

2807--B

I N S E N A T E

February 1, 2011

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to extending the expiration of such chapter; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to extending the expiration of such chapter; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to extending the expiration of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984,

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

LBD12570-05-1

amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the effective date thereof (Part A); to amend chapter 503 of the laws of 2009 relating to the disposition of certain monies recovered by county district attorneys before the filing of an accusatory instrument, in relation thereto and the effective date thereof (Part B); Intentionally omitted (Part C); to amend the tax law, in relation to eliminating certain allowable uses of revenue generated by the cellular surcharge (Part D); Intentionally omitted (Part E); to amend the election law, in relation to eliminating certain publishing requirements by state and local boards of election and to repeal certain provisions of the election law relating thereto (Part F); Intentionally omitted (Part G); to amend the executive law and the civil service law, in relation to removing the salary provision for civil service commissioners other than the president (Part H); to amend the state finance law, in relation to aid and incentives for municipalities and providing for the repeal of certain provisions upon expiration thereof (Part I); to amend the state finance law, in relation to video lottery gaming facilities; and to repeal section 54-1 of such law relating thereto (Part J); to amend the state finance law, in relation to state assistance to local government (Part K); to amend chapter 774 of the laws of 1989 amending the real property tax law relating to certain state

lands subject to taxation, in relation to clarifying the state's obligation to make payments with respect to certain lands (Part L); Intentionally omitted (Part M); to provide for the administration of certain funds and accounts related to the 2011-2012 budget; to authorize certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend the state finance law, in relation to the issuance of revenue bonds and in relation to mental health service facilities financing; to amend chapter 57 of the laws of 2008, providing for the administration of certain funds and accounts related to the 2008-2009 budget, in relation to effectiveness of certain provisions thereof; to amend the public authorities law, in relation to environmental infrastructure projects; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund; to amend the state finance law, in relation to certificates of participation; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority and the New York state environmental facilities corporation; to amend the public authorities law, in relation to voting of directors of local government assistance corporation; to amend the public authorities law, in relation to library construction; to amend the state finance law, in relation to community enhancement facilities projects; and to amend part JJ of chapter 56 of the laws of 2010, relating to providing for the administration of certain funds and accounts related to the 2010-2011 budget, in relation to the effectiveness thereof (Part N); Intentionally omitted (Part O); in relation to allowing the State University Downstate Medical Center to create a not-for-profit corporation (Part P); to amend the judiciary law, in relation to expanding access to civil legal services (Part Q); to amend the state finance law and the county law, in relation to indigent legal services and the indigent legal services fund; and to repeal article 30 of the executive law, relating thereto (Part R); to authorize SUNY Upstate Medical University to assume and maintain the retirement plan for employees of Community-General Hospital of Greater Syracuse (Part S); 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 T); to amend the education law, in relation to the New York state district attorney and indigent legal services attorney loan forgiveness program (Part U); to amend the correction law, in relation to requiring collection of an incarceration fee (Part V); to amend the correction law, in relation to the establishment of commissaries or canteens in correctional institutions and the establishment of sales and excise taxes in such commissaries or canteens (Part W); to amend the correction law, in relation to requiring inmates to make medical co-payments for treatment provided (Part X); to amend the executive law, in relation to requiring unanimous agreement by the parole board to release an inmate on parole (Part Y); to amend the executive law, in relation to the appearance of certain law

enforcement officers at parole hearings (Part Z); to amend the correction law, in relation to the establishment of a prison efficiency task force (Part AA); to amend the civil service law, in relation to requiring the president of the state civil service commission to report on the impact of state employee workforce reductions (Part BB); to amend the tax law, in relation to authorizing any city or county to adopt, amend and impose an additional rate of tax; and to repeal certain provisions of such law relating thereto (Part CC); and to amend the legislative law, in relation to establishing the New York state legislative budget office; to amend the state finance law and the legislative law, in relation to enacting a balanced budget requirement; and to amend the state finance law, in relation to budget reform (Part DD)

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 2011-2012
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through DD. 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, including
7 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. Section 2 of chapter 887 of the laws of 1983, amending the
14 correction law relating to the psychological testing of candidates, as
15 amended by section 1 of part U of chapter 56 of the laws of 2009, is
16 amended to read as follows:

17 S 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law and shall remain in effect until September 1,
19 [2011] 2013.

20 S 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-
21 tive law and the criminal procedure law relating to expanding the
22 geographic area of employment of certain police officers, as amended by
23 section 2 of part U of chapter 56 of the laws of 2009, is amended to
24 read as follows:

25 S 3. This act shall take effect on the first day of November next
26 succeeding the date on which it shall have become a law, and shall
27 remain in effect until the first day of September, [2011] 2013, when it
28 shall expire and be deemed repealed.

29 S 3. Section 3 of chapter 886 of the laws of 1972, amending the
30 correction law and the penal law relating to prisoner furloughs in
31 certain cases and the crime of absconding therefrom, as amended by
32 section 3 of part U of chapter 56 of the laws of 2009, is amended to
33 read as follows:

34 S 3. This act shall take effect 60 days after it shall have become a
35 law and shall remain in effect until September 1, [2011] 2013.

1 S 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
2 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
3 other chapters and laws relating to correctional facilities, as amended
4 by section 4 of part U of chapter 56 of the laws of 2009, is amended to
5 read as follows:

6 S 20. This act shall take effect immediately except that section thir-
7 teen of this act shall expire and be of no further force or effect on
8 and after September 1, [2011] 2013 and shall not apply to persons
9 committed to the custody of the department after such date, and provided
10 further that the commissioner of correctional services shall report each
11 January first and July first during such time as the earned eligibility
12 program is in effect, to the chairmen of the senate crime victims, crime
13 and correction committee, the senate codes committee, the assembly
14 correction committee, and the assembly codes committee, the standards in
15 effect for earned eligibility during the prior six-month period, the
16 number of inmates subject to the provisions of earned eligibility, the
17 number who actually received certificates of earned eligibility during
18 that period of time, the number of inmates with certificates who are
19 granted parole upon their first consideration for parole, the number
20 with certificates who are denied parole upon their first consideration,
21 and the number of individuals granted and denied parole who did not have
22 earned eligibility certificates.

23 S 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,
24 amending the tax law and other laws relating to taxes, surcharges, fees
25 and funding, as amended by section 5 of part U of chapter 56 of the laws
26 of 2009, is amended to read as follows:

27 (q) the provisions of section two hundred eighty-four of this act
28 shall remain in effect until September 1, [2011] 2013 and be applicable
29 to all persons entering the program on or before August 31, [2011] 2013.

30 S 6. Section 10 of chapter 339 of the laws of 1972, amending the
31 correction law and the penal law relating to inmate work release,
32 furlough and leave, as amended by section 6 of part U of chapter 56 of
33 the laws of 2009, is amended to read as follows:

34 S 10. This act shall take effect 30 days after it shall have become a
35 law and shall remain in effect until September 1, [2011] 2013, and
36 provided further that the commissioner of correctional services shall
37 report each January first, and July first, to the chairman of the senate
38 crime victims, crime and correction committee, the senate codes commit-
39 tee, the assembly correction committee, and the assembly codes commit-
40 tee, the number of eligible inmates in each facility under the custody
41 and control of the commissioner who have applied for participation in
42 any program offered under the provisions of work release, furlough, or
43 leave, and the number of such inmates who have been approved for partic-
44 ipation.

45 S 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994
46 relating to certain provisions which impact upon expenditure of certain
47 appropriations made by chapter 50 of the laws of 1994 enacting the state
48 operations budget, as amended by section 7 of part U of chapter 56 of
49 the laws of 2009, is amended to read as follows:

50 (c) sections forty-one and forty-two of this act shall expire Septem-
51 ber 1, [2011] 2013; provided, that the provisions of section forty-two
52 of this act shall apply to inmates entering the work release program on
53 or after such effective date; and

54 S 8. Section 5 of chapter 554 of the laws of 1986, amending the
55 correction law and the penal law relating to providing for community
56 treatment facilities and establishing the crime of absconding from the

community treatment facility, as amended by section 8 of part U of chapter 56 of the laws of 2009, is amended to read as follows:

S 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [2011] 2013, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

S 9. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by section 9 of part U of chapter 56 of the laws of 2009, is amended to read as follows:

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [2011] 2013, when upon such date the amendments to the correction law and penal law made by sections fifty-five and fifty-six of this act shall revert to and be read as if the provisions of this act had not been enacted; provided, however, that sections sixty-two, sixty-three and sixty-four of this act shall be deemed to have been in full force and effect on and after March 1, 1995 and shall be deemed repealed April 1, 1996 and upon such date the provisions of subsection (e) of section 9110 of the insurance law and subdivision 2 of section 89-d of the state finance law shall revert to and be read as set out in law on the date immediately preceding the effective date of sections sixty-two and sixty-three of this act;

S 10. Subdivision (z) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part U of chapter 56 of the laws of 2009, is amended to read as follows:

(z) the provisions of section three hundred eighty-one of this act shall apply to all persons supervised by the [division of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION on or after the effective date of this act, provided however, that subdivision 9 of section 259-a of the executive law, as added by section three hundred eighty-one of this act, shall expire on September 1, [2011] 2013;

S 11. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 11 of part U of chapter 56 of the laws of 2009, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [2011] 2013;

S 12. Section 12 of chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, as amended by section 12 of part U of chapter 56 of the laws of 2009, is amended to read as follows:

1 S 12. This act shall take effect immediately, except that the
2 provisions of sections one through ten of this act shall remain in full
3 force and effect until September 1, [2011] 2013 on which date those
4 provisions shall be deemed to be repealed.

5 S 13. Subdivision (p) of section 406 of chapter 166 of the laws of
6 1991, amending the tax law and other laws relating to taxes, as amended
7 by section 13 of part U of chapter 56 of the laws of 2009, is amended to
8 read as follows:

9 (p) The amendments to section 1809 of the vehicle and traffic law made
10 by sections three hundred thirty-seven and three hundred thirty-eight of
11 this act shall not apply to any offense committed prior to such effec-
12 tive date; provided, further, that section three hundred forty-one of
13 this act shall take effect immediately and shall expire November 1, 1993
14 at which time it shall be deemed repealed; sections three hundred
15 forty-five and three hundred forty-six of this act shall take effect
16 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
17 six, three hundred fifty-seven and three hundred fifty-nine of this act
18 shall take effect immediately and shall expire June 30, 1995 and shall
19 revert to and be read as if this act had not been enacted; section three
20 hundred fifty-eight of this act shall take effect immediately and shall
21 expire June 30, 1998 and shall revert to and be read as if this act had
22 not been enacted; section three hundred sixty-four through three hundred
23 sixty-seven of this act shall apply to claims filed on or after such
24 effective date; sections three hundred sixty-nine, three hundred seven-
25 ty-two, three hundred seventy-three, three hundred seventy-four, three
26 hundred seventy-five and three hundred seventy-six of this act shall
27 remain in effect until September 1, [2011] 2013, at which time they
28 shall be deemed repealed; provided, however, that the mandatory
29 surcharge provided in section three hundred seventy-four of this act
30 shall apply to parking violations occurring on or after said effective
31 date; and provided further that the amendments made to section 235 of
32 the vehicle and traffic law by section three hundred seventy-two of this
33 act, the amendments made to section 1809 of the vehicle and traffic law
34 by sections three hundred thirty-seven and three hundred thirty-eight of
35 this act and the amendments made to section 215-a of the labor law by
36 section three hundred seventy-five of this act shall expire on September
37 1, [2011] 2013 and upon such date the provisions of such subdivisions
38 and sections shall revert to and be read as if the provisions of this
39 act had not been enacted; the amendments to subdivisions 2 and 3 of
40 section 400.05 of the penal law made by sections three hundred seventy-
41 seven and three hundred seventy-eight of this act shall expire on July
42 1, 1992 and upon such date the provisions of such subdivisions shall
43 revert and shall be read as if the provisions of this act had not been
44 enacted; the state board of law examiners shall take such action as is
45 necessary to assure that all applicants for examination for admission to
46 practice as an attorney and counsellor at law shall pay the increased
47 examination fee provided for by the amendment made to section 465 of the
48 judiciary law by section three hundred eighty of this act for any exam-
49 ination given on or after the effective date of this act notwithstanding
50 that an applicant for such examination may have prepaid a lesser fee for
51 such examination as required by the provisions of such section 465 as of
52 the date prior to the effective date of this act; the provisions of
53 section 306-a of the civil practice law and rules as added by section
54 three hundred eighty-one of this act shall apply to all actions pending
55 on or commenced on or after September 1, 1991, provided, however, that
56 for the purposes of this section service of such summons made prior to

1 such date shall be deemed to have been completed on September 1, 1991;
2 the provisions of section three hundred eighty-three of this act shall
3 apply to all money deposited in connection with a cash bail or a
4 partially secured bail bond on or after such effective date; and the
5 provisions of sections three hundred eighty-four and three hundred
6 eighty-five of this act shall apply only to jury service commenced
7 during a judicial term beginning on or after the effective date of this
8 act; provided, however, that nothing contained herein shall be deemed to
9 affect the application, qualification, expiration or repeal of any
10 provision of law amended by any section of this act and such provisions
11 shall be applied or qualified or shall expire or be deemed repealed in
12 the same manner, to the same extent and on the same date as the case may
13 be as otherwise provided by law;

14 S 14. Subdivision 8 of section 1809 of the vehicle and traffic law, as
15 amended by section 14 of part U of chapter 56 of the laws of 2009, is
16 amended to read as follows:

17 8. The provisions of this section shall only apply to offenses commit-
18 ted on or before September first, two thousand [eleven] THIRTEEN.

19 S 15. Section 6 of chapter 713 of the laws of 1988, amending the vehi-
20 cle and traffic law relating to the ignition interlock device program,
21 as amended by section 15 of part U of chapter 56 of the laws of 2009, is
22 amended to read as follows:

23 S 6. This act shall take effect on the first day of April next
24 succeeding the date on which it shall have become a law; provided,
25 however, that effective immediately, the addition, amendment or repeal
26 of any rule or regulation necessary for the implementation of the fore-
27 going sections of this act on their effective date is authorized and
28 directed to be made and completed on or before such effective date and
29 shall remain in full force and effect until the first day of September,
30 [2011] 2013 when upon such date the provisions of this act shall be
31 deemed repealed.

32 S 16. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
33 laws of 1997, amending the military law and other laws relating to vari-
34 ous provisions, as amended by section 16 of part U of chapter 56 of the
35 laws of 2009, is amended to read as follows:

36 a. sections forty-three through forty-five of this act shall expire
37 and be deemed repealed on September 1, [2011] 2013;

38 S 17. Section 4 of part D of chapter 412 of the laws of 1999, amending
39 the civil practice law and rules and the court of claims act relating to
40 prisoner litigation reform, as amended by section 17 of part U of chap-
41 ter 56 of the laws of 2009, is amended to read as follows:

42 S 4. This act shall take effect 120 days after it shall have become a
43 law and shall remain in full force and effect until September 1, [2011]
44 2013, when upon such date it shall expire.

45 S 18. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,
46 constituting the family protection and domestic violence intervention
47 act of 1994, as amended by section 18 of part U of chapter 56 of the
48 laws of 2009, is amended to read as follows:

49 2. Subdivision 4 of section 140.10 of the criminal procedure law as
50 added by section thirty-two of this act shall take effect January 1,
51 1996 and shall expire and be deemed repealed on September 1, [2011]
52 2013.

53 S 19. Section 5 of chapter 505 of the laws of 1985, amending the crim-
54 inal procedure law relating to the use of closed-circuit television and
55 other protective measures for certain child witnesses, as amended by

1 section 19 of part U of chapter 56 of the laws of 2009, is amended to
2 read as follows:

3 S 5. This act shall take effect immediately and shall apply to all
4 criminal actions and proceedings commenced prior to the effective date
5 of this act but still pending on such date as well as all criminal
6 actions and proceedings commenced on or after such effective date and
7 its provisions shall expire on September 1, [2011] 2013, when upon such
8 date the provisions of this act shall be deemed repealed.

9 S 20. Subdivision d of section 74 of chapter 3 of the laws of 1995,
10 enacting the sentencing reform act of 1995, as amended by section 21 of
11 part U of chapter 56 of the laws of 2009, is amended to read as follows:

12 d. Sections one-a through twenty, twenty-four through twenty-eight,
13 thirty through thirty-nine, forty-two and forty-four of this act shall
14 be deemed repealed on September 1, [2011] 2013;

15 S 21. Section 2 of chapter 689 of the laws of 1993 amending the crimi-
16 nal procedure law relating to electronic court appearance in certain
17 counties, as amended by section 23 of part U of chapter 56 of the laws
18 of 2009, is amended to read as follows:

19 S 2. This act shall take effect immediately, except that the
20 provisions of this act shall be deemed to have been in full force and
21 effect since July 1, 1992 and the provisions of this act shall expire
22 September 1, [2011] 2013 when upon such date the provisions of this act
23 shall be deemed repealed.

24 S 22. This act shall take effect immediately.

25 PART B

26 Section 1. Sections 1 and 2 of part H of chapter 503 of the laws of
27 2009 relating to the disposition of monies recovered by county district
28 attorneys before the filing of an accusatory instrument, as amended by
29 section 1 of part KK of chapter 56 of the laws of 2010, are amended to
30 read as follows:

31 Section 1. When a county district attorney of a county located in a
32 city of one million or more recovers monies before the filing of an
33 accusatory instrument as defined in subdivision 1 of section 1.20 of the
34 criminal procedure law, after injured parties have been appropriately
35 compensated, the district attorney's office shall retain a percentage of
36 the remaining such monies in recognition that such monies were recovered
37 as a result of investigations undertaken by such office. [The] FOR EACH
38 RECOVERY THE total amount of such monies to be retained by the county
39 district attorney's office shall equal ten percent of the first twenty-
40 five million dollars received by such office [during the state fiscal
41 year], plus seven and one-half percent of such monies received by such
42 office in excess of twenty-five million dollars but less than fifty
43 million dollars, plus five percent of any such monies received by such
44 office in excess of fifty million dollars but less than one hundred
45 million dollars, plus one percent of such monies received by such office
46 in excess of one hundred million dollars. The remainder of such monies
47 shall be paid by the district attorney's office to the state and to the
48 county in equal amounts within thirty days of receipt, where disposition
49 of such monies is not otherwise prescribed by law. Monies distributed
50 to a county district attorney's office pursuant to this section shall be
51 used to enhance law enforcement efforts [and shall not supplant funds
52 for ordinary budgetary costs including salaries of personnel and
53 expenses of district attorneys].

1 S 2. This act shall take effect immediately and shall remain in full
2 force and effect until the last day of March, [2011] 2012, when it shall
3 expire and be deemed repealed.

4 S 2. This act shall take effect immediately.

5 PART C

6 Intentionally omitted.

7 PART D

8 Section 1. Subdivision 6 of section 186-f of the tax law, as added by
9 section 3 of part B of chapter 56 of the laws of 2009, paragraph (c) as
10 amended by section 38 and paragraph (d) as amended and paragraph (e) as
11 added by section 39 of part B of chapter 56 of the laws of 2010, is
12 amended to read as follows:

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

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

18 (b) [The sum of one million five hundred thousand dollars must be
19 deposited into the New York state emergency services revolving loan fund
20 annually;

21 (c) Up to the sum of seventy-five million dollars annually] NOT LESS
22 THAN TWENTY MILLION DOLLARS IN STATE FISCAL YEAR TWO THOUSAND
23 ELEVEN--TWO THOUSAND TWELVE; NOT LESS THAN FORTY-FIVE MILLION DOLLARS IN
24 STATE FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN; NOT LESS
25 THAN SEVENTY-FIVE MILLION DOLLARS IN STATE FISCAL YEAR TWO THOUSAND
26 THIRTEEN--TWO THOUSAND FOURTEEN; AND AN AMOUNT NOT LESS THAN
27 SEVENTY-FIVE MILLION DOLLARS ANNUALLY THEREAFTER may be used for the
28 provision of grants or reimbursements to counties for the development,
29 consolidation, or operation of public safety communications systems or
30 networks designed to support statewide interoperable communications for
31 first responders, OR OPERATIONS OF PUBLIC SAFETY ANSWERING POINTS, to be
32 distributed pursuant to standards and guidelines issued by the state.
33 Annual grants may consider costs borne by a municipality related to the
34 issuance of local public safety communications bonds pursuant to section
35 twenty-four hundred thirty-two of the public authorities law, when the
36 municipality has qualified as an approved participant in a statewide
37 interoperable communications system under the standards and guidelines
38 issued by the state, and maintains compliance with such standards and
39 guidelines. The grant amount will be prescribed pursuant to an agreement
40 with the municipality, and may not exceed thirty percent of the annual
41 cost borne by the municipality in relation to such bonds;

42 [(d)] (C) To provide the costs of debt service for bonds and notes
43 issued to finance expedited deployment funding pursuant to the
44 provisions of section three hundred thirty-three of the county law and
45 section sixteen hundred eighty-nine-h of the public authorities law; and

46 [(e)] (D) [services] SERVICES and expenses that support the operations
47 and mission of the division of homeland security and emergency services
48 as appropriated by the legislature.

49 S 2. This act shall take effect immediately.

50 PART E

Intentionally omitted.

PART F

Section 1. Subdivision 2 of section 4-126 of the election law is REPEALED.

S 2. Subdivision 2 of section 9-212 of the election law, as amended by chapter 635 of the laws of 1990, is amended to read as follows:

2. All such determinations shall be in writing and signed by the members of the canvassing board or a majority of them and filed and recorded in the office of the board of elections. Except in the city of New York and in the counties of Nassau, Orange and Westchester, the board of elections shall cause a copy of such determinations, and of the statements filed in its office upon which such determinations were based, to be [published once in each of the newspapers designated to publish election notices and the official canvass] POSTED ON ITS WEBSITE. The statement of canvass to be [published] POSTED, however, shall not give the vote by election districts but shall contain only the total vote for a person, or the total vote for and the total vote against a ballot proposal, cast within the county, or within the portion thereof, if any, in which an office is filled or ballot proposal is decided by the voters if the canvass of the vote thereon devolves upon the county board of canvassers. Such totals shall be expressed in arabic numerals.

S 3. Section 4-116 of the election law, the section heading as amended by chapter 234 of the laws of 1976, subdivision 1 as amended by chapter 341 of the laws of 1995, and subdivisions 2 and 3 as amended by chapter 60 of the laws of 1993, is amended to read as follows:

S 4-116. Constitutional amendments and questions; publication of by state board of elections and secretary of state. 1. The secretary of state shall cause each concurrent resolution of the two houses of the legislature agreeing to a proposed amendment to the constitution that has been referred to the legislature to be chosen at the next general election to be [published] POSTED ON ITS WEBSITE at least once in each of the three months next preceding such election. Such [publication] POSTING shall include the information that such amendment has been so referred.

2. The state board of elections shall [publish] POST ON ITS WEBSITE once in the week preceding any election at which proposed constitutional amendments or other propositions or questions are to be submitted to the voters of the state an abstract of such amendment or question, a brief statement of the law or proceedings authorizing such submission, a statement that such submission will be made and the form in which it is to be submitted.

[3. Publication required by subdivision two of this section shall be in one newspaper of general circulation in each county.]

S 4. This act shall take effect April 1, 2011.

PART G

Intentionally omitted.

PART H

Section 1. Paragraph (f) of subdivision 1 of section 169 of the executive law, as separately amended by section 11 of part A-1 and section 10

1 of part O of chapter 56 of the laws of 2010, is amended to read as
2 follows:

3 (f) executive director of adirondack park agency, commissioners of the
4 state liquor authority, [commissioners of the state civil service
5 commission,] members of state commission of correction, members of unem-
6 ployment insurance appeal board, and members of the workers' compen-
7 sation board.

8 S 2. Paragraph (a) of subdivision 2 of section 5 of the civil service
9 law, as amended by chapter 248 of the laws of 1960, is amended to read
10 as follows:

11 (a) Appointment. The state civil service commission is continued and
12 shall consist of three commissioners who shall be appointed by the
13 governor, by and with the advice and consent of the senate, not more
14 than two of whom shall be adherents of the same political party. The
15 governor shall designate one of the members of the commission to be
16 president of the commission and such member shall serve in the capacity
17 of president during the pleasure of the governor. The members shall not
18 hold any other public office or public employment for which they shall
19 receive compensation other than necessary travel and other expenses
20 incurred in the performance of the duties of such other office or
21 employment, or engage in private employment or in a profession or busi-
22 ness which interferes with the performance of their duties or requires
23 their disqualification from the performance of such duties because of a
24 conflict of interests caused thereby. THE COMMISSIONERS OTHER THAN THE
25 PRESIDENT OF THE COMMISSION SHALL, WHEN PERFORMING THE WORK OF THE
26 COMMISSION, BE COMPENSATED AT THE RATE OF TWO HUNDRED FIFTY DOLLARS PER
27 DAY, TOGETHER WITH AN ALLOWANCE FOR ACTUAL AND NECESSARY EXPENSES
28 INCURRED IN THE DISCHARGE OF THEIR DUTIES HEREUNDER. THE PRESIDENT OF
29 THE COMMISSION SHALL RECEIVE AN ANNUAL SALARY ESTABLISHED IN SECTION ONE
30 HUNDRED SIXTY-NINE OF THE EXECUTIVE LAW. No member shall serve as an
31 officer of any political party or political organization or engage in
32 partisan political activities.

33 S 3. This act shall take effect immediately, and shall apply to
34 current members of the civil service commission.

35 PART I

36 Section 1. Clause 2 of subparagraph (viii) of paragraph a of subdivi-
37 sion 10 of section 54 of the state finance law, as amended by section 1
38 of part Z of chapter 56 of the laws of 2010, is amended to read as
39 follows:

40 (2) for the state fiscal year commencing April first, two thousand
41 eight and in each state fiscal year thereafter, the base level grant
42 received in the immediately preceding state fiscal year pursuant to
43 paragraph b of this subdivision AND CHAPTER THREE HUNDRED THIRTEEN OF
44 THE LAWS OF TWO THOUSAND TEN, excluding any deficit reduction adjustment
45 pursuant to paragraph e-1 of this subdivision, plus any additional
46 apportionments received in such year pursuant to paragraph d of this
47 subdivision and any per capita adjustments received in such year pursu-
48 ant to paragraph e of this subdivision [plus any additional aid received
49 in such year pursuant to paragraph p of this subdivision].

50 S 2. Paragraph b of subdivision 10 of section 54 of the state finance
51 law is amended by adding a new subparagraph (iv) to read as follows:

52 (IV) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, WITHIN
53 AMOUNTS APPROPRIATED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST,
54 TWO THOUSAND ELEVEN, THERE SHALL BE APPORTIONED AND PAID TO EACH MUNICI-

PALITY A BASE LEVEL GRANT IN AN AMOUNT EQUAL TO THE PRIOR YEAR AID RECEIVED BY SUCH MUNICIPALITY MINUS A BASE LEVEL GRANT ADJUSTMENT EQUAL TO TWO PERCENT OF SUCH PRIOR YEAR AID.

S 3. Paragraph i of subdivision 10 of section 54 of the state finance law is amended by adding a new subparagraph (viii) to read as follows:

(VIII) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND ELEVEN, THE BASE LEVEL GRANT ADJUSTMENT PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH B OF THIS SUBDIVISION SHALL BE MADE ON OR BEFORE SEPTEMBER TWENTY-FIFTH FOR A TOWN OR VILLAGE, ON OR BEFORE DECEMBER FIFTEENTH FOR A CITY WHOSE FISCAL YEAR BEGINS JANUARY FIRST, AND ON OR BEFORE MARCH FIFTEENTH FOR A CITY WHOSE FISCAL YEAR DOES NOT BEGIN JANUARY FIRST.

S 4. Paragraph j of subdivision 10 of section 54 of the state finance law, as amended by section 4 of part Z of chapter 56 of the laws of 2010, is amended to read as follows:

j. Special aid and incentives for municipalities to the city of New York. In the state fiscal year commencing April first, two thousand seven a city with a population of one million or more shall receive twenty million dollars on or before December fifteenth. In the state fiscal year commencing April first, two thousand eight, a city with a population of one million or more shall receive two hundred forty-five million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before December fifteenth. In the state fiscal [years] YEAR commencing April first, two thousand nine [and April first, two thousand eleven, and in each state fiscal year thereafter], a city with a population of one million or more shall receive three hundred one million six hundred fifty-eight thousand four hundred ninety-five dollars payable on or before December fifteenth. IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TWELVE, AND IN EACH STATE FISCAL YEAR THEREAFTER, A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL RECEIVE THREE HUNDRED ONE MILLION SIX HUNDRED FIFTY-EIGHT THOUSAND FOUR HUNDRED NINETY-FIVE DOLLARS PAYABLE ON OR BEFORE DECEMBER FIFTEENTH. Special aid and incentives for municipalities to the city of New York shall be apportioned and paid as required as follows:

(i) Any amounts required to be paid to the city university construction fund pursuant to the city university construction fund act;

(ii) Any amounts required to be paid to the New York city housing development corporation pursuant to the New York city housing development corporation act;

(iii) Five hundred thousand dollars to the chief fiscal officer of the city of New York for payment to the trustees of the police pension fund of such city;

(iv) Eighty million dollars to the special account for the municipal assistance corporation for the city of New York in the municipal assistance tax fund created pursuant to section ninety-two-d of this chapter to the extent that such amount has been included by the municipal assistance corporation for the city of New York in any computation for the issuance of bonds on a parity with outstanding bonds pursuant to a contract with the holders of such bonds prior to the issuance of any other bonds secured by payments from the municipal assistance corporation for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;

(v) The balance of the special account for the municipal assistance corporation for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;

(vi) Any amounts to be refunded to the general fund of the state of New York pursuant to the annual appropriation enacted for the municipal assistance state aid fund;

(vii) To the state of New York municipal bond bank agency to the extent provided by section twenty-four hundred thirty-six of the public authorities law; and

(viii) To the transit construction fund to the extent provided by section twelve hundred twenty-five-i of the public authorities law, and thereafter to the city of New York.

Notwithstanding any other law to the contrary, the amount paid to any city with a population of one million or more on or before December fifteenth shall be for an entitlement period ending the immediately preceding June thirtieth.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011; provided that sections two and three of this act shall expire and be deemed repealed March 31, 2012.

PART J

Section 1. Section 54-1 of the state finance law is REPEALED and a new section 54-1 is added to read as follows:

S 54-L. STATE ASSISTANCE TO ELIGIBLE CITIES AND ELIGIBLE MUNICIPALITIES IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED. 1. DEFINITIONS. WHEN USED IN THIS SECTION, UNLESS OTHERWISE EXPRESSLY STATED:

A. "ELIGIBLE CITY" SHALL MEAN A CITY WITH A POPULATION EQUAL TO OR GREATER THAN ONE HUNDRED TWENTY-FIVE THOUSAND AND LESS THAN ONE MILLION IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED AND OPERATING AS OF JANUARY FIRST, TWO THOUSAND NINE PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW.

B. "ELIGIBLE MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN OR VILLAGE IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW THAT IS NOT LOCATED IN A CITY WITH A POPULATION EQUAL TO OR GREATER THAN ONE HUNDRED TWENTY-FIVE THOUSAND.

2. A. WITHIN AMOUNTS APPROPRIATED THEREFOR, AN ELIGIBLE CITY AND AN ELIGIBLE MUNICIPALITY SHALL RECEIVE AN AMOUNT EQUAL TO FORTY-FIVE PERCENT OF THE STATE AID PAYMENT RECEIVED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND EIGHT, EXCEPT AS PROVIDED IN PARAGRAPH B OF THIS SUBDIVISION.

B. WHERE THE AMOUNT OF CREDITS PLAYED PER MONTH AT A VIDEO LOTTERY GAMING FACILITY AVERAGES MORE THAN FOUR HUNDRED MILLION DOLLARS PER MONTH DURING THE PRECEDING STATE FISCAL YEAR, THE ELIGIBLE CITY OR ELIGIBLE MUNICIPALITY IN WHICH SUCH VIDEO LOTTERY GAMING FACILITY IS LOCATED SHALL RECEIVE AN AMOUNT EQUAL TO FIFTY PERCENT OF THE STATE AID PAYMENT AUTHORIZED BY THIS PARAGRAPH.

3. A. STATE AID PAYMENTS MADE TO AN ELIGIBLE CITY PURSUANT TO PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION SHALL BE USED TO INCREASE SUPPORT FOR PUBLIC SCHOOLS IN SUCH CITY.

B. STATE AID PAYMENTS MADE TO AN ELIGIBLE MUNICIPALITY PURSUANT TO PARAGRAPH B OF SUBDIVISION TWO OF THIS SECTION SHALL BE USED BY SUCH ELIGIBLE MUNICIPALITY TO: (I) DEFRAY LOCAL COSTS ASSOCIATED WITH A VIDEO LOTTERY GAMING FACILITY, OR (II) MINIMIZE OR REDUCE REAL PROPERTY TAXES.

4. PAYMENTS OF STATE AID PURSUANT TO THIS SECTION SHALL BE MADE ON OR BEFORE JUNE THIRTIETH OF EACH STATE FISCAL YEAR TO THE CHIEF FISCAL OFFICER OF EACH ELIGIBLE CITY AND EACH ELIGIBLE MUNICIPALITY ON AUDIT

1 AND WARRANT OF THE STATE COMPTROLLER OUT OF MONEYS APPROPRIATED BY THE
2 LEGISLATURE FOR SUCH PURPOSE TO THE CREDIT OF THE LOCAL ASSISTANCE FUND
3 IN THE GENERAL FUND OF THE STATE TREASURY.

4 S 2. This act shall take effect immediately.

5 PART K

6 Section 1. The paragraph heading of paragraph o of subdivision 10 of
7 section 54 of the state finance law, as added by section 7 of part O of
8 chapter 56 of the laws of 2008, is amended to read as follows:

9 Local government efficiency grant program beginning in the state
10 fiscal year commencing April first, two thousand eight AND CONTINUING
11 UNTIL THE END OF THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOU-
12 SAND TEN.

13 S 2. Paragraph p of subdivision 10 of section 54 of the state finance
14 law, as amended by section 6 of part GG of chapter 56 of the laws of
15 2009, is amended to read as follows:

16 p. [Local government efficiency grant program municipal merger incen-
17 tives] CITIZEN EMPOWERMENT TAX CREDIT. (I) For the purposes of this
18 paragraph, "municipalities" shall mean cities with a population less
19 than one million, towns [and], villages AND SCHOOL DISTRICTS.

20 (II) Within the annual amounts appropriated therefor, surviving muni-
21 cipalities following a [merger,] consolidation or dissolution occurring
22 on or after the state fiscal year commencing April first, two thousand
23 seven [may] SHALL be awarded additional ANNUAL aid, STARTING in the
24 state fiscal year following THE STATE FISCAL YEAR IN WHICH such [merg-
25 er,] consolidation or dissolution TOOK EFFECT, equal to fifteen percent
26 of the combined amount of real property taxes levied by all of the muni-
27 cipalities participating in the [merger,] consolidation or dissolution
28 in the local fiscal year prior to the local fiscal year in which such
29 [merger,] consolidation or dissolution took effect. In instances of the
30 dissolution of a village located in more than one town, such additional
31 aid shall equal the sum of fifteen percent of the real property taxes
32 levied by such village in the village fiscal year prior to the village
33 fiscal year in which such dissolution took effect plus fifteen percent
34 of the average amount of real property taxes levied by the towns in
35 which the village was located in the town fiscal year prior to the town
36 fiscal year in which such dissolution took effect, and shall be divided
37 among such towns based on the percentage of such village's population
38 that resided in each such town as of the most recent federal decennial
39 census. IN NO CASE SHALL THE ADDITIONAL AID PURSUANT TO THIS PARAGRAPH
40 EXCEED ONE MILLION DOLLARS. Such additional aid shall be apportioned and
41 paid to the chief fiscal officer of each [consolidated or merged] ELIGI-
42 BLE municipality ON OR BEFORE SEPTEMBER TWENTY-FIFTH OF EACH SUCH STATE
43 FISCAL YEAR on audit and warrant of the state comptroller out of moneys
44 appropriated by the legislature for such purpose to the credit of the
45 local assistance fund [in the general fund of the state treasury in the
46 same "on or before month and day" manner as the municipality's base
47 level grant is paid pursuant to subparagraph (i) of paragraph i of this
48 subdivision].

49 (III) Any municipality receiving a [merger incentive award] CITIZEN
50 EMPOWERMENT TAX CREDIT pursuant to this paragraph shall use AT LEAST
51 SEVENTY PERCENT OF such aid [only] FOR PROPERTY TAX RELIEF AND THE
52 BALANCE OF SUCH AID for general municipal purposes. [In no case shall
53 the additional aid pursuant to this paragraph exceed one million
54 dollars. Such additional aid shall in subsequent state fiscal years be

1 considered prior year aid for the purposes of determining such merged,
2 consolidated or surviving municipality's base level grant pursuant to
3 paragraph b of this subdivision.] FOR EACH LOCAL FISCAL YEAR FOLLOWING
4 THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN
5 WHICH AMENDED THIS PARAGRAPH IN WHICH SUCH AID IS PAYABLE, A STATEMENT
6 SHALL BE PLACED ON EACH PROPERTY TAX BILL FOR SUCH MUNICIPALITY IN
7 SUBSTANTIALLY THE FOLLOWING FORM: "YOUR PROPERTY TAX SAVINGS THIS YEAR
8 RESULTING FROM THE STATE CITIZEN EMPOWERMENT TAX CREDIT RECEIVED AS THE
9 RESULT OF LOCAL GOVERNMENT RE-ORGANIZATION IS \$_____." THE PROPERTY TAX
10 SAVINGS FROM THE CITIZEN EMPOWERMENT TAX CREDIT FOR EACH PROPERTY TAX
11 BILL SHALL BE CALCULATED BY (1) MULTIPLYING THE AMOUNT OF THE CITIZEN
12 EMPOWERMENT TAX CREDIT USED FOR PROPERTY TAX RELIEF BY THE AMOUNT OF
13 PROPERTY TAXES LEVIED ON SUCH PROPERTY BY SUCH MUNICIPALITY AND (2)
14 DIVIDING THE RESULT BY THE TOTAL AMOUNT OF PROPERTY TAXES LEVIED BY SUCH
15 MUNICIPALITY.

16 S 3. Paragraph q of subdivision 10 of section 54 of the state finance
17 law is relettered paragraph t and three new paragraphs q, r and s are
18 added to read follows:

19 Q. LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT
20 PROGRAM. (I) (1) FOR THE PURPOSES OF THIS PARAGRAPH, "LOCAL GOVERNMENT
21 ENTITY" OR "ENTITY" SHALL MEAN A TOWN, VILLAGE, DISTRICT, SPECIAL
22 IMPROVEMENT DISTRICT OR OTHER IMPROVEMENT DISTRICT, INCLUDING, BUT NOT
23 LIMITED TO, SPECIAL DISTRICTS CREATED PURSUANT TO ARTICLES ELEVEN,
24 TWELVE, TWELVE-A OR THIRTEEN OF THE TOWN LAW, LIBRARY DISTRICTS, AND
25 OTHER DISTRICTS CREATED BY LAW; PROVIDED, HOWEVER, THAT A LOCAL GOVERN-
26 MENT ENTITY SHALL NOT INCLUDE SCHOOL DISTRICTS, CITY DISTRICTS OR
27 SPECIAL PURPOSE DISTRICTS CREATED BY COUNTIES UNDER COUNTY LAW.

28 (2) FOR THE PURPOSES OF THIS PARAGRAPH, "LOCAL GOVERNMENT RE-ORGANIZA-
29 TION" SHALL MEAN THE CONSOLIDATION OR DISSOLUTION OF A LOCAL GOVERNMENT
30 ENTITY IN ACCORDANCE WITH ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL
31 LAW.

32 (II) WITHIN THE ANNUAL AMOUNTS APPROPRIATED THEREFOR, THE SECRETARY OF
33 STATE MAY AWARD GRANTS TO LOCAL GOVERNMENT ENTITIES TO COVER COSTS ASSO-
34 CIATED WITH STUDIES, PLANS, AND IMPLEMENTATION EFFORTS RELATED TO LOCAL
35 GOVERNMENT RE-ORGANIZATION ACTIVITIES.

36 (III) STUDY PROJECTS SHALL INCLUDE AN EXAMINATION OF THE POTENTIAL
37 FINANCIAL SAVINGS, MANAGEMENT IMPROVEMENTS, AND SERVICE DELIVERY CHANGES
38 RESULTING FROM A LOCAL GOVERNMENT RE-ORGANIZATION, AS WELL AS OPTIONS
39 FOR COST-SAVINGS IF THE RE-ORGANIZATION IS NOT COMPLETED.

40 (IV) LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANTS MAY
41 BE USED TO COVER COSTS INCLUDING, BUT NOT LIMITED TO, LEGAL AND CONSULT-
42 ANT SERVICES, CAPITAL IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS AND
43 OTHER NECESSARY EXPENSES RELATED TO RE-ORGANIZATION ANALYSIS, PLANNING
44 AND IMPLEMENTATION. GRANTS MAY BE USED FOR CAPITAL IMPROVEMENTS, TRANSI-
45 TIONAL PERSONNEL COSTS OR JOINT EQUIPMENT PURCHASES ONLY WHERE SUCH
46 EXPENSES ARE INTEGRAL TO IMPLEMENTATION OF THE RE-ORGANIZATION. NO PART
47 OF THE GRANT SHALL BE USED BY THE APPLICANT FOR RECURRING EXPENSES SUCH
48 AS SALARIES, EXCEPT THAT THE SALARIES OF CERTAIN TRANSITIONAL PERSONNEL
49 ESSENTIAL FOR THE IMPLEMENTATION OF THE RE-ORGANIZATION SHALL BE ELIGI-
50 BLE FOR A PERIOD NOT TO EXCEED THREE YEARS.

51 (V) WHERE THE ELECTORS OF A LOCAL GOVERNMENT ENTITY HAVE FILED A PETI-
52 TION PURSUANT TO ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW THAT
53 WILL REQUIRE A REFERENDUM ON THE QUESTION OF CONSOLIDATION OR DISSOL-
54 UTION OF THE LOCAL GOVERNMENT ENTITY, SUCH LOCAL GOVERNMENT ENTITY WILL
55 BE ELIGIBLE FOR AN EXPEDITED GRANT TO COVER COSTS ASSOCIATED WITH THE
56 DEVELOPMENT AND DISSEMINATION TO THE ELECTORS OF INFORMATION RELATED TO

1 THE RE-ORGANIZATION QUESTION BEFORE SUCH REFERENDUM. THE SECRETARY OF
2 STATE SHALL DEVELOP PROCESSES THAT WILL PERMIT EXPEDITED FINANCIAL AND
3 TECHNICAL ASSISTANCE TO SUCH LOCAL GOVERNMENT ENTITIES, INCLUDING BUT
4 NOT LIMITED TO PRE-QUALIFIED CONSULTANTS, DIRECT TECHNICAL ASSISTANCE
5 FROM PROGRAM STAFF AND PRE-ESTABLISHED WORK PLANS.

6 (VI) THE MAXIMUM CUMULATIVE GRANT AWARD FOR A LOCAL GOVERNMENT RE-OR-
7 GANIZATION SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS. A LOCAL
8 GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT FOR A RE-ORGANIZA-
9 TION STUDY SHALL IN NO EVENT EXCEED FIFTY THOUSAND DOLLARS PER APPLICA-
10 TION, OF WHICH UP TO TWENTY-FIVE THOUSAND DOLLARS MAY BE AWARDED ON AN
11 EXPEDITED BASIS. A LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT
12 GRANT FOR THE PLANNING OR IMPLEMENTATION OF A RE-ORGANIZATION SHALL NOT
13 EXCEED FIFTY THOUSAND DOLLARS. IN NO EVENT SHALL THE CUMULATIVE GRANT
14 AWARDS FOR A LOCAL GOVERNMENT RE-ORGANIZATION EXCEED ONE HUNDRED THOU-
15 SAND DOLLARS.

16 (VII) MATCHING FUNDS EQUAL TO TEN PERCENT OF THE TOTAL COST OF ACTIV-
17 ITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE
18 SHALL BE REQUIRED.

19 R. LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM BEGINNING IN THE STATE
20 FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND ELEVEN. (I) (1) FOR THE
21 PURPOSES OF THIS PARAGRAPH, "MUNICIPALITY" SHALL MEAN A COUNTY, CITY,
22 TOWN, VILLAGE, SPECIAL IMPROVEMENT DISTRICT, FIRE DISTRICT, PUBLIC
23 LIBRARY, ASSOCIATION LIBRARY, WATER AUTHORITY, SEWER AUTHORITY, REGIONAL
24 PLANNING AND DEVELOPMENT BOARD, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE
25 EDUCATIONAL SERVICES; PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS
26 DEFINITION, A BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE CONSID-
27 ERED A MUNICIPALITY ONLY IN INSTANCES WHERE SUCH BOARD OF COOPERATIVE
28 EDUCATIONAL SERVICES ADVANCES A JOINT APPLICATION ON BEHALF OF SCHOOL
29 DISTRICTS AND OTHER MUNICIPALITIES WITHIN THE BOARD OF COOPERATIVE
30 EDUCATIONAL SERVICES REGION; PROVIDED, HOWEVER, THAT ANY AGREEMENTS WITH
31 A BOARD OF COOPERATIVE EDUCATIONAL SERVICES: SHALL NOT GENERATE ADDI-
32 TIONAL STATE AID; SHALL BE DEEMED NOT TO BE A PART OF THE PROGRAM, CAPI-
33 TAL AND ADMINISTRATIVE BUDGETS OF THE BOARD OF COOPERATIVE EDUCATIONAL
34 SERVICES FOR THE PURPOSES OF COMPUTING CHARGES UPON COMPONENT SCHOOL
35 DISTRICTS PURSUANT TO SUBDIVISION ONE AND SUBPARAGRAPH SEVEN OF PARA-
36 GRAPH B OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY AND SUBDI-
37 VISION ONE OF SECTION NINETEEN HUNDRED FIFTY-ONE OF THE EDUCATION LAW;
38 AND SHALL BE DEEMED TO BE A COOPERATIVE MUNICIPAL SERVICE FOR PURPOSES
39 OF SUBPARAGRAPH TWO OF PARAGRAPH D OF SUBDIVISION FOUR OF SECTION NINE-
40 TEEN HUNDRED FIFTY OF THE EDUCATION LAW.

41 (2) FOR THE PURPOSES OF THIS PARAGRAPH, "FUNCTIONAL CONSOLIDATION"
42 SHALL MEAN ONE MUNICIPALITY COMPLETELY PROVIDING A SERVICE OR FUNCTION
43 FOR ANOTHER MUNICIPALITY, WHICH NO LONGER PROVIDES SUCH SERVICE OR FUNC-
44 TION.

45 (II) WITHIN THE ANNUAL AMOUNTS APPROPRIATED THEREFOR, THE SECRETARY OF
46 STATE MAY AWARD COMPETITIVE GRANTS TO MUNICIPALITIES TO COVER COSTS
47 ASSOCIATED WITH LOCAL GOVERNMENT EFFICIENCY PROJECTS, INCLUDING, BUT NOT
48 LIMITED TO, PLANNING FOR OR IMPLEMENTATION OF A MUNICIPAL CONSOLIDATION
49 OR DISSOLUTION, A FUNCTIONAL CONSOLIDATION, A CITY OR COUNTY CHARTER
50 REVISION THAT INCLUDES FUNCTIONAL CONSOLIDATION, SHARED OR COOPERATIVE
51 SERVICES, AND REGIONALIZED DELIVERY OF SERVICES; PROVIDED, HOWEVER, THAT
52 SUCH LOCAL GOVERNMENT EFFICIENCY PROJECTS MUST DEMONSTRATE NEW OPPORTU-
53 NITIES FOR FINANCIAL SAVINGS AND OPERATIONAL EFFICIENCIES; PROVIDED,
54 FURTHER, THAT ELIGIBLE LOCAL GOVERNMENT EFFICIENCY PROJECTS SHALL NOT
55 INCLUDE STUDIES AND PLANS FOR A LOCAL GOVERNMENT RE-ORGANIZATION ELIGI-
56 BLE TO RECEIVE A LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT

GRANT PURSUANT TO PARAGRAPH Q OF THIS SUBDIVISION. THE SECRETARY OF STATE MAY FOCUS THE GRANT PROGRAM IN SPECIFIC FUNCTIONAL AREAS, WITHIN DISTRESSED COMMUNITIES AND AREAS OF HISTORICALLY HIGH LOCAL GOVERNMENT COSTS AND PROPERTY TAXES, OR IN AREAS OF UNIQUE OPPORTUNITY, IN WHICH CASE SUCH AREAS OF FOCUS SHALL BE DETAILED IN A REQUEST FOR APPLICATIONS.

(III) ANY APPROVED PROJECT SHALL INCLUDE AN EXAMINATION OF FINANCIAL SAVINGS, RETURN ON PUBLIC INVESTMENT AND MANAGEMENT IMPROVEMENTS RESULTING FROM PROJECT IMPLEMENTATION.

(IV) LOCAL GOVERNMENT EFFICIENCY GRANTS MAY BE USED TO COVER COSTS INCLUDING, BUT NOT LIMITED TO, LEGAL AND CONSULTANT SERVICES, CAPITAL IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS AND OTHER NECESSARY EXPENSES RELATED TO IMPLEMENTING THE APPROVED LOCAL GOVERNMENT EFFICIENCY GRANT WORK PLAN. GRANTS MAY BE USED FOR CAPITAL IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS OR JOINT EQUIPMENT PURCHASES ONLY WHERE SUCH EXPENSES ARE INTEGRAL TO IMPLEMENTATION OF THE LOCAL GOVERNMENT EFFICIENCY PROJECT. NO PART OF THE GRANT SHALL BE USED BY THE APPLICANT FOR RECURRING EXPENSES SUCH AS SALARIES, EXCEPT THAT THE SALARIES OF CERTAIN TRANSITIONAL PERSONNEL ESSENTIAL FOR THE IMPLEMENTATION OF THE APPROVED LOCAL GOVERNMENT EFFICIENCY GRANT WORK PLAN SHALL BE ELIGIBLE FOR A PERIOD NOT TO EXCEED THREE YEARS. THE AMOUNTS AWARDED TO A SCHOOL DISTRICT PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE INCLUDED IN THE APPROVED OPERATING EXPENSE OF THE SCHOOL DISTRICT AS DEFINED IN PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW.

(V) THE MAXIMUM CUMULATIVE GRANT AWARD FOR A LOCAL GOVERNMENT EFFICIENCY PROJECT SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS PER MUNICIPALITY; PROVIDED, HOWEVER, THAT IN NO CASE SHALL SUCH A PROJECT RECEIVE A CUMULATIVE GRANT AWARD IN EXCESS OF ONE MILLION DOLLARS. THE MAXIMUM GRANT AWARD FOR A LOCAL GOVERNMENT EFFICIENCY PLANNING PROJECT, OR THE PLANNING COMPONENT OF A PROJECT THAT INCLUDES BOTH PLANNING AND IMPLEMENTATION OF A LOCAL GOVERNMENT EFFICIENCY PROJECT, SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS PER MUNICIPALITY; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL SUCH A PLANNING PROJECT RECEIVE A GRANT AWARD IN EXCESS OF TWO HUNDRED THOUSAND DOLLARS.

(VI) LOCAL MATCHING FUNDS EQUAL TO TEN PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE SHALL BE REQUIRED. IN THE EVENT AN APPLICANT IS IMPLEMENTING A PROJECT THAT THE APPLICANT DEVELOPED THROUGH A SUCCESSFULLY COMPLETED PLANNING GRANT FUNDED UNDER THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM, THE LOCAL MATCHING FUNDS REQUIRED SHALL BE REDUCED BY THE LOCAL MATCHING FUNDS REQUIRED BY SUCH SUCCESSFULLY COMPLETED PLANNING GRANT.

(VII) IN THE SELECTION OF GRANT AWARDS, THE SECRETARY OF STATE SHALL GIVE THE HIGHEST PRIORITY TO APPLICATIONS: (1) THAT WOULD RESULT IN THE DISSOLUTION OR CONSOLIDATION OF MUNICIPALITIES; (2) THAT WOULD IMPLEMENT THE COMPLETE FUNCTIONAL CONSOLIDATION OF A MUNICIPAL SERVICE; OR (3) BY LOCAL GOVERNMENTS WITH HISTORICALLY HIGH COSTS OF LOCAL GOVERNMENT OR SUSTAINED INCREASES IN PROPERTY TAXES. PRIORITY WILL ALSO BE GIVEN TO MUNICIPALITIES THAT HAVE PREVIOUSLY COMPLETED A PLANNING GRANT PURSUANT TO THIS PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM, AND TO LOCAL GOVERNMENTS CURRENTLY INVOLVED IN REGIONAL DEVELOPMENT PROJECTS THAT HAVE RECEIVED FUNDS THROUGH STATE COMMUNITY AND INFRASTRUCTURE DEVELOPMENT PROGRAMS.

(VIII) THE DEPARTMENT OF STATE SHALL PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON THE EFFECTIVENESS OF THE LOCAL GOVERN-

MENT EFFICIENCY GRANT PROGRAM AND THE LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT PROGRAM. SUCH REPORT SHALL BE PROVIDED ON OR BEFORE OCTOBER FIRST OF EACH YEAR AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: A SUMMARY OF APPLICATIONS AND AWARDS FOR EACH GRANT CATEGORY, AN ASSESSMENT OF PROGRESS IN IMPLEMENTING INITIATIVES THAT RECEIVED GRANT AWARDS, AND ESTIMATED FINANCIAL SAVINGS AND SIGNIFICANT IMPROVEMENTS IN SERVICE REALIZED BY MUNICIPALITIES THAT HAVE RECEIVED GRANTS.

S. LOCAL GOVERNMENT PERFORMANCE AND EFFICIENCY PROGRAM. (I) DEFINITIONS. FOR THE PURPOSES OF THIS PARAGRAPH, "MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN, OR VILLAGE, BUT SHALL NOT INCLUDE THE INDIVIDUAL COUNTIES CONTAINED IN THE CITY OF NEW YORK.

(II) PURPOSE. THERE IS HEREBY ESTABLISHED A LOCAL GOVERNMENT PERFORMANCE AND EFFICIENCY PROGRAM. THE PURPOSE OF THIS PROGRAM IS TO RECOGNIZE MUNICIPALITIES THAT HAVE UNDERTAKEN SIGNIFICANT AND INNOVATIVE ACTIONS TO IMPROVE THE OVERALL EFFICIENCY OF GOVERNMENTAL OPERATIONS AND PRODUCE QUANTIFIABLE RECURRING FINANCIAL SAVINGS THAT REDUCE THE MUNICIPAL TAX BURDEN ON RESIDENTS.

(III) ELIGIBILITY. ALL MUNICIPALITIES IN NEW YORK STATE ARE ELIGIBLE TO APPLY INDIVIDUALLY OR JOINTLY, PROVIDED HOWEVER THAT IF AN ACTION WAS UNDERTAKEN JOINTLY, MUNICIPALITIES MUST APPLY JOINTLY FOR SUCH AN ACTION. THE ACTIONS FOR WHICH THEY APPLY MUST ALREADY HAVE BEEN IMPLEMENTED.

(IV) USE OF AWARDS. AWARDS RECEIVED PURSUANT TO THE PROGRAM SHALL BE USED BY MUNICIPALITIES FOR GENERAL MUNICIPAL PURPOSES.

(V) APPLICATION. THE SECRETARY OF STATE SHALL DEVELOP AN APPLICATION FOR MUNICIPALITIES SEEKING TO RECEIVE AWARDS AND A PROCESS BY WHICH THE APPLICATIONS WILL BE EVALUATED. SUCH APPLICATION SHALL REQUIRE MUNICIPALITIES TO DEMONSTRATE HOW THE ACTION FOR WHICH THEY HAVE APPLIED HAS RESULTED IN QUANTIFIABLE RECURRING SAVINGS, EFFICIENCIES, AND PERMANENT IMPROVEMENTS TO MUNICIPAL SERVICES. THE SECRETARY OF STATE MAY FOCUS THE PROGRAM IN SPECIFIC FUNCTIONAL SERVICE AREAS, IN WHICH CASE SUCH AREAS OF FOCUS SHALL BE DETAILED IN A REQUEST FOR APPLICATIONS. NO APPLICATION SHALL BE CONSIDERED FOR ACTIONS THAT COMMENCED PRIOR TO JANUARY FIRST, TWO THOUSAND TEN.

(VI) AWARDS. THE SECRETARY OF STATE MAY MAKE AWARDS TO APPLICANTS BASED ON FACTORS INCLUDING, BUT NOT LIMITED TO, THE AMOUNT OF CURRENT AND FUTURE SAVINGS, THE IMPACT OF SUCH ACTION UPON THE MUNICIPAL PROPERTY TAX LEVY, THE SIZE AND COMPLEXITY OF THE ACTION, AND THE ABILITY FOR THE ACTION TO BE REPLICATED BY OTHER MUNICIPALITIES. AWARDS SHALL ONLY BE MADE TO MUNICIPALITIES FOR ACTIONS THAT HAVE BEEN FULLY IMPLEMENTED, THAT CLEARLY RESULTED IN QUANTIFIABLE SAVINGS AND EFFICIENCIES, AND THAT PRODUCED PERMANENT AND QUANTIFIABLE IMPROVEMENTS TO MUNICIPAL EFFICIENCY OR SERVICES. THE MAXIMUM AMOUNT AWARDED PER APPLICATION SHALL NOT EXCEED THE LESSER OF FIVE MILLION DOLLARS OR TWENTY-FIVE DOLLARS PER RESIDENT OF THE APPLYING MUNICIPALITIES AS OF THE MOST RECENT FEDERAL DECENNIAL CENSUS, PROVIDED, HOWEVER, THAT IF THE BOUNDARIES OF MUNICIPALITIES JOINTLY APPLYING FOR SUCH FUNDING OVERLAP, THE RESIDENTS IN OVERLAPPING AREAS SHALL ONLY BE COUNTED ONCE, AND PROVIDED, FURTHER, THAT IF A COUNTY JOINTLY APPLIES WITH SOME BUT NOT ALL OF THE OTHER MUNICIPALITIES THEREIN, ONLY THE RESIDENTS IN SUCH OTHER MUNICIPALITIES SHALL BE COUNTED.

(VII) REGULATION. THE SECRETARY OF STATE SHALL, PRIOR TO THE ESTABLISHMENT OF APPLICATIONS, PROMULGATE RULES AND REGULATIONS ON THE PROGRAM, INCLUDING BUT NOT LIMITED TO AWARD ELIGIBILITY CRITERIA AND APPLICATION, REVIEW AND APPROVAL PROCEDURES.

1 S 4. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2011.

3 PART L

4 Section 1. Section 4 of chapter 774 of the laws of 1989, amending the
5 real property tax law relating to certain state lands subject to taxa-
6 tion is amended to read as follows:

7 S 4. The agreements referred to in section three of this act shall
8 [enure] INURE to the benefit of and bind the people of the state of New
9 York in the event that the lands which are the subject of said agree-
10 ments are acquired by the people of the state of New York acting through
11 the department of environmental conservation. Upon any acquisition of
12 such lands by the department of environmental conservation, the
13 provisions of section 532 of the real property tax law shall not apply
14 to the lands so acquired but the [taxation thereof] PAYMENTS DUE THEREON
15 shall be governed by the agreements referred to in section three of this
16 act for the duration of such agreement. [The] IN THE EVENT THAT NO
17 SPECIFIC APPROPRIATION SHALL HAVE BEEN MADE FOR THAT PURPOSE, THE AMOUNT
18 APPROPRIATED FOR PAYMENTS OF TAXES ON STATE LANDS PURSUANT TO SECTIONS
19 532 THROUGH 546 OF THE REAL PROPERTY TAX LAW SHALL BE DEEMED TO ENCOM-
20 PASS THE STATE'S OBLIGATION TO MAKE THE PAYMENTS REQUIRED BY THIS
21 SECTION, NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE taxation of such
22 lands will be governed by such section 532 at such time as the agree-
23 ments cease to be effective.

24 S 2. This act shall take effect immediately.

25 PART M

26 Intentionally omitted.

27 PART N

28 Section 1. The state comptroller is hereby authorized and directed to
29 loan money in accordance with the provisions set forth in subdivision 5
30 of section 4 of the state finance law to the following funds and/or
31 accounts:

- 32 1. Tuition reimbursement fund (050):
 - 33 a. Tuition reimbursement account (01).
 - 34 b. Proprietary vocational school supervision account (02).
- 35 2. Local government records management improvement fund (052):
 - 36 a. Local government records management account (01).
- 37 3. Dedicated highway and bridge trust fund (072):
 - 38 a. Highway and bridge capital account (01).
- 39 4. State University Residence Hall Rehabilitation Fund (074).
- 40 5. State parks infrastructure trust fund (076):
 - 41 a. State parks infrastructure account (01).
- 42 6. Clean water/clean air implementation fund (079).
- 43 7. State lottery fund (160):
 - 44 a. Education - New (03).
 - 45 b. VLT - Sound basic education fund (06).
- 46 8. Medicaid management information system escrow fund (179).
- 47 9. Federal operating grants fund (290) federal capital grants fund
48 291).
- 49 10. Sewage treatment program management and administration fund (300).
- 50 11. Environmental conservation special revenue fund (301):

- 1 a. Hazardous bulk storage account (F7).
- 2 b. Utility environmental regulation account (H4).
- 3 c. Low level radioactive waste siting account (K5).
- 4 d. Recreation account (K6).
- 5 e. Conservationist magazine account (S4).
- 6 f. Environmental regulatory account (S5).
- 7 g. Natural resource account (S6).
- 8 h. Mined land reclamation program account (XB).
- 9 i. Federal grants indirect cost recovery account (IC).
- 10 12. Environmental protection and oil spill compensation fund (303).
- 11 13. Hazardous waste remedial fund (312):
- 12 a. Site investigation and construction account (01).
- 13 b. Hazardous waste remedial clean up account (06).
- 14 14. Mass transportation operating assistance fund (313):
- 15 a. Public transportation systems account (01).
- 16 b. Metropolitan mass transportation (02).
- 17 15. Clean air fund (314):
- 18 a. Operating permit program account (01).
- 19 b. Mobile source account (02).
- 20 16. Centralized services fund (323).
- 21 17. State exposition special fund (325).
- 22 18. Agency enterprise fund (331):
- 23 a. OGS convention center account (55).
- 24 19. Agencies internal service fund (334):
- 25 a. Archives records management account (02).
- 26 b. Federal single audit account (05).
- 27 c. Civil service law: sec 11 admin account (09).
- 28 d. Civil service EHS occupational health program account (10).
- 29 e. Banking services account (12).
- 30 f. Cultural resources survey account (14).
- 31 g. Neighborhood work project (17).
- 32 h. Automation & printing chargeback account (18).
- 33 i. OFT NYT account (20).
- 34 j. Data center account (23).
- 35 k. Human service telecom account (24).
- 36 l. Centralized Technology services account (30).
- 37 m. OPWDD copy center account (26).
- 38 n. Intrusion detection account (27).
- 39 o. Domestic violence grant account (28).
- 40 p. Learning management system account.
- 41 20. Miscellaneous special revenue fund (339):
- 42 a. Statewide planning and research cooperative system account (03).
- 43 b. OPWDD provider of service account (05).
- 44 c. New York state thruway authority account (08).
- 45 d. Mental hygiene patient income account (13).
- 46 e. Financial control board account (15).
- 47 f. Regulation of racing account (16).
- 48 g. New York metropolitan transportation council account (17).
- 49 h. Quality of care account (20).
- 50 i. Cyber upgrade account (25).
- 51 j. Certificate of need account (26).
- 52 k. Hospital and nursing home management account (44).
- 53 l. State university dormitory income reimbursable account (47).
- 54 m. Energy research account (60).
- 55 n. Criminal justice improvement account (62).
- 56 o. Fingerprint identification and technology account (68).

1 p. Environmental laboratory reference fee account (81).
2 q. Clinical laboratory reference system assessment account (90).
3 r. Public employment relations board account (93).
4 s. Radiological health protection account (95).
5 t. Teacher certification account (A4).
6 u. Banking department account (A5).
7 v. Cable television account (A6).
8 w. Indirect cost recovery account (AH).
9 x. High school equivalency program account (AI).
10 y. Rail safety inspection account (AQ).
11 z. Child support revenue account (AX).
12 aa. Multi-agency training account (AY).
13 bb. Critical infrastructure account (B3).
14 cc. Insurance department account (B6).
15 dd. Bell jar collection account (BJ).
16 ee. Industry and utility service account (BK).
17 ff. Real property disposition account (BP).
18 gg. Parking account (BQ).
19 hh. Asbestos safety training program account (BW).
20 ii. Public service account (C3).
21 jj. Batavia school for the blind account (D9).
22 kk. Investment services account (DC).
23 ll. Surplus property account (DE).
24 mm. OPWDD day services account (DH).
25 nn. Financial oversight account (DI).
26 oo. Regulation of indian gaming account (DT).
27 pp. Special conservation activities account (CU).
28 qq. Interest assessment account (DZ).
29 rr. Office of the professions account (E3).
30 ss. Rome school for the deaf account (E6).
31 tt. Seized assets account (E8).
32 uu. Administrative adjudication account (E9).
33 vv. Federal salary sharing account (EC).
34 ww. New York City Assessment Account (EM).
35 xx. Cultural education account (EN).
36 yy. Examination and miscellaneous revenue account (ER).
37 zz. Transportation regulation account (F1).
38 aaa. Local services account (G3).
39 bbb. DHCR mortgage servicing account (H2).
40 ccc. Department of motor vehicles compulsory insurance account (H7).
41 ddd. Housing indirect cost recovery account (HI).
42 eee. DHCR-HCA application fee account (J5).
43 fff. EPIC premium account (J6).
44 ggg. Federal gasoline and diesel fuel excise tax account (L6).
45 hhh. OTDA income account (L7).
46 iii. Low income housing monitoring account (NG).
47 jjj. Procurement opportunities newsletter account (P4).
48 kkk. Corporation administration account (P6).
49 lll. Montrose veteran's home account (Q6).
50 mmm. Excelsior capital corporation reimbursement account (R1).
51 nnn. Motor fuel quality account (R4).
52 ooo. Deferred compensation administration account (R7).
53 ppp. Rent revenue other account (RR).
54 qqq. Rent revenue account (S8).
55 rrr. Tax revenue arrearage account (TR).
56 sss. Solid waste management account (W3).

1 ttt. Occupational health clinics account (W4).
 2 uuu. Capacity contracting (XU).
 3 vvv. Administrative cost recovery -
 4 tax return preparer registration fee account (Y8).
 5 www. Sales tax re-registration fee account (YD).
 6 xxx. Equitable sharing agreement account (YP).
 7 yyy. Point insurance reduction program account.
 8 zzz. Internet point insurance reduction program account.
 9 aaaa. Mental hygiene program fund account (10).
 10 bbbb. Third party debt collection account.
 11 cccc. Regulation of manufactured housing account (CM).
 12 dddd. Business and licensing services account (A6).
 13 eeee. Consumer protection account (F2).
 14 21. State university income fund (345):
 15 a. State university general income offset account (11).
 16 22. State police and motor vehicle law enforcement fund (354):
 17 a. State police motor vehicle law enforcement account (02).
 18 23. Youth facilities improvement fund (357):
 19 a. Youth facilities improvement account (01).
 20 24. Highway safety program fund (362):
 21 a. Highway safety program account (01).
 22 25. Drinking water program management and administration fund (366):
 23 a. EFC drinking water program account (01).
 24 b. DOH drinking water program account (02).
 25 26. New York city county clerks offset fund (368):
 26 a. NYCCC operating offset account (01).
 27 27. Housing assistance fund (374).
 28 28. Housing program fund (376).
 29 29. Department of transportation - engineering services fund (380):
 30 a. Highway facility purpose account (01).
 31 30. Miscellaneous capital projects fund (387):
 32 a. Clean air capital account (08).
 33 b. New York racing account.
 34 31. Mental hygiene facilities capital improvement fund (389).
 35 32. Joint labor/management administration fund (394):
 36 a. Joint labor/management administration fund (01).
 37 33. Audit and control revolving fund (395):
 38 a. Executive direction internal audit account (04).
 39 b. CIO Information technology centralized services account.
 40 34. Health insurance internal service fund (396):
 41 a. Health insurance internal service account (00).
 42 b. Civil service employee benefits div admin (01).
 43 35. Correctional industries revolving fund (397).
 44 36. Correctional facilities capital improvement fund (399).
 45 37. HCRA resources fund (061):
 46 a. EPIC premium account (J6).
 47 b. Hospital based grants program account (AF).
 48 c. Child health plus program account (29).
 49 S 1-a. The state comptroller is hereby authorized and directed to loan
 50 money in accordance with the provisions set forth in subdivision 5 of
 51 section 4 of the state finance law to any account within the following
 52 federal funds, provided the comptroller has made a determination that
 53 sufficient federal grant award authority is available to reimburse such
 54 loans:
 55 1. Federal USDA-food nutrition services fund (261).
 56 2. Federal health and human services fund (265).

3. Federal education grants fund (267).
4. Federal block grant fund (269).
5. Federal operating grants fund (290).
6. Federal capital projects fund (291).
7. Federal unemployment insurance administration fund (480).
8. Federal unemployment insurance occupational training fund (484).
9. Federal employment and training grants (486).

S 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2012, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. \$175,000 from the miscellaneous special revenue fund (339) underground facilities safety training account (US), to the general fund.
2. An amount up to the unencumbered balance from the miscellaneous special revenue fund (339), business and licensing services account (AG), to the general fund.
3. \$14,810,000 from the miscellaneous special revenue fund (339), code enforcement account (07), to the general fund.

Education:

1. \$2,210,000,000 from the general fund to the state lottery fund (160), education account (03), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
2. \$682,000,000 from the general fund to the state lottery fund (160), VLT education account (06), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
3. Moneys from the state lottery fund (160) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.
4. \$300,000 from the local government records management improvement fund (052) to the archives partnership trust fund (024).
5. \$810,000 from the general fund to the miscellaneous special revenue fund (339), Batavia school for the blind account (D9).
6. \$1,100,000 from the general fund to the miscellaneous special revenue fund (339), Rome school for the deaf account (E6).
7. \$80,000,000 from the state university dormitory income fund (330) to the state university residence hall rehabilitation fund (074).
8. \$343,400,000 from the state university dormitory income fund (330) to the miscellaneous special revenue fund (339), state university dormitory income reimbursable account (47).
9. \$1,000,000 from the miscellaneous special revenue fund (339), cultural education account (EN), to the miscellaneous special revenue fund (339), summer school of the arts account (38).
10. \$24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund (339), indirect cost recovery account (AH).
11. \$8,318,000 from the general fund to the state university income fund (345), state university income offset account (11), for the state's share of repayment of the STIP loan.

12. \$48,000,000 from the State University Income Fund (345), State University Hospitals Income Reimbursable Account (22) to the general fund for hospital debt service.

13. \$4,686,000 from the state university income fund (345), Long Island Veterans' Home Account (09) to the general fund.

Environmental Affairs:

1. \$500,000 from the department of transportation's federal capital projects fund (291) to the office of parks and recreation federal operating grants fund (290), miscellaneous operating grants account.

2. \$16,000,000 from any of the department of environmental conservation's special revenue federal funds to the special revenue fund (301) federal grant indirect cost recovery account.

3. \$3,000,000 from any of the office of parks, recreation and historic preservation capital projects federal funds and special revenue federal funds to the special revenue fund (339) federal grant indirect cost recovery account (Z1).

4. \$1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339), I love NY water account (39).

Family Assistance:

1. \$10,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund (339), office of human resources development state match account (2C).

2. \$3,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund (339), family preservation and support services and family violence services account (GC).

3. \$6,000,000 from any of the office of children and family services special revenue federal funds to the general fund for title IV-E reimbursement of youth facility costs.

4. \$28,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the miscellaneous special revenue fund (339), office of children and family services income account (AR).

5. \$10,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue funds or the general fund to the miscellaneous special revenue fund (339), connections account (WK).

6. \$41,000,000 from any of the office of temporary and disability assistance accounts within the federal health and human services fund (265) to the general fund.

7. \$8,300,000 from any of the office of temporary and disability assistance accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), client notices account (EG).

8. \$98,980,000 from any of the office of temporary and disability assistance, department of health or office of children and family services special revenue funds to the miscellaneous special revenue fund (339), office of temporary and disability assistance income account (L7).

1 9. \$2,500,000 from any of the office of temporary and disability
2 assistance or office of children and family services special revenue
3 federal funds to the miscellaneous special revenue fund (339), office of
4 temporary and disability assistance program account (AL).

5 10. \$50,000,000 from any of the office of children and family
6 services, office of temporary and disability assistance, department of
7 labor, and department of health special revenue federal funds to the
8 office of children and family services miscellaneous special revenue
9 fund (339), multi-agency training contract account (AY).

10 11. \$12,524,000 from the office of temporary and disability assistance
11 federal health and human services fund (265) to the miscellaneous
12 special revenue fund (339), child support revenue account (AX).

13 12. \$6,300,000 from any of the office of children and family services,
14 office of temporary and disability assistance, department of labor, or
15 department of health special revenue funds to the office of temporary
16 and disability assistance miscellaneous special revenue fund (339),
17 multi-agency systems development account (MD).

18 13. \$9,248,000 from any of the office of temporary and disability
19 assistance special revenue federal funds, to the miscellaneous special
20 revenue fund (339), OTDA training contract account (48).

21 14. \$223,000,000 from the miscellaneous special revenue fund (339),
22 youth facility per Diem account (YF), to the general fund.

23 15. \$10,000,000 from any of the office of temporary and disability
24 assistance special revenue federal funds, to the miscellaneous special
25 revenue fund (339), electronic benefit transfer and common benefit iden-
26 tification card account (GD).

27 16. Up to \$3,500,000 from the combined gifts, grants, and bequests
28 fund (020), WB Hoyt Memorial account (78) to the general fund.

29 17. \$1,300,000 from any of the office of temporary and disability
30 assistance and department of health special revenue federal funds to the
31 miscellaneous special revenue fund (339) welfare inspector general
32 administrative reimbursement account (WW).

33 18. Up to \$4,322,000 from the miscellaneous special revenue fund (339)
34 state central registry (CY) to the general fund.

35 General Government:

36 1. \$1,566,000 from the miscellaneous special revenue fund (339), exam-
37 ination and miscellaneous revenue account (ER) to the general fund.

38 2. \$12,500,000 from the general fund to the health insurance revolving
39 fund (396).

40 3. \$192,400,000 from the health insurance reserve receipts fund (167)
41 to the general fund.

42 4. \$150,000 from the general fund to the not-for-profit revolving loan
43 fund (055).

44 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
45 general fund.

46 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
47 property disposition account (BP), to the general fund.

48 7. \$3,000,000 from the miscellaneous special revenue fund (339),
49 surplus property account (DE), to the general fund.

50 8. \$19,480,000 from the general fund to the miscellaneous special
51 revenue fund (339), alcoholic beverage control account (DB).

52 9. \$1,500,000 from the miscellaneous special revenue fund (339),
53 federal liability account (FL), to the general fund.

54 10. \$23,000,000 from the miscellaneous special revenue fund (339),
55 revenue arrearage account (CR), to the general fund.

1 11. \$1,826,000 from the miscellaneous special revenue fund (339)
2 revenue arrearage account (CR), to the miscellaneous special revenue
3 fund (339) authority budget office account.
4 12. Intentionally omitted.
5 13. \$1,000,000 from the miscellaneous special revenue fund (339),
6 parking services account (BQ), to the general fund, for the purpose of
7 reimbursing the costs of debt service related to state parking facili-
8 ties.
9 14. Up to \$45,000,000 from the general fund to the miscellaneous
10 special revenue fund (339), statewide financial system account (FM).
11 15. \$7,500,000 from the miscellaneous special revenue fund abandoned
12 property audit account to the general fund.
13 16. \$6,000,000 from the miscellaneous internal service fund, state
14 data center account, to the general fund.
15 Health:
16 1. \$12,000,000 from any of the department of health accounts within
17 the federal health and human services fund (265) to the general fund.
18 2. \$139,560,000 from any of the department of health accounts within
19 the federal health and human services fund (265) to the miscellaneous
20 special revenue fund (339), quality of care account (20).
21 3. \$1,000,000 from the general fund to the combined gifts, grants and
22 bequests fund (020), breast cancer research and education account (BD),
23 an amount equal to the monies collected and deposited into that account
24 in the previous fiscal year.
25 4. \$2,464,000 from any of the department of health accounts within the
26 federal health and human services fund (265) to the department of health
27 miscellaneous special revenue fund (339), statewide planning and
28 research cooperation system (SPARCS) program account (03).
29 5. \$250,000 from the general fund to the combined gifts, grants and
30 bequests fund (020), prostate cancer research, detection, and education
31 account (PR), an amount equal to the moneys collected and deposited into
32 that account in the previous fiscal year.
33 6. \$500,000 from the general fund to the combined gifts, grants and
34 bequests fund (020), Alzheimer's disease research and assistance account
35 (AA), an amount equal to the moneys collected and deposited into that
36 account in the previous fiscal year.
37 7. \$1,000,000 from the miscellaneous special revenue fund (339),
38 administration account (AP), to the general fund.
39 8. \$600,000,000 from any of the department of health accounts within
40 the federal health and human services fund (265) to the miscellaneous
41 special revenue fund (339), federal state health reform partnership
42 account (FS).
43 9. \$50,000,000 from the general fund to the miscellaneous special
44 revenue fund (339), empire state stem cell trust fund account (SR).
45 10. \$1,250,000 from the miscellaneous New York state agency fund
46 (169), medical assistance account to the department of health miscella-
47 neous special revenue fund (339), third party health insurance account
48 (35).
49 11. \$3,700,000 from the miscellaneous New York state agency fund
50 (169), medical assistance account to the office of medicaid inspector
51 general miscellaneous special revenue fund (339), recoveries and revenue
52 account (C9).
53 12. \$1,500,000 from the general fund to the miscellaneous special
54 revenue fund (339), quality of care improvement account (QC).
55 Labor:

1 1. \$700,000 from the labor standards miscellaneous special revenue
2 fund (339), fee and penalty account (30), to the child performer
3 protection fund (025), child performer protection account (CP).
4 2. \$8,000,000 from the labor standards miscellaneous special revenue
5 fund (339), fee and penalty account (30), to the general fund.
6 3. \$10,500,000 from the unemployment insurance interest and penalty
7 special revenue fund (482), unemployment insurance special interest and
8 penalty account (01), to the general fund.
9 4. \$2,700,000 from the labor standards miscellaneous special revenue
10 fund (339), public work enforcement account (BA), to the general fund.
11 5. \$1,500,000 from the training and education program on occupational
12 safety and health fund (305), occupational safety and health inspection
13 account (02), to the general fund.
14 Mental Hygiene:
15 1. \$5,000,000 from the miscellaneous special revenue fund (339),
16 mental hygiene patient income account (13), to the miscellaneous special
17 revenue fund (339), federal salary sharing account (EC).
18 2. \$240,000,000 from the miscellaneous special revenue fund (339),
19 mental hygiene patient income account (13) to the miscellaneous special
20 revenue fund (339), provider of service accounts (05).
21 3. \$220,000,000 from the miscellaneous special revenue fund (339),
22 mental hygiene program fund account (10) to the miscellaneous special
23 revenue fund (339), provider of service account (05).
24 4. \$150,000,000 from the general fund to the miscellaneous special
25 revenue fund (339), mental hygiene patient income account (13).
26 5. \$150,000,000 from the general fund to the miscellaneous special
27 revenue fund (339), mental hygiene program fund account (10).
28 6. \$275,000,000 from the miscellaneous special revenue fund (339),
29 mental hygiene program fund account (10) to the general fund.
30 7. \$180,000,000 from the miscellaneous special revenue fund (339),
31 mental hygiene patient income account (13) to the general fund.
32 8. \$40,827,000 from the miscellaneous special revenue fund (339),
33 mental hygiene program fund account (10) to the general fund.
34 Public Protection:
35 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
36 gency management account (61), to the general fund.
37 2. \$3,300,000 from the general fund to the miscellaneous special
38 revenue fund (339), recruitment incentive account (U2).
39 3. \$9,500,000 from the general fund to the correctional industries
40 revolving fund (397), correctional industries internal service account
41 (00).
42 4. \$8,678,000 from the miscellaneous special revenue fund (339),
43 statewide public safety communications account (LZ), to the general debt
44 service fund (311), revenue bond tax account (02).
45 5. \$10,000,000 from federal miscellaneous operating grants fund (290),
46 DMNA damage account (71), to the general fund.
47 6. \$16,000,000 from the general fund to the miscellaneous special
48 revenue fund (339), crimes against revenue program account (CA).
49 7. \$20,000,000 from any office of homeland security account within the
50 federal miscellaneous operating grants fund (290), receiving money
51 through the homeland security grants program, to the general fund.
52 8. \$11,500,000 from the federal miscellaneous operating grants fund
53 (290) world trade center account, to the general fund.
54 9. \$25,100,000 from the miscellaneous special revenue fund (339) crim-
55 inal justice improvement account (62) to the general fund.

1 10. \$20,000,000 from the miscellaneous special revenue fund (339),
2 statewide public safety communications account (LZ), to the general
3 fund.

4 11. \$4,000,000 from the miscellaneous special revenue fund (339) crim-
5 inal justice improvement account (62) to the miscellaneous special
6 revenue fund (339) legal services assistance account (IM).

7 12. \$660,000 from the miscellaneous special revenue fund (339), cell
8 tower account (CT), to the general fund.

9 Transportation:

10 1. \$17,672,000 from the federal miscellaneous operating grants fund
11 (290) to the special revenue fund (339), tri-state federal regional
12 planning account (17).

13 2. \$20,147,000 from the federal capital projects fund (291) to the
14 special revenue fund (339), tri-state federal regional planning accounts
15 (17).

16 3. \$15,368,000 from the miscellaneous special revenue fund (339),
17 compulsory insurance account (H7), to the general fund.

18 4. \$19,000,000 from the general fund to the mass transportation oper-
19 ating assistance fund (313), public transportation systems operating
20 assistance account (01).

21 5. \$575,000,000 from the general fund to the dedicated highway and
22 bridge trust fund (072).

23 6. \$606,000 from the miscellaneous special revenue fund (339), inter-
24 net point insurance reduction program account (IC), to the general fund.

25 7. \$2,935,000 from the clean air fund (314), mobile source account
26 (02), to the general fund.

27 8. \$165,000,000 from the mass transportation operating assistance fund
28 (313), metropolitan mass transportation operating assistance account
29 (02), to the general debt service fund (311), for reimbursement of the
30 state's expenses in connection with payments of debt service and related
31 expenses for the metropolitan transportation authority's state service
32 contract bonds.

33 9. \$16,721,000 from the mass transportation operating assistance fund
34 (313), metropolitan mass transportation operating assistance account
35 (02) to the mass transportation operating assistance fund (313) public
36 transportation systems operating assistance account (01).

37 10. \$35,008,000 from the mass transportation operating assistance fund
38 (313), metropolitan mass transportation operating assistance account
39 (02) to the general fund.

40 Miscellaneous:

41 1. \$75,000,000 from the general fund to any funds or accounts for the
42 purpose of reimbursing certain outstanding accounts receivable balances.

43 2. \$250,000,000 from the general fund to the debt reduction reserve
44 fund (064).

45 S 3. Notwithstanding any law to the contrary, and in accordance with
46 section 4 of the state finance law, the comptroller is hereby authorized
47 and directed to transfer, on or before March 31, 2012:

48 1. Upon request of the commissioner of environmental conservation, up
49 to \$10,777,000 from revenues credited to any of the department of envi-
50 ronmental conservation special revenue funds, including \$3,142,800 from
51 the environmental protection and oil spill compensation fund (303), and
52 \$1,742,600 from the conservation fund (302), to the environmental
53 conservation special revenue fund (301), indirect charges account (BJ).

54 2. Upon request of the commissioner of agriculture and markets, up to
55 \$3,000,000 from any special revenue fund or enterprise fund within the
56 department of agriculture and markets to the miscellaneous special

1 revenue fund (339) administrative costs account, to pay appropriate
2 administrative expenses.

3 3. Upon request of the commissioner of agriculture and markets, up to
4 \$2,000,000 from the state exposition special fund (325), state fair
5 receipts account (01) to the miscellaneous capital projects fund (387),
6 state fair capital improvement account (13).

7 4. Upon request of the commissioner of the division of housing and
8 community renewal, up to \$5,500,000 from revenues credited to any divi-
9 sion of housing and community renewal federal or miscellaneous special
10 revenue fund to the agency cost recovery account (HI).

11 5. Upon request of the commissioner of the division of housing and
12 community renewal, up to \$5,500,000 may be transferred from any miscel-
13 laneous special revenue fund account (339), to any miscellaneous special
14 revenue fund (339).

15 6. Upon request of the commissioner of health up to \$15,000,000 from
16 revenues credited to any of the department of health's special revenue
17 funds, to the miscellaneous special revenue fund (339), administration
18 account (AP).

19 S 4. Notwithstanding section 2815 of the public health law or any
20 other contrary provision of law, upon the direction of the director of
21 the budget and the commissioner of health, the dormitory authority of
22 the state of New York is directed to transfer seven million dollars
23 annually from funds available and uncommitted in the New York state
24 health care restructuring pool to the health care reform act (HCRA)
25 resources fund - HCRA resources account.

26 S 5. On or before March 31, 2012, the comptroller is authorized and
27 directed to transfer the unencumbered balance from the family benefit
28 fund (329) to the general fund.

29 S 6. On or before March 31, 2012, the comptroller is hereby authorized
30 and directed to deposit earnings that would otherwise accrue to the
31 general fund that are attributable to the operation of section 98-a of
32 the state finance law, to the agencies internal service fund (334),
33 banking services account (12), for the purpose of meeting direct
34 payments from such account.

35 S 7. Notwithstanding any law to the contrary, upon the direction of
36 the director of the budget and upon requisition by the state university
37 of New York, the dormitory authority of the state of New York is
38 directed to transfer, up to \$22,000,000 in revenues generated from the
39 sale of notes or bonds, to the state university of New York for
40 reimbursement of bondable equipment for further transfer to the state's
41 general fund.

42 S 8. Notwithstanding any law to the contrary, the state university
43 chancellor or her designee is authorized and directed to transfer esti-
44 mated tuition revenue balances from the state university collection fund
45 (344) to the state university fund (345), state university revenue
46 offset account (12) on or before March 31, 2012.

47 S 9. Notwithstanding any law to the contrary, and in accordance with
48 section 4 of the state finance law, the comptroller is hereby authorized
49 and directed to transfer, upon request of the state university chancel-
50 lor or her designee, up to \$50,000,000 from the state university income
51 fund (345), state university hospitals income reimbursable account (22),
52 for hospital income reimbursable for services and expenses of hospital
53 operations and capital expenditures at the state university hospitals,
54 and the state university income fund (345) Long Island veterans' home
55 account (09) to the state university capital projects fund (384) on or
56 before June 30, 2012.

1 S 10. Notwithstanding any law to the contrary, and in accordance with
2 section 4 of the state finance law, the comptroller, after consultation
3 with the state university chancellor or his or her designee, is hereby
4 authorized and directed to transfer moneys, in the first instance, from
5 the state university collection fund (344), Stony Brook hospital
6 collection account (07), Brooklyn hospital collection account (08), and
7 Syracuse hospital collection account (09) to the state university income
8 fund (345), state university hospitals income reimbursable account (22)
9 in the event insufficient funds are available in the state university
10 income fund (345), state university hospitals income reimbursable
11 account (22) to transfer moneys, in amounts sufficient to permit the
12 full transfer of moneys authorized for transfer, to the general fund for
13 payment of debt service related to the SUNY hospitals. Notwithstanding
14 any law to the contrary, the comptroller is also hereby authorized and
15 directed, after consultation with the state university chancellor or his
16 or her designee, to transfer moneys from the state university income
17 fund (345) to the state university income fund (345), state university
18 hospitals income reimbursable account (22) in the event insufficient
19 funds are available in the state university income fund (345), state
20 university hospitals income reimbursable account (22) to pay hospital
21 operating costs or to transfer moneys, in amounts sufficient to permit
22 the full transfer of moneys authorized for transfer, to the general fund
23 for payment of debt service related to the SUNY hospitals on or before
24 March 31, 2012.

25 S 11. Notwithstanding any law to the contrary, and in accordance with
26 section 4 of the state finance law, the comptroller is hereby authorized
27 and directed to transfer monies, upon request of the director of the
28 budget, on or before March 31, 2012, from and to any of the following
29 accounts: the miscellaneous special revenue fund (339), patient income
30 account (13), the miscellaneous special revenue fund (339), mental
31 hygiene program fund account (10) or the general fund in any combina-
32 tion, the aggregate of which shall not exceed \$350 million.

33 S 12. Notwithstanding any law to the contrary, and in accordance with
34 section 4 of the state finance law, the comptroller is hereby authorized
35 and directed to transfer, at the request of the director of the budget,
36 up to \$500 million from the unencumbered balance of any special revenue
37 fund or account, or combination of funds and accounts, to the general
38 fund. The amounts transferred pursuant to this authorization shall be in
39 addition to any other transfers expressly authorized in the 2011-12
40 budget. Transfers from federal funds, debt service funds, capital
41 projects funds, or the community projects fund are not permitted pursu-
42 ant to this authorization. The director of the budget shall notify both
43 houses of the legislature in writing prior to initiating transfers
44 pursuant to this authorization.

45 S 13. Notwithstanding any law to the contrary, and in accordance with
46 section 4 of the state finance law, the comptroller is hereby authorized
47 and directed to transfer, at the request of the director of the budget,
48 up to \$75 million from the unencumbered balance of any non-general fund
49 or account, or combination of funds and accounts, to the general fund.
50 The amounts transferred pursuant to this authorization shall be equal to
51 those savings achieved in such non-general funds as a result of work-
52 force savings actions and are in addition to any other transfers
53 expressly authorized. Transfers from federal funds are not permitted
54 pursuant to this authorization. The director of the budget shall notify
55 both houses of the legislature in writing prior to initiating transfers
56 pursuant to this authorization.

1 S 14. Notwithstanding any provision of law to the contrary, the power
2 authority of the state of New York, as deemed feasible and advisable by
3 its trustees, is authorized and directed to make a contribution to the
4 state treasury to the credit of the general fund in the amount of
5 \$100,000,000 for the fiscal year commencing April 1, 2011. The power
6 authority of the state of New York will transfer not less than
7 \$40,000,000 by June 30, 2011 and will transfer the remainder, up to
8 \$60,000,000, by January 31, 2012.

9 S 14-a. In addition to any payment made by a public benefit corpo-
10 ration pursuant to an assessment imposed under sections 2975, 2975-a,
11 2976 and 2976-a of the public authorities law, a public benefit corpo-
12 ration is authorized to make voluntary contributions to the state gener-
13 al fund for any lawful purpose at any time from any public benefit
14 corporation funds in such amounts as deemed to be feasible and advisable
15 by such public benefit corporation's governing board after due consider-
16 ation of the public benefit corporation's legal and financial obli-
17 gations. Notwithstanding any other law, the payment of a voluntary
18 payment pursuant to this subdivision is deemed to be a valid and proper
19 purpose for which available funds may be applied. Voluntary contrib-
20 utions made pursuant to this subdivision shall be payable to the state
21 treasury to the credit of the general fund.

22 S 15. Intentionally omitted.

23 S 16. Subdivision 5 of section 97-rrr of the state finance law, as
24 amended by section 15 of part JJ of chapter 56 of the laws of 2010, is
25 amended to read as follows:

26 5. Notwithstanding the provisions of section one hundred seventy-one-a
27 of the tax law, as separately amended by chapters four hundred eighty-
28 one and four hundred eighty-four of the laws of nineteen hundred eight-
29 y-one, or any other provisions of law to the contrary, during the fiscal
30 year beginning April first, two thousand ten, the state comptroller is
31 hereby authorized and directed to deposit to the fund created pursuant
32 to this section from amounts collected pursuant to article twenty-two of
33 the tax law and pursuant to a schedule submitted by the director of the
34 budget, up to [\$3,308,000,000] \$3,292,520,000, as may be certified in
35 such schedule as necessary to meet the purposes of such fund for the
36 fiscal year beginning April first, two thousand [ten] ELEVEN.

37 S 17. The comptroller is authorized and directed to deposit to the
38 general fund-state purposes account reimbursements from moneys appropri-
39 ated or reappropriated to the correctional facilities capital improve-
40 ment fund (399) by a chapter of the laws of 2011. Reimbursements shall
41 be available for spending from appropriations made to the department of
42 correctional services in the general fund-state purposes account by a
43 chapter of the laws of 2011 for costs associated with the administration
44 and security of capital projects and for other costs which are attribut-
45 able, according to a plan, to such capital projects.

46 S 18. Notwithstanding any other law, rule, or regulation to the
47 contrary, the comptroller is hereby authorized and directed to deposit
48 to the credit of the capital projects fund, reimbursement from the
49 proceeds of notes or bonds issued by the environmental facilities corpo-
50 ration for a capital appropriation for \$29,772,000 authorized by chapter
51 54 of the laws of 2001 to the department of environmental conservation
52 for payment of a portion of the state's match for federal capitalization
53 grants for the water pollution control revolving loan fund.

54 S 19. Notwithstanding any other law, rule, or regulation to the
55 contrary, the comptroller is hereby authorized and directed to deposit,
56 to the credit of the capital projects fund, reimbursement from the

1 proceeds of notes or bonds issued by the environmental facilities corpo-
2 ration for a capital appropriation for \$29,365,000 authorized by chapter
3 54 of the laws of 2002 to the department of environmental conservation
4 for payment of a portion of the state's match for federal capitalization
5 grants for the water pollution control revolving loan fund, reimburse-
6 ment from the proceeds of notes and bonds issued by the urban develop-
7 ment corporation or other financing source for a capital appropriation
8 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the
9 office of general services for payment of capital construction costs for
10 the Alfred E. Smith office building located in the city of Albany,
11 reimbursement from the proceeds of notes and bonds issued by the urban
12 development corporation or other financing source for capital appropri-
13 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to
14 the office of general services for payment of capital construction costs
15 for the Elk street parking garage building located in the city of Alba-
16 ny, reimbursement from the proceeds of notes or bonds issued by the
17 urban development corporation for disbursements of up to \$12,000,000
18 from any capital appropriation or reappropriation authorized by chapter
19 50 of the laws of 2002 to the office of general services for various
20 purposes, reimbursement from the proceeds of notes or bonds issued by
21 the urban development corporation for a capital appropriation of
22 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy
23 research and development authority for the Western New York Nuclear
24 Service Center at West Valley, reimbursement from the proceeds of notes
25 or bonds issued by the urban development corporation for a capital
26 appropriation of \$14,300,000 authorized by chapter 55 of the laws of
27 2002 to the urban development corporation to finance a portion of the
28 jobs now program, reimbursement from the proceeds of notes or bonds
29 issued by the dormitory authority for disbursements of up to \$20,800,000
30 from any capital appropriation or reappropriation authorized by chapter
31 51 of the laws of 2002 to the judiciary for courthouse improvements,
32 reimbursement from the proceeds of notes or bonds issued by the urban
33 development corporation for disbursements of up to \$15,000,000 from
34 appropriations or reappropriations authorized by chapter 50 of the laws
35 of 2002 to any agency for costs related to homeland security, and
36 reimbursement from the proceeds of notes or bonds issued by the environ-
37 mental facilities corporation for a capital appropriation of \$10,000,000
38 authorized by chapter 54 of the laws of 2002 to the department of envi-
39 ronmental conservation for Onondaga lake.

40 S 20. Notwithstanding any other law, rule, or regulation to the
41 contrary, the comptroller is hereby authorized and directed to deposit
42 to the credit of the capital projects fund, reimbursement from the
43 proceeds of notes or bonds issued by the environmental facilities corpo-
44 ration for a capital appropriation of \$30,174,000 authorized by chapter
45 55 of the laws of 2003 to the department of environmental conservation
46 for payment of a portion of the state's match for federal capitalization
47 grants for the water pollution control revolving loan fund, reimburse-
48 ment from the proceeds of notes or bonds issued by the urban development
49 corporation or other financing source for a capital appropriation of
50 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
51 of general services for payment of capital construction costs for the
52 Elk street parking garage building located in the city of Albany,
53 reimbursement from the proceeds of notes or bonds issued by the urban
54 development corporation for disbursements of up to \$10,000,000 from any
55 capital appropriation or reappropriation authorized by chapter 50 of the
56 laws of 2003 to the office of general services for various purposes,

1 reimbursement from the proceeds of notes or bonds issued by the environ-
2 mental facilities corporation for a capital appropriation of \$13,250,000
3 authorized by chapter 55 of the laws of 2003 to the energy research and
4 development authority for the Western New York Nuclear Service Center at
5 West Valley, reimbursement from the proceeds of notes or bonds issued by
6 the dormitory authority for disbursements of up to \$16,400,000 from any
7 capital appropriation or reappropriation authorized by chapter 51 of the
8 laws of 2003 to the judiciary for courthouse improvements, reimbursement
9 from the proceeds of notes or bonds issued by the urban development
10 corporation for disbursements of up to \$10,000,000 from appropriations
11 or reappropriations authorized by chapter 50 of the laws of 2003 to any
12 agency for costs related to homeland security, reimbursement from the
13 proceeds of notes or bonds issued by the environmental facilities corpo-
14 ration for a capital appropriation of \$10,000,000 authorized by chapter
15 55 of the laws of 2003 to the department of environmental conservation
16 for Onondaga lake, reimbursement from the proceeds of notes or bonds
17 issued by the environmental facilities corporation for disbursements of
18 up to \$11,000,000 from any capital appropriations or reappropriations
19 authorized by chapter 55 of the laws of 2003 to the department of envi-
20 ronmental conservation for environmental purposes, and reimbursement
21 from the proceeds of notes or bonds issued by the dormitory authority
22 for disbursements of up to \$100,000,000 from a capital appropriation
23 authorized by chapter 50 of the laws of 2003 to the department of state
24 for enhanced 911 wireless service.

25 S 21. Notwithstanding any other law, rule, or regulation to the
26 contrary, the comptroller is hereby authorized and directed to deposit
27 to the credit of the capital projects fund, reimbursement from the
28 proceeds of notes or bonds issued by the environmental facilities corpo-
29 ration for a capital appropriation for \$28,893,000 authorized by chapter
30 55 of the laws of 2004 to the department of environmental conservation
31 for payment of a portion of the state's match for federal capitalization
32 grants for the water pollution control revolving loan fund, reimburse-
33 ment from the proceeds of notes or bonds issued by the urban development
34 corporation for disbursements of up to \$10,000,000 from any capital
35 appropriation or reappropriation authorized by chapter 50 of the laws of
36 2004 to the office of general services for various purposes, reimburse-
37 ment from the proceeds of notes or bonds issued by the environmental
38 facilities corporation for a capital appropriation of \$11,350,000
39 authorized by chapter 55 of the laws of 2004 to the energy research and
40 development authority for the Western New York Nuclear Service Center at
41 West Valley, reimbursement from the proceeds of notes or bonds issued by
42 the environmental facilities corporation, for a capital appropriation of
43 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
44 ment of environmental conservation for Onondaga lake, reimbursement from
45 the proceeds of notes or bonds issued by the environmental facilities
46 corporation for disbursements of up to \$11,000,000 from any capital
47 appropriations or reappropriations authorized by chapter 55 of the laws
48 of 2004 to the department of environmental conservation for environ-
49 mental purposes, reimbursement from the proceeds of notes or bonds
50 issued by the dormitory authority for a capital appropriation of
51 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
52 tion department for capital transition grants for transportation,
53 reimbursement from the proceeds of notes or bonds issued by the dormito-
54 ry authority for a capital appropriation of \$250,000,000 authorized by
55 chapter 55 of the laws of 2004 for payment of costs related to economic
56 development projects, reimbursement from the proceeds of bonds or notes

1 issued by the urban development corporation for a capital appropriation
2 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
3 by chapter 108 of the laws of 2006, for payment of costs related to the
4 H. H. Richardson complex and the Darwin Martin House, and reimbursement
5 from the proceeds of notes or bonds issued by the dormitory authority
6 for a capital appropriation of \$350,000,000 authorized by chapter 3 of
7 the laws of 2004 for the New York state economic development program.

8 S 22. Notwithstanding any other law, rule, or regulation to the
9 contrary, the comptroller is hereby authorized and directed to deposit
10 to the credit of the capital projects fund, reimbursement from the
11 proceeds of notes or bonds issued by the environmental facilities corpo-
12 ration for a capital appropriation of \$29,602,000 authorized by chapter
13 55 of the laws of 2005 to the department of environmental conservation
14 for payment of a portion of the state's match for federal capitalization
15 grants for the water pollution control revolving loan fund, reimburse-
16 ment from the proceeds of notes or bonds issued by the urban development
17 corporation for disbursements of up to \$10,000,000 from any capital
18 appropriation or reappropriation authorized by chapter 50 of the laws of
19 2005 to the office of general services for various purposes, reimburse-
20 ment from the proceeds of notes or bonds issued by the environmental
21 facilities corporation for a capital appropriation of \$11,350,000
22 authorized by chapter 55 of the laws of 2005 to the energy research and
23 development authority for the Western New York Nuclear Service Center at
24 West Valley, reimbursement from the proceeds of notes or bonds issued by
25 the environmental facilities corporation for a capital appropriation of
26 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
27 ment of environmental conservation for Onondaga lake, reimbursement from
28 the proceeds of notes or bonds issued by the environmental facilities
29 corporation for disbursements of up to \$11,000,000 from any capital
30 appropriations or reappropriations authorized by chapter 55 of the laws
31 of 2005 to the department of environmental conservation for environ-
32 mental purposes, reimbursement from the proceeds of notes or bonds
33 issued by the urban development corporation for a capital appropriation
34 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
35 Javits center, reimbursement from the proceeds of notes or bonds issued
36 by the dormitory authority for a capital appropriation of \$90,000,000
37 authorized by chapter 62 of the laws of 2005 for regional development,
38 reimbursement from the proceeds of notes or bonds issued by the dormito-
39 ry authority for a capital appropriation of \$250,000,000 authorized by
40 chapter 62 of the laws of 2005 for technology and development,
41 reimbursement from the proceeds of notes or bonds issued by the urban
42 development corporation for a capital appropriation of \$75,000,000
43 authorized by chapter 162 of the laws of 2005 for the New York state
44 economic development program, reimbursement from the proceeds of notes
45 or bonds issued by the urban development corporation for a capital
46 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
47 2005 for the higher education facilities capital matching grants
48 program, reimbursement from the proceeds of notes or bonds issued by the
49 dormitory authority or other financing source for a capital appropri-
50 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
51 office of general services for payment of capital construction costs for
52 the Elk street parking garage building located in the city of Albany,
53 reimbursement from the proceeds of notes or bonds issued by the urban
54 development corporation for a capital appropriation of \$15,000,000
55 authorized by chapter 53 of the laws of 2005 to the state education
56 department for payment of capital construction costs for public broad-

1 casting facilities, reimbursement from the proceeds of notes or bonds
2 issued by the urban development corporation for a capital appropriation
3 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
4 sion of state police for public protection facilities, and reimbursement
5 from the proceeds of notes or bonds issued by the urban development
6 corporation for capital disbursements of up to \$3,000,000 from any capi-
7 tal appropriation or reappropriation authorized by chapter 50 of the
8 laws of 2005 to the division of military and naval affairs for various
9 purposes.

10 S 23. Notwithstanding any other law, rule, or regulation to the
11 contrary, the comptroller is hereby authorized and directed to deposit
12 to the credit of the capital projects fund, reimbursement from the
13 proceeds of notes or bonds issued by the environmental facilities corpo-
14 ration for a capital appropriation for \$29,600,000 authorized by chapter
15 55 of the laws of 2006 to the department of environmental conservation
16 for payment of a portion of the state's match for federal capitalization
17 grants for the water pollution control revolving loan fund, reimburse-
18 ment from the proceeds of notes or bonds issued by the urban development
19 corporation for disbursements of up to \$20,000,000 from any capital
20 appropriation or reappropriation authorized by chapter 50 of the laws of
21 2006 to the office of general services for various purposes, reimburse-
22 ment from the proceeds of notes or bonds issued by the environmental
23 facilities corporation for a capital appropriation of \$14,000,000
24 authorized by chapter 55 of the laws of 2006 to the energy research and
25 development authority for the Western New York Nuclear Service Center at
26 West Valley, reimbursement from the proceeds of notes or bonds issued by
27 the environmental facilities corporation for a capital appropriation of
28 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
29 ment of environmental conservation for Onondaga lake, reimbursement from
30 the proceeds of notes or bonds issued by the environmental facilities
31 corporation for disbursements of up to \$12,000,000 from any capital
32 appropriations or reappropriations authorized by chapter 55 of the laws
33 of 2006 to the department of environmental conservation for environ-
34 mental purposes, reimbursement from the proceeds of notes or bonds
35 issued by the urban development corporation for capital disbursements of
36 up to \$3,000,000 from any capital appropriation or reappropriation
37 authorized by chapter 50 of the laws of 2006 to the division of military
38 and naval affairs for various purposes, reimbursement from the proceeds
39 of notes or bonds issued by the urban development corporation for
40 disbursements of up to \$12,400,000 from any capital appropriation or
41 reappropriation authorized by chapter 50 of the laws of 2006 to the
42 division of state police for public protection facilities, reimbursement
43 from the proceeds of notes or bonds issued by the urban development
44 corporation for a capital appropriation of \$117,000,000 authorized by
45 chapter 50 of the laws of 2006 to all state departments and agencies for
46 the purchase of equipment, reimbursement from the proceeds of notes or
47 bonds issued by the dormitory authority or the urban development corpo-
48 ration for all or a portion of capital appropriations of \$603,050,000
49 authorized by chapter 108 of the laws of 2006 to the urban development
50 corporation for economic development/other projects, reimbursement from
51 the proceeds of notes or bonds issued by the urban development corpo-
52 ration for a capital appropriation of \$269,500,000 authorized by chapter
53 108 of the laws of 2006 to the dormitory authority or the urban develop-
54 ment corporation for economic development projects, reimbursement from
55 the proceeds of notes or bonds issued by the dormitory authority or the
56 urban development corporation for a capital appropriation of

1 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
2 development corporation for university development projects, reimburse-
3 ment from the proceeds of notes or bonds issued by the dormitory author-
4 ity or for a capital appropriation of \$143,000,000 authorized by chapter
5 108 of the laws of 2006 to the urban development corporation for
6 cultural facilities projects, reimbursement from the proceeds of notes
7 or bonds issued by the dormitory authority or the urban development
8 corporation for capital appropriations totaling \$60,000,000 authorized
9 by chapter 108 of the laws of 2006 to the urban development corporation
10 for energy/environmental projects, reimbursement from the proceeds of
11 notes or bonds issued by the dormitory authority or the urban develop-
12 ment corporation for a capital appropriation of \$20,000,000 authorized
13 by chapter 108 of the laws of 2006 to the urban development corporation
14 for a competitive solicitation for construction of a pilot cellulosic
15 ethanol refinery, reimbursement from the proceeds of notes or bonds
16 issued by the urban development corporation for a capital appropriation
17 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
18 development corporation for services and expenses related to infrastruc-
19 ture for a new stadium in Queens county, and reimbursement from the
20 proceeds of notes or bonds issued by the urban development corporation
21 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
22 the laws of 2006 to the urban development corporation for services and
23 expenses related to infrastructure improvements to construct a new park-
24 ing facility at a new stadium in Bronx county, reimbursement from the
25 proceeds of notes and bonds issued by the environmental facilities
26 corporation for a capital appropriation of \$5,000,000 authorized by
27 chapter 55 of the laws of 2006 to the environmental facilities corpo-
28 ration for payment for the pipeline for jobs program, reimbursement from
29 the proceeds of notes or bonds issued by the dormitory authority for
30 capital disbursements of up to \$14,000,000 from any capital appropri-
31 ation or reappropriation authorized by chapter 53 of the laws of 2006
32 for the library construction purpose, reimbursement from the proceeds of
33 notes or bonds issued by the urban development corporation or the dormi-
34 tory authority for an appropriation of \$1,200,000 authorized by chapter
35 53 of the laws of 2006 for the towns of Bristol and Canandaigua public
36 water systems, reimbursement from the proceeds of notes or bonds issued
37 by the urban development corporation or the dormitory authority for an
38 appropriation of \$5,500,000 authorized by chapter 53 of the laws of 2006
39 for Belleayre mountain ski center, reimbursement from the proceeds of
40 notes or bonds issued by the urban development corporation or the dormi-
41 tory authority for an appropriation of \$25,000,000 authorized by chapter
42 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric
43 center rehabilitation, reimbursement from the proceeds of notes or bonds
44 issued by the urban development corporation or the dormitory authority
45 for an appropriation of \$5,000,000 authorized by chapter 108 of the laws
46 of 2006 for a state of New York umbilical cord bank, reimbursement from
47 the proceeds of notes or bonds issued by the urban development corpo-
48 ration or the dormitory authority for an appropriation of \$5,500,000
49 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain
50 ski bowl connection, reimbursement from the proceeds of notes or bonds
51 issued by the urban development corporation or the dormitory authority
52 for an appropriation of \$2,000,000 authorized by chapter 53 of the laws
53 of 2006 for a Cornell equine drug testing laboratory, reimbursement from
54 the proceeds of notes or bonds issued by the urban development corpo-
55 ration or the dormitory authority for an appropriation of \$2,000,000
56 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard

1 laboratory, reimbursement from the proceeds of notes or bonds issued by
2 the urban development corporation or the dormitory authority for an
3 appropriation of \$99,500,000 authorized by chapter 108 of the laws of
4 2006 to the office for technology for payment of capital construction
5 costs for a consolidated data center, reimbursement from the proceeds of
6 notes or bonds issued by the dormitory authority or the urban develop-
7 ment corporation for an appropriation of \$40,000,000 authorized by chap-
8 ter 108 of the laws of 2006 for a food testing laboratory, reimbursement
9 from the proceeds of notes or bonds issued by the New York state thruway
10 authority for an appropriation of \$22,000,000 authorized by chapter 108
11 of the laws of 2006 to the department of transportation for high speed
12 rail, reimbursement from the proceeds of notes or bonds issued by the
13 urban development corporation for capital disbursements of up to
14 \$500,000,000 from an appropriation authorized by chapter 108 of the laws
15 of 2006 to the urban development corporation for development of a semi-
16 conductor manufacturing facility, reimbursement from the proceeds of
17 notes or bonds issued by the urban development corporation of up to
18 \$150,000,000 from an appropriation authorized by chapter 108 of the laws
19 of 2006 to the urban development corporation for research and develop-
20 ment activities of a semiconductor manufacturer, and reimbursement from
21 the proceeds of notes or bonds issued by the urban development corpo-
22 ration for capital disbursements of up to \$300,000,000 from an appropri-
23 ation to the urban development corporation authorized by chapter 108 of
24 the laws of 2006 for community revitalization projects.

25 S 24. Notwithstanding any other law, rule, or regulation to the
26 contrary, the comptroller is hereby authorized and directed to deposit
27 to the credit of the capital projects fund, reimbursement from the
28 proceeds of notes or bonds issued by the environmental facilities corpo-
29 ration for a capital appropriation of \$29,600,000 authorized by chapter
30 55 of the laws of 2007 to the department of environmental conservation
31 for payment of a portion of the state's match for federal capitalization
32 grants for the water pollution control revolving loan fund, reimburse-
33 ment from the proceeds of notes or bonds issued by the urban development
34 corporation for disbursements of up to \$20,000,000 from any capital
35 appropriation or reappropriation authorized by chapter 50 of the laws of
36 2007 to the office of general services for various purposes, reimburse-
37 ment from the proceeds of notes or bonds issued by the environmental
38 facilities corporation for a capital appropriation of \$13,500,000
39 authorized by chapter 55 of the laws of 2007 to the energy research and
40 development authority for the Western New York Nuclear Service Center at
41 West Valley, reimbursement from the proceeds of notes or bonds issued by
42 the environmental facilities corporation for a capital appropriation of
43 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
44 ment of environmental conservation for Onondaga lake, reimbursement from
45 the proceeds of notes or bonds issued by the environmental facilities
46 corporation for disbursements of up to \$12,000,000 from any capital
47 appropriations or reappropriations authorized by chapter 55 of the laws
48 of 2007 to the department of environmental conservation for environ-
49 mental purposes, reimbursement from the proceeds of notes or bonds
50 issued by the urban development corporation for capital disbursements of
51 up to \$3,000,000 from any capital appropriation or reappropriation
52 authorized by chapter 50 of the laws of 2007 to the division of military
53 and naval affairs for various purposes, reimbursement from the proceeds
54 of notes or bonds issued by the urban development corporation for
55 disbursements from a capital appropriation of \$50,000,000 authorized by
56 chapter 50 of the laws of 2007 to the division of state police for

1 construction of a Troop G facility, reimbursement from the proceeds of
2 notes or bonds issued by the urban development corporation for disburse-
3 ments from a capital appropriation of \$6,000,000 authorized by chapter
4 50 of the laws of 2007 to the division of state police for construction
5 of evidence storage facilities, reimbursement from the proceeds of notes
6 or bonds issued by the dormitory authority or the urban development
7 corporation for capital appropriations totaling \$77,900,000 authorized
8 by chapter 51 of the laws of 2007 to the judiciary for court training
9 facilities and courthouse improvement projects, reimbursement from the
10 proceeds of notes or bonds issued by the urban development corporation
11 for a capital appropriation of \$20,000,000 authorized by chapter 50 of
12 the laws of 2007 to all state departments and agencies for the purchase
13 of equipment, reimbursement from the proceeds of notes or bonds issued
14 by the dormitory authority for capital disbursements of up to
15 \$14,000,000 from any capital appropriation or reappropriation authorized
16 by chapter 53 of the laws of 2007 for library construction, reimburse-
17 ment from the proceeds of notes or bonds issued by the dormitory author-
18 ity for capital disbursements of up to \$60,000,000 from any capital
19 appropriation or reappropriation authorized by chapter 53 of the laws of
20 2007 for cultural education storage facilities, reimbursement from the
21 proceeds of notes or bonds issued by the urban development corporation
22 for capital disbursements of up to \$15,000,000 from any capital appro-
23 priation or reappropriation authorized by chapter 55 of the laws of 2007
24 for Roosevelt Island Operating Corporation aerial tramway, reimbursement
25 from the proceeds of notes or bonds issued by the urban development
26 corporation for capital disbursements of up to \$20,000,000 from any
27 capital appropriation or reappropriation authorized by chapter 55 of the
28 laws of 2007 for Governor's Island, reimbursement from the proceeds of
29 notes or bonds issued by the urban development corporation for capital
30 disbursements of up to \$7,500,000 from any capital appropriation or
31 reappropriation authorized by chapter 55 of the laws of 2007 for Harri-
32 man research and technology park, reimbursement from the proceeds of
33 notes or bonds issued by the urban development corporation for capital
34 disbursements of up to \$7,950,000 from any capital appropriation or
35 reappropriation authorized by chapter 55 of the laws of 2007 for USA
36 Niagara, and reimbursement from the proceeds of notes or bonds issued by
37 the urban development corporation for capital disbursements of up to
38 \$1,300,000 from appropriations authorized by chapter 50 of the laws of
39 2007 made to the office of general services for legislative office
40 building hearing rooms.

41 S 25. Notwithstanding any other law, rule, or regulation to the
42 contrary, the comptroller is hereby authorized and directed to deposit
43 to the credit of the capital projects fund, reimbursement from the
44 proceeds of notes or bonds issued by the environmental facilities corpo-
45 ration for a capital appropriation of \$29,600,000 authorized by chapter
46 55 of the laws of 2008 to the department of environmental conservation
47 for payment of a portion of the state's match for federal capitalization
48 grants for the water pollution control revolving loan fund, reimburse-
49 ment from the proceeds of notes or bonds issued by the urban development
50 corporation for a capital appropriation of \$141,000,000 authorized by
51 chapter 50 of the laws of 2008 to all state departments and agencies for
52 the purchase of equipment or systems development, reimbursement from the
53 proceeds of notes or bonds issued by the urban development corporation
54 for disbursements of up to \$45,500,000 from any capital appropriation or
55 reappropriation authorized by chapter 50 of the laws of 2008 to the
56 office of general services for various purposes, reimbursement from the

1 proceeds of notes or bonds issued by the environmental facilities corpo-
2 ration for a capital appropriation of \$13,500,000 authorized by chapter
3 55 of the laws of 2008 to the energy research and development authority
4 for the Western New York Nuclear Service Center at West Valley,
5 reimbursement from the proceeds of notes or bonds issued by the environ-
6 mental facilities corporation for a capital appropriation of \$10,000,000
7 authorized by chapter 55 of the laws of 2008 to the department of envi-
8 ronmental conservation for Onondaga lake, reimbursement from the
9 proceeds of notes or bonds issued by the environmental facilities corpo-
10 ration for disbursements of up to \$12,000,000 from any capital appropri-
11 ations or reappropriations authorized by chapter 55 of the laws of 2008
12 to the department of environmental conservation for environmental
13 purposes, reimbursement from the proceeds of notes or bonds issued by
14 the urban development corporation for capital disbursements of up to
15 \$3,000,000 from any capital appropriation or reappropriation authorized
16 by chapter 50 of the laws of 2008 to the division of military and naval
17 affairs for various purposes, reimbursement from the proceeds of notes
18 or bonds issued by the urban development corporation for a capital
19 appropriation of \$10,000,000 authorized by chapter 50 of the laws of
20 2008 to the office for technology for activities related to broadband
21 service, reimbursement from the proceeds of notes or bonds issued by the
22 urban development corporation for a capital appropriation of \$6,000,000
23 authorized by chapter 50 of the laws of 2008 to the division of state
24 police for rehabilitation of facilities, reimbursement from the proceeds
25 of notes or bonds issued by the dormitory authority of the state of New
26 York or other financing source for a capital appropriation authorized by
27 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
28 ment for library construction, reimbursement from the proceeds of notes
29 or bonds issued by the dormitory authority of the state of New York or
30 other financing source for a capital appropriation authorized by chapter
31 53 of the laws of 2008 of \$15,000,000 to the education department for
32 museum renewal projects, reimbursement from the proceeds of notes or
33 bonds issued by the urban development corporation for capital appropri-
34 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
35 urban development corporation for services and expenses related to the
36 investment opportunity fund, reimbursement from the proceeds of notes or
37 bonds issued by the urban development corporation for capital appropri-
38 ation of \$30,000,000 authorized by chapter 53 of the laws of 2008 to the
39 urban development corporation for services and expenses related to arts
40 and cultural projects, reimbursement from the proceeds of bonds or notes
41 issued by the urban development corporation for a capital appropriation
42 of \$35,000,000 authorized by chapter 53 of the laws of 2008 for economic
43 and community development projects, reimbursement from the proceeds of
44 bonds or notes issued by the urban development corporation for a capital
45 appropriation of \$30,000,000 authorized by chapter 53 of the laws of
46 2008 for New York city waterfront development projects, reimbursement
47 from the proceeds of bonds or notes issued by the urban development
48 corporation for a capital appropriation of \$45,000,000 authorized by
49 chapter 53 of the laws of 2008 for Luther Forest infrastructure
50 projects, reimbursement from the proceeds of notes or bonds issued by
51 the urban development corporation for capital appropriation of
52 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
53 development corporation for services and expenses related to downstate
54 regional projects, reimbursement from the proceeds of notes or bonds
55 issued by the urban development corporation for capital appropriation of
56 \$145,000,000 authorized by chapter 53 of the laws of 2008 to the urban

1 development corporation for services and expenses related to upstate
2 city-by-city projects, reimbursement from the proceeds of notes or bonds
3 issued by the urban development corporation for capital appropriation of
4 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
5 development corporation for services and expenses related to the down-
6 state revitalization projects, reimbursement from the proceeds of notes
7 or bonds issued by the urban development corporation for capital appro-
8 priation of \$120,000,000 authorized by chapter 53 of the laws of 2008 to
9 the urban development corporation for services and expenses related to
10 the upstate regional blueprint fund, reimbursement from the proceeds of
11 notes or bonds issued by the urban development corporation for capital
12 appropriation of \$40,000,000 authorized by chapter 53 of the laws of
13 2008 to the urban development corporation for services and expenses
14 related to the upstate agricultural economic development fund,
15 reimbursement from the proceeds of notes or bonds issued by the urban
16 development corporation for capital appropriation of \$350,000,000
17 authorized by chapter 53 of the laws of 2008 to the urban development
18 corporation for services and expenses related to the New York state
19 capital assistance program, reimbursement from the proceeds of notes or
20 bonds issued by the urban development corporation for capital appropri-
21 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
22 the urban development corporation for services and expenses related to
23 the New York state economic development assistance program, and
24 reimbursement from the proceeds of notes or bonds issued by the urban
25 development corporation for capital appropriation of \$20,000,000 author-
26 ized by chapter 55 of the laws of 2008 to the urban development corpo-
27 ration for services and expenses related to the empire state economic
28 development fund.

29 S 26. Notwithstanding any other law, rule, or regulation to the
30 contrary, the comptroller is hereby authorized and directed to deposit
31 to the credit of the capital projects fund, reimbursement from the
32 proceeds of notes or bonds issued by the environmental facilities corpo-
33 ration for a capital appropriation of \$29,600,000 authorized by chapter
34 55 of the laws of 2009 to the department of environmental conservation
35 for payment of a portion of the state's match for federal capitalization
36 grants for the water pollution control revolving loan fund, reimburse-
37 ment from the proceeds of notes or bonds issued by the urban development
38 corporation for a capital appropriation of \$129,800,000 authorized by
39 chapter 50 of the laws of 2009 to all state departments and agencies for
40 the purchase of equipment or systems development, reimbursement from the
41 proceeds of notes or bonds issued by the urban development corporation
42 for disbursements of up to \$24,000,000 from any capital appropriation or
43 reappropriation authorized by chapter 50 of the laws of 2009 to the
44 office of general services for various purposes, reimbursement from the
45 proceeds of notes or bonds issued by the environmental facilities corpo-
46 ration for a capital appropriation of \$13,500,000 authorized by chapter
47 55 of the laws of 2009 to the energy research and development authority
48 for the Western New York Nuclear Service Center at West Valley,
49 reimbursement from the proceeds of notes or bonds issued by the environ-
50 mental facilities corporation for a capital appropriation of \$10,000,000
51 authorized by chapter 55 of the laws of 2009 to the department of envi-
52 ronmental conservation for Onondaga lake, reimbursement from the
53 proceeds of notes or bonds issued by the environmental facilities corpo-
54 ration for disbursements of up to \$12,000,000 from any capital appropri-
55 ations or reappropriations authorized by chapter 55 of the laws of 2009
56 to the department of environmental conservation for environmental

1 purposes, reimbursement from the proceeds of notes or bonds issued by
2 the urban development corporation for capital disbursements of up to
3 \$3,000,000 from any capital appropriation or reappropriation authorized
4 by chapter 50 of the laws of 2009 to the division of military and naval
5 affairs for various purposes, reimbursement from the proceeds of notes
6 or bonds issued by the urban development corporation for a capital
7 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
8 to the division of state police for rehabilitation of facilities,
9 reimbursement from the proceeds of notes or bonds issued by the dormito-
10 ry authority of the state of New York or other financing source for a
11 capital appropriation authorized by chapter 53 of the laws of 2009 of
12 \$14,000,000 to the state education department for library construction,
13 reimbursement from the proceeds of notes or bonds issued by the dormito-
14 ry authority of the state of New York or other financing source for a
15 capital appropriation of \$4,000,000 to the state education department
16 for rehabilitation associated with the St. Regis Mohawk elementary
17 school authorized by chapter 53 of the laws of 2009 and reimbursement
18 from the proceeds of notes or bonds issued by the urban development
19 corporation for capital appropriation of \$25,000,000 authorized by chap-
20 ter 55 of the laws of 2009 to the urban development corporation for
21 services and expenses related to the empire state economic development
22 fund.

23 S 27. Notwithstanding any other law, rule, or regulation to the
24 contrary, the comptroller is hereby authorized and directed to deposit
25 to the credit of the capital projects fund, reimbursement from the
26 proceeds of notes or bonds issued by the environmental facilities corpo-
27 ration for a capital appropriation of \$29,600,000 authorized by chapter
28 55 of the laws of 2010 to the department of environmental conservation
29 for payment of a portion of the state's match for federal capitalization
30 grants for the water pollution control revolving loan fund, reimburse-
31 ment from the proceeds of notes or bonds issued by the urban development
32 corporation for a capital appropriation of \$187,285,000 authorized by
33 chapter 50 of the laws of 2010 to all state departments and agencies for
34 the purchase of equipment or systems development, reimbursement from the
35 proceeds of notes or bonds issued by the urban development corporation
36 for disbursements of up to \$26,950,000 from any capital appropriation or
37 reappropriation authorized by chapter 50 of the laws of 2010 to the
38 office of general services for various purposes, reimbursement from the
39 proceeds of notes or bonds issued by the environmental facilities corpo-
40 ration for a capital appropriation of \$5,000,000 authorized by chapter
41 55 of the laws of 2010 to the department of environmental conservation
42 for Onondaga lake, reimbursement from the proceeds of notes or bonds
43 issued by the environmental facilities corporation for disbursements of
44 up to \$12,000,000 from any capital appropriations or reappropriations
45 authorized by chapter 55 of the laws of 2010 to the department of envi-
46 ronmental conservation for environmental purposes, reimbursement from
47 the proceeds of notes or bonds issued by the urban development corpo-
48 ration for capital disbursements of up to \$3,000,000 from any capital
49 appropriation or reappropriation authorized by chapter 50 of the laws of
50 2010 to the division of military and naval affairs for various purposes,
51 reimbursement from the proceeds of notes or bonds issued by the urban
52 development corporation for a capital appropriation of \$6,000,000
53 authorized by chapter 50 of the laws of 2010 to the division of state
54 police for rehabilitation of facilities, reimbursement from the proceeds
55 of notes or bonds issued by the dormitory authority of the state of New
56 York or other financing source for a capital appropriation of

1 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state
2 education department for library construction, reimbursements from the
3 proceeds of notes or bonds issued by the dormitory authority of the
4 state of New York or other financing source for a capital appropriation
5 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the
6 state education department for the longitudinal data system and
7 reimbursement from the proceeds of notes or bonds issued by the dormito-
8 ry authority of the state of New York or other financing source for a
9 capital appropriation of \$42,000,000 for the state preparedness and
10 training center.

11 S 28. Notwithstanding any other law, rule, or regulation to the
12 contrary, the comptroller is hereby authorized and directed to deposit
13 to the credit of the capital projects fund, reimbursement from the
14 proceeds of notes or bonds issued by the environmental facilities corpo-
15 ration for a capital appropriation of \$35,000,000 authorized by a chap-
16 ter of the laws of 2011 to the department of environmental conservation
17 for payment of a portion of the state's match for federal capitalization
18 grants for the water pollution control revolving loan fund, reimburse-
19 ment from the proceeds of notes or bonds issued by the urban development
20 corporation for a capital appropriation of \$92,751,000 authorized by a
21 chapter of the laws of 2011 to all state departments and agencies for
22 the purchase of equipment or systems development, reimbursement from the
23 proceeds of notes or bonds issued by the urban development corporation
24 for disbursements of up to \$40,000,000 from any capital appropriation or
25 reappropriation authorized by a chapter of the laws of 2011 to the
26 office of general services for various purposes, reimbursement from the
27 proceeds of notes or bonds issued by the environmental facilities corpo-
28 ration for disbursements of up to \$12,000,000 from any capital appropri-
29 ations or reappropriations authorized by a chapter of the laws of 2011
30 to the department of environmental conservation for environmental
31 purposes, reimbursement from the proceeds of notes or bonds issued by
32 the urban development corporation for capital disbursements of up to
33 \$3,000,000 from any capital appropriation or reappropriation authorized
34 by a chapter of the laws of 2011 to the division of military and naval
35 affairs for various purposes, reimbursement from the proceeds of notes
36 or bonds issued by the urban development corporation for a capital
37 appropriation of \$6,000,000 authorized by a chapter of the laws of 2011
38 to the division of state police for rehabilitation of facilities,
39 reimbursement from the proceeds of notes or bonds issued by the dormito-
40 ry authority of the state of New York or other financing source for a
41 capital appropriation of \$14,000,000 authorized by a chapter of the laws
42 of 2011 to the state education department for library construction.

43 S 29. Notwithstanding any other law, rule, or regulation to the
44 contrary, the comptroller is hereby authorized and directed to deposit
45 to the credit of the state university residence hall rehabilitation fund
46 (074), reimbursement from the proceeds of notes or bonds issued by the
47 dormitory authority of the state of New York for capital disbursements
48 of up to \$331,000,000 from any appropriation or reappropriation author-
49 ized by a chapter of the laws of 2011.

50 S 30. Notwithstanding any other law, rule, or regulation to the
51 contrary, the comptroller is hereby authorized and directed to deposit
52 to the credit of the capital projects fund, reimbursement from the
53 proceeds of notes or bonds issued by the dormitory authority and urban
54 development corporation for disbursements of up to \$8,000,000 from an
55 appropriation authorized by chapter 50 of the laws of 2009 for drug
56 courts.

1 S 31. Notwithstanding any other law, rule, or regulation to the
2 contrary, the comptroller is hereby authorized and directed to deposit
3 to the credit of the city university special revenue fund (377),
4 reimbursement from the proceeds of notes or bonds issued by the Dormito-
5 ry Authority of the State of New York for capital disbursements of up to
6 \$20,000,000 from any appropriation or reappropriation authorized by
7 chapter 53 of the laws of 2009 to the city university of New York for
8 various purposes.

9 S 32. Notwithstanding any other law, rule, or regulation to the
10 contrary, the state comptroller is hereby authorized and directed to use
11 any balance remaining in the mental health services fund debt service
12 appropriation, after payment by the state comptroller of all obligations
13 required pursuant to any lease, sublease, or other financing arrangement
14 between the dormitory authority of the state of New York as successor to
15 the New York state medical care facilities finance agency, and the
16 facilities development corporation pursuant to chapter 83 of the laws of
17 1995 and the department of mental hygiene for the purpose of making
18 payments to the dormitory authority of the state of New York for the
19 amount of the earnings for the investment of monies deposited in the
20 mental health services fund that such agency determines will or may have
21 to be rebated to the federal government pursuant to the provisions of
22 the internal revenue code of 1986, as amended, in order to enable such
23 agency to maintain the exemption from federal income taxation on the
24 interest paid to the holders of such agency's mental services facilities
25 improvement revenue bonds. On or before June 30, 2011, such agency shall
26 certify to the state comptroller its determination of the amounts
27 received in the mental health services fund as a result of the invest-
28 ment of monies deposited therein that will or may have to be rebated to
29 the federal government pursuant to the provisions of the internal reven-
30 ue code of 1986, as amended.

31 S 33. (1) Notwithstanding any other law, rule, or regulation to the
32 contrary, the state comptroller shall at the commencement of each month
33 certify to the director of the budget, the commissioner of environmental
34 conservation, the chair of the senate finance committee, and the chair
35 of the assembly ways and means committee the amounts disbursed from all
36 appropriations for hazardous waste site remediation disbursements for
37 the month preceding such certification.

38 (2) Notwithstanding any law to the contrary, prior to the issuance by
39 the comptroller of bonds authorized pursuant to subdivision a of section
40 4 of the environmental quality bond act of nineteen hundred eighty-six,
41 as enacted by chapter 511 of the laws of 1986, disbursements from all
42 appropriations for that purpose shall first be reimbursed from moneys
43 credited to the hazardous waste remedial fund, site investigation and
44 construction account, to the extent moneys are available in such
45 account. For purposes of determining moneys available in such account,
46 the commissioner of environmental conservation shall certify to the
47 comptroller the amounts required for administration of the hazardous
48 waste remedial program.

49 (3) The comptroller is hereby authorized and directed to transfer any
50 balance above the amounts certified by the commissioner of environmental
51 conservation to reimburse disbursements pursuant to all appropriations
52 from such site investigation and construction account; provided, howev-
53 er, that if such transfers are determined by the comptroller to be
54 insufficient to assure that interest paid to holders of state obli-
55 gations issued for hazardous waste purposes pursuant to the environ-
56 mental quality bond act of nineteen hundred eighty-six, as enacted by

chapter 511 of the laws of 1986, is exempt from federal income taxation, the comptroller is hereby authorized and directed to transfer, from such site investigation and construction account to the general fund, the amount necessary to redeem bonds in an amount necessary to assure the continuation of such tax exempt status. Prior to the making of any such transfers, the comptroller shall notify the director of the budget of the amount of such transfers.

S 34. Subdivision 8 of section 68-b of the state finance law, as amended by chapter 79 of the laws of 2010, is amended to read as follows:

8. Revenue bonds may only be issued for authorized purposes, as defined in section sixty-eight-a of this article. Notwithstanding the foregoing, the dormitory authority of the state of New York and the urban development corporation may issue revenue bonds for any authorized purpose of any other such authorized issuer [through March thirty-first, two thousand eleven]. The authorized issuers shall not issue any revenue bonds in an amount in excess of statutory authorizations for such authorized purposes. Authorizations for such authorized purposes shall be reduced in an amount equal to the amount of revenue bonds issued for such authorized purposes under this article. Such reduction shall not be made in relation to revenue bonds issued to fund reserve funds, if any, and costs of issuance, if these items are not counted under existing authorizations, nor shall revenue bonds issued to refund bonds issued under existing authorizations reduce the amount of such authorizations.

S 35. Subdivision 2 of section 68-a of the state finance law, as amended by chapter 79 of the laws of 2010, is amended to read as follows:

2. "Authorized purpose" for purposes of this article and section ninety-two-z of this chapter shall mean any purposes for which state-supported debt, as defined by section sixty-seven-a of this chapter, may or has been issued except debt for which the state is constitutionally obligated thereunder to pay debt service and related expenses, and except (a) as authorized in paragraph (b) of subdivision one of section three hundred eighty-five of the public authorities law, (b) as authorized for the department of health of the state of New York facilities as specified in paragraph a of subdivision two of section sixteen hundred eighty of the public authorities law, (c) state university of New York dormitory facilities as specified in subdivision eight of section sixteen hundred seventy-eight of the public authorities law, and (d) as authorized for mental health services facilities by section nine-a of section one of chapter three hundred ninety-two of the laws of nineteen hundred seventy-three constituting the New York state medical care facilities financing act. Notwithstanding the provisions of clause (d) of this subdivision, for the period April first, two thousand nine through March thirty-first, two thousand [eleven] TWELVE, mental health services facilities, as authorized by section nine-a of section one of chapter three hundred ninety-two of the laws of nineteen hundred seventy-three constituting the New York state medical care facilities financing act, shall constitute an authorized purpose.

S 36. Section 51 of part RR of chapter 57 of the laws of 2008, providing for the administration of certain funds and accounts related to the 2008-2009 budget, as amended by chapter 48 of the laws of 2010, is amended to read as follows:

S 51. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2008; provided, however, that the amendments to subdivision 6 of section 4 and subdivi-

1 sion 4 of section 40 of the state finance law made by sections fifteen
2 and sixteen of this act shall expire on the same date such subdivisions
3 expire; and provided, further, however, that section thirty-four of this
4 act shall take effect on the same date as the reversion of section 69-c
5 of the state finance law as provided in section 58 of part T of chapter
6 57 of the laws of 2007, as amended; [provided, further that such amend-
7 ments shall expire and be deemed repealed March 31, 2011;] and provided,
8 further, however, that sections one, three, four, and eighteen through
9 twenty-seven of this act shall expire March 31, 2009 when upon such date
10 the provisions of such sections shall be deemed repealed; and provided
11 further that section fourteen of this act shall expire March 31, 2011
12 when upon such date the provisions of such section shall be deemed
13 repealed.

14 S 37. Subdivision 3 of section 1285-p of the public authorities law,
15 as amended by section 48 of part JJ of chapter 56 of the laws of 2010,
16 is amended to read as follows:

17 3. The maximum amount of bonds that may be issued for the purpose of
18 financing environmental infrastructure projects authorized by this
19 section shall be nine hundred [three] FIFTEEN million seven hundred
20 forty-seven thousand dollars, exclusive of bonds issued to fund any debt
21 service reserve funds, pay costs of issuance of such bonds, and bonds or
22 notes issued to refund or otherwise repay bonds or notes previously
23 issued. Such bonds and notes of the corporation shall not be a debt of
24 the state, and the state shall not be liable thereon, nor shall they be
25 payable out of any funds other than those appropriated by the state to
26 the corporation for debt service and related expenses pursuant to any
27 service contracts executed pursuant to subdivision one of this section,
28 and such bonds and notes shall contain on the face thereof a statement
29 to such effect.

30 S 38. Subdivision (a) of section 28 of part Y of chapter 61 of the
31 laws of 2005, providing for the administration of certain funds and
32 accounts related to the 2005-2006 budget, as amended by section 49 of
33 part JJ of chapter 56 of the laws of 2010, is amended to read as
34 follows:

35 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
36 notwithstanding any provisions of law to the contrary, one or more
37 authorized issuers as defined by section 68-a of the state finance law
38 are hereby authorized to issue bonds or notes in one or more series in
39 an aggregate principal amount not to exceed [\$18,000,000] \$21,000,000,
40 excluding bonds issued to finance one or more debt service reserve
41 funds, to pay costs of issuance of such bonds, and bonds or notes issued
42 to refund or otherwise repay such bonds or notes previously issued, for
43 the purpose of financing capital projects for public protection facili-
44 ties in the Division of Military and Naval Affairs, debt service and
45 leases; and to reimburse the state general fund for disbursements made
46 therefor. Such bonds and notes of such authorized issuer shall not be a
47 debt of the state, and the state shall not be liable thereon, nor shall
48 they be payable out of any funds other than those appropriated by the
49 state to such authorized issuer for debt service and related expenses
50 pursuant to any service contract executed pursuant to subdivision (b) of
51 this section and such bonds and notes shall contain on the face thereof
52 a statement to such effect. Except for purposes of complying with the
53 internal revenue code, any interest income earned on bond proceeds shall
54 only be used to pay debt service on such bonds.

55 S 39. Subdivision (a) of section 48 of part K of chapter 81 of the
56 laws of 2002, providing for the administration of certain funds and

accounts related to the 2002-2003 budget, as amended by section 50 of part JJ of chapter 56 of the laws of 2010, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed \$67,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [\$165,800,000] \$205,800,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

S 40. Subdivision 4 of section 66-b of the state finance law, as amended by section 51 of part JJ of chapter 56 of the laws of 2010, is amended to read as follows:

4. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, the maximum amount of certificates of participation or similar instruments representing periodic payments due from the state of New York, issued on behalf of state departments and agencies, the city university of New York and any other state entity otherwise specified after March thirty-first, two thousand three shall be seven hundred [fifty-one] EIGHTY-FOUR million two hundred eighty-five thousand dollars. Such amount shall be exclusive of certificates of participation or similar instruments issued to fund a reserve fund or funds, costs of issuance and to refund outstanding certificates of participation.

S 41. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 52 of part JJ of chapter 56 of the laws of 2010, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed six billion [one] FOUR hundred [sixty-four] NINETY million [sixty-nine] FOUR HUNDRED SIXTY-NINE thousand dollars [\$6,164,069,000] \$6,490,469,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the

1 laws of 1983, as amended or supplemented. The proceeds of such bonds,
2 notes or other obligations shall be paid to the state, for deposit in
3 the correctional facilities capital improvement fund to pay for all or
4 any portion of the amount or amounts paid by the state from appropri-
5 ations or reappropriations made to the department [of correctional
6 services] OF CORRECTIONS AND COMMUNITY SUPERVISION from the correctional
7 facilities capital improvement fund for capital projects. The aggregate
8 amount of bonds, notes or other obligations authorized to be issued
9 pursuant to this section shall exclude bonds, notes or other obligations
10 issued to refund or otherwise repay bonds, notes or other obligations
11 theretofore issued, the proceeds of which were paid to the state for all
12 or a portion of the amounts expended by the state from appropriations or
13 reappropriations made to the department of [correctional services]
14 CORRECTIONS AND COMMUNITY SUPERVISION; provided, however, that upon any
15 such refunding or repayment the total aggregate principal amount of
16 outstanding bonds, notes or other obligations may be greater than six
17 billion [one] FOUR hundred [sixty-four] NINETY million [sixty-nine] FOUR
18 HUNDRED SIXTY-NINE thousand dollars [\$6,164,069,000] \$6,490,469,000,
19 only if the present value of the aggregate debt service of the refunding
20 or repayment bonds, notes or other obligations to be issued shall not
21 exceed the present value of the aggregate debt service of the bonds,
22 notes or other obligations so to be refunded or repaid. For the purposes
23 hereof, the present value of the aggregate debt service of the refunding
24 or repayment bonds, notes or other obligations and of the aggregate debt
25 service of the bonds, notes or other obligations so refunded or repaid,
26 shall be calculated by utilizing the effective interest rate of the
27 refunding or repayment bonds, notes or other obligations, which shall be
28 that rate arrived at by doubling the semi-annual interest rate
29 (compounded semi-annually) necessary to discount the debt service
30 payments on the refunding or repayment bonds, notes or other obligations
31 from the payment dates thereof to the date of issue of the refunding or
32 repayment bonds, notes or other obligations and to the price bid includ-
33 ing estimated accrued interest or proceeds received by the corporation
34 including estimated accrued interest from the sale thereof.

35 S 42. Subdivision 1 of section 17 of part D of chapter 389 of the laws
36 of 1997, providing for the financing of the correctional facilities
37 improvement fund and the youth facility improvement fund, as amended by
38 section 53 of part JJ of chapter 56 of the laws of 2010, is amended to
39 read as follows:

40 1. Subject to the provisions of chapter 59 of the laws of 2000, but
41 notwithstanding the provisions of section 18 of section 1 of chapter 174
42 of the laws of 1968, the New York state urban development corporation is
43 hereby authorized to issue bonds, notes and other obligations in an
44 aggregate principal amount not to exceed [three] FOUR hundred [seventy-
45 nine] TWENTY-NINE million five hundred fifteen thousand dollars
46 [(\$379,515,000)] (\$429,515,000), which authorization increases the
47 aggregate principal amount of bonds, notes and other obligations author-
48 ized by section 40 of chapter 309 of the laws of 1996, and shall include
49 all bonds, notes and other obligations issued pursuant to chapter 211 of
50 the laws of 1990, as amended or supplemented. The proceeds of such
51 bonds, notes or other obligations shall be paid to the state, for depos-
52 it in the youth facilities improvement fund, to pay for all or any
53 portion of the amount or amounts paid by the state from appropriations
54 or reappropriations made to the office of children and family services
55 from the youth facilities improvement fund for capital projects. The
56 aggregate amount of bonds, notes and other obligations authorized to be

1 issued pursuant to this section shall exclude bonds, notes or other
2 obligations issued to refund or otherwise repay bonds, notes or other
3 obligations theretofore issued, the proceeds of which were paid to the
4 state for all or a portion of the amounts expended by the state from
5 appropriations or reappropriations made to the office of children and
6 family services; provided, however, that upon any such refunding or
7 repayment the total aggregate principal amount of outstanding bonds,
8 notes or other obligations may be greater than [three] FOUR hundred
9 [seventy-nine] TWENTY-NINE million five hundred fifteen thousand dollars
10 [(\$379,515,000)] \$429,515,000, only if the present value of the aggre-
11 gate debt service of the refunding or repayment bonds, notes or other
12 obligations to be issued shall not exceed the present value of the
13 aggregate debt service of the bonds, notes or other obligations so to be
14 refunded or repaid. For the purposes hereof, the present value of the
15 aggregate debt service of the refunding or repayment bonds, notes or
16 other obligations and of the aggregate debt service of the bonds, notes
17 or other obligations so refunded or repaid, shall be calculated by
18 utilizing the effective interest rate of the refunding or repayment
19 bonds, notes or other obligations, which shall be that rate arrived at
20 by doubling the semi-annual interest rate (compounded semi-annually)
21 necessary to discount the debt service payments on the refunding or
22 repayment bonds, notes or other obligations from the payment dates ther-
23 eof to the date of issue of the refunding or repayment bonds, notes or
24 other obligations and to the price bid including estimated accrued
25 interest or proceeds received by the corporation including estimated
26 accrued interest from the sale thereof.

27 S 43. Paragraph (a) of subdivision 2 of section 47-e of the private
28 housing finance law, as amended by section 54 of part JJ of chapter 56
29 of the laws of 2010, is amended to read as follows:

30 (a) Subject to the provisions of chapter fifty-nine of the laws of two
31 thousand, in order to enhance and encourage the promotion of housing
32 programs and thereby achieve the stated purposes and objectives of such
33 housing programs, the agency shall have the power and is hereby author-
34 ized from time to time to issue negotiable housing program bonds and
35 notes in such principal amount as shall be necessary to provide suffi-
36 cient funds for the repayment of amounts disbursed (and not previously
37 reimbursed) pursuant to law or any prior year making capital appropri-
38 ations or reappropriations for the purposes of the housing program;
39 provided, however, that the agency may issue such bonds and notes in an
40 aggregate principal amount not exceeding two billion [five] SIX hundred
41 [thirty-two] THIRTY-SIX million [two] FOUR hundred ninety-nine thousand
42 dollars, plus a principal amount of bonds issued to fund the debt
43 service reserve fund in accordance with the debt service reserve fund
44 requirement established by the agency and to fund any other reserves
45 that the agency reasonably deems necessary for the security or marketa-
46 bility of such bonds and to provide for the payment of fees and other
47 charges and expenses, including underwriters' discount, trustee and
48 rating agency fees, bond insurance, credit enhancement and liquidity
49 enhancement related to the issuance of such bonds and notes. No reserve
50 fund securing the housing program bonds shall be entitled or eligible to
51 receive state funds apportioned or appropriated to maintain or restore
52 such reserve fund at or to a particular level, except to the extent of
53 any deficiency resulting directly or indirectly from a failure of the
54 state to appropriate or pay the agreed amount under any of the contracts
55 provided for in subdivision four of this section.

1 S 44. Paragraph j of subdivision 2 of section 1680 of the public
2 authorities law, as amended by section 37 of part PP of chapter 56 of
3 the laws of 2009, is amended to read as follows:

4 j. Subject to the provisions of chapter fifty-nine of the laws of two
5 thousand, the maximum amount of bonds and notes to be issued after March
6 thirty-first, two thousand two for a housing unit for the use of
7 students at a state-operated institution or statutory or contract
8 college under the jurisdiction of the state university of New York shall
9 be one billion [two] FIVE hundred [thirty] SIXTY-ONE million dollars.
10 Such amount shall be exclusive of bonds and notes issued to fund any
11 reserve fund or funds, costs of issuance, and to refund any outstanding
12 bonds and notes relating to a housing unit under the jurisdiction of the
13 state university of New York.

14 S 45. Subdivision (b) of section 11 of chapter 329 of the laws of
15 1991, amending the state finance law and other laws relating to the
16 establishment of the dedicated highway and bridge trust fund, as amended
17 by section 2 of part C of chapter 109 of the laws of 2010, is amended to
18 read as follows:

19 (b) Any service contract or contracts for projects authorized pursuant
20 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
21 14-k of the transportation law, and entered into pursuant to subdivision
22 (a) of this section, shall provide for state commitments to provide
23 annually to the thruway authority a sum or sums, upon such terms and
24 conditions as shall be deemed appropriate by the director of the budget,
25 to fund, or fund the debt service requirements of any bonds or any obli-
26 gations of the thruway authority issued to fund such projects having a
27 cost not in excess of [\$6,286,660,000] \$6,695,169,000 cumulatively by
28 the end of fiscal year [2010-2011] 2011-12.

29 S 46. Subdivision 5 of section 3234 of the public authorities law, as
30 amended by chapter 81 of the laws 2002, is amended to read as follows:

31 5. A majority of the whole number of directors then in office shall
32 constitute a quorum for the transaction of any business or the exercise
33 of any power of the corporation. Except as otherwise specified in this
34 title, for the transaction of any business or the exercise of any power
35 of the corporation, the corporation shall have power to act by a majori-
36 ty of the directors present at any meeting at which a quorum is in
37 attendance; provided that one or more directors may participate in a
38 meeting by means of conference telephone or similar communications
39 equipment allowing all directors participating in the meeting to hear
40 each other at the same time and participation by such means shall
41 constitute presence in person at a meeting. A unanimous vote of all
42 directors THEN IN OFFICE shall be required for approval of a resolution
43 authorizing the issuance of bonds or notes or any supplemental or amen-
44 datory resolution. The corporation may delegate to one or more of its
45 directors, or officers, agents and employees, such powers and duties as
46 the directors may deem proper. Five days notice shall be given to each
47 director and nonvoting representative prior to any meeting of the corpo-
48 ration.

49 S 47. Paragraph (e) of subdivision 1 of section 3236 of the public
50 authorities law, as amended by chapter 219 of the laws of 1999, is
51 amended to read as follows:

52 (e) Such bonds shall be sold to the bidder offering the lowest inter-
53 est cost to the corporation, taking into consideration any premium or
54 discount and, in the case of refunding bonds, the bona fide initial
55 public offering price, not less than four nor more than fifteen days,
56 Sundays excepted, after a notice of such sale has been published at

1 least once in a definitive trade publication of the municipal bond
2 industry published on each business day in the state of New York which
3 is generally available to participants in the municipal bond industry,
4 which notice shall state the terms of the sale. The corporation may not
5 change the terms of the sale unless notice of such change is sent via a
6 definitive trade wire service of the municipal bond industry which, in
7 general, makes available information regarding activity and sales of
8 municipal bonds and is generally available to participants in the munic-
9 ipal bond industry, at least one [day] HOUR prior to the [date] TIME of
10 the sale as set forth in the original notice of sale. In so changing the
11 terms or conditions of a sale the corporation may send notice by such
12 wire service that the sale will be delayed by up to thirty days,
13 provided that wire notice of the new sale date will be given at least
14 one business day prior to the new time when bids will be accepted. In
15 such event, no new notice of sale shall be required to be published.
16 Advertisements shall contain a provision to the effect that the corpo-
17 ration, in its discretion, may reject any or all bids made in pursuance
18 of such advertisements, and in the event of such rejection, the corpo-
19 ration is authorized to negotiate a private sale or readvertise for bids
20 in the form and manner above described as many times as, in its judg-
21 ment, may be necessary to effect a satisfactory sale. Notwithstanding
22 the foregoing provisions of this paragraph, whenever in the judgment of
23 the corporation the interests of the corporation will be served thereby,
24 the corporation may sell bonds at private sale. The corporation shall
25 promulgate regulations governing the terms and conditions of any such
26 private sales, which regulations shall include a provision that it give
27 notice to the governor, the temporary president of the senate, and the
28 speaker of the assembly of its intention to conduct a private sale of
29 obligations pursuant to this section not less than five days prior to
30 such sale or the execution of any binding agreement to effect such sale.

31 S 48. Subdivision 1 of section 1689-i of the public authorities law,
32 as amended by section 46 of part JJ of chapter 56 of the laws of 2010,
33 is amended to read as follows:

34 1. The dormitory authority is authorized to issue bonds, at the
35 request of the commissioner of education, to finance eligible library
36 construction projects pursuant to section two hundred seventy-three-a of
37 the education law, in amounts certified by such commissioner not to
38 exceed a total principal amount of [seventy] EIGHTY-FOUR million
39 dollars.

40 S 49. Paragraph (a) of section 55 of part JJ of chapter 56 of the laws
41 of 2010, relating to providing for the administration of certain funds
42 and accounts related to the 2010-2011 budget, is amended to read as
43 follows:

44 (a) section forty-two of this act shall be deemed to have been in full
45 force and effect on and after April 1, [2008] 2007;

46 S 50. This act shall take effect immediately and shall be deemed to
47 have been in full force and effect on and after April 1, 2011; provided
48 further that sections one through fourteen-a and sections seventeen
49 through twenty-seven of this act shall expire March 31, 2012, when upon
50 such date, the provisions of such sections shall be deemed repealed;
51 provided further that the amendments to subdivision 5 of section 97-rrr
52 of the state finance law made by section sixteen of this act shall not
53 affect the expiration of such subdivision and shall expire therewith;
54 and provided further that section forty-six of this act shall take
55 effect on the same date as the reversion of subdivision 5 of section

1 3234 of the public authorities law as provided in section 3 of chapter
2 48 of the laws of 2010, as amended.

3 PART O

4 Intentionally omitted.

5 PART P

6 Section 1. Notwithstanding any other law, the State University Down-
7 state Medical Center may create a not-for-profit corporation of which
8 the State University Downstate Medical Center is the sole member, that
9 will acquire the medical facilities owned by the Long Island College
10 Hospital in exchange for the assumption by such not-for-profit corpo-
11 ration of certain obligations of the Long Island College Hospital,
12 including debt obligations to the Dormitory Authority, and such other
13 consideration as may be mutually agreed to; and the State University
14 Downstate Medical Center may enter into a long-term lease with such
15 not-for-profit corporation for the facilities acquired by such not-for-
16 profit corporation from the Long Island College Hospital, on such terms
17 and conditions as shall be agreed to between the State University Down-
18 state Medical Center and such not-for-profit corporation, including
19 provisions for the payment of lease payments sufficient to fund the debt
20 obligations acquired by such not-for-profit corporation, subject to the
21 approval of the comptroller, the attorney general and the director of
22 the budget.

23 S 2. This act shall take effect immediately.

24 PART Q

25 Section 1. The judiciary law is amended by adding a new section 499-a
26 to read as follows:

27 S 499-A. EXPANDED ACCESS TO CIVIL LEGAL SERVICES. OF THE AMOUNTS
28 APPROPRIATED, PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN,
29 TO THE UNIFIED COURT SYSTEM FOR THE SERVICES AND EXPENSES NECESSARY TO
30 IMPLEMENT THE RECOMMENDATIONS OF THE CHIEF JUDGE'S TASK FORCE TO EXPAND
31 ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, NO MORE THAN FORTY PERCENT
32 SHALL BE ALLOCATED TO A CITY WITH A POPULATION IN EXCESS OF ONE MILLION
33 AND NO LESS THAN SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE
34 ALLOCATED TO THE OPERATION OF TOWN AND VILLAGE COURTS NOT LOCATED IN A
35 CITY WITH A POPULATION IN EXCESS OF ONE MILLION.

36 S 2. This act shall take effect immediately.

37 PART R

38 Section 1. Article 30 of the executive law is REPEALED.

39 S 2. Section 98-b of the state finance law, as amended by section 2 of
40 part E of chapter 56 of the laws of 2010, is amended to read as follows:

41 S 98-b. Indigent legal services fund. 1. There is hereby established
42 in the joint custody of the comptroller and the commissioner of taxation
43 and finance a special fund to be known as the indigent legal services
44 fund.

45 2. Such fund shall consist of all moneys appropriated for the purpose
46 of such fund, all other moneys required to be paid into or credited to
47 such fund, and all moneys received by the fund or donated to it.

1 3. (a) [The purpose of such fund shall be] AS PROVIDED IN THIS SUBDI-
2 VISION, MONEYS RECEIVED BY THE INDIGENT LEGAL SERVICES FUND EACH CALEN-
3 DAR YEAR FROM JANUARY FIRST THROUGH DECEMBER THIRTY-FIRST SHALL BE MADE
4 AVAILABLE BY THE STATE COMPTROLLER IN THE IMMEDIATELY SUCCEEDING CALEN-
5 DAR YEAR to (i) assist counties and, in the case of a county wholly
6 contained within a city, such city, in providing legal representation
7 for persons who are financially unable to afford counsel pursuant to
8 article eighteen-B of the county law; AND (ii) assist the state, in
9 improving the quality of public defense services and funding represen-
10 tation provided by assigned counsel paid in accordance with section
11 thirty-five of the judiciary law[; and (iii) provide support for the
12 operations, duties, responsibilities and expenses of the office of indi-
13 gent legal services and the indigent legal services board established,
14 respectively, pursuant to sections eight hundred thirty-two and eight
15 hundred thirty-three of the executive law]. MONEYS FROM THE FUND SHALL
16 BE DISTRIBUTED AT THE DIRECTION OF THE STATE COMPTROLLER IN ACCORDANCE
17 WITH THE PROVISIONS OF THIS SUBDIVISION.

18 (b) [State funds received by a county or city from such fund shall be
19 used to supplement and not supplant any local funds which such county or
20 city would otherwise have had to expend for the provision of counsel and
21 expert, investigative and other services pursuant to article eighteen-B
22 of the county law. All such state funds received by a county or city
23 shall be used to improve the quality of services provided pursuant to
24 article eighteen-B of the county law. Nothing in this paragraph shall
25 preclude a county from decreasing local funds as long as the county
26 demonstrates to the office of indigent legal services established by
27 section eight hundred thirty-two of the executive law that the quality
28 of services has been maintained or enhanced notwithstanding the use of
29 state funds.

30 (c) As used in this section, "local funds" shall mean all funds appro-
31 priated or allocated by a county or, in the case of a county wholly
32 contained within a city, such city, for services and expenses in accord-
33 ance with article eighteen-B of the county law, other than funds
34 received from: (i) the federal government or the state; or (ii) a
35 private source, where such city or county does not have authority or
36 control over the payment of such funds by such private source.

37 3. Amounts distributed from such fund shall be limited to amounts
38 appropriated therefor and shall be distributed as follows:

39 (a) The office of court administration may expend a portion of the
40 funds available in such fund to provide] (I) COMMENCING ON MARCH THIR-
41 TY-FIRST, TWO THOUSAND ELEVEN, MONEYS FROM SUCH FUND SHALL FIRST BE MADE
42 AVAILABLE, IN THE CALENDAR YEAR NEXT SUCCEEDING THE CALENDAR YEAR IN
43 WHICH COLLECTED, TO REIMBURSE THE STATE, FOR PAYMENTS, MADE IN THE
44 PREVIOUS CALENDAR YEAR, FOR assigned counsel paid in accordance with
45 section thirty-five of the judiciary law, up to an annual sum of twen-
46 ty-five million dollars.

47 [(b) An annual amount of forty million dollars shall be made available
48 to the city of New York from such fund for the provision of services
49 pursuant to article eighteen-B of the county law; provided that the city
50 of New York shall continue to provide at minimum the aggregate amount of
51 funding for public defense services including, but not limited to, the
52 amount of funding for contractors of public defense services and indi-
53 vidual defense attorneys, that it provided, pursuant to article eigh-
54 teen-B of the county law during its two thousand nine--two thousand ten
55 fiscal year.

1 (c) Within the first fifteen days of March two thousand eleven, each
2 county other than a county wholly contained within the city of New York,
3 shall receive ninety percent of the amount paid to such county in March
4 two thousand ten. Within the first fifteen days of March two thousand
5 twelve, each county other than a county wholly contained within the city
6 of New York shall receive seventy-five percent of the amount paid to
7 such county in March two thousand ten. Within the first fifteen days of
8 March two thousand thirteen, each county other than a county wholly
9 contained within the city of New York shall receive fifty percent of the
10 amount paid to such county in March two thousand ten. Within the first
11 fifteen days of March two thousand fourteen, each county other than a
12 county wholly contained within the city of New York shall receive twen-
13 ty-five percent of the amount paid to such county in March two thousand
14 ten. For all state fiscal years following the two thousand thirteen--two
15 thousand fourteen fiscal year, there shall be no required annual
16 payments pursuant to this paragraph. Notwithstanding the provisions of
17 this paragraph, for each of the four required payments made to counties
18 within the first fifteen days of March two thousand eleven, two thousand
19 twelve, two thousand thirteen and two thousand fourteen, Hamilton and
20 Orleans counties shall receive such percentage payments based on the
21 amounts that each county would have received in March two thousand ten
22 had it satisfied the maintenance of effort requirement set forth in
23 paragraph (c) of subdivision four of this section in effect on such
24 date.

25 (d) Remaining amounts within such fund, after accounting for annual
26 payments required in paragraphs (a), (b) and (c) of this subdivision and
27 subparagraph (iii) of paragraph (a) of subdivision two of this section
28 shall be distributed in accordance with sections eight hundred thirty-
29 two and eight hundred thirty-three of the executive law.]

30 (II) COMMENCING WITH THE PAYMENT ON APRIL FIRST, TWO THOUSAND ELEVEN
31 OR AS SOON THEREAFTER AS PRACTICABLE, AND SUBSEQUENT QUARTERLY PAYMENTS
32 THEREAFTER, MONEYS FROM SUCH FUND SHALL BE AVAILABLE TO REIMBURSE THE
33 STATE FOR PROVIDING FUNDING FOR LEGAL REPRESENTATION IN PERIODS AND AT
34 RATES OF COMPENSATION IN EFFECT AFTER JANUARY FIRST, TWO THOUSAND TEN IN
35 ACCORDANCE WITH SECTION THIRTY-FIVE OF THE JUDICIARY LAW, IN AN AMOUNT
36 EQUAL TO SUCH FUNDING PROVIDED DURING THE PRECEDING QUARTER, LESS THE
37 AMOUNT OF FUNDING PROVIDED DURING THAT QUARTER IN ACCORDANCE WITH SUCH
38 SECTION AT RATES OF COMPENSATION IN EFFECT IMMEDIATELY PRIOR TO JANUARY
39 FIRST, TWO THOUSAND TEN, UP TO BUT NOT EXCEEDING SIX MILLION TWO HUNDRED
40 FIFTY THOUSAND DOLLARS PER QUARTER.

41 (C) THE BALANCE OF MONEYS RECEIVED BY SUCH FUND SHALL BE DISTRIBUTED
42 BY THE STATE COMPTROLLER, IN THE CALENDAR YEAR NEXT SUCCEEDING THE
43 CALENDAR YEAR IN WHICH COLLECTED, TO COUNTIES AND, IN THE CASE OF A
44 COUNTY WHOLLY CONTAINED WITHIN A CITY, SUCH CITY, TO ASSIST SUCH COUN-
45 TIES AND SUCH CITY IN PROVIDING REPRESENTATION PURSUANT TO ARTICLE EIGH-
46 TEEN-B OF THE COUNTY LAW. THE AMOUNT TO BE MADE AVAILABLE EACH YEAR TO
47 SUCH COUNTIES AND SUCH CITY SHALL BE CALCULATED BY THE STATE COMPTROLLER
48 AS FOLLOWS:

49 (I) THE COUNTY EXECUTIVE OR CHIEF EXECUTIVE OFFICER OF EACH COUNTY OR,
50 IN THE CASE OF A COUNTY WHOLLY CONTAINED WITHIN A CITY, SUCH CITY SHALL,
51 IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION SEVEN HUNDRED TWENTY-TWO-F
52 OF THE COUNTY LAW, CERTIFY TO THE STATE COMPTROLLER, BY MARCH FIRST OF
53 EACH YEAR, THE TOTAL EXPENDITURE OF LOCAL FUNDS BY EACH SUCH COUNTY OR
54 CITY, DURING THE PERIOD JANUARY FIRST THROUGH DECEMBER THIRTY-FIRST OF
55 THE PREVIOUS CALENDAR YEAR, FOR PROVIDING LEGAL REPRESENTATION TO

PERSONS WHO WERE FINANCIALLY UNABLE TO AFFORD COUNSEL, PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

(II) THE STATE COMPTROLLER SHALL THEN TOTAL THE AMOUNT OF LOCAL FUNDS EXPENDED BY ALL SUCH COUNTIES AND SUCH CITY TO DETERMINE THE SUM OF SUCH MONEYS EXPENDED BY ALL SUCH COUNTIES AND SUCH CITY FOR PROVIDING SUCH REPRESENTATION IN SUCH CALENDAR YEAR.

(III) THE STATE COMPTROLLER SHALL THEN CALCULATE THE PERCENTAGE SHARE OF THE STATEWIDE SUM OF SUCH EXPENDITURES FOR EACH COUNTY AND SUCH CITY FOR SUCH CALENDAR YEAR.

(IV) THE STATE COMPTROLLER SHALL THEN DETERMINE:

(A) THE FUND AMOUNT AVAILABLE TO BE DISTRIBUTED PURSUANT TO THIS PARAGRAPH, WHICH SHALL BE THE AMOUNT RECEIVED BY THE INDIGENT LEGAL SERVICES FUND IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, MINUS THE AMOUNT TO BE DISTRIBUTED TO THE STATE UNDER PARAGRAPH (B) OF THIS SUBDIVISION PROVIDED, HOWEVER, THAT WITH RESPECT TO THE FIRST PAYMENT MADE TO COUNTIES AND SUCH CITY ON MARCH THIRTY-FIRST, TWO THOUSAND FIVE, SUCH PAYMENT SHALL BE MADE FROM THE AMOUNTS RECEIVED BY THE INDIGENT LEGAL SERVICES FUND IN THE IMMEDIATELY PRECEDING TWO CALENDAR YEARS, MINUS THE AMOUNT TO BE DISTRIBUTED TO THE STATE UNDER PARAGRAPH (B) OF THIS SUBDIVISION; AND

(B) THE ANNUAL PAYMENT AMOUNT TO BE PAID TO EACH COUNTY AND SUCH CITY PURSUANT TO THIS SUBDIVISION, WHICH SHALL BE THE PRODUCT OF THE PERCENTAGE SHARE OF STATEWIDE LOCAL FUNDS EXPENDED BY EACH SUCH COUNTY AND CITY, AS DETERMINED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, MULTIPLIED BY THE FUND AMOUNT AVAILABLE FOR DISTRIBUTION, AS DETERMINED PURSUANT TO CLAUSE (A) OF THIS SUBPARAGRAPH.

(D) ALL PAYMENTS FROM THIS ACCOUNT SHALL BE MADE UPON VOUCHERS APPROVED AND CERTIFIED AND UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER. THE STATE COMPTROLLER SHALL, AS SOON AS PRACTICABLE, MAKE SUCH PAYMENTS TO THE STATE AND EACH COUNTY AND EACH CITY IN A LUMP SUM PAYMENT.

4. (A) AS USED IN THIS SECTION, "LOCAL FUNDS" SHALL MEAN ALL FUNDS APPROPRIATED OR ALLOCATED BY A COUNTY OR, IN THE CASE OF A COUNTY WHOLLY CONTAINED WITHIN A CITY, SUCH CITY, FOR SERVICES AND EXPENSES IN ACCORDANCE WITH ARTICLE EIGHTEEN-B OF THE COUNTY LAW, OTHER THAN FUNDS RECEIVED FROM: (I) THE FEDERAL GOVERNMENT OR THE STATE; OR (II) A PRIVATE SOURCE, WHERE SUCH CITY OR COUNTY DOES NOT HAVE AUTHORITY OR CONTROL OVER THE PAYMENT OF SUCH FUNDS BY SUCH PRIVATE SOURCE.

(B) STATE FUNDS RECEIVED BY A COUNTY OR CITY PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY LOCAL FUNDS WHICH SUCH COUNTY OR CITY WOULD OTHERWISE HAVE HAD TO EXPEND FOR THE PROVISION OF COUNSEL AND EXPERT, INVESTIGATIVE AND OTHER SERVICES PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. ALL SUCH STATE FUNDS RECEIVED BY A COUNTY OR CITY SHALL BE USED TO IMPROVE THE QUALITY OF SERVICES PROVIDED PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

(C) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, AS A PRECONDITION FOR RECEIVING STATE ASSISTANCE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, A COUNTY OR CITY SHALL BE REQUIRED PURSUANT TO THIS PARAGRAPH TO DEMONSTRATE COMPLIANCE WITH THE MAINTENANCE OF EFFORT PROVISIONS OF PARAGRAPH (B) OF THIS SUBDIVISION. SUCH COMPLIANCE SHALL BE SHOWN AS A PART OF THE ANNUAL REPORT SUBMITTED BY THE COUNTY OR CITY IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION SEVEN HUNDRED TWENTY-TWO-F OF THE COUNTY LAW. SUCH MAINTENANCE OF EFFORT SHALL BE SHOWN BY DEMONSTRATING WITH SPECIFICITY:

1 (I) THAT THE TOTAL AMOUNT OF LOCAL FUNDS EXPENDED FOR SERVICES AND
2 EXPENSES PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW DURING THE
3 APPLICABLE CALENDAR YEAR REPORTING PERIOD DID NOT DECREASE FROM THE
4 AMOUNT OF SUCH LOCAL FUNDS EXPENDED DURING THE PREVIOUS CALENDAR YEAR
5 PROVIDED, HOWEVER, THAT WITH RESPECT TO THE REPORT FILED IN TWO THOUSAND
6 TWELVE REGARDING CALENDAR YEAR TWO THOUSAND ELEVEN, SUCH MAINTENANCE OF
7 EFFORT SHALL BE SHOWN BY DEMONSTRATING WITH SPECIFICITY THAT THE TOTAL
8 AMOUNT OF LOCAL FUNDS EXPENDED FOR SERVICES AND EXPENSES PURSUANT TO
9 ARTICLE EIGHTEEN-B OF THE COUNTY LAW DURING THE TWO THOUSAND ELEVEN
10 CALENDAR YEAR DID NOT DECREASE FROM THE AMOUNT OF SUCH LOCAL FUNDS
11 EXPENDED DURING CALENDAR YEAR TWO THOUSAND TEN; OR

12 (II) WHERE THE AMOUNT OF LOCAL FUNDS EXPENDED FOR SUCH SERVICES
13 DECREASED OVER SUCH PERIOD, THAT ALL STATE FUNDS RECEIVED DURING THE
14 MOST RECENT STATE FISCAL YEAR PURSUANT TO SUBDIVISION THREE OF THIS
15 SECTION WERE USED TO ASSURE AN IMPROVEMENT IN THE QUALITY OF SERVICES
16 PROVIDED IN ACCORDANCE WITH ARTICLE EIGHTEEN-B OF THE COUNTY LAW AND
17 HAVE NOT BEEN USED TO SUPPLANT LOCAL FUNDS. FOR PURPOSES OF THIS SUBPAR-
18 AGRAPH, WHETHER THERE HAS BEEN AN IMPROVEMENT IN THE QUALITY OF SUCH
19 SERVICES SHALL BE DETERMINED BY CONSIDERING THE EXPERTISE, TRAINING AND
20 RESOURCES MADE AVAILABLE TO ATTORNEYS, EXPERTS AND INVESTIGATORS PROVID-
21 ING SUCH SERVICES; THE TOTAL CASELOAD HANDLED BY SUCH ATTORNEYS, EXPERTS
22 AND INVESTIGATORS AS SUCH RELATES TO THE TIME EXPENDED IN EACH CASE AND
23 THE QUALITY OF SERVICES PROVIDED; THE SYSTEM BY WHICH ATTORNEYS WERE
24 MATCHED TO CASES WITH A DEGREE OF COMPLEXITY SUITABLE TO EACH ATTORNEY'S
25 TRAINING AND EXPERIENCE; THE PROVISION OF TIMELY AND CONFIDENTIAL ACCESS
26 TO SUCH ATTORNEYS AND EXPERT AND INVESTIGATIVE SERVICES; AND ANY OTHER
27 SIMILAR FACTORS RELATED TO THE DELIVERY OF QUALITY PUBLIC DEFENSE
28 SERVICES.

29 S 3. Subdivision 3 of section 722 of the county law, as amended by
30 section 3 of part E of chapter 56 of the laws of 2010, is amended to
31 read as follows:

32 3. (a) Representation by counsel furnished pursuant to either or both
33 of the following: a plan of a bar association in each county or the city
34 in which a county is wholly contained whereby: (i) the services of
35 private counsel are rotated and coordinated by an administrator, and
36 such administrator may be compensated for such service; or (ii) such
37 representation is provided by an office of conflict defender.

38 (b) Any plan of a bar association must receive the approval of the
39 [state administrator] OFFICE OF COURT ADMINISTRATION before the plan is
40 placed in operation. In the county of Hamilton, representation pursuant
41 to a plan of a bar association in accordance with subparagraph (i) of
42 paragraph (a) of this subdivision may be by counsel furnished by the
43 Fulton county bar association pursuant to a plan of the Fulton county
44 bar association, following approval of the [state administrator] OFFICE
45 OF COURT ADMINISTRATION. When considering approval of an office of
46 conflict defender pursuant to this section, the [state administrator]
47 OFFICE OF COURT ADMINISTRATION shall employ [the guidelines established
48 by the office of indigent legal services pursuant to paragraph (d) of
49 subdivision three of section eight hundred thirty-two of the executive
50 law] STANDARDS AND CRITERIA PROMULGATED BY THE OFFICE FOR THE PROVISION
51 OF SUCH SERVICES IN CASES INVOLVING A CONFLICT OF INTEREST AND TO ASSIST
52 COUNTIES TO DEVELOP PLANS CONSISTENT WITH SUCH STANDARDS AND CRITERIA.

53 (c) Any county operating an office of conflict defender, as described
54 in subparagraph (ii) of paragraph (a) of this subdivision, as of March
55 thirty-first, two thousand ten may continue to utilize the services
56 provided by such office provided that the county submits a plan to the

1 [state administrator] OFFICE OF COURT ADMINISTRATION within one hundred
2 eighty days after the promulgation of criteria for the provision of
3 conflict defender services by the office of [indigent legal services]
4 COURT ADMINISTRATION. The authority to operate such an office pursuant
5 to this paragraph shall expire when the [state administrator] OFFICE OF
6 COURT ADMINISTRATION approves or disapproves such plan. Upon approval,
7 the county is authorized to operate such office in accordance with para-
8 graphs (a) and (b) of this subdivision.

9 S 4. This act shall take effect immediately.

10 PART S

11 Section 1. Notwithstanding sections 113 and 470 of the retirement and
12 social security law, subdivision 4 of section 201 of the civil service
13 law, or any other general, special or local law, in connection with the
14 acquisition of the assets of Community-General Hospital of greater Syra-
15 cuse by SUNY Upstate Medical University, subject to the approval of such
16 acquisition by the comptroller, the attorney general and the director of
17 the budget, effective upon the closing of the acquisition, SUNY Upstate
18 Medical University shall be authorized to assume and maintain, as the
19 plan sponsor, all or part of the retirement plan for employees of Commu-
20 nity-General Hospital of Greater Syracuse, including all or the appro-
21 priate portion of the assets related thereto and the provision for
22 payment of benefits thereunder. Such authority shall include, without
23 limitation, the authority to make any and all required payments of bene-
24 fits due to the members, retirees and beneficiaries, to make any
25 contributions that may be necessary to provide such benefits and to
26 amend or terminate the retirement plan for employees of Community-Gener-
27 al Hospital of Greater Syracuse.

28 S 2. This act shall take effect immediately.

29 PART T

30 Section 1. Section 13 of chapter 141 of the laws of 1994, amending the
31 legislative law and the state finance law relating to the operation and
32 administration of the legislature, as amended by section 2 of part QQ of
33 chapter 56 of the laws of 2010, is amended to read as follows:

34 S 13. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect as of April 1, 1994, provided that,
36 the provisions of section 5-a of the legislative law as amended by
37 sections two and two-a of this act shall take effect on January 1, 1995,
38 and provided further that, the provisions of article 5-A of the legisla-
39 tive law as added by section eight of this act shall expire June 30,
40 [2011] 2012 when upon such date the provisions of such article shall be
41 deemed repealed; and provided further that section twelve of this act
42 shall be deemed to have been in full force and effect on and after April
43 10, 1994.

44 S 2. This act shall take effect immediately, provided, however, if
45 section two of this act shall take effect on or after June 30, 2011
46 section two of this act shall be deemed to have been in full force and
47 effect on and after June 30, 2011.

48 PART U

1 Section 1. Paragraph a of subdivision 2 of section 679-e of the educa-
2 tion law, as amended by section 1 of part VV of chapter 56 of the laws
3 of 2009, is amended to read as follows:

4 a. (i) "Eligible attorney" means an attorney, admitted to practice law
5 in New York state, who is employed full-time as either a district attor-
6 ney, as defined in subparagraph (ii) of this paragraph[, or an indigent
7 legal services attorney, as defined in subparagraph (iii) of this para-
8 graph,] who is admitted to practice law in this state for not more than
9 eleven years and who was within the eligible period as defined in para-
10 graph b of this subdivision during the time for which such person is
11 seeking a student loan expense grant.

12 (ii) "District attorney" means the district attorney of one of the
13 counties of the state or an employee of the office of any such district
14 attorney.

15 [(iii) "Indigent legal services attorney" means an attorney who is an
16 employee of (A) any agency designated by subdivisions one and two of
17 section seven hundred twenty-two of the county law, who is engaged in
18 the practice of criminal law on behalf of persons charged with a crime
19 who are financially unable to obtain counsel; (B) a not-for-profit
20 corporation that is exempt from the payment of federal income taxes
21 pursuant to section 501(c)(3) of the internal revenue code and estab-
22 lished for the purpose of providing legal services that include civil
23 legal services to persons within New York state who are financially
24 unable to obtain counsel; or (C) an agency specified in clause (A) of
25 this subparagraph and/or a corporation specified in clause (B) of this
26 subparagraph and who provides a combination of the civil and criminal
27 services specified therein.]

28 S 2. This act shall take effect immediately.

29 PART V

30 Section 1. Subdivision 2 of section 189 of the correction law, as
31 added by chapter 3 of the laws of 1995, is amended to read as follows:

32 2. The commissioner [may] SHALL collect from the compensation paid to
33 a prisoner for work performed while housed in a general confinement
34 facility an incarceration fee, not to exceed one dollar per week, for
35 each week of confinement to help defray the costs of incarceration. The
36 commissioner shall waive the collection of such fee where it is deter-
37 mined that the payment of the fee would work an unreasonable hardship on
38 the prisoner or his or her immediate family.

39 S 2. This act shall take effect immediately, provided however, that
40 the amendments to section 189 of the correction law made by section one
41 of this act shall not affect the expiration of such section and shall be
42 deemed to expire therewith.

43 PART W

44 Section 1. Section 26 of the correction law, as amended by chapter 487
45 of the laws of 1994, is amended to read as follows:

46 S 26. Establishment of commissaries or canteens in correctional insti-
47 tutions. 1. The commissioner may authorize the head of any institution
48 in the department to establish a commissary or a canteen in such insti-
49 tution for the use and benefit of inmates. The moneys received by the
50 head of the institution as profits from the sales of the commissary or
51 canteen shall be deposited in a special fund to be known as the commis-
52 sary or canteen fund and such funds shall be used for the general

purposes of the institution subject to the provisions of section fifty-three of the state finance law.

2. ANY INSTITUTION AUTHORIZED BY THE COMMISSIONER TO ESTABLISH A COMMISSARY OR CANTEEN SHALL ASSESS THE APPROPRIATE STATE AND LOCAL SALES, USE AND EXCISE TAXES ON THE ITEMS SOLD AT SUCH COMMISSARY OR CANTEEN.

S 2. This act shall take effect immediately.

PART X

Section 1. The correction law is amended by adding a new section 607 to read as follows:

S 607. MEDICAL TREATMENT CO-PAYMENT. 1. AN INMATE OF AN INSTITUTION OF THE DEPARTMENT SHALL MAKE A MEDICAL CO-PAYMENT IN THE AMOUNT OF SEVEN DOLLARS UPON RECEIPT OF MEDICAL TREATMENT.

2. EACH INMATE SHALL BE REQUIRED TO SIGN A LOG DOCUMENTING THE SCHEDULED TIME OF VISIT, INMATE NAME AND ID NUMBER AND DESCRIPTION OF COMPLAINT.

3. EACH MEDICAL CO-PAYMENT SHALL BE POSTED TO THE INMATES' ACCOUNTS EITHER AS MEDICAL OR DENTAL CHARGES TO FACILITATE RESPONSE TO INMATE QUERIES.

4. EACH INMATE SHALL BE SENT AN ACCOUNT STATEMENT AT THE END OF EACH MONTH SHOWING ALL CREDITS AND DEBITS AGAINST THE ACCOUNT AND ACCOMPANYING EXPLANATIONS.

5. SHOULD AN INMATE NOT HAVE SUFFICIENT FUNDS IN HIS OR HER ACCOUNT TO COVER THE CHARGES, THEN HIS OR HER ACCOUNT SHALL BE FROZEN PENDING RECEIPT OF FUNDS SUFFICIENT TO SATISFY HIS OR HER OBLIGATION.

6. AN INMATE SHALL NOT BE REFUSED TREATMENT FOR LACK OF ABILITY TO PAY CO-PAYMENT CHARGES. THE CHARGE IS ASSESSED AFTER COMPLETION OF THE VISIT WHEN THE VISIT LOG IS PROCESSED.

7. INMATES ARE NOT ASSESSED CO-PAYMENT CHARGES FOR PSYCHIATRIC VISITS.

8. FEDERAL INMATES WILL BE BILLED DIRECTLY TO THE JURISDICTION WHICH WAS AGREED TO BY THE FEDERAL AGENCY. SUBSEQUENTLY FEDERAL BOARDERS WILL NOT BE ASSESSED CO-PAYMENT IF THAT JURISDICTION IS PAYING THE DEPARTMENT A SPECIFIC PER DIEM TO HOUSE EACH INMATE.

9. ALL MONEYS COLLECTED PURSUANT TO THIS SECTION WILL BE MADE AVAILABLE FOR THE OPERATION OF THE CORRECTIONAL FACILITY.

10. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, except that any rule or regulation necessary for the timely implementation of this act on its effective date shall be promulgated on or before such date.

PART Y

Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of section 259-i of the executive law, as separately amended by section 11 of part E and section 9 of part F of chapter 62 of the laws of 2003, is amended to read as follows:

(i) Except as provided in subparagraph (ii) of this paragraph, at least one month prior to the date on which an inmate may be paroled pursuant to subdivision one of section 70.40 of the penal law, a member or members as determined by the rules of the board shall personally interview such inmate and determine whether he OR SHE should be paroled in accordance with the guidelines adopted pursuant to subdivision four

1 of section two hundred fifty-nine-c of this article. SUCH DETERMINATION
2 TO PAROLE SUCH INMATE SHALL BE BY UNANIMOUS AGREEMENT OF THE BOARD. If
3 parole is not granted upon such review, the inmate shall be informed in
4 writing within two weeks of such appearance of the factors and reasons
5 for such denial of parole. Such reasons shall be given in detail and not
6 in conclusory terms. The board shall specify a date not more than twenty-
7 ty-four months from such determination for reconsideration, and the
8 procedures to be followed upon reconsideration shall be the same. If the
9 inmate is released, he OR SHE shall be given a copy of the conditions of
10 parole. Such conditions shall where appropriate, include a requirement
11 that the parolee comply with any restitution order, mandatory surcharge,
12 sex offender registration fee and DNA databank fee previously imposed by
13 a court of competent jurisdiction that applies to the parolee. The board
14 of parole shall indicate which restitution collection agency established
15 under subdivision eight of section 420.10 of the criminal procedure law,
16 shall be responsible for collection of restitution, mandatory surcharge,
17 sex offender registration fees and DNA databank fees as provided for in
18 section 60.35 of the penal law and section eighteen hundred nine of the
19 vehicle and traffic law.

20 S 2. Paragraph (a) of subdivision 2 of section 259-i of the executive
21 law, as amended by chapter 396 of the laws of 1987, is amended to read
22 as follows:

23 (a) At least one month prior to the expiration of the minimum period
24 or periods of imprisonment fixed by the court or board, a member or
25 members as determined by the rules of the board shall personally inter-
26 view an inmate serving an indeterminate sentence and determine whether
27 he OR SHE should be paroled at the expiration of the minimum period or
28 periods in accordance with the guidelines adopted pursuant to subdivi-
29 sion four of section two hundred fifty-nine-c. SUCH DETERMINATION TO
30 PAROLE SUCH INMATE SHALL BE BY UNANIMOUS AGREEMENT OF THE BOARD. If
31 parole is not granted upon such review, the inmate shall be informed in
32 writing within two weeks of such appearance of the factors and reasons
33 for such denial of parole. Such reasons shall be given in detail and not
34 in conclusory terms. The board shall specify a date not more than twenty-
35 ty-four months from such determination for reconsideration, and the
36 procedures to be followed upon reconsideration shall be the same. If the
37 inmate is released, he OR SHE shall be given a copy of the conditions of
38 parole. Such conditions shall where appropriate, include a requirement
39 that the parolee comply with any restitution order and mandatory
40 surcharge previously imposed by a court of competent jurisdiction that
41 applies to the parolee. The board of parole shall indicate which resti-
42 tution collection agency established under subdivision eight of section
43 420.10 of the criminal procedure law, shall be responsible for
44 collection of restitution and mandatory surcharge as provided for in
45 section 60.35 of the penal law and section eighteen hundred nine of the
46 vehicle and traffic law.

47 S 3. This act shall take effect immediately, provided that the amend-
48 ments to paragraph (a) of subdivision 2 of section 259-i of the execu-
49 tive law made by section one of this act shall be subject to the expira-
50 tion and reversion of such paragraph pursuant to section 74 of chapter 3
51 of the laws of 1995, as amended, when upon such date the provisions of
52 section two of this act shall take effect.

1 Section 1. Subparagraph (A) of paragraph (c) of subdivision 2 of
2 section 259-i of the executive law, as amended by section 12 of part AAA
3 of chapter 56 of the laws of 2009, is amended to read as follows:

4 (A) Discretionary release on parole shall not be granted merely as a
5 reward for good conduct or efficient performance of duties while
6 confined but after considering if there is a reasonable probability
7 that, if such inmate is released, he will live and remain at liberty
8 without violating the law, and that his release is not incompatible with
9 the welfare of society and will not so deprecate the seriousness of his
10 crime as to undermine respect for law. In making the parole release
11 decision, the guidelines adopted pursuant to subdivision four of section
12 two hundred fifty-nine-c of this article shall require that the follow-
13 ing be considered: (i) the institutional record including program goals
14 and accomplishments, academic achievements, vocational education, train-
15 ing or work assignments, therapy and interpersonal relationships with
16 staff and inmates; (ii) performance, if any, as a participant in a
17 temporary release program; (iii) release plans including community
18 resources, employment, education and training and support services
19 available to the inmate; (iv) any deportation order issued by the feder-
20 al government against the inmate while in the custody of the department
21 of correctional services and any recommendation regarding deportation
22 made by the commissioner of the department of correctional services
23 pursuant to section one hundred forty-seven of the correction law; (v)
24 any statement made to the board by the crime victim or the victim's
25 representative, where the crime victim is deceased or is mentally or
26 physically incapacitated; [and] (vi) the length of the determinate
27 sentence to which the inmate would be subject had he or she received a
28 sentence pursuant to section 70.70 or section 70.71 of the penal law for
29 a felony defined in article two hundred twenty or article two hundred
30 twenty-one of the penal law; AND (VII) A STATEMENT, EITHER WRITTEN OR
31 ORAL, TO BE MADE BY THE CHIEF LAW ENFORCEMENT OFFICER OR HIS OR HER
32 DESIGNEE WITH JURISDICTION OVER THE CRIME OR CRIMES FOR WHICH THE INMATE
33 IS INCARCERATED. SUCH STATEMENT SHALL INCLUDE INFORMATION WHICH, IN THE
34 SOLE DISCRETION OF SUCH CHIEF LAW ENFORCEMENT OFFICER, RELATES TO THE
35 LAW ENFORCEMENT AGENCY'S OR OFFICER'S EXPERIENCE WITH THE INMATE AND
36 WHICH SUCH OFFICER BELIEVES MAY BE RELEVANT TO ANY DECISION OF THE
37 BOARD. The board shall provide toll free telephone access for crime
38 victims. In the case of an oral statement made in accordance with subdi-
39 vision one of section 440.50 of the criminal procedure law, the parole
40 board member shall present a written report of the statement to the
41 parole board. A crime victim's representative shall mean the crime
42 victim's closest surviving relative, the committee or guardian of such
43 person, or the legal representative of any such person. Such statement
44 submitted by the victim or victim's representative may include informa-
45 tion concerning threatening or intimidating conduct toward the victim,
46 the victim's representative, or the victim's family, made by the person
47 sentenced and occurring after the sentencing. Such information may
48 include, but need not be limited to, the threatening or intimidating
49 conduct of any other person who or which is directed by the person
50 sentenced. Notwithstanding the provisions of this section, in making the
51 parole release decision for persons whose minimum period of imprisonment
52 was not fixed pursuant to the provisions of subdivision one of this
53 section, in addition to the factors listed in this paragraph the board
54 shall consider the factors listed in paragraph (a) of subdivision one of
55 this section.

56 S 2. This act shall take effect immediately.

1

PART AA

2 Section 1. The correction law is amended by adding a new section 79-c
3 to read as follows:

4 S 79-C. PRISON EFFICIENCY TASK FORCE. 1. THERE IS ESTABLISHED THE TASK
5 FORCE ON PRISON EFFICIENCY ("TASK FORCE") THAT SHALL RECOMMEND COST
6 SAVING STRATEGIES FOR THE DEPARTMENT, AND SHALL RECOMMEND CLOSURE OF
7 CORRECTIONAL FACILITIES CLASSIFIED AS MINIMUM SECURITY LEVEL AND MEDIUM
8 SECURITY LEVEL DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE
9 FISCAL YEAR, SUFFICIENT TO REDUCE EXCESS CAPACITY AND TO ACHIEVE SAVINGS
10 PROVIDED FOR IN THE STATE OPERATIONS BUDGET FOR THE TWO THOUSAND
11 ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR.

12 2. (A) THE TASK FORCE'S MEMBERSHIP SHALL CONSIST OF NINE VOTING
13 MEMBERS, WHICH SHALL INCLUDE PERSONS WITH EXPERTISE IN SUCH AREAS AS THE
14 PROVISION OF CORRECTIONAL SERVICES, STATE BUDGETING, BUSINESS OR GOVERN-
15 MENTAL OPERATIONS, LABOR RELATIONS, OR OTHER RELEVANT EXPERTISE; THREE
16 MEMBERS APPOINTED BY THE NEW YORK STATE ASSEMBLY, TWO RECOMMENDED BY THE
17 SPEAKER OF THE ASSEMBLY AND ONE RECOMMENDED BY THE MINORITY LEADER OF
18 THE ASSEMBLY; THREE MEMBERS APPOINTED BY THE NEW YORK STATE SENATE, TWO
19 RECOMMENDED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE RECOMMENDED
20 BY THE MINORITY LEADER OF THE SENATE; AND THREE MEMBERS APPOINTED BY THE
21 GOVERNOR, ONE OF WHICH SHALL BE THE COMMISSIONER, WHO SHALL SERVE AS
22 CHAIR OF THE TASK FORCE.

23 (B) APPOINTMENTS WILL BE MADE WITHIN TEN DAYS AFTER ENACTMENT OF THE
24 STATE OPERATIONS BUDGET FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
25 STATE FISCAL YEAR, AND THE GOVERNOR SHALL BE AUTHORIZED TO FILL ANY
26 VACANCIES CREATED SHOULD ANY OF THE ENTITIES OF THE LEGISLATURE FAIL TO
27 APPOINT WITHIN SUCH TEN DAYS.

28 (C) VACANCIES OCCURRING THEREAFTER SHALL BE FILLED IN THE SAME MANNER
29 BY THE RESPECTIVE APPOINTING ENTITY.

30 (D) A MAJORITY OF THE TOTAL MEMBERS OF THE TASK FORCE WHO HAVE BEEN
31 APPOINTED SHALL CONSTITUTE A QUORUM, AND ALL RECOMMENDATIONS OF THE TASK
32 FORCE SHALL REQUIRE UNANIMOUS APPROVAL OF ITS MEMBERS.

33 3. EVERY DEPARTMENT, AGENCY, BOARD, PUBLIC BENEFIT CORPORATION, OR
34 AUTHORITY OF NEW YORK STATE SHALL PROVIDE TO THE TASK FORCE ALL NECES-
35 SARY ASSISTANCE AND COOPERATION, INCLUDING THE USE OF ANY FACILITIES
36 OWNED OR OPERATED BY THE STATE, WHICH MAY BE NECESSARY OR DESIRABLE TO
37 FULFILL THE PURPOSES OF THIS SECTION. STAFF SUPPORT NECESSARY FOR THE
38 CONDUCT OF THE TASK FORCE'S WORK MAY BE FURNISHED BY ANY SUCH AGENCIES
39 AND AUTHORITIES, SUBJECT TO THE APPROVAL OF THE BOARDS OF DIRECTORS OF
40 SUCH AUTHORITIES.

41 4. THE TASK FORCE IS CHARGED WITH IDENTIFYING INEFFICIENCIES WITHIN
42 THE STATE CORRECTIONAL SYSTEM, INCLUDING IDENTIFYING MINIMUM AND MEDIUM
43 SECURITY FACILITIES FOR CLOSURE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND
44 TWELVE STATE FISCAL YEAR, SUFFICIENT TO REDUCE ANY EXCESS CAPACITY IN
45 THE STATE PRISON SYSTEM. IN MAKING ITS SELECTIONS, THE TASK FORCE SHALL
46 CONSIDER THE FOLLOWING, NON-EXCLUSIVE LIST OF CRITERIA, GIVING PRIORITY
47 IN THE ORDER LISTED:

48 (A) MARKETABILITY OF THE PROPERTY;

49 (B) VALUE OF THE PROPERTY;

50 (C) ECONOMIC IMPACT ON COMMUNITY AND REGION AFFECTED;

51 (D) IMPACT ON THE UNEMPLOYMENT RATE IN THE IMPACTED COMMUNITY;

52 (E) COST TO MAINTAIN AND OPERATE THE FACILITY AND INFRASTRUCTURE;

53 (F) WORKFORCE PRODUCTIVITY;

54 (G) LOCATION OF THE FACILITY AND EASE AND COST OF TRANSPORTATION;

55 (H) IMPACT ON THE WORKFORCE OF THE CLOSURE;

1 (I) EXCESS CAPACITY; AND

2 (J) THE FISCAL CONSTRAINTS PROPOSED IN THE EXECUTIVE STATE OPERATIONS
3 BUDGET FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL
4 YEAR.

5 5. THE TASK FORCE SHALL COMMENCE ITS WORK IMMEDIATELY UPON APPOINTMENT
6 OF ALL OF THE TASK FORCE MEMBERS BUT NO LATER THAN ELEVEN DAYS AFTER
7 ENACTMENT OF THE STATE OPERATIONS BUDGET FOR THE TWO THOUSAND
8 ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR. THE TASK FORCE'S RECOM-
9 MENDATIONS SHALL BE TRANSMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT
10 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE
11 SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY WITHIN SIXTY DAYS OF
12 COMMENCING ITS WORK. THE TASK FORCE'S RECOMMENDATIONS AS TO SAVINGS AND
13 CLOSURE SHALL BE BINDING UPON THE COMMISSIONER SO LONG AS SUCH RECOMMEN-
14 DATIONS ARE IN ACCORD WITH THE PROVISIONS OF THIS SECTION.

15 S 2. This act shall take effect immediately.

16 PART BB

17 Section 1. Section 7 of the civil service law is amended by adding a
18 new subdivision 7 to read as follows:

19 7. (A) THE PRESIDENT, IN CONJUNCTION WITH THE DIRECTOR OF THE DIVISION
20 OF THE BUDGET, SHALL INVESTIGATE AND REPORT TO THE CHAIR OF THE ASSEMBLY
21 WAYS AND MEANS COMMITTEE AND THE CHAIR OF THE SENATE FINANCE COMMITTEE,
22 ON THE STATEWIDE IMPACT OF ANY STATE EMPLOYEE WORKFORCE REDUCTIONS,
23 WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

24 (B) SUCH INVESTIGATION AND REPORT SHALL DETAIL AND INCLUDE THE IMPACT
25 OF ANY WORKFORCE REDUCTION ON A PER COUNTY BASIS, AND FOR A CITY WITH A
26 POPULATION OF ONE MILLION OR MORE, ON A PER BOROUGH BASIS, AND DETAIL IN
27 TERMS OF FULL TIME EQUIVALENT POSITIONS AND THE ACTUAL NUMBER OF EMPLOY-
28 EES LAID OFF, TERMINATED, RETIRING, RESIGNING OR TRANSFERRED TO OTHER
29 LOCATIONS OR JOB TITLES AS DEFINED BY ARTICLE EIGHT OF THIS CHAPTER.

30 (C) SUCH INVESTIGATION AND REPORT SHALL FURTHER DETAIL AND INCLUDE THE
31 IMPACT OF ANY WORKFORCE REDUCTION ON A PER PROGRAM BASIS, AND REPORT AND
32 ENUMERATE THE ACTUAL NUMBER, TYPE AND CLASSIFICATION OF ALL FULL TIME
33 EQUIVALENT POSITIONS AFFECTED AND THE ACTUAL NUMBER OF EMPLOYEES LAID
34 OFF, TERMINATED, RETIRING, RESIGNING OR TRANSFERRED TO OTHER LOCATIONS
35 OR JOB TITLES AS DEFINED BY ARTICLE EIGHT OF THIS CHAPTER.

36 S 2. This act shall take effect immediately.

37 PART CC

38 Section 1. Subparagraphs (i) and (ii) of the opening paragraph of
39 section 1210 of the tax law are REPEALED.

40 S 2. The opening paragraph, and subdivisions (a), (b), (c), (d), (e),
41 (f), (g), (j), (m), (n) and (o) of section 1210 of the tax law, the
42 opening paragraph as separately amended by chapters 4, 5, 8 and 9 of the
43 laws of 2003, subdivision (a) as amended by chapter 405 of the laws of
44 1971, paragraph 1 of subdivision (a) as amended by section 3 of part GG
45 of chapter 57 of the laws of 2010, paragraph 3 of subdivision (a) and
46 paragraph (b) as amended by chapter 746 of the laws of 1979, subpara-
47 graph (i) of paragraph 3 of subdivision (a) as amended by section 2 of
48 part B of chapter 35 of the laws of 2006, subparagraph (iv) of paragraph
49 3 of subdivision (a) as added by chapter 933 of the laws of 1985, para-
50 graph 4 of subdivision (a) as amended by chapter 200 of the laws of
51 2009, paragraph 1 of subdivision (b) as amended by section 36 of part
52 S-1 of chapter 57 of the laws of 2009, paragraph 2 of subdivision (b)

1 and subdivision (c) as amended by section 36 of part Y of chapter 63 of
2 the laws of 2000, subparagraph (i) of paragraph 3 of subdivision (b) as
3 amended by section 3 of part B of chapter 35 of the laws of 2006, para-
4 graph 4 of subdivision (b) as added by section 13 of part S of chapter
5 85 of the laws of 2002, subdivision (d) as amended by section 37 of part
6 S-1 of chapter 57 of the laws of 2009, subdivision (e) as amended by
7 chapter 288 of the laws of 1969, subdivision (f) as amended by section 6
8 of part SS-1 of chapter 57 of the laws of 2008, subdivision (g) as added
9 by chapter 168 of the laws of 1975, subdivision (j) as added by chapter
10 444 of the laws of 1996, subdivision (m) as amended by section 5 of part
11 Z of chapter 63 of the laws of 2003, subdivision (n) as added by chapter
12 306 of the laws of 2005, and subdivision (o) as added by section 12 of
13 part M-1 of chapter 109 of the laws of 2006, are amended and three new
14 subdivisions (p), (q) and (r) are added to read as follows:

15 Notwithstanding any other provision of law to the contrary, but
16 subject to the limitations and exemptions OF THIS SUBDIVISION AND in
17 part II of this article, any city in this state THAT IS ENUMERATED IN
18 PARAGRAPH (II) OF SUBDIVISION (P) OF THIS SECTION or county in this
19 state, except a county wholly within a city, acting through its local
20 legislative body, is hereby authorized and empowered, BY A MAJORITY VOTE
21 OF THE TOTAL VOTING POWER OF SUCH LEGISLATIVE BODY, to adopt and amend
22 local laws, [ordinances or resolutions imposing] NOT LESS THAN BIANNUAL-
23 LY, TO IMPOSE IN SUCH CITY OR COUNTY THE TAXES THAT ARE DESCRIBED IN
24 EITHER SUBDIVISION (A) OR (B) OF THIS SECTION AT A RATE NOT TO EXCEED
25 FOUR PERCENT, IN INCREMENTS OF NOT LESS THAN ONE-QUARTER OF ONE PERCENT.
26 PROVIDED THAT, NOTWITHSTANDING THE PREVIOUS SENTENCE, EACH CITY OR COUN-
27 TY THAT, ON THE FIRST DAY OF APRIL, TWO THOUSAND ELEVEN, IMPOSES A TAX
28 PURSUANT TO THIS SECTION AT A RATE IN EXCESS OF FOUR PERCENT, SUCH CITY
29 OR COUNTY IS AUTHORIZED AND EMPOWERED, BY A MAJORITY VOTE OF THE TOTAL
30 VOTING POWER OF SUCH LEGISLATIVE BODY, TO ADOPT AND AMEND LOCAL LAWS,
31 NOT LESS THAN BIANNUALLY, TO IMPOSE IN SUCH CITY OR COUNTY THE TAXES
32 DESCRIBED IN EITHER SUBDIVISION (A) OR (B) OF THIS SECTION AT A RATE NOT
33 IN EXCESS OF THE RATE THAT SUCH TAXES WERE IMPOSED ON THE FIRST DAY OF
34 APRIL, TWO THOUSAND ELEVEN. PROVIDED FURTHER THAT, UPON A FINDING OF
35 NEED PURSUANT TO SUBDIVISION (R) OF THIS SECTION, EACH COUNTY IN THIS
36 STATE, EXCEPT A COUNTY WHOLLY WITHIN A CITY, ACTING THROUGH ITS LEGISLA-
37 TIVE BODY, IS AUTHORIZED AND EMPOWERED, BY A TWO-THIRDS VOTE OF THE
38 TOTAL VOTING POWER OF THE COUNTY'S LEGISLATIVE BODY, TO ADOPT AND AMEND
39 LOCAL LAWS, NOT LESS THAN BIANNUALLY, TO IMPOSE AN ADDITIONAL RATE OF
40 TAX FOR THE TAXES DESCRIBED IN EITHER SUBDIVISION (A) OR (B) THAT ARE
41 CURRENTLY IMPOSED BY THE COUNTY in any such [city or] county [the
42 following taxes, at the rate of one-half, one, one and one-half, two,
43 two and one-half or three percent, provided, however, that:]. THE ADDI-
44 TIONAL RATE OF TAX SHALL BE IMPOSED IN INCREMENTS OF NOT LESS THAN ONE-
45 QUARTER OF ONE PERCENT AND SHALL NOT EXCEED THE ADDITIONAL RATE
46 PRESCRIBED IN SUBDIVISION (P) OF THIS SECTION FOR SUCH COUNTY, WITH SUCH
47 TAXES TO BE ADMINISTERED, COLLECTED AND DISTRIBUTED BY THE COMMISSIONER
48 AS PROVIDED IN SUBPART B OF PART III AND IN PART IV OF THIS ARTICLE.
49 ADDITIONALLY, UPON A FINDING OF NEED PURSUANT TO SUBDIVISION (R) OF THIS
50 SECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
51 BUT SUBJECT TO THE LIMITATIONS AND EXEMPTIONS IN PART II OF THIS ARTI-
52 CLE, EACH CITY IN THIS STATE ENUMERATED IN PARAGRAPH (II) OF SUBDIVISION
53 (P) OF THIS SECTION, ACTING THROUGH ITS LEGISLATIVE BODY, IS HEREBY
54 AUTHORIZED AND EMPOWERED, BY A TWO-THIRDS VOTE OF THE TOTAL VOTING POWER
55 OF THE CITY'S LEGISLATIVE BODY, TO ADOPT AND AMEND LOCAL LAWS, NOT LESS
56 THAN BIANNUALLY, TO IMPOSE IN SUCH CITY AN ADDITIONAL RATE OF TAX FOR

1 THE TAXES DESCRIBED IN SUBDIVISION (A) OR (B) OF THIS SECTION THAT ARE
2 IMPOSED BY SUCH CITY AT A RATE THAT DOES NOT EXCEED THE ADDITIONAL RATE
3 PRESCRIBED IN SUBDIVISION (P) OF THIS SECTION FOR SUCH CITY, WITH SUCH
4 TAXES TO BE ADMINISTERED, COLLECTED AND DISTRIBUTED BY THE COMMISSIONER
5 AS PROVIDED IN SUBPART B OF PART III AND IN PART IV OF THIS ARTICLE. ANY
6 LOCAL LAW, ORDINANCE OR RESOLUTION IN EFFECT ON APRIL FIRST, TWO THOU-
7 SAND ELEVEN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL THE DATE
8 PROVIDED IN SUBDIVISION (Q) OF THIS SECTION.

9 (a) [(1) Either, all] (I) ALL of the taxes described in article twen-
10 ty-eight of this chapter[,], at the same uniform rate[, as to which taxes
11 all provisions of the]. THE local [laws, ordinances or resolutions] LAW,
12 OR, FOR ENACTMENTS PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN, LOCAL LAW,
13 ORDINANCE OR RESOLUTION, imposing such taxes shall be identical, except
14 as to rate and except as otherwise provided, with the corresponding
15 provisions in [such] article twenty-eight OF THIS CHAPTER, including the
16 definition and exemption provisions of such article, so far as the
17 provisions of such article twenty-eight can be made applicable to the
18 taxes imposed by such city or county and with such limitations and
19 special provisions as are set forth in this article. The taxes author-
20 ized under this subdivision may not be imposed by a city or county
21 unless the local law, OR, FOR ENACTMENTS PRIOR TO APRIL FIRST, TWO THOU-
22 SAND ELEVEN, LOCAL LAW, ordinance or resolution, imposes such taxes so
23 as to include all portions and all types of receipts, charges or rents,
24 subject to state tax under sections eleven hundred five and eleven
25 hundred ten of this chapter, except as otherwise provided. ANY LOCAL
26 LAW, ORDINANCE OR RESOLUTION IN EFFECT ON APRIL FIRST, TWO THOUSAND
27 ELEVEN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL THE DATE PROVIDED IN
28 SUBDIVISION (Q) OF THIS SECTION.

29 [(i)] (A) Any local law, OR, FOR ENACTMENTS PRIOR TO APRIL FIRST, TWO
30 THOUSAND ELEVEN, LOCAL LAW, ordinance or resolution, enacted by any city
31 of less than one million or by any county, or school district, imposing
32 the taxes authorized by this subdivision, shall, notwithstanding any
33 provision of law to the contrary, exclude from the operation of such
34 local taxes all sales of tangible personal property for use or consump-
35 tion directly and predominantly in the production of tangible personal
36 property, gas, electricity, refrigeration or steam, for sale, by manu-
37 facturing, processing, generating, assembly, refining, mining or
38 extracting; and all sales of tangible personal property for use or
39 consumption predominantly either in the production of tangible personal
40 property, for sale, by farming or in a commercial horse boarding opera-
41 tion, or in both; and, unless such city, county or school district
42 elects otherwise, shall omit the provision for credit or refund
43 contained in clause six of subdivision (a) or subdivision (d) of section
44 eleven hundred nineteen of this chapter. ANY LOCAL LAW, ORDINANCE OR
45 RESOLUTION IN EFFECT ON APRIL FIRST, TWO THOUSAND ELEVEN SHALL REMAIN IN
46 FULL FORCE AND EFFECT UNTIL THE DATE PROVIDED IN SUBDIVISION (Q) OF THIS
47 SECTION.

48 [(ii)] (B) Any local law, ordinance or resolution enacted by any city,
49 county or school district, imposing the taxes authorized by this subdivi-
50 sion, shall omit the residential solar energy systems equipment
51 exemption provided for in subdivision (ee) and the clothing and footwear
52 exemption provided for in paragraph thirty of subdivision (a) of section
53 eleven hundred fifteen of this chapter, unless such city, county or
54 school district elects otherwise as to either such residential solar
55 energy systems equipment exemption or such clothing and footwear
56 exemption. ANY LOCAL LAW, ORDINANCE OR RESOLUTION IN EFFECT ON APRIL

FIRST, TWO THOUSAND ELEVEN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL THE DATE PROVIDED IN SUBDIVISION (Q) OF THIS SECTION.

[(2)] (II) A sale of tangible personal property to a person for use by him in performing the services of laundering, drycleaning, tailoring, weaving, pressing, shoe repairing and shoe shining, subject to the tax imposed under the authority of paragraph [(1)] (I) of this subdivision, shall not be deemed a purchase for resale for purposes of the taxes imposed by article twenty-eight and pursuant to the authority of this article. The transitional provisions contained in section eleven hundred six shall apply to a tax imposed under the authority of clauses (A) or (B) of paragraph [(1)] (I) of this subdivision in the same manner and to the same extent as applicable to the taxes imposed under subdivision (c) of section eleven hundred five except that an equivalent date shall be substituted to accord with the date when the tax imposed pursuant to the authority of such clause shall become effective.

[(3) (i)] (III) (A) Notwithstanding any other provision of law to the contrary but not with respect to cities subject to the provisions of section eleven hundred eight of this article, any city ENUMERATED IN PARAGRAPH (II) OF SUBDIVISION (P) OF THIS SECTION, or county, except a county wholly contained within a city, may provide that [the taxes imposed, pursuant to this subdivision, by such city or county on the] FOR THE retail sale or use of fuel oil and coal used for residential purposes, the retail sale or use of wood used for residential heating purposes, the sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes and the use of gas or electricity used for residential purposes [may be imposed] IS EITHER EXEMPT FROM TAX OR TAXED at a [lower] rate LOWER than the uniform local rate imposed BY THE CITY OR COUNTY pursuant to [the opening paragraph of] this section, [as long as such rate is one of the rates authorized by such paragraph] or [such sale or use may be] exempted from such taxes. Provided, however, such lower rate must apply to all such energy sources and services and at the same rate and no such exemption may be enacted unless such exemption applies to all such energy sources and services. The provisions of this subparagraph shall not apply to a sale or use of [(i)] (1) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and [(ii)] (2) enhanced diesel motor fuel except in the case of a sale or use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

[(ii)] (B) The transitional provisions in subdivision (c) of section eleven hundred five-A shall apply to a change in rate or to an exemption adopted pursuant to the authority of this paragraph in the same manner and to the same extent as applicable under section eleven hundred five-A except that equivalent dates shall be substituted to accord with the date when the rate or exemption adopted pursuant to this paragraph shall become effective. The provisions in subdivisions (d) and (e) of section

eleven hundred five-A shall apply so far as such provisions can be made applicable under this paragraph.

[(iii)] (C) Notwithstanding the provisions of subdivision (d) of this section to the contrary, any local law, ordinance or resolution, enacted pursuant to the authority of this paragraph, [(A)] (1) may be made applicable to the quarterly period ending February twenty-ninth, nineteen hundred eighty if a certified copy of such law, ordinance or resolution is mailed by registered mail to the state tax commission at its office in Albany on or before November twentieth, nineteen hundred seventy-nine, [(B)] (2) may go into effect on January first, nineteen hundred eighty, if a certified copy of such law, ordinance or resolution is mailed by registered mail to the state tax commission at its office in Albany at least thirty days prior to such effective date and [(C)] (3) may exempt from tax, effective October first, nineteen hundred eighty, the energy sources and services described in subparagraph [(i)] (A) of this paragraph.

[(iv)] (D) Notwithstanding any other provision of law, the [one percent additional] tax RATE ABOVE THREE PERCENT which Cattaraugus county is authorized to adopt pursuant to the opening paragraph of this section shall not be imposed on the retail sale or use of the energy sources and services described in subparagraph [(i)] (A) of this paragraph.

[(4)] (IV) Notwithstanding any other provision of law to the contrary, any local law enacted by any city of one million or more that imposes the taxes authorized by this subdivision:

[(i)] (A) may omit the exception provided in subparagraph (ii) of paragraph three of subdivision (c) of section eleven hundred five of this chapter for receipts from laundering, dry-cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining;

[(ii)] (B) may impose the tax described in paragraph six of subdivision (c) of section eleven hundred five of this chapter at a rate in addition to the rate prescribed by this section not to exceed two percent in multiples of one-half of one percent;

[(iii)] (C) shall provide that the tax described in paragraph six of subdivision (c) of section eleven hundred five of this chapter does not apply to facilities owned and operated by the city or an agency or instrumentality of the city or a public corporation the majority of whose members are appointed by the chief executive officer of the city or the legislative body of the city or both of them;

[(iv)] (D) shall not include any tax on receipts from, or the use of, the services described in paragraph seven of subdivision (c) of section eleven hundred five of this chapter;

[(v)] (E) shall provide that, for purposes of the tax described in subdivision (e) of section eleven hundred five of this chapter, "permanent resident" means any occupant of any room or rooms in a hotel for at least one hundred eighty consecutive days with regard to the period of such occupancy;

[(vi)] (F) may omit the exception provided in paragraph one of subdivision (f) of section eleven hundred five of this chapter for charges to a patron for admission to, or use of, facilities for sporting activities in which the patron is to be a participant, such as bowling alleys and swimming pools;

[(vii)] (G) may provide the clothing and footwear exemption in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter, and, notwithstanding any provision of subdivision (d) of this section to the contrary, any local law providing for such exemption

1 or repealing such exemption, may go into effect on any one of the
2 following dates: March first, June first, September first or December
3 first;

4 [(viii)] (H) shall omit the exemption provided in paragraph forty-one
5 of subdivision (a) of section eleven hundred fifteen of this chapter;

6 [(ix)] (I) shall omit the exemption provided in subdivision (c) of
7 section eleven hundred fifteen of this chapter insofar as it applies to
8 fuel, gas, electricity, refrigeration and steam, and gas, electric,
9 refrigeration and steam service of whatever nature for use or consump-
10 tion directly and exclusively in the production of gas, electricity,
11 refrigeration or steam;

12 [(x)] (J) shall omit, unless such city elects otherwise, the provision
13 for refund or credit contained in clause six of subdivision (a) or in
14 subdivision (d) of section eleven hundred nineteen of this chapter; and

15 [(xi)] (K) shall provide that section eleven hundred five-C of this
16 chapter does not apply to such taxes, and shall tax receipts from every
17 sale, other than sales for resale, of gas service or electric service of
18 whatever nature, including the transportation, transmission or distrib-
19 ution of gas or electricity, even if sold separately, at the rate [set
20 forth in clause one of subparagraph (i) of the opening paragraph] NOT TO
21 EXCEED A RATE IN EXCESS OF THE PERCENT THAT MAY BE IMPOSED BY THE TAXING
22 JURISDICTION UPON A MAJORITY VOTE OF THE JURISDICTION'S LEGISLATIVE BODY
23 PURSUANT TO THE OPENING PARAGRAPH of this section.

24 (b) [(1) Or,] (I) one or more of the taxes described in subdivisions
25 (b), (d), (e) and (f) of section eleven hundred five of this chapter, at
26 the same uniform rate, including the transitional provisions in section
27 eleven hundred six of this chapter covering such taxes, but not the
28 taxes described in subdivisions (a) and (c) of section eleven hundred
29 five of this chapter. Provided, further, that where the tax described in
30 subdivision (b) of section eleven hundred five of this chapter is
31 imposed, the compensating use taxes described in clauses (E), (G) and
32 (H) of subdivision (a) of section eleven hundred ten of this chapter
33 shall also be imposed. Provided, further, that where the taxes described
34 in subdivision (b) of section eleven hundred five are imposed, such
35 taxes shall omit the provision for refund or credit contained in subdivi-
36 sion (d) of section eleven hundred nineteen of this chapter with
37 respect to such taxes described in such subdivision (b) of section elev-
38 en hundred five unless such city or county elects to provide such
39 provision or, if so elected, to repeal such provision.

40 [(2)] (II) In respect to the taxes described in such subdivisions (b),
41 (d), (e) and (f) of section eleven hundred five of this chapter and in
42 such clauses (E), (G) and (H) of subdivision (a) of section eleven
43 hundred ten of this chapter and the transitional provisions in such
44 section eleven hundred six covering those taxes, all provisions of a
45 local law imposing any such tax, except as to rate and except as other-
46 wise provided herein, shall be identical with the corresponding
47 provisions in such article twenty-eight of this chapter, including the
48 definition and exemption provisions of such article, so far as the
49 provisions of such article twenty-eight of this chapter can be made
50 applicable to the taxes imposed by such city or county and with such
51 limitations and special provisions as are set forth in this article;
52 provided, however, that any local law enacted by any city of one million
53 or more[,] imposing the taxes authorized by this subdivision[,] shall
54 omit the exemption provided in subdivision (c) of section eleven hundred
55 fifteen of this chapter and may omit the exception provided in paragraph
56 (1) of subdivision (f) of section eleven hundred five of this chapter

1 for charges to a patron for admission to, or use of, facilities for
2 sporting activities in which such patron is to be a participant, such as
3 bowling alleys and swimming pools. The transitional provisions contained
4 in subdivision (d) of section eleven hundred six of this chapter shall
5 apply in the same manner and to the same extent to a tax imposed by
6 omitting the exception in paragraph (1) of subdivision (f) of section
7 eleven hundred five of this chapter, as described in the preceding
8 sentence, except that an equivalent date shall be substituted to accord
9 with the date when the tax so imposed becomes effective. The tax
10 described in any one of such subdivisions (b), (d), (e) and (f) of
11 section eleven hundred five of this chapter, including the related tran-
12 sitional provisions in such section eleven hundred six of this chapter,
13 and the taxes described in clauses (E), (G) and (H) of subdivision (a)
14 of section eleven hundred ten of this chapter where the tax described in
15 such subdivision (b) of section eleven hundred five of this chapter [is
16 imposed], may not be imposed by a city or county unless the local law,
17 OR, FOR ENACTMENTS PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN, THE LOCAL
18 LAW, ordinance or resolution, imposes such tax so as to include all
19 portions and all types of receipts, charges or rents, as the case may
20 be, subject to state tax under the applicable subdivision of section
21 eleven hundred five of this chapter and uses subject to tax under the
22 applicable provisions of section eleven hundred ten of this chapter
23 where the tax described in subdivision (b) of section eleven hundred
24 five of this chapter [is imposed]. ANY LOCAL LAW, ORDINANCE OR RESOL-
25 UTION IN EFFECT ON APRIL FIRST, TWO THOUSAND ELEVEN SHALL REMAIN IN FULL
26 FORCE AND EFFECT UNTIL THE DATE PROVIDED IN SUBDIVISION (Q) OF THIS
27 SECTION.

28 [(3) (i)] (III) (A) Notwithstanding any other provision of law to the
29 contrary, but not with respect to cities subject to the provisions of
30 section eleven hundred eight of this chapter, any city or county, except
31 a county wholly contained within a city, may provide that the tax
32 imposed, pursuant to this subdivision[,], by such city or county on the
33 sale, other than for resale, of propane (except when sold in containers
34 of less than one hundred pounds), natural gas, electricity, steam and
35 gas, electric and steam services of whatever nature used for residential
36 purposes and on the use of gas or electricity used for residential
37 purposes may be imposed at a lower rate than the uniform local rate
38 imposed pursuant to the opening paragraph of this section, as long as
39 such rate is one of the rates authorized by such paragraph or such sale
40 or use may be exempted from such taxes. Provided, however, such lower
41 rate must apply to all such energy sources and services and at the same
42 rate and no such exemption may be enacted unless such exemption applies
43 to all such energy sources and services.

44 [(ii)] (B) The transitional provisions in subdivision (c) of section
45 eleven hundred five-A shall apply to a change in rate or to an exemption
46 adopted pursuant to the authority of this paragraph in the same manner
47 and to the same extent as applicable under section eleven hundred five-A
48 except that equivalent dates shall be substituted to accord with the
49 date when the rate or exemption adopted pursuant to this paragraph shall
50 become effective. The provisions in subdivisions (d) and (e) of section
51 eleven hundred five-A shall apply so far as such provisions can be made
52 applicable under this paragraph.

53 [(iii)] (C) Notwithstanding the provisions of subdivision (d) of this
54 section to the contrary, any local law, ordinance or resolution enacted
55 pursuant to the authority of this paragraph, [(A)] (1) may be made
56 applicable to the quarterly period ending February twenty-ninth, nine-

1 teen hundred eighty if a certified copy of such law, ordinance or resol-
2 ution is mailed by registered mail to the state tax commission at its
3 office in Albany on or before November twentieth, nineteen hundred
4 seventy-nine, [(B)] (2) may go into effect on January first, nineteen
5 hundred eighty, if a certified copy of such law, ordinance or resolution
6 is mailed by registered mail to the state tax commission at its office
7 in Albany at least thirty days prior to such effective date, and [(C)]
8 (3) may exempt from tax, effective October first, nineteen hundred
9 eighty; the energy sources and services described in subparagraph [(i)]
10 (A) of this paragraph.

11 [(4)] (IV) Notwithstanding any provision of this article to the
12 contrary, a county[,] OR city [or school district] which, pursuant to
13 the authority of this article, imposes the tax described in subdivision
14 (b) of section eleven hundred five of this chapter without also imposing
15 all of the other taxes described in subdivision (a) of this section
16 shall not be authorized to impose the sales tax on prepaid telephone
17 calling service described in subparagraph (D) of paragraph one of subdi-
18 vision (b) of such section eleven hundred five or the compensating use
19 tax described in clause (G) of subdivision (a) of section eleven hundred
20 ten of this chapter; and any reference in this article to the tax
21 described in such subdivision (b) of section eleven hundred five and any
22 reference in this article to the tax described in such clause (G) of
23 subdivision (a) of section eleven hundred ten shall be deemed not to
24 include the sales tax on prepaid telephone calling service or the
25 compensating use tax described in such clause (G) of subdivision (a) of
26 section eleven hundred ten, in cases where the tax described in subdivi-
27 sion (b) of such section eleven hundred five is imposed by a county[,]
28 OR city [or school district] which does not also impose all of the other
29 taxes described in subdivision (a) of this section.

30 (c) Notwithstanding the prior provisions of this [section] ARTICLE,
31 where a city has, pursuant to section twelve hundred twenty-four of this
32 article, pre-empted the right to impose any of the taxes described in
33 subdivisions (b), (d), (e) and (f) of section eleven hundred five of
34 this chapter by imposing one or more of such taxes, and, if the taxes
35 described in such subdivision (b) of section eleven hundred five of this
36 chapter are imposed, the compensating use taxes described in clauses
37 (E), (G) and (H) of subdivision (a) of section eleven hundred ten of
38 this chapter, as provided for in subdivision (b) of this section, the
39 county in which such city is located may still impose those taxes
40 authorized under subdivision (a) or (b) of this section not pre-empted
41 by such city. Within areas in such county but outside of such city, the
42 county shall continue to be authorized and empowered to impose the taxes
43 as authorized in subdivisions (a) and (b) of this section, without any
44 diminution in the county's right to impose such taxes in areas outside
45 such city.

46 (d) [A] (I) BEGINNING ON APRIL FIRST, TWO THOUSAND ELEVEN, A LOCAL LAW
47 IMPOSING TAXES PURSUANT TO THIS SECTION OR EXTENDING ANY TAX IMPOSED
48 PURSUANT TO THIS SECTION, INCREASING OR DECREASING THE RATE OF SUCH TAX,
49 REPEALING OR SUSPENDING SUCH TAX, EXEMPTING FROM SUCH TAX THE ENERGY
50 SOURCES AND SERVICES DESCRIBED IN PARAGRAPH (III) OF SUBDIVISION (A) OR
51 IN PARAGRAPH (III) OF SUBDIVISION (B) OF THIS SECTION OR CHANGING THE
52 RATE OF TAX IMPOSED ON SUCH ENERGY SOURCES AND SERVICES, OR PROVIDING
53 FOR THE CREDIT OR REFUND DESCRIBED IN CLAUSE SIX OF SUBDIVISION (A) OF
54 SECTION ELEVEN HUNDRED NINETEEN OF THIS CHAPTER MUST GO INTO EFFECT ONLY
55 ON ONE OF THE FOLLOWING DATES: MARCH FIRST, JUNE FIRST, SEPTEMBER FIRST
56 OR DECEMBER FIRST; PROVIDED, THAT A LOCAL LAW THAT EITHER PROVIDES FOR

1 THE EXEMPTION DESCRIBED IN PARAGRAPH THIRTY OF SUBDIVISION (A) OF
2 SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER OR REPEALS ANY SUCH
3 EXEMPTION OR A LOCAL LAW PROVIDING FOR A REFUND OR CREDIT DESCRIBED IN
4 SUBDIVISION (D) OF SECTION ELEVEN HUNDRED NINETEEN OF THIS CHAPTER OR
5 REPEALING SUCH PROVISION SO PROVIDED MUST GO INTO EFFECT ONLY ON MARCH
6 FIRST. NO SUCH LOCAL LAW SHALL BE EFFECTIVE UNLESS A CERTIFIED COPY OF
7 SUCH LAW IS MAILED BY REGISTERED OR CERTIFIED MAIL TO THE COMMISSIONER
8 AT THE COMMISSIONER'S OFFICE IN ALBANY AT LEAST NINETY DAYS PRIOR TO THE
9 DATE IT IS TO BECOME EFFECTIVE. HOWEVER, THE COMMISSIONER MAY WAIVE AND
10 REDUCE SUCH NINETY-DAY MINIMUM NOTICE REQUIREMENT TO A MAILING OF SUCH
11 CERTIFIED COPY BY REGISTERED OR CERTIFIED MAIL WITHIN A PERIOD OF NOT
12 LESS THAN THIRTY DAYS PRIOR TO SUCH EFFECTIVE DATE IF THE COMMISSIONER
13 DEEMS SUCH ACTION TO BE CONSISTENT WITH THE COMMISSIONER'S DUTIES UNDER
14 SECTION TWELVE HUNDRED FIFTY OF THIS ARTICLE AND THE COMMISSIONER ACTS
15 BY RESOLUTION. WHERE THE RESTRICTION PROVIDED FOR IN SECTION TWELVE
16 HUNDRED TWENTY-THREE OF THIS ARTICLE AS TO THE EFFECTIVE DATE OF A TAX
17 AND THE NOTICE REQUIREMENT PROVIDED FOR THEREIN ARE APPLICABLE AND HAVE
18 NOT BEEN WAIVED, THE RESTRICTION AND NOTICE REQUIREMENT IN SECTION
19 TWELVE HUNDRED TWENTY-THREE OF THIS ARTICLE SHALL ALSO APPLY.

20 (II) FOR ENACTMENTS ON OR BEFORE MARCH THIRTY-FIRST, TWO THOUSAND
21 ELEVEN, THE local law, ordinance or resolution imposing any tax pursuant
22 to this section, increasing or decreasing the rate of such tax, repeal-
23 ing or suspending such tax, exempting from such tax the energy sources
24 and services described in paragraph [three] (III) of subdivision (a) or
25 IN PARAGRAPH (III) of subdivision (b) of this section or changing the
26 rate of tax imposed on such energy sources and services or providing for
27 the credit or refund described in clause six of subdivision (a) of
28 section eleven hundred nineteen of this chapter must go into effect only
29 on one of the following dates: March first, June first, September first
30 or December first; provided, that a local law, ordinance or resolution
31 providing for the exemption described in paragraph thirty of subdivision
32 (a) of section eleven hundred fifteen of this chapter or repealing any
33 such exemption or a local law, ordinance or resolution providing for a
34 refund or credit described in subdivision (d) of section eleven hundred
35 nineteen of this chapter or repealing such provision so provided must go
36 into effect only on March first. No such local law, ordinance or resol-
37 ution shall be effective unless a certified copy of such law, ordinance
38 or resolution is mailed by registered or certified mail to the commis-
39 sioner at the commissioner's office in Albany at least ninety days prior
40 to the date it is to become effective. However, the commissioner may
41 waive and reduce such ninety-day minimum notice requirement to a mailing
42 of such certified copy by registered or certified mail within a period
43 of not less than thirty days prior to such effective date if the commis-
44 sioner deems such action to be consistent with the commissioner's duties
45 under section twelve hundred fifty of this article and the commissioner
46 acts by resolution. Where the restriction provided for in section twelve
47 hundred twenty-three of this article as to the effective date of a tax
48 and the notice requirement provided for therein are applicable and have
49 not been waived, the restriction and notice requirement in section
50 twelve hundred twenty-three of this article shall also apply.

51 (III) ANY LOCAL LAW, ORDINANCE OR RESOLUTION IN EFFECT ON APRIL FIRST,
52 TWO THOUSAND ELEVEN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL THE DATE
53 PROVIDED IN SUBDIVISION (Q) OF THIS SECTION.

54 (e) Certified copies of any local law[, ordinance or resolution]
55 described in subdivision (d) of this section shall also be filed with
56 the city or county clerk, the secretary of state and the state comp-

troller within five days after the date it is enacted. Certified copies of any other local law[, ordinance or resolution] enacted pursuant to this section shall be filed with the [state tax commission] DEPARTMENT OF TAXATION AND FINANCE, the city or county clerk, the secretary of state and the state comptroller within five days after the date it is enacted.

(f) On the first day of the first month following the month in which a municipal assistance corporation is created under article ten of the public authorities law, any taxes imposed pursuant to this section by the city in aid of which such corporation was created and, except as hereinafter provided for in subdivisions (h) and (j) of this section, the power of such city to adopt and amend local laws[, ordinances or resolutions] imposing taxes pursuant to the authority of [such] THIS section shall, notwithstanding any provision of this article to the contrary, be suspended until the later of July first, two thousand eight, or the last day of the month in which all the notes and bonds of such municipal assistance corporation shall have been fully paid and discharged together with interest thereon and interest on unpaid installments of interest.

(g) All of the enabling act provisions[, which] THAT authorized the imposition of the taxes suspended pursuant to SUBDIVISION (D) OF this section, the local laws, ordinances, and resolutions imposing such taxes, any regulations promulgated with respect to such taxes, including the provisions with respect to assessment, payment, determination, collection and refund of such taxes, requirements for filing returns, preservation of records and disposition of revenue shall continue in full force and effect with respect to all such taxes accrued up to the effective date of THE SUSPENSION OF such [suspension] TAXES.

(j) Notwithstanding the provisions of subdivision (f) of this section, the city of Troy shall continue to be authorized and empowered to adopt and amend local laws[, ordinances or resolutions] imposing taxes pursuant to the authority of this section during the period that (i) the municipal assistance corporation for the city of Troy created under article ten of the public authorities law is in existence, and (ii) pursuant to section two of chapter one hundred eighty-seven of the laws of nineteen hundred ninety-five, as it may be amended, the tax described in section eleven hundred eight of this chapter is not imposed in such city. ANY RESOLUTION ENACTED PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL ITS EXPIRATION PURSUANT TO THIS PARAGRAPH.

(m) Taxes imposed on native American nation or [tribe] TRIBAL lands. Where a non-native American person purchases, for such person's own consumption, any retail sale item on native American nation or [tribe] TRIBAL land recognized by the federal government [and] OR reservation land recognized as such by the state of New York, the commissioner shall promulgate rules and regulations necessary to implement the collection of sales, excise and use taxes on such retail sale items.

(n) Notwithstanding any other provision of state or local law[,] OR ordinance [or resolution] to the contrary:

(1) Any city having a population of one million or more in which the taxes imposed by section eleven hundred seven of this chapter are in effect, acting through its local legislative body, is hereby authorized and empowered to elect to provide the same exemptions from such taxes as the residential solar energy systems equipment exemption from state sales and compensating use taxes described in subdivision (ee) of section eleven hundred fifteen of this chapter by enacting a resolution

1 in the form set forth in paragraph two of this subdivision; whereupon,
2 upon compliance with the provisions of subdivisions (d) and (e) of this
3 section, such enactment of such resolution shall be deemed to be an
4 amendment to such section eleven hundred seven and such section eleven
5 hundred seven shall be deemed to incorporate such exemptions as if they
6 had been duly enacted by the state legislature and approved by the
7 governor. ANY RESOLUTION ENACTED PRIOR TO APRIL FIRST, TWO THOUSAND
8 ELEVEN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL ITS EXPIRATION.

9 (2) Form of [Resolution] LOCAL LAW: Be it enacted by the (insert
10 proper title of local legislative body) as follows:

11 Section one. Receipts from sales of and consideration given or
12 contracted to be given for, or for the use of, property and services
13 exempt from state sales and compensating use taxes pursuant to subdivi-
14 sion (ee) of section 1115 of the tax law shall also be exempt from sales
15 and compensating use taxes imposed in this jurisdiction.

16 Section two. This [resolution] LOCAL LAW shall take effect September
17 1, (insert the year, but not earlier than the year 2005) and shall apply
18 to sales made, services rendered and uses occurring on and after that
19 date in accordance with the applicable transitional provisions in
20 sections 1106, 1216 and 1217 of the New York tax law.

21 (o) Notwithstanding any other provision of state or local law[,] OR
22 ordinance [or resolution] to the contrary[:], any city having a popu-
23 lation of one million or more in which the taxes imposed by section
24 eleven hundred seven of this chapter are in effect, acting through its
25 local legislative body, is hereby authorized and empowered to elect to
26 exempt from such taxes, or reduce the rate of such taxes on, the same
27 residential energy sources and services, in the same manner as described
28 in subparagraph [(i)] (A) of paragraph [three] (III) of subdivision (a)
29 of this section, by enacting a local law or resolution in the form
30 prescribed by the commissioner pursuant to section twelve hundred
31 fifty-seven of this article; whereupon, upon compliance with the
32 provisions of subdivisions (d) and (e) of this section, such enactment
33 of such local law or resolution shall be deemed to be an amendment to
34 section eleven hundred seven of this chapter and such section eleven
35 hundred seven shall be deemed to incorporate such exemption of or
36 reduced rate on such energy sources and services as if it had been duly
37 enacted by the state legislature and approved by the governor. ANY
38 RESOLUTION ENACTED PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN SHALL
39 REMAIN IN FULL FORCE AND EFFECT UNTIL THE THIRTIETH DAY OF NOVEMBER, TWO
40 THOUSAND ELEVEN.

41 (P) (I) EACH COUNTY IN THIS STATE THAT IMPOSES THE TAXES AUTHORIZED BY
42 EITHER SUBDIVISION (A) OR SUBDIVISION (B) OF THIS SECTION AT A RATE OF
43 AT LEAST FOUR PERCENT IS AUTHORIZED AND EMPOWERED, ON A BASIS THAT IS
44 NOT LESS FREQUENT THAN BIANNUALLY, TO ADOPT AND AMEND LOCAL LAW TO
45 IMPOSE AN ADDITIONAL RATE OF TAX, IN ONE-QUARTER PERCENT INCREMENTS, SO
46 THAT THE AGGREGATE RATE OF TAX IMPOSED BY SUCH COUNTY PURSUANT TO THIS
47 SECTION DOES NOT EXCEED FIVE PERCENT, WITH THE INITIAL PERIOD OF SUCH
48 LOCAL LAW TO COMMENCE ON THE FIRST DAY OF DECEMBER, TWO THOUSAND ELEVEN.
49 PROVIDED THAT SUCH ADDITIONAL RATE OF TAX MAY ONLY BE IMPOSED IF IT IS
50 APPROVED BY A TWO-THIRDS VOTE OF THE TOTAL VOTING POWER OF THE COUNTY'S
51 LEGISLATIVE BODY.

52 (II) IF THE CITY OF MOUNT VERNON, CITY OF NEW ROCHELLE, CITY OF NEW
53 YORK, CITY OF WHITE PLAINS, OR THE CITY OF YONKERS IMPOSES THE TAXES
54 AUTHORIZED BY SUBDIVISION (A) OR SUBDIVISION (B) OF THIS SECTION AT A
55 RATE OF AT LEAST FOUR PERCENT, SUCH CITY IS AUTHORIZED AND EMPOWERED, ON
56 A BASIS THAT IS NOT LESS FREQUENT THAN BIANNUALLY, TO ADOPT AND AMEND A

1 LOCAL LAW TO IMPOSE AN ADDITIONAL ONE PERCENT RATE OF TAX, IN ONE-QUAR-
2 TER PERCENT INCREMENTS, SO THAT THE AGGREGATE RATE OF TAX IMPOSED BY
3 SUCH CITY PURSUANT TO THIS SECTION DOES NOT EXCEED FIVE PERCENT FOR A
4 PERIOD NOT TO EXCEED TWO YEARS, WITH THE INITIAL PERIOD OF SUCH INITIAL
5 PERIOD OF SUCH LOCAL LAW TO COMMENCE ON THE FIRST DAY OF DECEMBER, TWO
6 THOUSAND ELEVEN. PROVIDED THAT SUCH ADDITIONAL RATE OF TAX MAY ONLY BE
7 IMPOSED IF IT IS APPROVED BY A TWO-THIRDS VOTE OF THE TOTAL VOTING POWER
8 OF THE CITY'S LEGISLATIVE BODY.

9 (Q) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY LOCAL LAW, ORDI-
10 NANCE OR RESOLUTION IMPOSING A TAX RATE IN EXCESS OF THREE PERCENT THAT
11 WAS ENACTED PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN BY ANY CITY OR
12 COUNTY PURSUANT TO THE AUTHORITY OF THIS SECTION SHALL EXPIRE ON NOVEM-
13 BER THIRTIETH, TWO THOUSAND ELEVEN. ANY LOCAL LAW, ORDINANCE, OR RESOL-
14 UTION IN EFFECT ON APRIL FIRST, TWO THOUSAND ELEVEN SHALL REMAIN IN FULL
15 FORCE AND EFFECT UNTIL NOVEMBER THIRTIETH, TWO THOUSAND ELEVEN.

16 (R)(I) EACH CITY ENUMERATED IN PARAGRAPH (II) OF SUBDIVISION (P) OF
17 THIS SECTION, OR COUNTY, EXCEPT A COUNTY WHOLLY WITHIN A CITY, IS
18 EMPOWERED AND AUTHORIZED TO REQUEST A CERTIFICATION OF FINANCIAL NEED
19 FROM THE DIVISION OF THE BUDGET. SUCH REQUEST SHALL INCLUDE: (A) A COPY
20 OF THE PROPOSED LOCAL LAW THAT IMPOSES TAX AT A RATE THAT, IN THE AGGRE-
21 GATE IS ABOVE FOUR PERCENT AND REQUIRES APPROVAL BY A TWO-THIRDS MAJORI-
22 TY OF THE LEGISLATIVE BODY FOR ENACTMENT, BUT NOT IN EXCESS OF THE RATE
23 PRESCRIBED FOR SUCH CITY OR COUNTY PURSUANT TO SUBDIVISION (P) OF THIS
24 SECTION; (B) A STATEMENT EXPLAINING WHY THE CITY OR COUNTY NEEDS TO
25 IMPOSE THE TAXES AUTHORIZED BY THIS SECTION AT A RATE IN EXCESS OF FOUR
26 PERCENT; (C) A COPY OF THE CITY OR COUNTY'S BUDGET FOR THE CURRENT
27 FISCAL YEAR; AND (D) A STATEMENT OF ANTICIPATED AND REALIZED REVENUES
28 AND LIABILITIES FOR THE CURRENT FISCAL YEAR.

29 (II) WITHIN FIVE CALENDAR DAYS OF RECEIPT OF A REQUEST DESCRIBED IN
30 PARAGRAPH (I) OF THIS SUBDIVISION, THE DIVISION OF THE BUDGET SHALL
31 NOTIFY THE STATE COMPTROLLER OF THE REQUEST. THE STATE COMPTROLLER MAY
32 DIRECT THAT THE REQUEST BE FORWARDED TO THE OFFICE OF THE STATE COMP-
33 TROLLER FOR REVIEW. IF THE STATE COMPTROLLER DOES NOT DIRECT THAT THE
34 REQUEST BE FORWARDED TO THE OFFICE OF THE STATE COMPTROLLER WITHIN FIVE
35 CALENDAR DAYS FROM THE RECEIPT OF NOTIFICATION FROM THE DIVISION OF THE
36 BUDGET, THEN, THE DIVISION OF THE BUDGET SHALL REVIEW THE REQUEST.

37 (III) SUBJECT TO THE PROVISIONS OF PARAGRAPH (VIII) OF THIS SUBDIVI-
38 SION, WITHIN FORTY CALENDAR DAYS OF THE DIVISION OF THE BUDGET'S RECEIPT
39 OF A REQUEST PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVISION, THE REVIEW-
40 ING ENTITY SHALL REVIEW THE LOCAL GOVERNMENT'S PROPOSED LOCAL LAW,
41 STATEMENT OF NEED, BUDGET, ANTICIPATED AND REALIZED REVENUES, AND ANTIC-
42 IPATED AND REALIZED LIABILITIES FOR THE CURRENT FISCAL YEAR AND DETER-
43 MINE WHETHER SUCH CITY OR COUNTY IS IN NEED OF ADDITIONAL REVENUES. IN
44 CONJUNCTION WITH SUCH REVIEW, THE REVIEWING ENTITY MAY INSPECT THE
45 REQUESTING CITY OR COUNTY'S BOOKS AND RECORDS. SUCH AN INSPECTION WILL
46 NOT, HOWEVER, TOLL THE TIME PERIOD IN WHICH THE REVIEWING ENTITY MUST
47 ACT.

48 (IV) THE REVIEWING ENTITY SHALL NOT CERTIFY A REQUESTING CITY OR COUN-
49 TY IN NEED OF ADDITIONAL REVENUES ONLY WHEN THE CITY OR COUNTY'S ANTIC-
50 IPATED AND REALIZED LIABILITIES ARE LESS THAN THE CITY OR COUNTY'S
51 ANTICIPATED OR REALIZED REVENUES.

52 (V) IF THE REVIEWING ENTITY DETERMINES THAT A REQUESTING CITY OR COUN-
53 TY HAS NOT DEMONSTRATED A NEED FOR ADDITIONAL REVENUES, THE DENIAL OF
54 THE REQUESTING CITY OR COUNTY'S REQUEST SHALL INCLUDE (A) A STATEMENT OF
55 THE REASONS FOR THE DENIAL, AND (B) A STATEMENT DESCRIBING HOW, BASED
56 UPON THE CITY OR COUNTY'S BUDGET AND ANTICIPATED AND REALIZED REVENUES

1 AND LIABILITIES, THE CITY OR COUNTY CAN REALIZE THE REVENUE THAT WOULD
2 HAVE BEEN RECEIVED FROM THE IMPOSITION OF THE ADDITIONAL RATE OF TAX.

3 (VI) THE FAILURE OF THE REVIEWING ENTITY TO DENY A CITY OR COUNTY'S
4 REQUEST WITHIN THE TIME PRESCRIBED IN SUBPARAGRAPH (III) OF THIS PARA-
5 GRAPH SHALL CONSTITUTE: (A) ACCEPTANCE OF THE CITY OR COUNTY'S REQUEST;
6 AND (B) CERTIFICATION OF NEED.

7 (VII) FOR PURPOSES OF THIS SECTION, THE TERM "REVIEWING ENTITY" SHALL
8 MEAN EITHER THE DIVISION OF THE BUDGET OR, WHEN THE STATE COMPTROLLER
9 HAS ELECTED TO REVIEW A REQUEST, THE STATE COMPTROLLER.

10 (VIII) FOR PURPOSES OF THIS SUBDIVISION, IT SHALL BE ASSUMED THAT ALL
11 NOTIFICATIONS BETWEEN THE DIVISION OF THE BUDGET AND THE OFFICE OF THE
12 STATE COMPTROLLER WERE RECEIVED THE CALENDAR DAY IMMEDIATELY FOLLOWING
13 THE DAY THAT SUCH NOTIFICATION WAS MADE. ANY NOTIFICATION THAT WOULD
14 FALL ON A SATURDAY OR STATE HOLIDAY IS DEEMED TO BE MADE ON THE FIRST
15 BUSINESS DAY FOLLOWING THE NOTIFICATION AND SHALL TOLL THE TIME PERIOD
16 PRESCRIBED IN PARAGRAPH (III) OF THIS SUBDIVISION FOR ONE DAY.

17 S 3. Section 1210-D of the tax law is REPEALED.

18 S 4. Section 1210-E of the tax law is REPEALED.

19 S 5. Subdivision (a) of section 1211 of the tax law, as amended by
20 chapter 300 of the laws of 1968, is amended to read as follows:

21 (a) On request by a majority vote of the whole number of the school
22 authorities of the school district or districts which are coterminous
23 with, partly within or wholly within a city having a population of less
24 than one hundred twenty-five thousand, such city is hereby authorized
25 and empowered to adopt and amend local laws imposing for school district
26 purposes the taxes authorized under section twelve hundred ten, at the
27 rate [of one-half, one, one and one-half, two, two and one-half or three
28 percent which rate shall be uniform] for all taxes imposed BY THE CITY
29 pursuant to the authority of this section; provided, however, where a
30 city imposes a tax under the authority of both sections twelve hundred
31 ten and twelve hundred eleven, the aggregate rate of the taxes imposed
32 pursuant to both sections cannot exceed [three percent] THE PERCENT THAT
33 MAY BE IMPOSED BY THE TAXING JURISDICTION UPON A MAJORITY VOTE OF THE
34 JURISDICTION'S LEGISLATIVE BODY PURSUANT TO THE OPENING PARAGRAPH OF
35 THIS SECTION PLUS THE ADDITIONAL PERCENTAGE RATE FOR SUCH CITY
36 PRESCRIBED BY SUBDIVISION (P) OF SECTION TWELVE HUNDRED TEN OF THIS
37 SUBPART. ALL REVENUES COLLECTED FROM THE TAX IMPOSED PURSUANT TO THIS
38 SECTION WITHIN THE TERRITORIAL BORDERS OF THE SCHOOL DISTRICT SHALL BE
39 DISTRIBUTED TO THE SCHOOL DISTRICT UPON WHOSE BEHALF THE TAX HAS BEEN
40 IMPOSED.

41 S 6. Subdivisions (d) and (e) of section 1211 of the tax law, subdivi-
42 sion (d) as amended by section 39 of part S-1 of chapter 57 of the laws
43 of 2009, and subdivision (e) as amended by chapter 288 of the laws of
44 1969, are amended to read as follows:

45 (d) A local law [or resolution] imposing any tax pursuant to this
46 section, increasing or decreasing the rate of such tax, repealing or
47 suspending such tax or providing for the credit or refund described in
48 clause six of subdivision (a) of section eleven hundred nineteen of this
49 chapter must go into effect only on one of the following dates: March
50 first, June first, September first or December first, subject to further
51 requirement as to effective date provided for in subdivision (b) of this
52 section; provided, that a local law or resolution providing for a refund
53 or credit described in subdivision (d) of section eleven hundred nine-
54 teen of this chapter or repealing such provision so provided must go
55 into effect only on March first, subject to further requirement as to
56 effective date provided for in subdivision (b) of this section. No such

1 local law [or resolution] shall be effective unless a certified copy of
2 such local law [or resolution] is mailed by registered or certified mail
3 to the commissioner at the commissioner's office in Albany at least
4 ninety days prior to the date it is to become effective. However, the
5 commissioner may waive and reduce such ninety-day minimum notice
6 requirement to a mailing of such certified copy by registered or certi-
7 fied mail within a period of not less than thirty days prior to such
8 effective date if the commissioner deems such action to be consistent
9 with the commissioner's duties under section twelve hundred fifty of
10 this article and the commissioner acts by resolution. Where the
11 restriction provided for in section twelve hundred twenty-three of this
12 article as to the effective date of a tax and the notice requirement
13 provided for therein are applicable and have not been waived, the
14 restriction and notice requirement in section twelve hundred twenty-
15 three of this article shall also apply.

16 (e) Certified copies of any local law [or resolution] described in
17 subdivision (d) of this section shall also be filed with the city clerk,
18 state department of education, the secretary of state and the state
19 comptroller within five days after the date it is enacted. Certified
20 copies of any other local law or resolution enacted pursuant to this
21 section shall be filed with the [state tax commission] DEPARTMENT, the
22 city clerk, the state department of education, the secretary of state
23 and the state comptroller within five days after the date it is enacted.

24 S 7. Section 1211 of the tax law is amended by adding a new subdivi-
25 sion (f) to read as follows:

26 (F) ANY LOCAL LAW OR ORDINANCE ENACTED PRIOR TO APRIL FIRST, TWO THOU-
27 SAND ELEVEN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL THE THIRTIETH
28 DAY OF NOVEMBER, TWO THOUSAND ELEVEN.

29 S 8. Subdivision (a) of section 1212 of the tax law, as amended by
30 section 40 of part S-1 of chapter 57 of the laws of 2009, is amended to
31 read as follows:

32 (a) (I) Any school district which is coterminous with, partly within
33 or wholly within a city having a population of less than one hundred
34 twenty-five thousand, is hereby authorized and empowered, by majority
35 vote of the whole number of its school authorities, to impose for school
36 district purposes, within the territorial limits of such school district
37 and without discrimination between residents and nonresidents thereof,
38 the taxes described in [subdivision (b) of section eleven hundred five
39 (but excluding the tax on prepaid telephone calling services) and the
40 taxes described in clauses (E) and (H) of subdivision (a) of section
41 eleven hundred ten, including the transitional provisions in subdivision
42 (b) of section eleven hundred six of this chapter, so far as such
43 provisions can be made applicable to the taxes imposed by such school
44 district and with such limitations and special provisions as are set
45 forth in this article] PARAGRAPH (II) OF THIS SUBDIVISION, such taxes to
46 be imposed at the rate of one-half, one, one and one-half, two, two and
47 one-half or three percent which rate shall be uniform for all portions
48 and all types of receipts and uses subject to such taxes. In respect to
49 such taxes, all provisions of the resolution imposing them, except as to
50 rate and except as otherwise provided herein, shall be identical with
51 the corresponding provisions in such article twenty-eight of this chap-
52 ter, including the applicable definition and exemption provisions of
53 such article, so far as the provisions of such article twenty-eight of
54 this chapter can be made applicable to the taxes imposed by such school
55 district and with such limitations and special provisions as are set
56 forth in this article.

1 [The taxes described in subdivision (b) of section eleven hundred five
2 (but excluding the tax on prepaid telephone calling service) and clauses
3 (E) and (H) of subdivision (a) of section eleven hundred ten, including
4 the transitional provision in subdivision (b) of such section eleven
5 hundred six of this chapter,] (II) THE TAXES DESCRIBED IN SUBDIVISION
6 (B) OF SECTION ELEVEN HUNDRED FIVE OF THIS CHAPTER (BUT EXCLUDING THE
7 TAX ON PREPAID TELEPHONE CALLING SERVICES) AND THE TAXES DESCRIBED IN
8 CLAUSES (E) AND (H) OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED TEN OF
9 THIS CHAPTER, INCLUDING THE TRANSITIONAL PROVISIONS IN SUBDIVISION (B)
10 OF SECTION ELEVEN HUNDRED SIX OF THIS CHAPTER, SO FAR AS SUCH PROVISIONS
11 CAN BE MADE APPLICABLE TO THE TAXES IMPOSED BY SUCH SCHOOL DISTRICT AND
12 WITH SUCH LIMITATIONS AND SPECIAL PROVISIONS AS ARE SET FORTH IN THIS
13 ARTICLE. SUCH TAXES SHALL EXCLUDE (A) ALL SALES OF TANGIBLE PERSONAL
14 PROPERTY FOR USE OR CONSUMPTION DIRECTLY AND PREDOMINANTLY IN THE
15 PRODUCTION OF TANGIBLE PERSONAL PROPERTY, GAS, ELECTRICITY, REFRIGER-
16 ATION OR STEAM, FOR SALE, BY MANUFACTURING, PROCESSING, GENERATING,
17 ASSEMBLY, REFINING, MINING OR EXTRACTING; AND ALL SALES OF TANGIBLE
18 PERSONAL PROPERTY FOR USE OR CONSUMPTION PREDOMINANTLY EITHER IN THE
19 PRODUCTION OF TANGIBLE PERSONAL PROPERTY, FOR SALE, BY FARMING OR IN A
20 COMMERCIAL HORSE BOARDING OPERATION, OR IN BOTH; AND, UNLESS THE SCHOOL
21 DISTRICT ELECTS OTHERWISE, SHALL OMIT THE PROVISION FOR CREDIT OR REFUND
22 CONTAINED IN CLAUSE SIX OF SUBDIVISION (A) OR SUBDIVISION (D) OF SECTION
23 ELEVEN HUNDRED NINETEEN OF THIS CHAPTER, AND (B) SHALL OMIT THE RESIDEN-
24 TIAL SOLAR ENERGY SYSTEMS EQUIPMENT EXEMPTION PROVIDED FOR IN SUBDIVI-
25 SION (EE) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER.

26 (III) SUCH TAXES may not be imposed by such school district unless the
27 resolution imposes such taxes so as to include all portions and all
28 types of receipts and uses subject to tax under [such] subdivision (B)
29 OF SECTION ELEVEN HUNDRED FIVE OF THIS CHAPTER (but excluding the tax on
30 prepaid telephone calling service) and clauses. Provided, however,
31 that, where a school district imposes such taxes, such taxes shall omit
32 the provision for refund or credit contained in subdivision (d) of
33 section eleven hundred nineteen of this chapter with respect to such
34 taxes described in such subdivision (b) of section eleven hundred five
35 unless such school district elects to provide such provision or, if so
36 elected, to repeal such provision.

37 S 9. Subdivision (a) of section 1223 of the tax law, as amended by
38 chapter 74 of the laws of 2010, is amended to read as follows:

39 (a) No transaction taxable under sections twelve hundred two through
40 twelve hundred four of this article shall be taxed pursuant to this
41 article by any county or by any city located therein, or by both, at an
42 aggregate rate in excess of the highest rate set forth in the applicable
43 subdivision of section twelve hundred one of this article or, in the
44 case of any taxes imposed BY A CITY OR COUNTY pursuant to the authority
45 of section twelve hundred ten or twelve hundred eleven of this article
46 [(other than taxes imposed by the county of Nassau, Erie, Steuben,
47 Cattaraugus, Suffolk, Oneida, Genesee, Greene, Franklin, Herkimer,
48 Tioga, Orleans, Allegany, Ulster, Albany, Rensselaer, Tompkins, Wyoming,
49 Columbia, Schuyler, Rockland, Chenango, Monroe, Chemung, Seneca, Sulli-
50 van, Wayne, Livingston, Schenectady, Montgomery, Delaware, Clinton,
51 Niagara, Yates, Lewis, Essex, Dutchess, Schoharie, Putnam, Chautauqua,
52 Orange, Oswego, Ontario, Jefferson or Onondaga and by the county of
53 Cortland and the city of Cortland and by the county of Broome and the
54 city of Binghamton and by the county of Cayuga and the city of Auburn
55 and by the county of Otsego and the city of Oneonta and by the county of
56 Madison and the city of Oneida and by the county of Fulton and the city

1 of Gloversville or the city of Johnstown as provided in section twelve
2 hundred ten of this article) at a rate in excess of three percent,
3 except that, in the city of Yonkers, in the city of Mount Vernon, in the
4 city of New Rochelle, in the city of Fulton and in the city of Oswego,
5 the rate may not be in excess of four percent and in the city of White
6 Plains, the rate may not be in excess of four percent and except that in
7 the city of Poughkeepsie in the county of Dutchess, if such county with-
8 draws from the metropolitan commuter transportation district pursuant to
9 section twelve hundred seventy-nine-b of the public authorities law and
10 if the revenues from a three-eighths percent rate of such tax imposed by
11 such county, pursuant to the authority of section twelve hundred ten of
12 this article, are required by local laws, ordinances or resolutions to
13 be set aside for mass transportation purposes, the rate may not be]
14 SHALL BE TAXED AT A RATE NOT in excess of [three and three-eighths
15 percent] THE PERCENT THAT MAY BE IMPOSED BY THE TAXING JURISDICTION UPON
16 A MAJORITY VOTE OF THE JURISDICTION'S LEGISLATIVE BODY PURSUANT TO THE
17 OPENING PARAGRAPH OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE.
18 PROVIDED, HOWEVER, THAT THE TAX IMPOSED BY SECTION ELEVEN HUNDRED NINE
19 OF THIS CHAPTER SHALL NOT BE INCLUDED IN THE DETERMINATION OF WHETHER A
20 CITY OR COUNTY HAS EXCEEDED THE MAXIMUM RATE PRESCRIBED BY SECTION
21 TWELVE HUNDRED TEN OF THIS ARTICLE.

22 S 10. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2011; provided,
24 however that sections three and four of this act shall take effect
25 December 1, 2011.

26 PART DD

27 Section 1. The legislative law is amended by adding a new article 4-B
28 to read as follows:

29 ARTICLE 4-B

30 NEW YORK STATE LEGISLATIVE BUDGET OFFICE

31 SECTION 75. POWERS AND DUTIES OF THE NEW YORK STATE LEGISLATIVE BUDGET
32 OFFICE.

33 76. DIRECTOR OF THE NEW YORK STATE LEGISLATIVE BUDGET OFFICE.

34 S 75. POWERS AND DUTIES OF THE NEW YORK STATE LEGISLATIVE BUDGET
35 OFFICE. THERE SHALL HEREBY BE ESTABLISHED AN OFFICE OF THE NEW YORK
36 STATE LEGISLATURE TO BE KNOWN AS THE NEW YORK STATE LEGISLATIVE BUDGET
37 OFFICE. 1. IT SHALL BE THE PRIMARY DUTY AND FUNCTION OF THE NEW YORK
38 STATE LEGISLATIVE BUDGET OFFICE TO PROVIDE THE MEMBERS AND COMMITTEES OF
39 THE LEGISLATURE WITH INFORMATION WHICH WILL ASSIST SUCH OFFICIALS AND
40 BODIES IN THE DISCHARGE OF MATTERS WITHIN THEIR JURISDICTION PERTAINING
41 TO THE BUDGETARY PROCESS INCLUDING:

42 (A) INFORMATION WITH RESPECT TO THE BUDGET, APPROPRIATIONS BILLS AND
43 OTHER BILLS AUTHORIZING OR PROVIDING FOR EXPENDITURES FROM
44 GOVERNMENT-WIDE FUNDS OR REVENUES TO THOSE FUNDS; INCLUDING ANY BILLS
45 THAT HAVE A DIRECT OR INDIRECT FISCAL IMPACT IN TERMS OF SPENDING OR
46 REVENUE;

47 (B) INFORMATION WITH RESPECT TO ESTIMATED REVENUES AND RECEIPTS, AND
48 CHANGING REVENUE CONDITIONS;

49 (C) INFORMATION WITH RESPECT TO THE PERFORMANCE AND EFFECTIVENESS OF
50 STATE AGENCIES AND PROGRAMS; AND

51 (D) TO THE EXTENT PRACTICABLE, SUCH OTHER INFORMATION OR ANALYSES AS
52 MAY BE REQUESTED BY SUCH OFFICIALS AND BODIES, AND THE GENERAL PUBLIC.

53 REQUESTS MADE BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
54 THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF

1 THE ASSEMBLY WAYS AND MEANS COMMITTEE REGARDING THE BUDGET, REVENUES AND
2 EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

3 2. THE LEGISLATIVE BUDGET OFFICE SHALL COMPLETE A FISCAL IMPACT
4 STATEMENT: (A) FOR ANY BILL BEING CONSIDERED ON AN ASSEMBLY WAYS AND
5 MEANS COMMITTEE AGENDA OR A SENATE FINANCE COMMITTEE AGENDA, TO THE
6 EXTENT POSSIBLE; (B) FOR ANY BILL AT THE REQUEST OF THE SPEAKER OR
7 MINORITY LEADER OF THE ASSEMBLY OR THE TEMPORARY PRESIDENT OR MINORITY
8 LEADER OF THE SENATE; AND (C) AT THE REQUEST OF A COMMITTEE CHAIR OR
9 RANKING MEMBER OF A COMMITTEE FOR ANY BILL REFERRED TO THEIR RESPECTIVE
10 COMMITTEE. FISCAL IMPACT STATEMENTS SHALL ESTIMATE THE IMPACT ON STATE
11 REVENUES OR EXPENDITURES.

12 3. THE LEGISLATIVE BUDGET OFFICE SHALL SUBMIT AN ANALYSIS OF THE
13 EXECUTIVE BUDGET BY MARCH FIRST OF EACH YEAR TO THE MEMBERS OF THE
14 ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE, AND
15 MAKE COPIES OF SUCH ANALYSIS AVAILABLE TO ALL OTHER MEMBERS OF THE
16 LEGISLATURE AND ALL OTHER INDIVIDUALS, UPON REQUEST.

17 4. THE LEGISLATIVE BUDGET OFFICE SHALL, TO THE EXTENT PRACTICABLE,
18 DEVELOP PROPOSALS FOR COST EFFECTIVE ALTERNATIVE APPROACHES TO MEET THE
19 FINANCIAL OBLIGATIONS OF THE STATE.

20 5. THE LEGISLATIVE BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT
21 TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY,
22 THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTO-
23 BER OF EACH YEAR.

24 6. THE LEGISLATIVE BUDGET OFFICE SHALL PUBLISH BY DECEMBER FIRST OF
25 EACH YEAR A REPORT ANALYZING THE FISCAL OUTLOOK OF THE STATE FOR THE
26 NEXT FIVE YEARS.

27 7. AT THE REQUEST OF ANY MEMBER OR COMMITTEE OF THE SENATE OR THE
28 ASSEMBLY, THE LEGISLATIVE BUDGET OFFICE SHALL, TO THE EXTENT PRACTICA-
29 BLE, CONSULT WITH AND ASSIST SUCH COMMITTEE IN ANALYZING THE BUDGETARY
30 OR FINANCIAL IMPACT OF ANY PROPOSED LEGISLATION THAT MAY HAVE:

31 (A) A SIGNIFICANT BUDGETARY IMPACT ON LOCAL OR TRIBAL GOVERNMENTS;

32 (B) A SIGNIFICANT FINANCIAL IMPACT ON THE PRIVATE SECTOR; OR

33 (C) A SIGNIFICANT EMPLOYMENT IMPACT ON THE PRIVATE SECTOR.

34 8. (A) THE DIRECTOR OF THE LEGISLATIVE BUDGET OFFICE SHALL CONDUCT
35 CONTINUING STUDIES ON FISCAL MATTERS INCLUDING WAYS TO ENHANCE COMPAR-
36 ISONS OF BUDGET AUTHORITY AND OUTLAYS, DEBT AUTHORITY, AND TAX POLICY.

37 (B) (1) AT THE REQUEST OF ANY CHAIR OR RANKING MEMBER OF THE MINORITY
38 OF A COMMITTEE OF THE SENATE OR THE ASSEMBLY, THE DIRECTOR SHALL, TO THE
39 EXTENT PRACTICABLE, CONDUCT A STUDY OF A LEGISLATIVE PROPOSAL CONTAINING
40 A STATE MANDATE.

41 (2) IN CONDUCTING A STUDY ON INTERGOVERNMENTAL MANDATES UNDER THIS
42 PARAGRAPH, THE DIRECTOR SHALL:

43 (I) SOLICIT AND CONSIDER INFORMATION OR COMMENTS FROM ELECTED OFFI-
44 CIALS (INCLUDING THEIR DESIGNATED REPRESENTATIVES) OF STATE, LOCAL, OR
45 TRIBAL GOVERNMENTS AS MAY PROVIDE HELPFUL INFORMATION OR COMMENTS;

46 (II) CONSIDER ESTABLISHING ADVISORY PANELS OF ELECTED OFFICIALS OR
47 THEIR DESIGNATED REPRESENTATIVES, OF LOCAL OR TRIBAL GOVERNMENTS IF THE
48 DIRECTOR DETERMINES THAT SUCH ADVISORY PANELS WOULD BE HELPFUL IN
49 PERFORMING RESPONSIBILITIES OF THE DIRECTOR UNDER THIS SECTION; AND

50 (III) IF, AND TO THE EXTENT THAT THE DIRECTOR DETERMINES THAT ACCURATE
51 ESTIMATES ARE REASONABLY FEASIBLE, INCLUDE ESTIMATES OF:

52 (A) THE FUTURE DIRECT COST OF THE STATE MANDATE TO THE EXTENT THAT
53 SUCH COSTS SIGNIFICANTLY DIFFER FROM OR EXTEND BEYOND THE FIVE-YEAR
54 PERIOD AFTER THE MANDATE IS FIRST EFFECTIVE; AND

(B) ANY DISPROPORTIONATE BUDGETARY EFFECTS OF STATE MANDATES UPON PARTICULAR INDUSTRIES OR SECTORS OF THE ECONOMY, REGIONS, AND URBAN OR RURAL OR OTHER TYPES OF COMMUNITIES, AS APPROPRIATE.

(3) IN CONDUCTING A STUDY ON STATE MANDATES UNDER SUBPARAGRAPH ONE OF THIS PARAGRAPH, THE DIRECTOR SHALL PROVIDE ESTIMATES, IF AND TO THE EXTENT THAT THE DIRECTOR DETERMINES THAT SUCH ESTIMATES ARE REASONABLY FEASIBLE, OF:

(I) FUTURE COSTS OF STATE MANDATES ON PRIVATE SECTOR ENTITIES AND LOCAL GOVERNMENTS TO THE EXTENT THAT SUCH MANDATES DIFFER SIGNIFICANTLY FROM OR EXTEND BEYOND THE FIVE-YEAR TIME PERIOD REFERRED TO IN ITEM (A) OF CLAUSE (III) OF SUBPARAGRAPH TWO OF THIS PARAGRAPH;

(II) ANY DISPROPORTIONATE FINANCIAL EFFECTS OF STATE PRIVATE SECTOR MANDATES AND OF ANY STATE FINANCIAL ASSISTANCE IN THE BILL OR JOINT RESOLUTION UPON ANY PARTICULAR INDUSTRIES OR SECTORS OF THE ECONOMY, REGIONS, AND URBAN OR RURAL OR OTHER TYPES OF COMMUNITIES; AND

(III) THE EFFECT OF STATE MANDATES IN THE BILL OR JOINT RESOLUTION ON THE ECONOMY OF THE STATE, INCLUDING THE EFFECT ON PRODUCTIVITY, ECONOMIC GROWTH, FULL EMPLOYMENT, CREATION OF PRODUCTIVE JOBS, AND COMPETITIVENESS OF GOODS AND SERVICES.

9. THE LEGISLATIVE BUDGET OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE APPROPRIATE TO ENHANCE THE OFFICIAL AND PUBLIC UNDERSTANDING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS. SUCH OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE NECESSARY OR APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA AND ANALYSIS AS WILL ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO STATE REVENUES, EXPENDITURES, MANAGEMENT PRACTICES AND RELATED MATTERS.

10. ALL INFORMATION, DATA, ESTIMATES AND STATISTICS, AND ALL STUDIES AND REPORTS PREPARED BY THE LEGISLATIVE BUDGET OFFICE SHALL BE MADE AVAILABLE TO THE PUBLIC AND SHALL ALSO BE MADE AVAILABLE BY ELECTRONIC MEANS TO THE EXTENT PRACTICABLE OVER THE INTERNET.

11. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE THE DISCLOSURE OF INFORMATION THAT IS OTHERWISE PROTECTED AS CONFIDENTIAL BY OTHER PROVISIONS OF STATE OR FEDERAL LAW.

S 76. DIRECTOR OF THE NEW YORK STATE LEGISLATIVE BUDGET OFFICE. 1. THE NEW YORK STATE LEGISLATIVE BUDGET OFFICE SHALL BE HEADED BY A DIRECTOR WHO SHALL BE APPOINTED, FROM ONE OR MORE CANDIDATES RECOMMENDED BY THE LEGISLATIVE BUDGET OFFICE BOARD OF DIRECTORS (ALSO REFERRED TO INTERCHANGEABLY AS THE "BOARD"), BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE. THE RECOMMENDATIONS FOR THE INITIAL APPOINTMENT OF SUCH DIRECTOR SHALL BE MADE NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND TWELVE TO THE SPECIAL COMMITTEE. SUBSEQUENT RECOMMENDATIONS SHALL BE MADE BETWEEN JANUARY SECOND AND JANUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER. THE SPEAKER OF THE ASSEMBLY AND TEMPORARY PRESIDENT OF THE SENATE SHALL APPOINT THE INITIAL DIRECTOR NO LATER THAN FEBRUARY FIFTEENTH, TWO THOUSAND TWELVE AND SUCH INITIAL DIRECTOR SHALL TAKE OFFICE BEGINNING APRIL FIRST, TWO THOUSAND TWELVE. SUBSEQUENT APPOINTMENTS SHALL BE MADE NO LATER THAN FEBRUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER.

2. (A) THERE SHALL BE A LEGISLATIVE BUDGET OFFICE BOARD OF DIRECTORS CONSISTING OF (1) ONE PERSON APPOINTED BY EACH OF THE FOLLOWING OFFICIALS AND WHO SHALL SERVE AT THE PLEASURE OF SUCH OFFICIALS; THE CHAIR AND RANKING MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE CHAIR AND RANKING MEMBER OF THE SENATE FINANCE COMMITTEE, AND (2) SIX OTHER MEMBERS JOINTLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE, WHO SHALL SERVE FOR SIX YEAR TERMS, PROVIDED, HOWEVER THAT OF THE MEMBERS FIRST APPOINTED, TWO SHALL SERVE

1 FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND THIRTEEN; TWO
2 SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND
3 FIFTEEN; AND TWO SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST,
4 TWO THOUSAND SEVENTEEN. THE MEMBERS SHALL ALL BE INDIVIDUALS WITH EXTEN-
5 SIVE EXPERIENCE AND KNOWLEDGE IN THE FIELDS OF FINANCE, ECONOMICS,
6 ACCOUNTING, PUBLIC ADMINISTRATION AND PUBLIC POLICY ANALYSIS INCLUDING
7 AT LEAST ONE NATIONALLY RECOGNIZED EXPERT IN THE FIELDS OF BUDGET THEORY
8 AND THE BUDGET PROCESS; ONE DEAN OR DIRECTOR OR FORMER DEAN OR DIRECTOR
9 OF A GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, PUBLIC AFFAIRS OR
10 PUBLIC ADMINISTRATION LOCATED IN NEW YORK STATE; ONE OFFICER OR FORMER
11 OFFICER OR ECONOMIC ADVISOR OF A LABOR UNION; ONE OFFICER OR FORMER
12 OFFICER OR ECONOMIC ADVISOR TO A BUSINESS CORPORATION; ONE OFFICER OR
13 FORMER OFFICER OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, ONE
14 OFFICER OR FORMER OFFICER OF A COUNTY; AND ONE OFFICER OR FORMER OFFICER
15 OF A CIVIC OR PUBLIC INTEREST ADVOCACY ORGANIZATION DIRECTLY INVOLVED IN
16 BUDGET MATTERS. NO INDIVIDUAL SHALL SERVE CONSECUTIVE TERMS.

17 (B) THE LEGISLATIVE BUDGET OFFICE BOARD OF DIRECTORS SHALL DEVELOP
18 GUIDELINES FOR THE BEST PRACTICES OF THE LEGISLATIVE BUDGET OFFICE. THE
19 LEGISLATIVE BUDGET OFFICE BOARD OF DIRECTORS SHALL MEET ANNUALLY WITH
20 THE DIRECTOR TO REVIEW SUCH GUIDELINES AND TO MAKE COMMENTS AND
21 SUGGESTIONS ON THE OVERALL PRACTICES OF THE OFFICE. IN DEVELOPING
22 GUIDELINES FOR BEST PRACTICES, SUCH STANDARDS SHALL BE IN COMPLIANCE
23 WITH STANDARDS PROMULGATED BY THE GOVERNMENTAL ACCOUNTING STANDARDS
24 BOARD OR ANOTHER COMPARABLE STANDARD SETTING ENTITY WHEN PRACTICABLE.
25 NOTHING IN THIS SECTION SHALL PRECLUDE THE BOARD FROM USING PRONOUNCE-
26 MENTS; STANDARDS AND OTHER OTHER DOCUMENTS DEVELOPED AND PUBLISHED BY
27 ORGANIZATIONS THAT ARE NATIONALLY RECOGNIZED AUTHORITIES IN MATTERS
28 PERTAINING TO PUBLIC FINANCE EXCEPT THAT THE BOARD SHALL DEVELOP SUCH
29 BEST PRACTICES WITH THE INTENT OF COMPLYING WITH THE GOVERNMENTAL
30 ACCOUNTING STANDARDS BOARD WHERE PRACTICABLE AND APPLICABLE.

31 (C) MEMBERS OF THE BOARD OF DIRECTORS SHALL RECEIVE NO COMPENSATION
32 BUT SHALL BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN CONNECTION
33 WITH THEIR DUTIES.

34 3. THE DIRECTOR OF THE LEGISLATIVE BUDGET OFFICE SHALL BE APPOINTED
35 WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF
36 FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE TERM OF
37 OFFICE OF THE DIRECTOR FIRST APPOINTED SHALL EXPIRE ON FEBRUARY
38 FIFTEENTH, TWO THOUSAND EIGHTEEN, AND THE TERMS OF OFFICE OF DIRECTORS
39 SUBSEQUENTLY APPOINTED SHALL EXPIRE ON SUCH DATE IN EACH SIXTH YEAR
40 THEREAFTER. ANY INDIVIDUAL APPOINTED TO FILL A VACANCY PRIOR TO THE
41 EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH
42 TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF THE TERM
43 MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED. ANY DIRECTOR
44 SERVING CONSECUTIVE TERMS SHALL BE RECOMMENDED BY THE LEGISLATIVE BUDGET
45 OFFICE BOARD OF DIRECTORS AND APPOINTED BY THE SPEAKER OF THE ASSEMBLY
46 AND THE TEMPORARY PRESIDENT OF THE SENATE FOR THE SECOND TERM. NO DIREC-
47 TOR SHALL SERVE MORE THAN TWO TERMS CONSECUTIVELY.

48 4. TWENTY PERCENT OF THE APPROPRIATIONS MADE TO THE DIVISION OF THE
49 BUDGET SHALL BE AVAILABLE TO PAY FOR THE EXPENSES OF THE LEGISLATIVE
50 BUDGET OFFICE DURING EACH FISCAL YEAR BEGINNING WITH THE FIRST DAY OF
51 APRIL AFTER THIS SECTION SHALL HAVE BECOME A LAW. THE DIRECTOR OF THE
52 LEGISLATIVE BUDGET OFFICE SHALL APPOINT SUCH PERSONNEL AND PROCURE THE
53 SERVICES OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS
54 AVAILABLE THEREFOR, AS MAY BE NECESSARY FOR SUCH DIRECTOR TO CARRY OUT
55 THE DUTIES AND FUNCTIONS ASSIGNED PURSUANT TO THIS ARTICLE. SUCH

1 PERSONNEL AND EXPERTS SHALL PERFORM SUCH DUTIES AS MAY BE ASSIGNED TO
2 THEM BY THE DIRECTOR.

3 5. THE DIRECTOR MAY BE REMOVED BY EITHER A JOINT RESOLUTION OF THE
4 SENATE AND ASSEMBLY OR BY A VOTE OF SEVEN OUT OF TEN MEMBERS OF THE
5 BOARD.

6 6. (A) THE DIRECTOR AND DEPUTY DIRECTOR SHALL RECEIVE COMPENSATION IN
7 AN AMOUNT TO BE DETERMINED PURSUANT TO A CHAPTER OF THE LAWS OF TWO
8 THOUSAND ELEVEN.

9 (B) THE DIRECTOR SHALL APPOINT AND FIX THE COMPENSATION OF SUCH
10 PERSONNEL AS MAY BE NECESSARY TO CARRY OUT THE DUTIES AND FUNCTIONS OF
11 THE OFFICE. ALL PERSONNEL OF THE OFFICE SHALL BE APPOINTED WITHOUT
12 REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF THEIR FITNESS
13 TO PERFORM THEIR DUTIES. THE DIRECTOR MAY PRESCRIBE THE DUTIES AND
14 RESPONSIBILITIES OF THE PERSONNEL OF THE OFFICE, AND DELEGATE TO THEM
15 AUTHORITY TO PERFORM ANY OF THE DUTIES, POWERS, AND FUNCTIONS IMPOSED ON
16 THE OFFICE OR ON THE DIRECTOR. FOR PURPOSES OF PAY AND EMPLOYMENT BENE-
17 FITS, RIGHTS, AND PRIVILEGES, ALL PERSONNEL OF THE OFFICE SHALL BE
18 TREATED AS IF THEY WERE EMPLOYEES OF NEW YORK STATE.

19 7. THE DIRECTOR OF THE LEGISLATIVE BUDGET OFFICE SHALL HAVE ACCESS AT
20 ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS,
21 BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORI-
22 TIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF
23 OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION,
24 MANAGEMENT AND NEEDS THEREOF, EXAMINE THE BOOKS, PAPERS AND PUBLIC
25 RECORDS THEREIN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW SUCH STATE
26 DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS, DIVISIONS, OFFICES, STATE
27 AUTHORITIES AND OTHER INSTITUTIONS SHALL, THROUGH THEIR PROPER OFFICERS
28 OR DEPUTIES, FURNISH TO THE DIRECTOR SUCH DATA, INFORMATION OR STATE-
29 MENTS AS MAY BE NECESSARY FOR THE PROPER EXERCISE OF HIS OR HER POWERS
30 AND DUTIES AND FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF
31 THIS ARTICLE.

32 8. FOR THE PURPOSES OF REVENUE LEGISLATION WHICH IS INCOME, ESTATE AND
33 GIFT, EXCISE, AND PAYROLL TAXES, CONSIDERED OR ENACTED IN ANY SESSION OF
34 THE LEGISLATURE, THE LEGISLATIVE BUDGET OFFICE SHALL CONSIDER DURING
35 THAT LEGISLATIVE SESSION REVENUE ESTIMATES PROVIDED TO IT BY THE OFFICE
36 OF THE STATE COMPTROLLER. DURING THAT SESSION OF THE LEGISLATURE SUCH
37 REVENUE ESTIMATES SHALL BE TRANSMITTED BY THE LEGISLATIVE BUDGET OFFICE
38 TO ANY COMMITTEE OF THE ASSEMBLY OR THE SENATE REQUESTING SUCH ESTI-
39 MATES, AND SHALL BE USED BY SUCH COMMITTEES IN DETERMINING SUCH ESTI-
40 MATES. THE FISCAL COMMITTEES OF THE SENATE AND ASSEMBLY SHALL DETERMINE
41 ALL ESTIMATES WITH RESPECT TO THE EXECUTION OF THE PURPOSES OF THIS
42 ARTICLE. THIS SUBDIVISION SHALL NOT REQUIRE NOR PRECLUDE THE LEGISLA-
43 TIVE BUDGET OFFICE FROM USING ESTIMATES OF THE STATE COMPTROLLER IN THE
44 CALCULATION OF THE REVENUE FORECAST AS STIPULATED IN SUBDIVISION FIVE OF
45 SECTION SEVENTY-FIVE OF THIS ARTICLE.

46 S 2. Section 22 of the state finance law is amended by adding two new
47 subdivisions 17 and 18 to read as follows:

48 17. DEVELOPMENT OF THE EXECUTIVE BUDGET SUBMISSION AND ENACTED BUDGET.
49 FOR FISCAL YEARS BEGINNING ON AND AFTER APRIL FIRST, TWO THOUSAND
50 TWELVE, THE EXECUTIVE BUDGET SUBMISSION AND THE ENACTED BUDGET COVERING
51 ALL EXPENDITURES OTHER THAN CAPITAL ITEMS SHALL BE PREPARED AND BALANCED
52 SO THE RESULTS THEREOF WOULD NOT SHOW A DEFICIT WHEN REPORTED IN ACCORD-
53 ANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS DEFINED IN SECTION
54 TWO OF THIS CHAPTER.

55 18. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, BUDGETS
56 SUBMITTED PURSUANT TO THIS SECTION SHALL INCLUDE:

1 A. A DESCRIPTION OF ALL OF THE EXPENDITURES ESTIMATED TO BE MADE
2 BEFORE THE CLOSE OF THE CURRENT FISCAL YEAR AND ALL OF THE EXPENDITURES
3 PROPOSED TO BE MADE DURING THE ENSUING FISCAL YEAR, BOTH IN ACCORDANCE
4 WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS DEFINED IN SECTION TWO
5 OF THIS CHAPTER; AND

6 B. A DESCRIPTION OF ALL THE REVENUES ESTIMATED TO ACCRUE BEFORE THE
7 CLOSE OF THE CURRENT FISCAL YEAR AND DURING THE ENSUING FISCAL YEAR,
8 INCLUSIVE OF ANY REVENUES WHICH ARE EXPECTED TO RESULT FROM THE PROPOSED
9 LEGISLATION WHICH THE GOVERNOR DEEMS NECESSARY TO PROVIDE RECEIPTS
10 SUFFICIENT TO MEET PROPOSED DISBURSEMENTS, ALL IN ACCORDANCE WITH GENER-
11 ALLY ACCEPTED ACCOUNTING PRINCIPLES AS DEFINED IN SECTION TWO OF THIS
12 CHAPTER.

13 S 3. Paragraph (a) of subdivision 2 of section 54 of the legislative
14 law, as added by chapter 1 of the laws of 2007, is amended to read as
15 follows:

16 (a) The legislature shall enact a budget for the upcoming fiscal year
17 that it determines is balanced [in the] ON A general fund, STATE FUNDS
18 AND ALL FUNDS BASIS. THE LEGISLATURE SHALL MAKE THIS DETERMINATION IN
19 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS DEFINED IN
20 SECTION TWO OF THIS CHAPTER.

21 S 4. Subdivision 2 of section 54 of the legislative law is amended by
22 adding a new paragraph (d) to read as follows:

23 (D) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, BUDGETS
24 SUBMITTED PURSUANT TO THIS SECTION SHALL INCLUDE:

25 (I) ALL OF THE EXPENDITURES ESTIMATED TO BE MADE BEFORE THE CLOSE OF
26 THE CURRENT FISCAL YEAR AND ALL OF THE EXPENDITURES PROPOSED TO BE MADE
27 DURING THE ENSUING FISCAL YEAR, BOTH IN ACCORDANCE WITH GENERALLY
28 ACCEPTED ACCOUNTING PRINCIPLES AS DEFINED IN SECTION TWO OF THIS CHAP-
29 TER; AND

30 (II) A DESCRIPTION OF ALL OF THE REVENUES ESTIMATED TO ACCRUE BEFORE
31 THE CLOSE OF THE CURRENT FISCAL YEAR AND DURING THE ENSUING FISCAL YEAR,
32 INCLUSIVE OF ANY REVENUES WHICH ARE EXPECTED TO RESULT FROM THE PROPOSED
33 LEGISLATION WHICH THE LEGISLATURE DEEMS NECESSARY TO PROVIDE RECEIPTS
34 SUFFICIENT TO MEET PROPOSED DISBURSEMENTS, ALL IN ACCORDANCE WITH GENER-
35 ALLY ACCEPTED ACCOUNTING PRINCIPLES AS DEFINED IN SECTION TWO OF THIS
36 CHAPTER.

37 S 5. Section 22 of the state finance law is amended by adding a new
38 subdivision 19 to read as follows:

39 19. THE DIVISION OF THE BUDGET SHALL PREPARE THE REPORTS, SCHEDULES,
40 AND OTHER INFORMATION DESCRIBED BELOW IN THIS SUBDIVISION. TO THE EXTENT
41 PRACTICABLE, SUCH REPORTS, SCHEDULES, AND INFORMATION SHALL BE IN A
42 FORM, AND PRESENTED AT A LEVEL OF DETAIL, THAT FACILITATES COMPARISON ON
43 AN ANNUAL BASIS AND AGAINST ACTUAL RESULTS, AS APPROPRIATE, AND IN A
44 MANNER CONSISTENT WITH THE OTHER REPORTING REQUIREMENTS ENUMERATED IN
45 THIS SECTION. THE REPORTS, SCHEDULES, AND OTHER INFORMATION REQUIRED BY
46 THIS SUBDIVISION SHALL BE SUBMITTED TO THE CHAIR OF THE SENATE FINANCE
47 COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
48 MINORITY LEADERS OF BOTH HOUSES, AND THE COMPTROLLER ACCORDING TO THE
49 SCHEDULES SET FORTH IN THIS SUBDIVISION. IN DETERMINING THE FINAL
50 CONTENT AND FORMAT OF THE INFORMATION REQUIRED BY THIS SECTION, THE
51 DIVISION SHALL CONSULT ANNUALLY WITH THE DIRECTOR OF THE LEGISLATIVE
52 BUDGET OFFICE, THE DESIGNEES OF THE TEMPORARY PRESIDENT OF THE SENATE,
53 THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADERS OF BOTH HOUSES, AND
54 THE COMPTROLLER. ALL INFORMATION DESCRIBED IN THIS SUBDIVISION SHALL BE
55 MADE AVAILABLE TO THE PUBLIC.

1 A. THE SUMMARY FINANCIAL PLAN SUBMITTED BY THE GOVERNOR TO THE LEGIS-
2 LATURE, IN ADDITION TO THE INFORMATION DESCRIBED IN SUBDIVISION ONE OF
3 THIS SECTION, SHALL INCLUDE:

4 (1) A SCHEDULE OF RECEIPTS FOR THE PRIOR, CURRENT, AND NEXT FIVE
5 FISCAL YEARS. SUCH SCHEDULE SHALL PRESENT THE MAJOR REVENUE SOURCES FOR
6 EACH FUND, INCLUDING DETAIL FOR EACH MAJOR TAX AND MAJOR COMPONENTS OF
7 MISCELLANEOUS RECEIPTS.

8 (2) A DESCRIPTION OF EMPLOYMENT LEVELS FOR EACH STATE DEPARTMENT,
9 DIVISION OR OFFICE FOR THE PRIOR, CURRENT, AND NEXT ENSUING FISCAL YEAR
10 CONTAINING (A) SEPARATE SCHEDULES FOR EACH FUND TYPE AND (B) AN ALL
11 FUNDS SUMMARY. SUCH INFORMATION SHALL BE PRESENTED IN A FORM THAT FACIL-
12 ITATES COMPARISONS AMONG AGENCIES AND ACROSS FISCAL YEARS, AND SHALL
13 INCLUDE (I) ACTUAL AND PROJECTED FULL-TIME EQUIVALENTS AND (II) PROPOSED
14 CHANGES TO THE WORKFORCE IN THE EXECUTIVE BUDGET, INCLUDING NEW POSI-
15 TIONS, LAYOFFS, ATTRITIONS, AND CHANGES IN FUNDING SOURCES. TO THE
16 EXTENT PRACTICABLE, THE DIVISION OF THE BUDGET SHALL FACILITATE THE
17 PROVISION OF OTHER RELEVANT INFORMATION ON EMPLOYMENT TO THE LEGISLATURE
18 IN A TIMELY MANNER DURING THE STATE FISCAL YEAR.

19 B. THE EXECUTIVE BUDGET, THE ENACTED BUDGET REPORT AND EACH QUARTERLY
20 UPDATE TO THE FINANCIAL PLAN SHALL INCLUDE THE FOLLOWING INFORMATION, IN
21 ADDITION TO THE INFORMATION REQUIRED ELSEWHERE IN THIS SECTION AND OTHER
22 SECTIONS OF LAW.

23 (1) AN UPDATED GENERAL FUND FORECAST OF RECEIPTS AND DISBURSEMENTS FOR
24 THE CURRENT AND FIVE SUCCEEDING FISCAL YEARS. SUCH UPDATED FORECAST
25 SHALL CLEARLY IDENTIFY AND EXPLAIN THE REVISIONS TO THE RECEIPTS AND
26 DISBURSEMENTS PROJECTIONS FROM THE MOST RECENT PRIOR UPDATE TO THE
27 FINANCIAL PLAN, AND ANY SIGNIFICANT REVISIONS TO THE UNDERLYING FACTORS
28 AFFECTING RECEIPTS AND DISBURSEMENTS BY MAJOR FUNCTION, AND MAY INCLUDE,
29 BUT NOT BE LIMITED TO: CASELOAD, SERVICE, AND UTILIZATION RATES; DEMO-
30 GRAPHIC TRENDS; ECONOMIC VARIABLES; PENSION FUND PERFORMANCE; INCARCERA-
31 TION RATES; PRESCRIPTION DRUG PRICES; HEALTH INSURANCE PREMIUMS;
32 INFLATION; CONTRACTUAL OBLIGATIONS; LITIGATION; AND STATE EMPLOYMENT
33 TRENDS.

34 (2) A REVISED MONTHLY GENERAL FUND CASH FLOW PROJECTION OF RECEIPTS
35 AND DISBURSEMENTS FOR THE CURRENT FISCAL YEAR THAT (A) COMPARES ACTUAL
36 RESULTS TO (I) ACTUAL RESULTS THROUGH THE SAME PERIOD FOR THE PRIOR YEAR
37 AND (II) THE MOST RECENT PRIOR UPDATE TO THE FINANCIAL PLAN AND TO THE
38 ENACTED BUDGET FINANCIAL PLAN, (B) SUMMARIZES THE REASONS FOR ANY VARI-
39 ANCES, AND (C) DESCRIBES THE REVISIONS TO THE CASH FLOW PROJECTIONS. THE
40 MONTHLY GENERAL FUND CASH FLOW PROJECTION SHALL BE STATED BY MAJOR CATE-
41 GORY OF LOCAL ASSISTANCE, PERSONAL SERVICE, NONPERSONAL SERVICE, GENERAL
42 STATE CHARGES, AND DEBT SERVICE, AND BY MAJOR CATEGORY OF REVENUE.

43 C. THE CAPITAL PROGRAM AND FINANCING PLAN SUBMITTED PURSUANT TO
44 SECTION TWENTY-TWO-C OF THIS ARTICLE, AND THE UPDATE THERETO REQUIRED
45 PURSUANT TO SECTION TWENTY-THREE OF THIS ARTICLE, SHALL INCLUDE A REPORT
46 ON THE MANAGEMENT OF STATE-SUPPORTED DEBT. SUCH REPORT MAY INCLUDE, BUT
47 IS NOT LIMITED TO: (1) AN ASSESSMENT OF THE AFFORDABILITY OF STATE DEBT,
48 INCLUDING DEBT AS A PERCENT OF PERSONAL INCOME, DEBT PER CAPITA, AND
49 DEBT SERVICE COSTS AS A PERCENT OF THE BUDGET, (2) A SUMMARY AND ANALY-
50 SIS OF THE INTEREST RATE EXCHANGE AGREEMENTS AND VARIABLE RATE EXPOSURE,
51 AND (3) AN ASSESSMENT OF FINANCING OPPORTUNITIES RELATED TO THE STATE'S
52 DEBT PORTFOLIO.

53 S 6. This act shall take effect immediately.

54 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
55 sion, section or part of this act shall be adjudged by any court of
56 competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder thereof, but shall be confined in
2 its operation to the clause, sentence, paragraph, subdivision, section
3 or part thereof directly involved in the controversy in which such judg-
4 ment shall have been rendered. It is hereby declared to be the intent of
5 the legislature that this act would have been enacted even if such
6 invalid provisions had not been included herein.

7 S 3. This act shall take effect immediately provided, however, that
8 the applicable effective date of Parts A through DD of this act shall be
9 as specifically set forth in the last section of such Parts.