
21 article one of this chapter, the electronic facilitator shall have the
22 authority, duties and responsibilities granted in this article.

23 S 6. Subdivision 15 of section 52 of the civil service law, as added
24 by chapter 228 of the laws of 1998, is amended to read as follows:

25 15. Promotion eligibility of person transferred to the office [for
26 technology] OF INFORMATION TECHNOLOGY SERVICES. Notwithstanding any
27 other provision of this chapter, the names of permanent employees trans-
28 ferred from a state agency or department to the office [for technology]
29 OF INFORMATION TECHNOLOGY SERVICES shall remain on any promotion eligi-
30 ble list for appointment in the agency or department from which such
31 employees were transferred, for a period of one year or until the expi-
32 ration of such list, whichever occurs first. Further, where the
33 promotion eligible list on which such employees' names appear is estab-
34 lished in the office [for technology] OF INFORMATION TECHNOLOGY
35 SERVICES, the names of employees so transferred shall be added to such
36 promotion eligible list.

37 S 7. Subdivision 1 of section 21 of the executive law, as amended by
38 section 93 of subpart B of part C of chapter 62 of the laws of 2011, is
39 amended to read as follows:

40 1. There is hereby created in the executive department a disaster
41 preparedness commission consisting of the commissioners of transporta-
42 tion, health, division of criminal justice services, education, social
43 services, economic development, agriculture and markets, housing and
44 community renewal, general services, labor, environmental conservation,
45 mental health, parks, recreation and historic preservation, corrections
46 and community supervision and children and family services, the presi-
47 dent of the New York state energy research and development authority,
48 the superintendents of state police, [insurance, banking] FINANCIAL
49 SERVICES, the secretary of state, the state fire administrator, the
50 chair of the public service commission, the adjutant general, the direc-
51 tors of the offices within the division of homeland security and emer-
52 gency services, the office [for technology] OF INFORMATION TECHNOLOGY
53 SERVICES, and the office of victim services, the chairs of the thruway
54 authority, the metropolitan transportation authority, the port authority
55 of New York and New Jersey, the chief professional officer of the state
56 coordinating chapter of the American Red Cross and three additional

1 members, to be appointed by the governor, two of whom shall be chief
2 executives. Each member agency may designate an officer of that agency,
3 with responsibility for disaster preparedness matters, who may represent
4 that agency on the commission. The commissioner of the division of home-
5 land security and emergency services shall serve as chair of the commis-
6 sion, and the governor shall designate the vice chair of the commission.
7 The members of the commission, except those who serve ex officio, shall
8 be allowed their actual and necessary expenses incurred in the perform-
9 ance of their duties under this article but shall receive no additional
10 compensation for services rendered pursuant to this article.

11 S 8. Subdivision 10 of section 31 of the executive law, as amended by
12 section 106 of subpart B of part C of chapter 62 of the laws of 2011, is
13 amended to read as follows:

14 10. Office [for technology] OF INFORMATION TECHNOLOGY SERVICES.

15 S 9. Subdivision 3 of section 164-d of the executive law, as amended
16 by section 1 of part O of chapter 60 of the laws of 2011, is amended to
17 read as follows:

18 3. The office [for technology] OF INFORMATION TECHNOLOGY SERVICES
19 shall promulgate rules and regulations to implement the provisions of
20 this section. Such rules shall at least provide for the prioritization
21 and timing for making application forms available on the internet.

22 S 10. Subdivision 4 of section 163-a of the state finance law, as
23 amended by chapter 437 of the laws of 2004, is amended to read as
24 follows:

25 4. The state agency together with the office [for technology] OF
26 INFORMATION TECHNOLOGY SERVICES determines that the restriction is not
27 in the best interest of the state. Such office shall notify each member
28 of the advisory council established in article one of the state technol-
29 ogy law of any such waiver of these restrictions.

30 S 11. Section 171-k of the tax law, as amended by chapter 437 of the
31 laws of 2004, is amended to read as follows:

32 S 171-k. Electronic signature. If any return or report relating to a
33 tax, fee or other imposition administered by the commissioner is author-
34 ized by the commissioner to be filed electronically, then such return or
35 report shall be signed electronically consistent with the provisions of
36 article three of the state technology law; provided, however, that if
37 the commissioner determines that electronic signatures that are used by
38 the federal internal revenue service in tax administration are not
39 consistent with the provisions of article three of the state technology
40 law, then the commissioner, after conferring with the office [for tech-
41 nology] OF INFORMATION TECHNOLOGY SERVICES, may prescribe the manner and
42 form of electronic signature on any such return or report. Such elec-
43 tronic signature shall conform, to the extent practicable, with elec-
44 tronic signatures that are used by the federal internal revenue service.
45 The use of such an electronic signature shall have the same validity and
46 effect as the use of a signature affixed by hand.

47 S 12. Subdivision 4 of section 236-b of the county law, as added by
48 chapter 339 of the laws of 2009, is amended to read as follows:

49 4. In this section, the term "agency of the state of New York" shall
50 include any department, bureau, commission, board, public authority or
51 other agency of the state of New York; any public benefit corporation
52 whose board of directors includes any member appointed by the governor;
53 any subdivision of any department, bureau, commission, board, public
54 authority or other agency of the state which is easily identifiable and
55 which for most other purposes is treated as an independent state agency;
56 and the office [for technology] OF INFORMATION TECHNOLOGY SERVICES.

1 S 13. Paragraph (h) of subdivision 1 of section 327 of the county law,
2 as added by section 33 of part B of chapter 56 of the laws of 2010, is
3 amended to read as follows:

4 (h) one shall be the director of the office [for technology] OF INFOR-
5 MATION TECHNOLOGY SERVICES, or his or her designee;

6 S 14. Terms. (a) Wherever the term "office for technology" appears in
7 the executive law, state technology law, or otherwise in the consol-
8 idated or unconsolidated laws of this state, such term is hereby changed
9 to "office of information technology services".

10 (b) Wherever the term "director of the office for technology" appears
11 in the executive law, state technology law, or otherwise in the consol-
12 idated or unconsolidated laws of this state, such term is hereby changed
13 to "director of information technology services".

14 (c) The legislative bill drafting commission is hereby directed to
15 effectuate this provision, and shall be guided by a memorandum of
16 instruction setting forth the specific provisions of law to be amended.
17 Such memorandum shall be transmitted to the legislative bill drafting
18 commission within sixty days of the effective date of this provision.
19 Such memorandum shall be issued jointly by the governor, the temporary
20 president of the senate and the speaker of the assembly, or by the dele-
21 gate of each.

22 S 15. Existing rights and remedies, preserved. No existing right or
23 remedy of any character shall be lost, impaired or affected by reason of
24 this act.

25 S 16. Pending actions and proceedings. No action or proceeding pending
26 at the time when this act shall take effect, brought by or against the
27 office for technology, and pertaining to or connected with its func-
28 tions, powers, obligations and duties, shall be affected by any
29 provision of this act, but in the same way may be prosecuted or defended
30 in the name of the office of information technology services. In all
31 such actions and proceedings the office of information technology
32 services, upon application to the court, shall be substituted as a
33 party.

34 S 17. This act shall take effect on the sixtieth day after it shall
35 have become a law.

36 PART P

37 Intentionally Omitted

38 PART Q

39 Section 1. Notwithstanding any other law to the contrary, for the
40 purpose of promoting access to employment, the state shall pay to the
41 metropolitan transportation authority the costs associated with estab-
42 lishment and implementation by the metropolitan transportation authority
43 of a rebate program for E-ZPass tolls paid by the residents of Broad
44 Channel and the Rockaway Peninsula who live within zip codes 11691,
45 11692, 11693, 11694, 11695, and 11697, for travel over the Cross Bay
46 Veterans Memorial Bridge.

47 S 2. This act shall take effect immediately.

48 PART R

1 Section 1. Subdivision 3 of section 50-a of the workers' compensation
2 law, as amended by section 1 of part R of chapter 56 of the laws of
3 2010, is amended to read as follows:

4 3. Beginning [on January first,] IN two thousand [twelve] FIFTEEN, and
5 each year thereafter, the chair shall add to the total of each annual
6 assessment made under paragraph g of subdivision five of section fifty
7 of this article the sum of up to three million dollars, to be allocated
8 to private group and individual self-insurers in accordance with such
9 paragraph. The chair shall assess additional funds under this paragraph
10 as necessary to insure that there are sufficient funds in the fund for
11 uninsured employers to meet its liabilities, or if necessary in accord-
12 ance with section one hundred fifty-one of this chapter. Such funds as
13 are collected pursuant to this subdivision shall be deposited into the
14 uninsured employer fund until all funds withdrawn therefrom under subdi-
15 vision one of this section are returned with interest calculated at an
16 annual rate equal to the rate of return on funds in the fund for unin-
17 sured employers from the prior year.

18 S 2. This act shall take effect immediately.

19 PART S

20 Section 1. The opening paragraph of subdivision 3 of section 5-a of
21 the legislative law, as amended by section 1 of part QQ of chapter 56 of
22 the laws of 2010, is amended to read as follows:

23 Any member of the assembly serving in a special capacity in a position
24 set forth in the following schedule shall be paid the allowance set
25 forth in such schedule only for the legislative term commencing January
26 first, two thousand [eleven] THIRTEEN and terminating December thirty-
27 first, two thousand [twelve] FOURTEEN:

28 S 2. Section 13 of chapter 141 of the laws of 1994, amending the
29 legislative law and the state finance law relating to the operation and
30 administration of the legislature, as amended by section 1 of part Q of
31 chapter 57 of the laws of 2011, is amended to read as follows:

32 S 13. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect as of April 1, 1994, provided that,
34 the provisions of section 5-a of the legislative law as amended by
35 sections two and two-a of this act shall take effect on January 1, 1995,
36 and provided further that, the provisions of article 5-A of the legisla-
37 tive law as added by section eight of this act shall expire June 30,
38 [2012] 2013 when upon such date the provisions of such article shall be
39 deemed repealed; and provided further that section twelve of this act
40 shall be deemed to have been in full force and effect on and after April
41 10, 1994.

42 S 3. This act shall take effect immediately, provided, however, if
43 section two of this act shall take effect on or after June 30, 2012
44 section two of this act shall be deemed to have been in full force and
45 effect on and after June 30, 2012.

46 PART T

47 Section 1. Section 10 of the correction law is amended by adding a new
48 subdivision 3-a to read as follows:

49 3-A. IN ORDER TO BEST EFFECTUATE THE PROVISIONS OF SUBDIVISION TWO OF
50 THIS SECTION THE COMMISSIONER SHALL, PURSUANT TO SUBDIVISION ONE OF
51 SECTION SEVENTY OF THE CIVIL SERVICE LAW, TRANSFER ANY EMPLOYEE WHO HELD
52 THE POSITION OF FACILITY PAROLE OFFICER I OR FACILITY PAROLE OFFICER II

1 ON JANUARY FIRST, TWO THOUSAND TWELVE AND WHO WISHES TO ACCEPT SUCH
2 TRANSFER, TO FILL ANY OPEN POSITION IN THE PAROLE OFFICER OR SENIOR
3 PAROLE OFFICER TITLE. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO
4 FACILITY PAROLE OFFICER I OR FACILITY PAROLE OFFICER II EMPLOYEES FOR
5 THE PERIOD THAT THE CERTIFICATE ATTESTING TO SATISFACTORY COMPLETION OF
6 THE TRAINING REQUIREMENTS FOR PEACE OFFICER ELIGIBILITY AWARDED TO SUCH
7 EMPLOYEE REMAINS VALID PURSUANT TO THE PROVISIONS OF SUBDIVISION SIX OF
8 SECTION 2.30 OF THE CRIMINAL PROCEDURE LAW. IN NO INSTANCE SHALL THE
9 DEPARTMENT APPOINT A NEWLY HIRED EMPLOYEE TO A PAROLE OFFICER OR SENIOR
10 PAROLE OFFICER POSITION WHERE AN EMPLOYEE, ELIGIBLE UNDER THIS SUBDIVI-
11 SION, IS WILLING AND ABLE TO TRANSFER TO SUCH POSITION. AN EMPLOYEE
12 TRANSFERRED UNDER THIS SUBDIVISION SHALL IN NO INSTANCE DISPLACE AN
13 INCUMBENT EMPLOYEE IN THE PAROLE OFFICER OR SENIOR PAROLE OFFICER TITLE
14 OR A PERSON WHO IS ON A PREFERRED LIST OR REEMPLOYMENT ROSTER FOR THE
15 POSITION OF PAROLE OFFICER OR SENIOR PAROLE OFFICER PURSUANT TO SECTION
16 EIGHTY-ONE OR EIGHTY-ONE-A OF THE CIVIL SERVICE LAW.
17 S 2. This act shall take effect immediately and shall expire and be
18 deemed repealed December 31, 2015.

19 PART U

20 Section 1. Subdivision 4 of section 29 of the correction law, as
21 amended by section 12 of subpart A of part C of chapter 62 of the laws
22 of 2011, is amended to read as follows:

23 4. (A) The commissioner shall provide an annual report to the legisla-
24 ture on the staffing of correction officers and correction sergeants in
25 state correctional facilities. Such report shall include, but not be
26 limited to the following factors: the number of security posts on the
27 current plot plan for each facility that have been closed on a daily
28 basis, by correctional facility security classification (minimum, medium
29 and maximum); the number of security positions eliminated by correction-
30 al facility since two thousand compared to the number of inmates incar-
31 cerated in each such facility; a breakdown by correctional facility
32 security classification (minimum, medium, and maximum) of the staff
33 hours of overtime worked, by year since two thousand and the annual
34 aggregate costs related to this overtime. In addition, such report shall
35 be delineated by correctional facility security classification, the
36 annual number of security positions eliminated, the number of closed
37 posts and amount of staff hours of overtime accrued as well as the over-
38 all overtime expenditures that resulted. Such report shall be provided
39 to the chairs of the senate finance, assembly ways and means, senate
40 crime and corrections and assembly correction committees, AND POSTED ON
41 THE DEPARTMENT'S WEBSITE, ANNUALLY by [December thirty-first] FEBRUARY
42 FIRST.

43 (B) SUCH REPORT SHALL ALSO INCLUDE BUT NOT BE LIMITED TO: THE TOTAL
44 NUMBER OF CORRECTIONAL FACILITIES IN OPERATION WHICH ARE MAINTAINED BY
45 THE DEPARTMENT, THE SECURITY LEVEL OF EACH FACILITY, THE NUMBER OF BEDS
46 AT EACH FACILITY AS OF DECEMBER THIRTY-FIRST OF THE PRIOR YEAR, AS CLAS-
47 SIFIED BY THE DEPARTMENT, AND THE NUMBER OF EMPTY BEDS, IF ANY, BY SUCH
48 CLASSIFICATION AS OF SUCH DATE.

49 S 2. This act shall take effect immediately.

50 PART V

51 Section 1. Legislative intent. In recent years, New York has seen the
52 inappropriate and harmful use of technology increase exponentially among

1 the juvenile population due to the accessibility and interconnectivity
2 of this form of communication. This problem has become more serious as
3 the violence and gravity of the behavior has escalated, reaching into
4 traditional sanctuaries for our children including their homes. Notably,
5 this has resulted in tragic cases of suicide as well as various cases of
6 long-term impairments to both the victim and the aggressor. Both the
7 acts of cyberbullying and sexting include components of aggressive
8 behavior, significant disrespect to an individual, and emotional trauma.
9 Although New York has taken initial steps to address bullying, a compre-
10 hensive and multi-tiered approach to this activity is imperative in
11 order to appropriately tackle the behavior as well as its repercussions.
12 This requires cooperation among all members of our community, including
13 schools, family units, and the criminal justice system. This legislation
14 is a component of this inclusive approach by creating an appropriate
15 educational program for the youth whose action or behavior has come to
16 the attention of the judicial system.

17 S 2. Section 458-1 of the social services law, as added by chapter 535
18 of the laws of 2011, is amended to read as follows:

19 S 458-1. Education reform program. 1. As used in this section:

20 (a) "eligible person" means an individual who (I) is, OR IS AT RISK OF
21 BEING, the subject of a [pending] PERSON IN NEED OF SUPERVISION petition
22 in family court [alleging he or she has committed an eligible offense or
23 a person who has been charged, in criminal court,] WHERE ELEMENTS OF AN
24 ELIGIBLE OFFENSE HAVE BEEN INDICATED; OR (II) HAS BEEN ARRESTED FOR OR
25 CHARGED with an eligible offense, OR IT IS OTHERWISE ALLEGED THAT SUCH
26 PERSON HAS COMMITTED AN ELIGIBLE OFFENSE, as that term is defined in
27 paragraph (b) of this subdivision. IN DETERMINING WHETHER TO ORDER AN
28 ELIGIBLE PERSON WHO HAS BEEN ARRESTED FOR OR CHARGED WITH AN ELIGIBLE
29 OFFENSE AS AN ADULT TO PARTICIPATE IN THE EDUCATION REFORM PROGRAM UNDER
30 THIS SECTION, A JUDGE MUST CONSIDER, AMONG OTHER FACTORS, PRIOR PARTIC-
31 IPATION IN THE PROGRAM AS AN ADULT.

32 (b) "eligible offense" means a crime or offense committed, OR, IN THE
33 CASE OF A PERSON WHO IS, OR IS AT RISK OF BEING THE SUBJECT OF A PERSON
34 IN NEED OF SUPERVISION PETITION, CONDUCT ENGAGED IN, by an eligible
35 person that involved cyberbullying or the sending or receipt THROUGH
36 ELECTRONIC MEANS of obscenity, as defined in subdivision one of section
37 235.00 of the penal law, or nudity, as defined in subdivision two of
38 section 235.20 of the penal law, when the sender and the receiver there-
39 of were both under the age of twenty at the time of such communication,
40 but not more than five years apart in age.

41 (c) "program" means the education reform program developed pursuant to
42 subdivision two of this section.

43 2. The office of children and family services, hereinafter the
44 "office," shall develop and implement, in consultation with the division
45 of criminal justice services and the state education department, an
46 education reform program [for] TO BE PROVIDED TO eligible persons [who
47 have been required to complete such] AS A DIVERSION program [pursuant to
48 article three or seven] IN ACCORDANCE WITH SECTION SEVEN HUNDRED THIR-
49 TY-FIVE of the family court act or, AS A CONDITION OF ADJUSTMENT PURSU-
50 ANT TO SECTION 308.1 OF THE FAMILY COURT ACT, OR AS A CONDITION OF AN
51 ORDER OF ADJOURNMENT IN CONTEMPLATION OF DISMISSAL, SUSPENDED JUDGMENT,
52 DISCHARGE WITH WARNING, CONDITIONAL DISCHARGE OR PROBATION PURSUANT TO
53 ARTICLE THREE OR SEVEN OF THE FAMILY COURT ACT, AS A CONDITION OF
54 PROBATION OR A CONDITIONAL DISCHARGE PURSUANT TO section 60.37 of the
55 penal law OR AS A CONDITION OF AN ADJOURNMENT IN CONTEMPLATION OF

1 DISMISSAL PURSUANT TO SECTION 170.55 OF THE CRIMINAL PROCEDURE LAW, AS
2 APPLICABLE.

3 3. The program shall be available in every judicial [district] DEPART-
4 MENT in the state; provided that if the office determines that there is
5 not a sufficient number of eligible offenses in a judicial [district]
6 DEPARTMENT to mandate the implementation of a program, provisions shall
7 be made for the residents of such judicial [district] DEPARTMENT to
8 participate in a program in another judicial [district] DEPARTMENT where
9 a program exists if practicable with regard to travel and cost, or to
10 complete the education course online.

11 4. [The] SUCH program SHALL BE PROVIDED IN AN AGE-APPROPRIATE MANNER
12 WHICH FOCUSES ON THE CRIME, OFFENSE OR CONDUCT, shall involve up to
13 eight hours of instruction and shall provide, at a minimum, information
14 concerning:

15 (a) the legal consequences of and potential penalties for sharing
16 sexually suggestive materials, explicit materials or abusive materials,
17 including sanctions imposed under applicable federal and state statutes;

18 (b) the non-legal consequences of sharing sexually suggestive materi-
19 als, explicit materials or abusive materials, including, but not limited
20 to, the possible effect on relationships, loss of educational and
21 employment opportunities, and the potential for being barred or removed
22 from school programs and extracurricular activities;

23 (c) how the unique characteristics of cyberspace and the internet,
24 including the potential ability of an infinite audience to utilize the
25 internet to search for and replicate materials, can produce long-term
26 and unforeseen consequences for sharing sexually suggestive materials,
27 explicit materials or abusive materials; and

28 (d) the potential connection between bullying and cyber-bullying and
29 juveniles sharing sexually suggestive materials, explicit materials or
30 abusive materials.

31 5. [Upon receipt of the court order, pursuant to the family court act
32 or section 60.37 of the penal law, directing an eligible person to
33 attend the program, the office, after consultation with the eligible
34 person and the attorney for such person, shall schedule the eligible
35 person to attend the next available session of the program and shall
36 send written notice of the scheduling, along with the date, time and
37 location of the session or sessions, to the eligible person, the attor-
38 ney for such person and the clerk of the referring court.] THE OFFICE,
39 IN CONJUNCTION WITH THE OFFICE OF COURT ADMINISTRATION, THE OFFICE OF
40 PROBATION AND CORRECTIONAL ALTERNATIVES AND THE DIVISION OF CRIMINAL
41 JUSTICE SERVICES, SHALL PROVIDE ANNUAL NOTICE REGARDING THE PROGRAM TO
42 LOCAL PROBATION DEPARTMENTS, APPLICABLE COURT PERSONNEL, COUNTY DEFENDER
43 OFFICES, ORGANIZATIONS OR GROUPS ASSIGNED TO ACT AS ATTORNEYS FOR CHIL-
44 DREN, DISTRICT ATTORNEYS, PRESENTMENT AGENCIES AND COUNTY ATTORNEYS, FOR
45 THE PURPOSE OF SUCH INFORMATION BEING PROVIDED TO EACH ELIGIBLE PERSON,
46 HIS OR HER ATTORNEY AND HIS OR HER PARENT OR GUARDIAN WHERE NECESSARY,
47 UPON AN ORDER THAT THEY COMPLETE SUCH PROGRAM. THE NOTICE SHALL INCLUDE,
48 AT A MINIMUM, A SHORT DESCRIPTION OF THE PROGRAM, WHEN USE OF THE
49 PROGRAM IS AUTHORIZED BY STATUTE, AND THE MEANS OF ACCESSING AND
50 COMPLETING THE PROGRAM. THE OFFICE SHALL MAINTAIN INFORMATION ON ITS
51 WEBSITE REGARDING THE PROGRAM, INCLUDING DIRECTIONS FOR ACCESSING THE
52 PROGRAM.

53 6. Within twenty days of the date upon which the eligible person
54 completes the program, the office shall provide such person with a
55 certification that he or she has successfully completed the program AND
56 THE DATE THE PROGRAM WAS COMPLETED. THE ELIGIBLE PERSON SHALL BE RESPON-

1 SIBLE FOR COMPLETING THE PROGRAM, AND PROVIDING ANY NECESSARY PROOF OF
2 COMPLETION.

3 S 3. Subdivision 2 of section 308.1 of the family court act, as
4 amended by chapter 252 of the laws of 1988, is amended to read as
5 follows:

6 2. Except as provided in subdivisions three and four OF THIS SECTION,
7 the probation service may, in accordance with rules of court, adjust
8 suitable cases before a petition is filed. The inability of the respond-
9 ent or his or her family to make restitution shall not be a factor in a
10 decision to adjust a case or in a recommendation to the presentment
11 agency pursuant to subdivision six of this section. Nothing in this
12 section shall prohibit the probation service or the court from directing
13 a respondent to obtain employment and to make restitution from the earn-
14 ings from such employment. NOTHING IN THIS SECTION SHALL PROHIBIT THE
15 PROBATION SERVICE OR THE COURT FROM DIRECTING AN ELIGIBLE PERSON TO
16 COMPLETE AN EDUCATION REFORM PROGRAM IN ACCORDANCE WITH SECTION FOUR
17 HUNDRED FIFTY-EIGHT-L OF THE SOCIAL SERVICES LAW.

18 S 4. Subdivision (a) of section 749 of the family court act, as
19 amended by chapter 237 of the laws of 1991, is amended to read as
20 follows:

21 (a) (I) Upon or after a fact-finding hearing, the court may, upon its
22 own motion or upon a motion of a party to the proceeding, order that the
23 proceeding be "adjourned in contemplation of dismissal". An adjournment
24 in contemplation of dismissal is an adjournment of the proceeding, for a
25 period not to exceed six months with a view to ultimate dismissal of the
26 petition in furtherance of justice. Upon issuing such an order, upon
27 such permissible terms and conditions as the rules of court shall
28 define, the court must release the individual.

29 (II) The court may, as a condition of an adjournment in contemplation
30 of dismissal order[,]: (A) in cases where the record indicates that the
31 consumption of alcohol may have been a contributing factor, require the
32 respondent to attend and complete an alcohol awareness program estab-
33 lished pursuant to [paragraph six-a of subdivision (a) of] section
34 [19.07] 19.25 of the mental hygiene law; OR (B) IN CASES WHERE THE
35 RECORD INDICATES THAT CYBERBULLYING OR SEXTING WAS THE BASIS OF THE
36 PETITION, REQUIRE AN ELIGIBLE PERSON TO COMPLETE AN EDUCATION REFORM
37 PROGRAM IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE
38 SOCIAL SERVICES LAW.

39 (III) Upon application of the petitioner, or upon the court's own
40 motion, made at any time during the duration of the order, the court may
41 restore the matter to the calendar. If the proceeding is not so
42 restored, the petition is at the expiration of the order, deemed to have
43 been dismissed by the court in furtherance of justice.

44 S 5. Subdivision 1 of section 754 of the family court act is amended
45 by adding a closing paragraph to read as follows:

46 THE COURT MAY ORDER AN ELIGIBLE PERSON TO COMPLETE AN EDUCATION REFORM
47 PROGRAM IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE
48 SOCIAL SERVICES LAW, AS PART OF A DISPOSITION PURSUANT TO PARAGRAPH (A),
49 (B) OR (D) OF THIS SUBDIVISION.

50 S 6. Section 60.37 of the penal law, as added by chapter 535 of the
51 laws of 2011, is amended to read as follows:

52 S 60.37 Authorized disposition; certain offenses.

53 When a person has been charged with an offense and the elements of
54 such offense meet the criteria of an "eligible offense" and such person
55 qualifies as an "eligible person" as such terms are defined in section
56 four hundred fifty-eight-l of the social services law, the court may, as

1 a CONDITION OF ADJOURNMENT IN CONTEMPLATION OF DISMISSAL IN ACCORDANCE
2 WITH SECTION 170.55 OF THE CRIMINAL PROCEDURE LAW, OR A condition of
3 probation or a conditional discharge, direct that the defendant partic-
4 ipate in an education reform program pursuant to subdivision two of
5 section four hundred fifty-eight-1 of the social services law.

6 S 7. Section 170.55 of the criminal procedure law is amended by adding
7 a new subdivision 6-a to read as follows:

8 6-A. THE COURT MAY, AS A CONDITION OF AN AUTHORIZED ADJOURNMENT IN
9 CONTEMPLATION OF DISMISSAL, WHERE THE DEFENDANT HAS BEEN CHARGED WITH AN
10 OFFENSE AND THE ELEMENTS OF SUCH OFFENSE MEET THE CRITERIA OF AN "ELIGI-
11 BLE OFFENSE" AND SUCH PERSON QUALIFIED AS AN "ELIGIBLE PERSON" AS SUCH
12 TERMS ARE DEFINED IN SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE SOCIAL
13 SERVICES LAW, REQUIRE THE DEFENDANT TO PARTICIPATE IN AN EDUCATION
14 REFORM PROGRAM IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-L OF
15 THE SOCIAL SERVICES LAW.

16 S 8. Section 7 of chapter 535 of the laws of 2011, amending the social
17 services law and other laws relating to creating the education reform
18 program, is amended to read as follows:

19 S 7. This act shall take effect on the [one] TWO hundred [eightieth]
20 FORTIETH day after it shall have become a law; provided that, effective
21 immediately, the commissioner of the office of children and family
22 services shall promulgate any rules and regulations and take all other
23 actions necessary to implement the provisions of this act on or before
24 such effective date.

25 S 9. This act shall take effect on the same date and in the same
26 manner as chapter 535 of the laws of 2011, as amended, takes effect;
27 provided that section eight of this act shall take effect immediately
28 and shall be deemed to have been in full force and effect on and after
29 September 23, 2011.

30 PART W

31 Section 1. Paragraph (a) of subdivision 2 of section 98-b of the state
32 finance law, as amended by section 2 of part E of chapter 56 of the laws
33 of 2010, is amended to read as follows:

34 (a) The purpose of such fund shall be to (i) assist counties and, in
35 the case of a county wholly contained within a city, such city, in
36 providing legal representation for persons who are financially unable to
37 afford counsel pursuant to article eighteen-B of the county law; (ii)
38 assist the state, in improving the quality of public defense services
39 and funding representation provided by assigned counsel paid in accord-
40 ance with section thirty-five of the judiciary law; [and] (iii) provide
41 support for the operations, duties, responsibilities and expenses of the
42 office of indigent legal services and the indigent legal services board
43 established, respectively, pursuant to sections eight hundred thirty-two
44 and eight hundred thirty-three of the executive law; AND (IV) PROVIDE
45 SUPPORT FOR THE PUBLIC DEFENSE BACKUP CENTER.

46 S 2. Section 700 of the county law is amended by adding a new subdivi-
47 sion 12 to read as follows:

48 12. IN ADDITION TO STATE AID PROVIDED IN SUBDIVISIONS TEN AND ELEVEN
49 OF THIS SECTION, EACH COUNTY, THE SALARY OF THE DISTRICT ATTORNEY OF
50 WHICH IS DETERMINED PURSUANT TO SECTION ONE HUNDRED EIGHTY-THREE-A OF
51 THE JUDICIARY LAW, SHALL BE ENTITLED TO RECEIVE STATE AID IN AN AMOUNT
52 EQUAL TO THE DIFFERENCE BETWEEN: (A) THE SALARY REQUIRED TO BE PAID TO
53 THE DISTRICT ATTORNEY OF SUCH COUNTY PURSUANT TO SUCH SECTION ONE
54 HUNDRED EIGHTY-THREE-A OF THE JUDICIARY LAW ON MARCH THIRTY-FIRST, TWO

1 THOUSAND TWELVE, AND (B) THE SALARY PAID TO A JUSTICE OF THE STATE
2 SUPREME COURT OF THAT SAME COUNTY, ON APRIL FIRST, TWO THOUSAND TWELVE,
3 PURSUANT TO CHAPTER FIVE HUNDRED SIXTY-SEVEN OF THE LAWS OF TWO THOUSAND
4 TEN.

5 S 3. This act shall take effect April 1, 2012 and shall expire March
6 31, 2013 when upon such date the provisions of this act shall be deemed
7 repealed.

8 PART X

9 Section 1. Paragraph (d) of subdivision 6 of section 186-f of the tax
10 law, as amended by section 2 of part D of chapter 57 of the laws of
11 2011, is amended to read as follows:

12 (d) The sum of [nine] SEVEN million dollars annually for the provision
13 of grants [or reimbursements] to counties for costs related to the oper-
14 ation and improvement of LOCAL public safety answering points. [Annual]
15 SUCH ANNUAL grants may consider prospective or retrospective costs
16 incurred to consolidate public safety answering points, to implement new
17 technologies in LOCAL public safety answering points that facilitate
18 interoperability and create operating efficiencies, OR to promote the
19 development and implementation of cross-jurisdictional standard operat-
20 ing procedures that foster regional consolidation. THE SUM OF TWO
21 MILLION DOLLARS ANNUALLY FOR THE PROVISION OF REIMBURSEMENT TO COUNTIES
22 FOR OPERATING EXPENSES, OTHER THAN PERSONAL SERVICE, INCURRED DURING THE
23 OPERATION OF LOCAL PUBLIC SAFETY ANSWERING POINTS. THE COMMISSIONER
24 SHALL DEVELOP A PLAN FOR THE DISTRIBUTION OF SUCH REIMBURSEMENT, IN
25 CONSULTATION WITH THE NEW YORK STATE INTEROPERABLE AND EMERGENCY COMMU-
26 NICATION BOARD. THE PLAN FOR DISTRIBUTION MAY CONSIDER THE POTENTIAL
27 RECIPIENT'S COMPLIANCE WITH THE STANDARDS OF SUCH BOARD AND THE POTEN-
28 TIAL RECIPIENT'S ROLE IN PROVIDING COMMUNICATION SERVICES TO THE BENEFIT
29 OF OTHER MUNICIPALITIES.

30 S 2. This act shall take effect immediately; provided however that the
31 amendments to paragraph (d) of subdivision 6 of section 186-f of the tax
32 law made by section one of this act shall not affect the expiration of
33 such paragraph and shall expire therewith.

34 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
35 sion, section or part of this act shall be adjudged by any court of
36 competent jurisdiction to be invalid, such judgment shall not affect,
37 impair, or invalidate the remainder thereof, but shall be confined in
38 its operation to the clause, sentence, paragraph, subdivision, section
39 or part thereof directly involved in the controversy in which such judg-
40 ment shall have been rendered. It is hereby declared to be the intent of
41 the legislature that this act would have been enacted even if such
42 invalid provisions had not been included herein.

43 S 3. This act shall take effect immediately provided, however, that
44 the applicable effective date of Parts A through X of this act shall be
45 as specifically set forth in the last section of such Parts.