

S. 6255

A. 9055

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

January 17, 2012

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

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

AN ACT to amend the executive law, in relation to the DNA testing of certain offenders convicted of a crime (Part A); to repeal section 396-ff of the general business law, relating to the pistol and revolver ballistic identification databank (Part B); to amend the vehicle and traffic law, in relation to the administration of traffic infractions (Part C); to amend the penal law, the correction law, and the criminal procedure law, in relation to terms of probation and probation detainer warrants (Part D); to amend the penal law, the civil practice law and rules and the criminal procedure law, in relation to the seizure and forfeiture of proceeds of felony and misdemeanor crimes (Part E); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the executive law, in relation to disaster preparedness (Part G); to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to persons joining the New York state and local employees' retirement system, the New York state and local police and fire retirement system, the New York state teachers' retirement system, the New York city employees' retirement system, the New York city teachers' retirement system, the New York city board of education retirement system, the New York city police pension fund, or the New York city fire pension fund on or after April 1, 2012 (Part H); to amend the civil service law, in relation to the reimbursement of medicare premium charges for employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state (Part I); to amend the state finance law, in relation to reappropriation bills (Part J); to amend the public lands, in relation to state aid on certain state leased or state-owned land (Part K); to amend the state finance law, in relation

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

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to the exemption of centralized contracts from audit prior to finalization, the ability to designate an agency contract as a statewide contract, the expansion of state contract rights for local governments and non-profit organizations, amending the definition of best value and lowest price for procurement and in relation to modifications of contracts by not-for-profit corporations; to amend the general municipal law, in relation to expanding contract use rights for local governments; to amend the New York state printing and public documents law, the state finance law, the not-for-profit corporation law, the education law and the general municipal law, in relation to the procurement of department printing; to amend chapter 741 of the laws of 1985 relating to authorizing certain organizations to purchase commodities under contracts let by the state office of general services, in relation to purchases by charitable organizations; to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to the effectiveness of certain provisions thereof; and to repeal sections 6 and 7 of the New York state printing and public documents law, relating to department printing (Part L); to amend the civil service law, in relation to authorizing term appointments without examination for certain information technology positions; filling vacancies by open competitive or upon promotion examination; certification of eligible lists from an open promotion examination; departmental and interdepartmental promotion lists; promotion examination opportunities for employees in non-competitive or labor class; promotion and transfer to administrative positions in the state service; transfer of employees in the non-competitive class where possession of credentials, licenses or certifications is required; and transfer of personnel upon consolidation or merge of departments or agencies (Part M); to provide for the administration of certain funds and accounts related to the 2012-13 budget; authorizing certain payments and transfers; to amend the state finance law, in relation to school tax relief fund; to amend the state finance law, in relation to issuance of certificates of participation, variable rate bonds, payments, transfers and deposits of funds and investment of general funds, bond proceeds, and other funds not immediately required; to amend the public authorities law, in relation to state environmental infrastructure projects; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the Division of Military and Naval Affairs Capital Projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to courthouse improvements and training facilities, metropolitan transportation authority facilities, peace bridge projects and issuance of bonds by the dormitory authority; to amend the New York state urban development corporation act, in relation to funding project costs for the state university of New York college for nanoscale and science engineering and the NY-SUNY 2020 challenge grant program; to amend chapter 57 of the laws of 2008, relating to providing for the administration of certain funds and

accounts related to the 2008-2009 budget, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2010, relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, in relation to the effectiveness thereof; to amend chapter 61 of the laws of 2000, amending the public authorities law relating to the metropolitan transportation authority, the New York city transit authority, and the Triborough bridge and tunnel authority, in relation to authorizations to issue bonds and notes; to repeal sections 90-b, 91-g, 92-a, 92-i, 92-j, 92-m, 92-w, 94-c, 94-d, 96, 97-n, 97-o, 97-cc, 97-ff, 97-ss, 97-fff, 97-uuu, 97-www, 97-aaaa, 97-bbbb, 99-g and 99-i of the state finance law relating thereto; to repeal subdivision 5 of section 233-a and subdivision 3-a of section 378 of the education law relating thereto; to repeal paragraph f of subdivision 31 of section 1680 of the public authorities law relating to the reserve funds of private not-for-profit schools established with the dormitory authority; to repeal section 1022 of the private housing finance law relating to the rural housing assistance fund; to repeal section 12 of chapter 1040 of the laws of 1981 relating to penalties for violations of the lobbying act; to repeal chapter 50 of the laws of 1993 relating to making appropriations for the support of government; and providing for the repeal of certain provisions upon expiration thereof (Part N); to amend the state technology law, the civil service law, the executive law, the state finance law, the tax law, and the county law, in relation to renaming the office for technology the office of information technology services (Part O); to amend the state finance law, in relation to aid and incentive to municipalities (Part P); and to pay the metropolitan transportation authority the costs associated with reimbursements for E-ZPass tolls paid by the residents of Broad Channel and the Rockaway Peninsula for travel over the Cross Bay Veterans Memorial Bridge (Part Q)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Q. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Subdivision 7 of section 995 of the executive law, as
14 amended by chapter 2 of the laws of 2006, paragraph (a) as separately
15 amended by chapter 320 of the laws of 2006 and paragraph (f) as amended
16 by chapter 405 of the laws of 2010, is amended to read as follows:

1 7. "Designated offender" means a person convicted of [and sentenced
2 for any one or more of the following provisions of the penal law (a)
3 sections 120.05, 120.10, and 120.11, relating to assault; sections
4 125.15 through 125.27 relating to homicide; sections 130.25, 130.30,
5 130.35, 130.40, 130.45, 130.50, 130.65, 130.67 and 130.70, relating to
6 sex offenses; sections 205.10, 205.15, 205.17 and 205.19, relating to
7 escape and other offenses, where the offender has been convicted within
8 the previous five years of one of the other felonies specified in this
9 subdivision; or sections 255.25, 255.26 and 255.27, relating to incest,
10 a violent felony offense as defined in subdivision one of section 70.02
11 of the penal law, attempted murder in the first degree, as defined in
12 section 110.00 and section 125.27 of the penal law, kidnapping in the
13 first degree, as defined in section 135.25 of the penal law, arson in
14 the first degree, as defined in section 150.20 of the penal law,
15 burglary in the third degree, as defined in section 140.20 of the penal
16 law, attempted burglary in the third degree, as defined in section
17 110.00 and section 140.20 of the penal law, a felony defined in article
18 four hundred ninety of the penal law relating to terrorism or any
19 attempt to commit an offense defined in such article relating to terror-
20 ism which is a felony; or (b) criminal possession of a controlled
21 substance in the first degree, as defined in section 220.21 of the penal
22 law; criminal possession of a controlled substance in the second degree,
23 as defined in section 220.18 of the penal law; criminal sale of a
24 controlled substance, as defined in article 220 of the penal law; or
25 grand larceny in the fourth degree, as defined in subdivision five of
26 section 155.30 of the penal law; or (c) any misdemeanor or felony
27 defined as a sex offense or sexually violent offense pursuant to para-
28 graph (a), (b) or (c) of subdivision two or paragraph (a) of subdivision
29 three of section one hundred sixty-eight-a of the correction law; or (d)
30 any of the following felonies, or an attempt thereof where such attempt
31 is a felony offense:

32 aggravated assault upon a person less than eleven years old, as
33 defined in section 120.12 of the penal law; menacing in the first
34 degree, as defined in section 120.13 of the penal law; reckless endan-
35 germent in the first degree, as defined in section 120.25 of the penal
36 law; stalking in the second degree, as defined in section 120.55 of the
37 penal law; criminally negligent homicide, as defined in section 125.10
38 of the penal law; vehicular manslaughter in the second degree, as
39 defined in section 125.12 of the penal law; vehicular manslaughter in
40 the first degree, as defined in section 125.13 of the penal law;
41 persistent sexual abuse, as defined in section 130.53 of the penal law;
42 aggravated sexual abuse in the fourth degree, as defined in section
43 130.65-a of the penal law; female genital mutilation, as defined in
44 section 130.85 of the penal law; facilitating a sex offense with a
45 controlled substance, as defined in section 130.90 of the penal law;
46 unlawful imprisonment in the first degree, as defined in section 135.10
47 of the penal law; custodial interference in the first degree, as defined
48 in section 135.50 of the penal law; criminal trespass in the first
49 degree, as defined in section 140.17 of the penal law; criminal tamper-
50 ing in the first degree, as defined in section 145.20 of the penal law;
51 tampering with a consumer product in the first degree, as defined in
52 section 145.45 of the penal law; robbery in the third degree as defined
53 in section 160.05 of the penal law; identity theft in the second degree,
54 as defined in section 190.79 of the penal law; identity theft in the
55 first degree, as defined in section 190.80 of the penal law; promoting
56 prison contraband in the first degree, as defined in section 205.25 of

1 the penal law; tampering with a witness in the third degree, as defined
2 in section 215.11 of the penal law; tampering with a witness in the
3 second degree, as defined in section 215.12 of the penal law; tampering
4 with a witness in the first degree, as defined in section 215.13 of the
5 penal law; criminal contempt in the first degree, as defined in subdivi-
6 sions (b), (c) and (d) of section 215.51 of the penal law; aggravated
7 criminal contempt, as defined in section 215.52 of the penal law; bail
8 jumping in the second degree, as defined in section 215.56 of the penal
9 law; bail jumping in the first degree, as defined in section 215.57 of
10 the penal law; patronizing a prostitute in the second degree, as defined
11 in section 230.05 of the penal law; patronizing a prostitute in the
12 first degree, as defined in section 230.06 of the penal law; promoting
13 prostitution in the second degree, as defined in section 230.30 of the
14 penal law; promoting prostitution in the first degree, as defined in
15 section 230.32 of the penal law; compelling prostitution, as defined in
16 section 230.33 of the penal law; disseminating indecent materials to
17 minors in the second degree, as defined in section 235.21 of the penal
18 law; disseminating indecent materials to minors in the first degree, as
19 defined in section 235.22 of the penal law; riot in the first degree, as
20 defined in section 240.06 of the penal law; criminal anarchy, as defined
21 in section 240.15 of the penal law; aggravated harassment of an employee
22 by an inmate, as defined in section 240.32 of the penal law; unlawful
23 surveillance in the second degree, as defined in section 250.45 of the
24 penal law; unlawful surveillance in the first degree, as defined in
25 section 250.50 of the penal law; endangering the welfare of a vulnerable
26 elderly person in the second degree, as defined in section 260.32 of the
27 penal law; endangering the welfare of a vulnerable elderly person in the
28 first degree, as defined in section 260.34 of the penal law; use of a
29 child in a sexual performance, as defined in section 263.05 of the penal
30 law; promoting an obscene sexual performance by a child, as defined in
31 section 263.10 of the penal law; possessing an obscene sexual perform-
32 ance by a child, as defined in section 263.11 of the penal law; promot-
33 ing a sexual performance by a child, as defined in section 263.15 of the
34 penal law; possessing a sexual performance by a child, as defined in
35 section 263.16 of the penal law; criminal possession of a weapon in the
36 third degree, as defined in section 265.02 of the penal law; criminal
37 sale of a firearm in the third degree, as defined in section 265.11 of
38 the penal law; criminal sale of a firearm to a minor, as defined in
39 section 265.16 of the penal law; unlawful wearing of a body vest, as
40 defined in section 270.20 of the penal law; hate crimes as defined in
41 section 485.05 of the penal law; and crime of terrorism, as defined in
42 section 490.25 of the penal law; or (e) a felony defined in the penal
43 law or an attempt thereof where such attempt is a felony; or (f) any of
44 the following misdemeanors: assault in the third degree as defined in
45 section 120.00 of the penal law; attempted aggravated assault upon a
46 person less than eleven years old, as defined in section 110.00 and
47 section 120.12 of the penal law; attempted menacing in the first degree,
48 as defined in section 110.00 and section 120.13 of the penal law; menac-
49 ing in the second degree as defined in section 120.14 of the penal law;
50 menacing in the third degree as defined in section 120.15 of the penal
51 law; reckless endangerment in the second degree as defined in section
52 120.20 of the penal law; stalking in the fourth degree as defined in
53 section 120.45 of the penal law; stalking in the third degree as defined
54 in section 120.50 of the penal law; attempted stalking in the second
55 degree, as defined in section 110.00 and section 120.55 of the penal
56 law; criminal obstruction of breathing or blood circulation as defined

1 in section 121.11 of the penal law; forcible touching as defined in
2 section 130.52 of the penal law regardless of the age of the victim;
3 sexual abuse in the third degree as defined in section 130.55 of the
4 penal law regardless of the age of the victim; unlawful imprisonment in
5 the second degree as defined in section 135.05 of the penal law regard-
6 less of the age of the victim; attempted unlawful imprisonment in the
7 first degree, as defined in section 110.00 and section 135.10 of the
8 penal law regardless of the age of the victim; criminal trespass in the
9 second degree as defined in section 140.15 of the penal law; possession
10 of burglar's tools as defined in section 140.35 of the penal law; petit
11 larceny as defined in section 155.25 of the penal law; endangering the
12 welfare of a child as defined in section 260.10 of the penal law; endan-
13 gering the welfare of an incompetent or physically disabled person as
14 defined in section 260.25 of the penal law] ANY FELONY DEFINED IN ANY
15 CHAPTER OF THE LAWS OF THE STATE OR ANY MISDEMEANOR DEFINED IN THE PENAL
16 LAW.

17 S 2. Subdivision 3 of section 995-c of the executive law, as amended
18 by chapter 576 of the laws of 2004, is amended to read as follows:

19 3. (A) Any designated offender subsequent to conviction and sentencing
20 for a crime specified in subdivision seven of section nine hundred nine-
21 ty-five of this article, shall be required to provide a sample appropri-
22 ate for DNA testing to determine identification characteristics specific
23 to such person and to be included in a state DNA identification index
24 pursuant to this article.

25 (B) (I) IN THE CASE OF A DESIGNATED OFFENDER WHO IS SENTENCED TO A
26 TERM OF IMPRISONMENT, SUCH SAMPLE SHALL BE COLLECTED BY THE PUBLIC SERV-
27 ANT TO WHOSE CUSTODY THE DESIGNATED OFFENDER HAS BEEN COMMITTED.

28 (II) IN THE CASE OF A DESIGNATED OFFENDER WHO IS SENTENCED TO A TERM
29 OF PROBATION, INCLUDING A SENTENCE OF PROBATION IMPOSED IN CONJUNCTION
30 WITH A SENTENCE OF IMPRISONMENT WHEN A SAMPLE HAS NOT ALREADY BEEN
31 TAKEN, SUCH SAMPLE SHALL BE COLLECTED BY THE PROBATION DEPARTMENT SUPER-
32 VISING THE DESIGNATED OFFENDER.

33 (III) IN THE CASE OF A DESIGNATED OFFENDER WHOSE SENTENCE DOES NOT
34 INCLUDE EITHER A TERM OF IMPRISONMENT OR A TERM OF PROBATION, THE COURT
35 SHALL ORDER THAT THE DESIGNATED OFFENDER REPORT TO AN OFFICE OF THE
36 SHERIFF OF THAT COUNTY, AND WHEN THE DESIGNATED OFFENDER DOES SO, SUCH
37 SAMPLE SHALL BE COLLECTED BY THE SHERIFF'S OFFICE.

38 (IV) NOTHING IN THIS PARAGRAPH SHALL PROHIBIT THE COLLECTION OF A DNA
39 SAMPLE FROM A DESIGNATED OFFENDER BY ANY COURT OFFICIAL, STATE OR LOCAL
40 CORRECTION OFFICIAL OR EMPLOYEE, PROBATION OFFICER, PAROLE OFFICER,
41 POLICE OFFICER, PEACE OFFICER, OR OTHER PUBLIC SERVANT WHO HAS BEEN
42 NOTIFIED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES THAT SUCH DESIG-
43 NATED OFFENDER HAS NOT PROVIDED A DNA SAMPLE. UPON NOTIFICATION BY THE
44 DIVISION OF CRIMINAL JUSTICE SERVICES THAT A DESIGNATED OFFENDER HAS NOT
45 PROVIDED A DNA SAMPLE, SUCH COURT OFFICIAL, STATE OR LOCAL CORRECTION
46 OFFICIAL OR EMPLOYEE, PROBATION OFFICER, PAROLE OFFICER, POLICE OFFICER,
47 PEACE OFFICER OR OTHER PUBLIC SERVANT SHALL COLLECT THE DNA SAMPLE.

48 S 3. This act shall take effect October 1, 2012; provided, however,
49 that the amendments to subdivision 7 of section 995 of the executive law
50 made by section one of this act shall apply to conviction of designated
51 offenses on or after such effective date.

52

PART B

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

54 S 2. This act shall take effect immediately.

1

PART C

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

5 S 1806. Plea of not guilty by a defendant charged with a traffic
6 infraction. In addition to appearing personally to enter a plea of not
7 guilty to a violation of any provision of the tax law or the transporta-
8 tion law regulating traffic, or to a traffic infraction for the
9 violation of any of the provisions of the vehicle and traffic law or of
10 any local law, ordinance, order, rule or regulation relating to the
11 operation of motor vehicles or motorcycles, a defendant may enter a plea
12 of not guilty by mailing to the court of appropriate jurisdiction the
13 ticket making the charge and a signed statement indicating such plea.
14 Such plea must be sent: (a) by registered or certified mail, return
15 receipt requested or by first class mail; and (b) within forty-eight
16 hours after receiving such ticket. Upon receipt of such ticket and
17 statement, the court shall advise the violator, BY FIRST CLASS MAIL, of
18 an appearance AT WHICH NO TESTIMONY SHALL BE TAKEN. IF THE MOTORIST
19 REQUESTS A TRIAL, THE COURT SHALL SET A TRIAL DATE ON A DATE SUBSEQUENT
20 TO THE DATE OF THE INITIAL APPEARANCE AND SHALL NOTIFY THE DEFENDANT OF
21 THE date by first class mail but no warrant of arrest for failure to
22 appear can be issued until the violator is notified of a new court
23 appearance date by registered or certified mail, return receipt
24 requested, and fails to appear.

25 S 2. This act shall take effect immediately.

26

PART D

27 Section 1. Subdivision 3 of section 65.00 of the penal law, as amended
28 by chapter 264 of the laws of 2003, subparagraphs (i) and (ii) of para-
29 graph (a) as amended by section 20 of part AAA of chapter 56 of the laws
30 of 2009, paragraph (c) as amended by chapter 568 of the laws of 2004 and
31 the closing paragraph as amended by chapter 320 of the laws of 2006, is
32 amended to read as follows:

33 3. Periods of probation. Unless terminated sooner in accordance with
34 the criminal procedure law, the period of probation shall be as follows:

35 (a) (i) For a felony, other than a class A-II felony defined in arti-
36 cle two hundred twenty of this chapter or the class B felony defined in
37 section 220.48 of this chapter, or any other class B felony defined in
38 article two hundred twenty of this chapter committed by a second felony
39 drug offender, or a sexual assault, the period of probation shall be A
40 DETERMINATE TERM, IN WHOLE YEARS, WHICH MUST BE AT LEAST THREE YEARS AND
41 WHICH MUST NOT EXCEED five years;

42 (ii) For a class A-II felony drug offender as defined in paragraph (a)
43 of subdivision one of section 70.71 of this chapter as described in
44 paragraph (b) of subdivision one of this section, or a class B felony
45 committed by a second felony drug offender described in paragraph (b) of
46 subdivision one of this section, the period of probation shall be life
47 and for a class B felony defined in section 220.48 of this chapter, the
48 period of probation shall be twenty-five years;

49 (iii) For a felony sexual assault, the period of probation shall be
50 ten years.

51 (b) (i) For a class A misdemeanor, other than a sexual assault, the
52 period of probation shall be A DETERMINATE TERM, IN WHOLE YEARS, WHICH
53 MUST BE AT LEAST TWO YEARS AND WHICH MUST NOT EXCEED three years;

1 (ii) For a class A misdemeanor sexual assault, the period of probation
2 shall be six years.

3 (c) For a class B misdemeanor, the period of probation shall be one
4 year, except the period of probation shall be no less than one year and
5 no more than three years for the class B misdemeanor of public lewdness
6 as defined in section 245.00 of this chapter;

7 (d) For an unclassified misdemeanor, the period of probation shall be
8 A DETERMINATE TERM, IN WHOLE YEARS, WHICH MUST BE AT LEAST TWO YEARS AND
9 WHICH MUST NOT EXCEED three years if the authorized sentence of impri-
10 sonment is in excess of three months, otherwise the period of probation
11 shall be one year.

12 For the purposes of this section, the term "sexual assault" means an
13 offense defined in article one hundred thirty or two hundred sixty-
14 three, or in section 255.25, 255.26 or 255.27 of this chapter, or an
15 attempt to commit any of the foregoing offenses.

16 S 2. Paragraph (c) of subdivision 1 of section 500-a of the
17 correction law, as amended by chapter 541 of the laws of 1994, is
18 amended to read as follows:

19 (c) For the detention of persons awaiting the availability of a court,
20 pursuant to the provisions of section 210.10, subdivision two of section
21 530.70 [or], subdivision two of section 410.40 OR SECTION 410.92 of the
22 criminal procedure law;

23 S 3. The criminal procedure law is amended by adding a new section
24 410.92 to read as follows:

25 S 410.92 PROBATION DETAINER WARRANT.

26 1. A PERSON UNDER PROBATION SUPERVISION WHO HAS BEEN TAKEN INTO CUSTO-
27 DY PURSUANT TO SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR
28 VIOLATION OF A CONDITION OF A SENTENCE OF PROBATION MUST FORTHWITH BE
29 BROUGHT BEFORE THE COURT THAT IMPOSED THE SENTENCE. WHERE THE COURT THAT
30 IMPOSED SENTENCE IS A LOCAL CRIMINAL COURT AND NO JUDGE FROM THAT COURT
31 IS AVAILABLE, AND SUCH PERSON HAS BEEN TAKEN INTO CUSTODY PURSUANT TO
32 SUBDIVISION FOUR OF SECTION 410.50 OF THIS ARTICLE, SUCH PERSON SHALL BE
33 BROUGHT BEFORE ANY AVAILABLE ALTERNATIVE COURT AS DESCRIBED IN SUBDIVI-
34 SION FIVE OF SECTION 120.90 OF THIS CHAPTER. WHERE THE COURT THAT
35 IMPOSED THE SENTENCE IS A SUPERIOR COURT AND NO JUDGE FROM THAT COURT IS
36 AVAILABLE, SUCH PERSON SHALL BE BROUGHT BEFORE ANY AVAILABLE LOCAL CRIM-
37 INAL COURT IN THE SAME COUNTY. WHEN NO SUCH ALTERNATIVE COURT IS AVAIL-
38 ABLE, THE PROBATION OFFICER SHALL REPORT SUCH FACT AND SUCH EFFORTS TO
39 LOCATE AN AVAILABLE ALTERNATIVE COURT TO THE DIRECTOR OR DEPUTY DIRECTOR
40 OF THE LOCAL PROBATION DEPARTMENT, AND THEREUPON A WARRANT MAY BE ISSUED
41 BY SUCH DIRECTOR OR DEPUTY DIRECTOR FOR THE TEMPORARY DETENTION OF SUCH
42 PERSON UPON THAT OFFICIAL'S DETERMINATION THAT A PUBLIC SAFETY RISK
43 REQUIRES THAT THE PROBATIONER BE IMMEDIATELY TAKEN INTO CUSTODY. A
44 WARRANT ISSUED PURSUANT TO THIS SUBDIVISION SHALL CONSTITUTE SUFFICIENT
45 AUTHORITY TO THE SUPERINTENDENT OR OTHER PERSON IN CHARGE OF ANY JAIL,
46 PENITENTIARY, LOCKUP OR DETENTION PEN TO WHOM IT IS DELIVERED TO HOLD IN
47 TEMPORARY DETENTION THE PERSON NAMED THEREIN. DURING SUCH PERIOD OF
48 TEMPORARY DETENTION, A WARRANT ISSUED PURSUANT TO THIS SUBDIVISION SHALL
49 HAVE THE SAME EFFECT AS A WARRANT ISSUED BY A COURT PURSUANT TO SUBDIVI-
50 SION TWO OF SECTION 210.40 OF THIS ARTICLE.

51 2. A PERSON TEMPORARILY DETAINED PURSUANT TO SUBDIVISION ONE OF THIS
52 SECTION SHALL BE BROUGHT BEFORE THE SENTENCING COURT WITHOUT UNNECESSARY
53 DELAY, AND IN ANY EVENT WITHIN FORTY-EIGHT HOURS, WHETHER OR NOT THE
54 COURT IS SCHEDULED TO BE IN SESSION. IF THE COURT HAS REASONABLE CAUSE
55 TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT
56 MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR FIX BAIL OR

RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION 410.70 OF THIS ARTICLE. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT THAT HE OR SHE BE RELEASED. THE COURT SHALL CONSIDER ALL RELEVANT FACTS AND CIRCUMSTANCES AND RENDER AN INDEPENDENT JUDGMENT IN MAKING A DECISION UNDER THIS SUBDIVISION AND SHALL NOT RELY ON THE DETERMINATION TO TEMPORARILY DETAIN SUCH PERSON MADE BY THE DIRECTOR OR DEPUTY DIRECTOR OF THE LOCAL PROBATION DEPARTMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

S 4. The office of court administration shall make reasonable efforts to ensure that judges are available in each county to review the status of persons taken into custody pursuant to subdivision 4 of section 410.50 of the criminal procedure law in a timely manner and before the director or deputy director of the local probation department issues a warrant pursuant to subdivision 1 of section 410.92 of the criminal procedure law that such person be detained.

S 5. This act shall take effect immediately and section one of this act shall apply to offenses committed on or after such effective date.

PART E

Section 1. The penal law is amended by adding a new article 62 to read as follows:

ARTICLE 62

CRIMINAL FORFEITURE

SECTION 62.00 CRIMINAL FORFEITURE.

S 62.00 CRIMINAL FORFEITURE.

1. THE COURT, IN IMPOSING SENTENCE ON A PERSON CONVICTED OF A VIOLATION OF ANY OFFENSE DEFINED IN THIS CHAPTER OR ANY OTHER CHAPTER OF THE CONSOLIDATED LAWS OF THE STATE, SHALL ORDER THAT THE PERSON FORFEIT ANY PROPERTY, REAL OR PERSONAL, CONSTITUTING, OR DERIVED FROM, PROCEEDS THE PERSON OBTAINED DIRECTLY OR INDIRECTLY AS THE RESULT OF SUCH VIOLATION. THE COURT, IN IMPOSING SENTENCE ON A PERSON CONVICTED OF A VIOLATION OF ANY FELONY OFFENSE SHALL ORDER THAT THE PERSON FORFEIT ANY PROPERTY, REAL OR PERSONAL, INVOLVED IN SUCH OFFENSE, OR ANY PROPERTY TRACEABLE TO SUCH PROPERTY.

2. IN THE EVENT OF A PENDING CRIMINAL CASE IN WHICH A DEFENDANT HAS ABSCONDED FROM THE JURISDICTION OF THE COURT, THE COURT MAY ORDER FORFEITURE OF ANY PROPERTY, REAL OR PERSONAL, CONSTITUTING, OR DERIVED FROM, PROCEEDS OBTAINED DIRECTLY OR INDIRECTLY, AS THE RESULT OF ANY VIOLATION OF THE THIS CHAPTER, AS WELL AS ANY PROPERTY, REAL OR PERSONAL, INVOLVED IN ANY VIOLATION OF THIS CHAPTER, OR ANY PROPERTY TRACEABLE TO SUCH PROPERTY. THE COURT MAY DISALLOW A PERSON FROM USING THE RESOURCES OF THE COURTS OF THE STATE OF NEW YORK IN FURTHERANCE OF A CLAIM IN ANY RELATED FORFEITURE ACTION OR A CLAIM IN THIRD PARTY PROCEEDINGS IN ANY RELATED CRIMINAL FORFEITURE ACTION UPON A FINDING THAT SUCH PERSON:

(A) AFTER NOTICE OR KNOWLEDGE OF THE FACT THAT A WARRANT OR PROCESS HAS BEEN ISSUED FOR HIS OR HER APPREHENSION, IN ORDER TO AVOID CRIMINAL PROSECUTION:

(I) PURPOSELY LEAVES THE JURISDICTION OF THE STATE OF NEW YORK;

(II) DECLINES TO ENTER OR REENTER THE STATE OF NEW YORK TO SUBMIT TO ITS JURISDICTION;

(III) OTHERWISE EVADES THE JURISDICTION OF THE COURT IN WHICH A CRIMINAL CASE IS PENDING AGAINST THE PERSON; AND

(B) IS NOT CONFINED OR HELD IN CUSTODY IN ANY OTHER JURISDICTION FOR COMMISSION OF CRIMINAL CONDUCT IN THAT JURISDICTION.

THIS SUBDIVISION MAY BE APPLIED TO A CLAIM FILED BY A CORPORATION IF ANY MAJORITY SHAREHOLDER OR INDIVIDUAL FILING THE CLAIM ON BEHALF OF THE CORPORATION IS A PERSON TO WHOM THIS SUBDIVISION APPLIES.

3. ANY PROPERTY SUBJECT TO FORFEITURE UNDER THIS SECTION MAY BE SEIZED BY LAW ENFORCEMENT, EX PARTE AND UNDER SEAL, UPON A SHOWING OF PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS FORFEITABLE, EXCEPT THAT A SEIZURE MAY BE MADE WITHOUT A WARRANT:

(A) PURSUANT TO AN ORDER OF ATTACHMENT; OR

(B) IF THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS SUBJECT TO FORFEITURE; AND

(I) THE SEIZURE IS MADE PURSUANT TO A LAWFUL ARREST OR SEARCH; OR

(II) ANOTHER EXCEPTION TO THE FOURTH AMENDMENT WARRANT REQUIREMENT OF THE FEDERAL CONSTITUTION APPLIES.

ANY MOTION FOR THE RETURN OF PROPERTY SEIZED UNDER THIS SECTION SHALL BE FILED IN THE COURT IN WHICH THE SEIZURE WARRANT WAS ISSUED.

4. OTHER THAN AS PROVIDED IN THIS SECTION, THE FORFEITURE OF PROPERTY, INCLUDING ANY SEIZURE AND DISPOSITION OF THE PROPERTY AND ANY RELATED JUDICIAL OR ADMINISTRATIVE PROCEEDING, SHALL BE GOVERNED BY THE PROVISIONS OF ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES.

5. NOTHING IN THIS ARTICLE SHALL SUPERSEDE LOCAL LAWS AFFECTING FORFEITURE.

S 2. Subdivisions 2, 4-a and 5 of section 1310 of the civil practice law and rules, subdivisions 2 and 5 as added by chapter 669 of the laws of 1984 and subdivision 4-a as added by chapter 655 of the laws of 1990, are amended to read as follows:

2. "Proceeds of a crime" means any property obtained through the commission of a felony OR MISDEMEANOR crime defined in subdivisions five and six [hereof] OF THIS SECTION, and includes any appreciation in value of such property.

4-a. "Real property instrumentality of a crime" means an interest in real property the use of which contributes directly and materially to the commission of a specified felony offense OR MISDEMEANOR.

5. "Post-conviction forfeiture crime" means any [felony] CRIME defined in the penal law or any other chapter of the consolidated laws of the state.

S 3. Paragraph (a) of subdivision 1 of section 1311 of the civil practice law and rules, as added by chapter 669 of the laws of 1984, is amended to read as follows:

(a) Actions relating to post-conviction forfeiture crimes. An action relating to a post-conviction forfeiture crime must be grounded upon a conviction of a [felony] CRIME defined in subdivision five of section one thousand three hundred ten of this article, or upon criminal activity arising from a common scheme or plan of which such a conviction is a part, or upon a count of an indictment or information OR IN SATISFACTION OF AN APPROPRIATE ACCUSATORY INSTRUMENT AS DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW alleging a [felony] CRIME which was dismissed at the time of a plea of guilty to a felony OR MISDEMEANOR in satisfaction of such count. A court may not grant forfeiture until such conviction has occurred. However, an action may be commenced, and a court may grant a provisional remedy provided under this article, prior to such conviction having occurred. An action under this paragraph must be dismissed at any time after sixty days of the commencement of the action unless the conviction upon which the action is grounded has occurred, or an [indictment or information] APPROPRIATE

1 ACCUSATORY INSTRUMENT AS DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF
2 THE CRIMINAL PROCEDURE LAW upon which the asserted conviction is to be
3 based is pending in a superior OR LOCAL CRIMINAL court. An action under
4 this paragraph shall be stayed during the pendency of a criminal action
5 which is related to it; provided, however, that such stay shall not
6 prevent the granting or continuance of any provisional remedy provided
7 under this article or any other provisions of law.

8 S 4. Subdivision 6 of section 220.50 of the criminal procedure law, as
9 added by chapter 655 of the laws of 1990, is amended to read as follows:

10 6. Where the defendant consents to a plea of guilty to [the indict-
11 ment, or part of the indictment] AN APPROPRIATE ACCUSATORY INSTRUMENT AS
12 DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF THIS CHAPTER, or consents
13 to be prosecuted by superior court information as set forth in section
14 195.20 of this chapter, and if the defendant and prosecutor agree that
15 as a condition of the plea or the superior court information certain
16 property shall be forfeited by the defendant, the description and pres-
17 ent estimated monetary value of the property shall be stated in court by
18 the prosecutor at the time of [plea] DISPOSITION. Within thirty days of
19 the acceptance of the plea or superior court information by the court,
20 the prosecutor shall send to the commissioner of the division of crimi-
21 nal justice services a document containing the name of the defendant,
22 the description and present estimated monetary value of the property,
23 and the date the plea [or superior court information] was accepted. Any
24 property forfeited by the defendant as a condition to a plea of guilty
25 to an [indictment] APPROPRIATE ACCUSATORY INSTRUMENT AS DEFINED IN
26 SUBDIVISION ONE OF SECTION 1.20 OF THIS CHAPTER, or a part thereof, or
27 to a superior court information, shall be disposed of in accordance with
28 the provisions of section thirteen hundred forty-nine of the civil prac-
29 tice law and rules.

30 S 5. Paragraphs (e), (f), (g) and (h) of subdivision 2 and subdivision
31 3 of section 1349 of the civil practice law and rules, paragraphs (e),
32 (f) and (h) of subdivision 2 and subdivision 3 as added by chapter 655
33 of the laws of 1990 and paragraph (g) of subdivision 2 as amended by
34 chapter 398 of the laws of 2004, are amended to read as follows:

35 (e) [In addition to amounts, if any, distributed pursuant to paragraph
36 (d) of this subdivision, fifteen percent of all moneys realized through
37 forfeiture to the claiming authority in satisfaction of actual costs and
38 expenses incurred in the investigation, preparation and litigation of
39 the forfeiture action, including that proportion of the salaries of the
40 attorneys, clerical and investigative personnel devoted thereto, plus
41 all costs and disbursements taxable under the provisions of this chap-
42 ter;

43 (f) In addition to amounts, if any, distributed pursuant to paragraph
44 (d) of this subdivision, five percent of all moneys realized through
45 forfeiture to the claiming agent in satisfaction of actual costs
46 incurred for protecting, maintaining and forfeiting the property includ-
47 ing that proportion of the salaries of attorneys, clerical and investi-
48 gative personnel devoted thereto;

49 (g) Forty percent of all moneys realized through forfeiture which are
50 remaining after distributions pursuant to paragraphs (a) through (f) of
51 this subdivision, to the chemical dependence service fund established
52 pursuant to section ninety-seven-w of the state finance law;

53 (h) All moneys remaining after distributions pursuant to paragraphs
54 (a) through (g) of this subdivision shall be distributed as follows:

55 (i) seventy-five percent of such moneys shall be deposited to a law
56 enforcement purposes subaccount of the general fund of the state where

1 the claiming agent is an agency of the state or the political subdivi-
2 sion or public authority of which the claiming agent is a part, to be
3 used for law enforcement use in the investigation of penal law offenses;
4 (ii) the remaining twenty-five percent of such moneys shall be depos-
5 ited to a prosecution services subaccount of the general fund of the
6 state where the claiming authority is the attorney general or the poli-
7 tical subdivision of which the claiming authority is a part, to be used
8 for the prosecution of penal law offenses.

9 Where multiple claiming agents participated in the forfeiture action,
10 funds available pursuant to subparagraph (i) of this paragraph shall be
11 disbursed to the appropriate law enforcement purposes subaccounts in
12 accordance with the terms of a written agreement reflecting the partic-
13 ipation of each claiming agent entered into by the participating claim-
14 ing agents.] ANY AMOUNTS THAT ARE REMAINING AFTER DISTRIBUTIONS PURSUANT
15 TO PARAGRAPH (D) OF THIS SUBDIVISION SHALL BE DISTRIBUTED AS FOLLOWS:
16 THIRTY-FIVE PERCENT TO THE CLAIMING AUTHORITY; FORTY PERCENT TO THE
17 CLAIMING AGENT; AND TWENTY-FIVE PERCENT TO THE STATE, TO BE DEPOSITED IN
18 THE GENERAL FUND. WHERE MULTIPLE CLAIMING AGENTS PARTICIPATED IN THE
19 FORFEITURE ACTION, THE CLAIMING AUTHORITY MAY DISBURSE THE FUNDS EQUIT-
20 ABLY AMONG ALL INVOLVED LAW ENFORCEMENT AGENCIES OR INVESTIGATORS.

21 3. All moneys distributed to the claiming agent and the claiming
22 authority pursuant to paragraph [(h)] (E) of subdivision two of this
23 section shall be used to enhance law enforcement efforts and not in
24 supplantation of ordinary budgetary costs including salaries of person-
25 nel, and expenses of the claiming authority or claiming agent during the
26 fiscal year in which this section takes effect.

27 S 6. This act shall take effect immediately.

28 PART F

29 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
30 relating to the disposition of monies recovered by county district
31 attorneys before the filing of an accusatory instrument, as amended by
32 section 1 of part B of chapter 57 of the laws of 2011, is amended to
33 read as follows:

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

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

39 PART G

40 Section 1. Subdivision 2 of section 20 of the executive law is amended
41 by adding a new paragraph i to read as follows:

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

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

50 1. There is hereby created in the executive department a disaster
51 preparedness commission consisting of the commissioners of transporta-
52 tion, health, division of criminal justice services, education, [social

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

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

29 f. (1) unless it deems it unnecessary, create, following the declara-
30 tion of a state disaster emergency, a temporary organization in the
31 disaster area to provide for integration and coordination of efforts
32 among the various federal, state, municipal and private agencies
33 involved. The commission, upon a finding that a municipality is unable
34 to manage local disaster operations, may, with the approval of the
35 governor, direct the temporary organization to assume direction of the
36 local disaster operations of such municipality, for a specified period
37 of time, and in such cases such temporary organization shall assume
38 direction of such local disaster operations, subject to the supervision
39 of the commission. In such event, such temporary organization may
40 utilize such municipality's local resources, provided, however, that the
41 state shall not be liable for any expenses incurred in using such
42 municipality's resources. THE STATE SHALL NOT BE LIABLE FOR THE EXPENSES
43 INCURRED IN USING THIRD PARTY, NON-STATE RESOURCES DEPLOYED TO THE
44 AFFECTED AREA BY THE TEMPORARY ORGANIZATION, WHICH ARE NECESSARY TO
45 PROTECT LIFE AND SAFETY;

46 (2) THE STATE INCIDENT MANAGEMENT TEAM SHALL HAVE THE AUTHORITY TO ACT
47 AS THE OPERATIONAL ARM OF THE TEMPORARY ORGANIZATION. WHEN CALLED TO
48 DUTY AND DEPLOYED BY THE STATE, MEMBERS OF ANY STATE OR LOCAL INCIDENT
49 MANAGEMENT TEAM SHALL BE DEEMED TEMPORARY EMPLOYEES OF THE STATE AND
50 SHALL HAVE THE SAME PRIVILEGES AND IMMUNITIES AFFORDED TO REGULAR STATE
51 EMPLOYEES, SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE PRES-
52 IDENT OF THE STATE CIVIL SERVICE COMMISSION PURSUANT TO SECTION ONE
53 HUNDRED SIXTY-THREE OF THE CIVIL SERVICE LAW;

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

1 5. The STATE office of emergency management within the division of
2 homeland security and emergency services shall serve as the [staff]
3 OPERATIONAL arm of the commission and shall be responsible for imple-
4 menting provisions of this article and the rules and policies adopted by
5 the commission. THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGE-
6 MENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
7 SHALL EXERCISE THE AUTHORITY GIVEN TO THE DISASTER PREPAREDNESS COMMIS-
8 SION IN SECTION TWENTY-NINE OF THIS ARTICLE, TO COORDINATE AND DIRECT
9 STATE AGENCIES AND ASSETS IN RESPONSE TO A STATE DISASTER EMERGENCY ON
10 BEHALF OF THE GOVERNOR AND THE CHAIR OF THE DISASTER PREPAREDNESS
11 COMMISSION. IF THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT
12 IS UNABLE TO EXERCISE THIS AUTHORITY, THEN THE EXECUTIVE DEPUTY COMMIS-
13 SIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL
14 ACT IN THIS CAPACITY. IN THE EVENT THAT THE EXECUTIVE DEPUTY COMMISSION-
15 ER IS UNABLE TO EXERCISE THIS AUTHORITY, THEN SUCH AUTHORITY SHALL BE
16 EXERCISED BY THE OFFICIAL WILLING AND ABLE TO DO SO IN THE FOLLOWING
17 ORDER: THE STATE FIRE ADMINISTRATOR; THE SUPERINTENDENT OF THE DIVISION
18 OF STATE POLICE; OR THE DIRECTOR OF THE OFFICE OF COUNTERTERRORISM WITH-
19 IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

20 S 5. The opening paragraph and paragraph f of subdivision 1 of section
21 24 of the executive law, the opening paragraph as amended by chapter 158
22 of the laws of 1994 and paragraph f of subdivision 1 as amended by
23 section 5 of part B of chapter 56 of the laws of 2010, are amended to
24 read as follows:

25 Notwithstanding any inconsistent provision of law, general or special,
26 in the event of a disaster, rioting, catastrophe, or similar public
27 emergency within the territorial limits of any county, city, town or
28 village, or in the event of reasonable apprehension of immediate danger
29 thereof, and upon a finding by the chief executive thereof that the
30 public safety is imperiled thereby, such chief executive may proclaim a
31 local state of emergency within any part or all of the territorial
32 limits of such local government; provided, however, that in the event of
33 a radiological accident as defined in section twenty-nine-c of this
34 article, such chief executive may request of the governor a declaration
35 of disaster emergency. SUCH PROCLAMATION SHALL REMAIN IN EFFECT FOR A
36 PERIOD NOT TO EXCEED THIRTY DAYS OR UNTIL RESCINDED BY THE CHIEF EXECU-
37 TIVE, WHICHEVER OCCURS FIRST. THE CHIEF EXECUTIVE MAY ISSUE ADDITIONAL
38 PROCLAMATIONS TO EXTEND THE STATE OF EMERGENCY FOR ADDITIONAL PERIODS
39 NOT TO EXCEED THIRTY DAYS. Following such proclamation and during the
40 continuance of such local state of emergency, the chief executive may
41 promulgate local emergency orders to protect life and property or to
42 bring the emergency situation under control. As illustration, such
43 orders may, within any part or all of the territorial limits of such
44 local government, provide for:

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

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

50 3. The PROCLAMATION OF A LOCAL STATE OF EMERGENCY AND local emergency
51 orders of a chief executive of a county shall be executed in [tripli-
52 cate] QUADRUPLICATE and shall be filed within seventy-two hours or as
53 soon thereafter as practicable in the office of the clerk of the govern-
54 ing board of the county, the office of the county clerk [and], the
55 office of the secretary of state AND THE STATE OFFICE OF EMERGENCY
56 MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY

SERVICES. The PROCLAMATION OF A LOCAL STATE OF EMERGENCY AND local emergency orders of a chief executive of a city, town or village shall be executed in [triplicate] QUADRUPLICATE and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of such municipal corporation, the office of the county clerk [and], the office of the secretary of state AND THE STATE OFFICE OF EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

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

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

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

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

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

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

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

B. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, GENERAL, SPECIAL OR LOCAL, ANY REQUESTING LOCAL GOVERNMENT SHALL BE LIABLE AND RESPONSIBLE TO THE ASSISTING LOCAL GOVERNMENT FOR ANY LOSS OR DAMAGE TO EQUIPMENT OR SUPPLIES AND SHALL BEAR AND PAY THE EXPENSE INCURRED IN THE OPERATION AND MAINTENANCE OF ANY EQUIPMENT AND THE COST OF MATERIALS AND SUPPLIES USED IN RENDERING ASSISTANCE UNDER THIS SECTION.

C. THE ASSISTING LOCAL GOVERNMENT SHALL BE LIABLE FOR SALARIES OR OTHER COMPENSATION FOR ITS EMPLOYEES DEPLOYED TO A REQUESTING LOCAL GOVERNMENT DURING THE TIME THEY ARE NOT PERFORMING THEIR DUTIES PURSUANT TO SUCH REQUEST, AND SHALL DEFRAY THE ACTUAL TRAVELING AND MAINTENANCE EXPENSE OF ITS EMPLOYEES AND EQUIPMENT WHILE THEY ARE RENDERING ASSISTANCE UNDER THIS SECTION. THE RECEIVING LOCAL GOVERNMENT SHALL REIMBURSE THE ASSISTING LOCAL GOVERNMENT FOR ANY MONEYS PAID FOR SUCH SALARIES OR OTHER COMPENSATION AND TRAVELING AND MAINTENANCE EXPENSES.

S 11. Subdivisions 9 and 10 of section 29-h of the executive law are renumbered subdivisions 10 and 11 and subdivision 10, as added by

1 section 10-a of part B of chapter 56 of the laws of 2010, is amended to
2 read as follows:

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

5 b. WHILE IN THE PERFORMANCE OF THEIR DUTIES UNDER THE INTRASTATE
6 MUTUAL AID PROGRAM, EMPLOYEES OF THE ASSISTING LOCAL GOVERNMENT SHALL
7 HAVE THE SAME IMMUNITIES AND PRIVILEGES AS IF SUCH DUTIES WERE PERFORMED
8 WITHIN THEIR HOME JURISDICTION. AN ASSISTING LOCAL GOVERNMENT PROVIDING
9 ASSISTANCE PURSUANT TO THE INTRASTATE MUTUAL AID PROGRAM SHALL BE LIABLE
10 FOR THE NEGLIGENCE OF ITS EMPLOYEES, WHICH OCCURS IN THE PERFORMANCE OF
11 THEIR DUTIES IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH NEGLI-
12 GENCE OCCURRED IN THE PERFORMANCE OF THEIR DUTIES IN THEIR HOME JURIS-
13 DICTION.

14 c. EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT RESPONDING TO OR RENDER-
15 ING ASSISTANCE PURSUANT TO A REQUEST WHO SUSTAIN INJURY OR DEATH IN THE
16 COURSE OF, AND ARISING OUT OF, THEIR RESPONSE ARE ENTITLED TO ALL APPLI-
17 CABLE BENEFITS AS IF THEY WERE RESPONDING IN THEIR HOME JURISDICTION.
18 THE ASSISTING LOCAL GOVERNMENT SHALL BE LIABLE FOR ALL COSTS OR PAYMENTS
19 FOR SUCH BENEFITS AS REQUIRED BY LAW.

20 d. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE ASSISTING
21 AND RECEIVING LOCAL GOVERNMENTS FROM AGREEING TO OTHER TERMS RELATED TO
22 LIABILITY AND WORKERS' COMPENSATION BECAUSE OF EXISTING STATUTES, LAWS,
23 RULES OR REGULATIONS. LOCAL GOVERNMENTS MAY CHOOSE TO ENTER INTO AN
24 AGREEMENT, AT ANY TIME, TO ALTER THESE TERMS AS THEY DEEM NECESSARY.

25 e. Nothing in this section shall be construed to provide any
26 protection against liability, or to create any liability, for an indi-
27 vidual who responds to a state of emergency where aid has not been
28 requested, or where aid has not been authorized by the individual's
29 [local government] HOME JURISDICTION.

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

32 9. PERFORMANCE OF SERVICES. A. (1) EMERGENCY RESPONSE PERSONNEL OF AN
33 ASSISTING LOCAL GOVERNMENT SHALL CONTINUE UNDER THE ADMINISTRATIVE
34 CONTROL OF THEIR JURISDICTION. HOWEVER, IN ALL OTHER CASES WHERE NOT
35 PROHIBITED BY EXISTING STATUTE OR OTHER AUTHORITY, EMERGENCY RESPONSE
36 PERSONNEL OF AN ASSISTING LOCAL GOVERNMENT SHALL BE UNDER THE DIRECTION
37 AND CONTROL OF THE APPROPRIATE OFFICIALS WITHIN THE INCIDENT MANAGEMENT
38 SYSTEM OF THE REQUESTING LOCAL GOVERNMENT;

39 (2) PERFORMANCE BY EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT OF
40 SERVICES FOR A REQUESTING LOCAL GOVERNMENT PURSUANT TO THIS SECTION
41 SHALL HAVE NO IMPACT UPON WHETHER NEGOTIATING UNIT EMPLOYEES REPRESENTED
42 BY AN EMPLOYEE ORGANIZATION, RECOGNIZED OR CERTIFIED PURSUANT TO SECTION
43 TWO HUNDRED SIX OR TWO HUNDRED SEVEN OF THE CIVIL SERVICE LAW, EXCLU-
44 SIVELY PERFORM SUCH SERVICES, AS THAT PHRASE IS USED BY THE PUBLIC
45 EMPLOYMENT RELATIONS BOARD, ON BEHALF OF THE REQUESTING LOCAL GOVERN-
46 MENT;

47 B. ASSETS AND EQUIPMENT OF AN ASSISTING LOCAL GOVERNMENT SHALL CONTIN-
48 UE UNDER THE OWNERSHIP OF THE ASSISTING JURISDICTION, BUT SHALL BE UNDER
49 THE DIRECTION AND CONTROL OF THE APPROPRIATE OFFICIALS WITHIN THE INCI-
50 DENT MANAGEMENT SYSTEM OF THE REQUESTING LOCAL GOVERNMENT.

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

1 B. ANY OTHER INDIVIDUAL DEPLOYED THROUGH A PARTICIPATING LOCAL GOVERN-
2 MENT WHO IS CERTIFIED OR PERMITTED EITHER LOCALLY OR REGIONALLY WHEN
3 RESPONDING PURSUANT TO A REQUEST FOR ASSISTANCE UNDER THIS PROGRAM SHALL
4 HAVE THE SAME POWERS AND DUTIES AS IF THEY WERE RESPONDING IN THEIR HOME
5 JURISDICTION.

6 S 13. This act shall take effect immediately.

7 PART H

8 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-
9 ment and social security law, as amended by chapter 397 of the laws of
10 2009, is amended to read as follows:

11 1. In addition to any other service credit to which he or she is enti-
12 tled, a member who meets the requirements set forth in paragraphs two
13 and three of this subdivision shall be granted one day of additional
14 service credit for each day of accumulated unused sick leave which he or
15 she has at time of retirement for service, but such credit shall not (a)
16 exceed one hundred sixty-five days, (b) be considered in meeting any
17 service or age requirements prescribed in this chapter, and (c) be
18 considered in computing final average salary. However, for an executive
19 branch member designated managerial or confidential pursuant to article
20 fourteen of the civil service law or in the collective negotiating units
21 established by article fourteen of the civil service law designated the
22 professional, scientific and technical services unit, the rent regu-
23 lation services negotiating unit, the security services negotiating
24 unit, the security supervisors negotiating unit, the state university
25 professional services negotiating unit, the administrative services
26 negotiating unit, the institutional services negotiating unit, the oper-
27 ational services negotiating unit and the division of military and naval
28 affairs negotiating unit such service credit limitation provided in
29 subparagraph (a) of this paragraph shall not exceed two hundred days.
30 For a nonjudicial officer or employee of the unified court system not in
31 a collective negotiating unit or in a collective negotiating unit speci-
32 fied in section one of chapter two hundred three of the laws of two
33 thousand four, for employees of the New York state dormitory authority,
34 for employees of the New York state thruway authority, the New York
35 state canal corporation and the state university construction fund and
36 for employees of the New York liquidation bureau such service credit
37 limitation provided in subparagraph (a) of this paragraph shall not
38 exceed two hundred days. MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW
39 YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE
40 TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
41 TWELVE, SHALL NOT BE GRANTED ANY ADDITIONAL SERVICE CREDIT FOR UNUSED
42 SICK LEAVE.

43 S 2. Subdivisions a and b of section 376 of the retirement and social
44 security law, subdivision a as amended by chapter 389 of the laws of
45 1998 and subdivision b as amended by chapter 371 of the laws of 1969,
46 are amended to read as follows:

47 a. A member who discontinues service other than by death or retire-
48 ment:

49 1. who has credit for at least five years of total service, OR TWELVE
50 YEARS OF SERVICE FOR A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK
51 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL
52 FIRST, TWO THOUSAND TWELVE, or

53 2. who has credit for at least five years of total service, OR TWELVE
54 YEARS OF SERVICE FOR A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK

1 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL
2 FIRST, TWO THOUSAND TWELVE, including a minimum of five years of member
3 service during which the member contributed to the system and/or partic-
4 ipated in an increased-take-home-pay or non-contributory plan, and who
5 does not withdraw his or her accumulated contributions, shall be enti-
6 tled to make application pursuant to section three hundred seventy of
7 this article for a vested retirement allowance to be effective on or
8 after the first day of the month following his or her attainment of
9 sixty years of age, OR SIXTY-FIVE YEARS OF AGE FOR A MEMBER WHO FIRST
10 BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIRE-
11 MENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE. The retire-
12 ment allowance provided by this section shall vest automatically upon
13 such discontinuance of service by such member.

14 3. In the case of such a member who discontinues service other than by
15 death or retirement after March thirty-first, nineteen hundred sixty-
16 six, who had been contributing toward and/or participating in an
17 increased-take-home-pay or non-contributory plan for retirement on a
18 basis other than retirement at age sixty for five years preceding his or
19 her discontinuance of service, he or she shall be entitled to make
20 application for a vested retirement allowance to be effective on or
21 after the first day of the month following his or her attainment of
22 fifty-five years of age, OR SIXTY-FIVE YEARS OF AGE FOR A MEMBER WHO
23 FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE
24 RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

25 b. The vested retirement allowance shall be computed and paid in
26 accordance with the provisions of the plan of which the member had been
27 a participant provided, however, that if the service fraction used to
28 compute the retirement allowance or the pension provides a benefit
29 greater than that which would have been provided had the service frac-
30 tion one-sixtieth been used to compute the benefit, the service fraction
31 one-sixtieth shall be used to compute the vested retirement allowance
32 unless such plan shall specify another fraction to be used to compute
33 the vested retirement allowance. The vested retirement allowance shall
34 not be paid before the member attains age fifty-five, OR SIXTY-FIVE
35 YEARS OF AGE FOR A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK
36 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL
37 FIRST, TWO THOUSAND TWELVE.

38 S 3. Subdivision e of section 440 of the retirement and social securi-
39 ty law, as added by chapter 285 of the laws of 1997, is amended to read
40 as follows:

41 e. Notwithstanding any other provision of law to the contrary, the
42 provisions and limitations of this article shall apply, as may be appro-
43 priate, to all investigator members of the New York city employees'
44 retirement system who last joined such retirement system on or after
45 July first, nineteen hundred seventy-six, AND PRIOR TO THE EFFECTIVE
46 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH AMENDED
47 THIS SUBDIVISION.

48 S 4. Subdivisions 5, 7, 12, 17 and 24 of section 501 of the retirement
49 and social security law, subdivisions 5, 12 and 17 as added by chapter
50 890 of the laws of 1976, subdivision 7 as amended by chapter 408 of the
51 laws of 2000 and subdivision 24 as amended by section 1 of part B of
52 chapter 504 of the laws of 2009, are amended to read as follows:

53 5. "Early retirement age" shall mean age fifty-five, for general
54 members, and the age on which a member completes or would have completed
55 twenty years of service, for police/fire members, NEW YORK CITY

UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR
REVISED PLAN MEMBERS.

7. "Eligible beneficiary" for the purposes of section five hundred nine of this article shall mean the following persons or classes of persons in the order set forth: (a) a surviving spouse who has not renounced survivorship rights in a separation agreement, until remarriage, (b) surviving children until age twenty-five, (c) dependent parents, determined under regulations promulgated by the comptroller, (d) any other person who qualified as a dependent on the final federal income tax return of the member or the return filed in the year immediately preceding the year of death, until such person reaches twenty-one years of age and (e) with respect to members of the New York city employees' retirement system (OTHER THAN A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER) and the board of education retirement system of the city of New York, a person whom the member shall have nominated in the form of a written designation, duly acknowledged and filed with the head of the retirement system for the purpose of section five hundred eight of this article. In the event that a class of eligible beneficiaries consists of more than one person, benefits shall be divided equally among the persons in such class. For the purposes of section five hundred eight OF THIS ARTICLE the term "eligible beneficiary" shall mean such person as the member shall have nominated to receive the benefits provided in this article. To be effective, such a nomination must be in the form of a written designation, duly acknowledged and filed with the head of the retirement system for this specific purpose. In the event such designated beneficiary does not survive him, or if he shall not have so designated a beneficiary, such benefits shall be payable to the deceased member's estate or as provided in section one thousand three hundred ten of the surrogate's court procedure act.

12. "General member" shall mean a member subject to the provisions of this article who is not a police/fire member, A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER.

17. "Normal retirement age" shall be age sixty-two, for general members, and the age at which a member completes or would have completed twenty-two years of service, for police/fire members, NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS.

24. "Wages" shall mean regular compensation earned by and paid to a member by a public employer, except that for members who first join the state and local employees' retirement system on or after January first, two thousand ten, overtime compensation paid in any year in excess of the overtime ceiling, as defined by this subdivision, shall not be included in the definition of wages. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law. The "overtime ceiling" shall mean fifteen thousand dollars per annum on January first, two thousand ten, and shall be increased by three percent each year thereafter. For the purpose of calculation a member's primary federal social security retirement or disability benefit, wages shall, in any calendar year, be limited to the portion of the member's wages which would be subject to tax under section three thousand one hundred

1 twenty-one of the internal revenue code of nineteen hundred fifty-four,
2 or any predecessor or successor provision relating thereto, if such
3 member was employed by a private employer. FOR MEMBERS WHO FIRST BECOME
4 MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON
5 OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
6 TWELVE WHICH AMENDED THIS SUBDIVISION, AND FOR NEW YORK CITY POLICE/FIRE
7 REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED CORRECTION/SANITATION
8 REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS, THE FOLLOW-
9 ING ITEMS SHALL NOT BE INCLUDED IN THE DEFINITION OF WAGES: (A) OVERTIME
10 COMPENSATION PAID UNDER ANY LAW OR POLICY UNDER WHICH EMPLOYEES ARE PAID
11 AT A RATE GREATER THAN THEIR STANDARD RATE FOR ADDITIONAL HOURS BEYOND
12 THAT REQUIRED, INCLUDING SECTION ONE HUNDRED THIRTY-FOUR OF THE CIVIL
13 SERVICE LAW AND SECTION NINETY OF THE GENERAL MUNICIPAL LAW, (B) WAGES
14 IN EXCESS OF THE ANNUAL SALARY PAID TO THE GOVERNOR PURSUANT TO SECTION
15 THREE OF ARTICLE FOUR OF THE STATE CONSTITUTION, (C) LUMP SUM PAYMENTS
16 FOR DEFERRED COMPENSATION, SICK LEAVE, ACCUMULATED VACATION OR OTHER
17 CREDITS FOR TIME NOT WORKED, (D) ANY FORM OF TERMINATION PAY AND (E) ANY
18 ADDITIONAL COMPENSATION PAID IN ANTICIPATION OF RETIREMENT.

19 S 5. Section 501 of the retirement and social security law is amended
20 by adding three new subdivisions 25, 26 and 27 to read as follows:

21 25. "NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN
22 MEMBER" SHALL MEAN A MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF
23 THIS ARTICLE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, AND WHO IS A
24 MEMBER OF EITHER THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF
25 CORRECTION OR THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF
26 SANITATION.

27 26. "NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBER" SHALL MEAN A
28 POLICE/FIRE MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE
29 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, AND WHO IS A MEMBER OF
30 EITHER THE NEW YORK CITY POLICE PENSION FUND OR THE NEW YORK CITY FIRE
31 DEPARTMENT PENSION FUND.

32 27. "INVESTIGATOR REVISED PLAN MEMBER" SHALL MEAN AN INVESTIGATOR
33 MEMBER OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS A POLICE
34 OFFICER AS DEFINED IN PARAGRAPH (G) OF SUBDIVISION THIRTY-FOUR OF
35 SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, AND WHO BECOMES SUBJECT TO
36 THE PROVISIONS OF THIS ARTICLE ON OR AFTER APRIL FIRST, TWO THOUSAND
37 TWELVE.

38 S 6. Subdivisions a and b of section 502 of the retirement and social
39 security law, as amended by section 2 of part B of chapter 504 of the
40 laws of 2009, are amended to read as follows:

41 a. A member who first joins a public retirement system of this state
42 on or after June thirtieth, nineteen hundred seventy-six shall not be
43 eligible for service retirement benefits hereunder until such member has
44 rendered a minimum of five years of creditable service after July first,
45 nineteen hundred seventy-three, except that a member who first joins the
46 New York state and local employees' retirement system on or after Janu-
47 ary first, two thousand ten shall not be eligible for service retirement
48 benefits pursuant to this article until such member has rendered a mini-
49 mum of ten years of credited service. A MEMBER WHO FIRST BECOMES A
50 MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON
51 OR AFTER APRIL FIRST, TWO THOUSAND TWELVE SHALL NOT BE ELIGIBLE FOR
52 SERVICE RETIREMENT BENEFITS PURSUANT TO THIS ARTICLE UNTIL SUCH MEMBER
53 HAS RENDERED A MINIMUM OF TWELVE YEARS OF CREDITED SERVICE.

54 b. A member who previously was a member of a public retirement system
55 of this state shall not be eligible for service retirement benefits
56 hereunder until such member has rendered a minimum of five years of

1 service which is creditable pursuant to section five hundred thirteen of
2 this article. A member who first joins the New York state and local
3 employees' retirement system on or after January first, two thousand ten
4 shall not be eligible for service retirement benefits pursuant to this
5 article until such member has rendered a minimum of ten years of credit-
6 ed service. A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE
7 AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
8 THOUSAND TWELVE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS
9 PURSUANT TO THIS ARTICLE UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF
10 TWELVE YEARS OF CREDITED SERVICE.

11 S 7. Subdivisions a, c and d of section 503 of the retirement and
12 social security law, subdivision a as amended by chapter 662 of the laws
13 of 1988, subdivision c as amended by section 143 of subpart B of part C
14 of chapter 62 of the laws of 2011 and subdivision d as added by chapter
15 890 of the laws of 1976, are amended to read as follows:

16 a. The normal service retirement benefit specified in section five
17 hundred four OF THIS ARTICLE shall be payable to general members, other
18 than elective members, who have met the minimum service requirements
19 upon retirement and attainment of age sixty-two, provided, however, a
20 general member who is a peace officer employed by the unified court
21 system or a member of a teachers' retirement system may retire without
22 reduction of his or her retirement benefit upon attainment of at least
23 fifty-five years of age and completion of thirty or more years of
24 service. FOR MEMBERS WHO BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL
25 EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
26 TWELVE, THE NORMAL SERVICE RETIREMENT BENEFITS SPECIFIED IN SECTION FIVE
27 HUNDRED FOUR OF THIS ARTICLE SHALL BE PAYABLE TO GENERAL MEMBERS, OTHER
28 THAN ELECTIVE MEMBERS, WHO HAVE MET THE MINIMUM SERVICE REQUIREMENTS
29 UPON RETIREMENT AND ATTAINMENT OF AGE SIXTY-FIVE.

30 c. A general member shall be eligible for early service retirement at
31 age fifty-five with five years of credited service. A general member in
32 the uniformed correction force of the New York city department of
33 correction, who is not eligible for early service retirement pursuant to
34 subdivision c of section five hundred four-a of this article or subdivi-
35 sion c of section five hundred four-b of this article or subdivision c
36 of section five hundred four-d of this article, or a general member in
37 the uniformed personnel in institutions under the jurisdiction of the
38 department of corrections and community supervision, as defined in
39 subdivision i of section eighty-nine of this chapter or serving in
40 institutions who is also in a title defined in such subdivision and who
41 has made an election pursuant to the provisions of article seventeen of
42 this chapter, shall also be eligible for early service retirement after
43 twenty-five years of credited service, PROVIDED, HOWEVER, THAT THE
44 PROVISIONS OF THIS SUBDIVISION AND SUBDIVISION A OF THIS SECTION SHALL
45 NOT APPLY TO A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED
46 PLAN MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER.

47 d. The normal service retirement benefit specified in section five
48 hundred five OF THIS ARTICLE shall be paid to police/fire members, NEW
49 YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND
50 INVESTIGATOR REVISED PLAN MEMBERS without regard to age upon retirement
51 after twenty-two years of service. Early service retirement shall be
52 permitted upon retirement after twenty years of credited service or
53 attainment of age sixty-two, PROVIDED, HOWEVER, THAT NEW YORK CITY
54 POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED
55 CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN

MEMBERS SHALL NOT BE ELIGIBLE TO RETIRE FOR SERVICE PRIOR TO THE ATTAINMENT OF TWENTY YEARS OF CREDITED SERVICE.

S 8. Subdivisions a, c and d of section 504 of the retirement and social security law, subdivision a as added by chapter 890 of the laws of 1976, subdivision c as amended by section 3 of part B of chapter 504 of the laws of 2009 and subdivision d as amended by section 144 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

a. The service retirement benefit for general members at normal retirement age with twenty or more years of credited service shall be a pension equal to one-fiftieth of final average salary times years of credited service, not in excess of thirty years, less fifty percent of the primary social security retirement benefit as provided in section five hundred eleven OF THIS ARTICLE. THE SERVICE RETIREMENT BENEFIT FOR GENERAL MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE AT NORMAL RETIREMENT AGE SHALL BE A PENSION EQUAL TO ONE-SIXTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF CREDITED SERVICE, NOT IN EXCESS OF THIRTY YEARS.

c. The early service retirement benefit for general members, except for general members whose early retirement benefit is specified in subdivision d of this section, shall be the service retirement benefit specified in subdivision a or b of this section, as the case may be, without social security offset, reduced by one-fifteenth for each of the first two years by which early retirement precedes age sixty-two, plus a further reduction of: (1) one-thirtieth; or (2) one-twentieth for members who first join the New York state and local employees' retirement system on or after January first, two thousand ten, for each year by which early retirement precedes age sixty. At age sixty-two, the benefit shall be reduced by fifty percent of the primary social security retirement benefit, as provided in section five hundred eleven of this article. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

d. The early service retirement benefit for general members in the uniformed correction force of the New York city department of correction, who are not entitled to an early service retirement benefit pursuant to subdivision c of section five hundred four-a of this article or subdivision c of section five hundred four-b of this article or subdivision c of section five hundred four-d of this article, or for general members in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as defined in subdivision i of section eighty-nine of this chapter, shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service, but not in excess of fifty percent of final average salary, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER.

S 9. Subdivision b of section 504-a of the retirement and social security law is amended by adding a new paragraph 4-a to read as follows:

4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A PARTICIPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.

1 S 10. Subdivision b of section 504-b of the retirement and social
2 security law is amended by adding a new paragraph 4-a to read as
3 follows:

4 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY
5 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED FORCE
6 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY
7 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A PARTIC-
8 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM FOR CAPTAINS AND ABOVE.

9 S 11. Subdivision b of section 504-d of the retirement and social
10 security law is amended by adding a new paragraph 1-a to read as
11 follows:

12 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY
13 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED FORCE
14 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY
15 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A PARTIC-
16 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.

17 S 12. Section 505 of the retirement and social security law, as added
18 by chapter 890 of the laws of 1976, is amended to read as follows:

19 S 505. Service retirement benefits; police/fire members, NEW YORK CITY
20 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR
21 REVISED PLAN MEMBERS. a. The normal service retirement benefit for
22 police/fire members, NEW YORK CITY UNIFORMED CORRECTION/SANITATION
23 REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS at normal
24 retirement age shall be a pension equal to fifty percent of final aver-
25 age salary, less fifty percent of the primary social security retirement
26 benefit commencing at age sixty-two, as provided in section five hundred
27 eleven OF THIS ARTICLE.

28 b. The early service retirement benefit for police/fire members, NEW
29 YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND
30 INVESTIGATOR REVISED PLAN MEMBERS shall be a pension equal to two and
31 one-tenths percent of final average salary times years of credited
32 service at the completion of twenty years of service or upon attainment
33 of age sixty-two, increased by one-third of one percent of final average
34 salary for each month of service in excess of twenty years, but not in
35 excess of fifty percent of final average salary, less fifty percent of
36 the primary social security retirement benefit commencing at age sixty-
37 two as provided in section five hundred eleven OF THIS ARTICLE,
38 PROVIDED, HOWEVER, THAT NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS,
39 NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND
40 INVESTIGATOR REVISED PLAN MEMBERS SHALL NOT BE ELIGIBLE TO RETIRE FOR
41 SERVICE PRIOR TO THE ATTAINMENT OF TWENTY YEARS OF CREDITED SERVICE.

42 c. A police/fire member, A NEW YORK CITY UNIFORMED
43 CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR REVISED
44 PLAN MEMBER who retires with twenty-two years of credited service or
45 less may become eligible for annual escalation of the service retirement
46 benefit if he elects to have the payment of his benefit commence on the
47 date he would have completed twenty-two years and one month or more of
48 service. In such event, the service retirement benefit shall equal two
49 percent of final average salary for each year of credited service, less
50 fifty percent of the primary social security retirement benefit commenc-
51 ing at age sixty-two as provided in section five hundred eleven OF THIS
52 ARTICLE.

53 S 13. Subdivisions b and c of section 507 of the retirement and social
54 security law, subdivision b as amended by chapter 489 of the laws of
55 2008 and subdivision c as amended by chapter 513 of the laws of 2010,
56 are amended to read as follows:

1 b. A police/fire member in active service, A NEW YORK CITY UNIFORMED
2 CORRECTION/SANITATION REVISED PLAN MEMBER IN ACTIVE SERVICE OR AN INVES-
3 TIGATOR REVISED PLAN MEMBER IN ACTIVE SERVICE, or a vested member inca-
4 pacitated as the result of a qualifying World Trade Center condition as
5 defined in section two of this chapter, who is not eligible for a normal
6 service retirement benefit shall be eligible for the accidental disabili-
7 ty benefit either as provided in subdivision a OF THIS SECTION or if
8 such member is physically or mentally incapacitated for performance of
9 duty as the natural and proximate result of an accident sustained in
10 such active service and not caused by such member's own willful negli-
11 gence.

12 c. In the case of a member of a retirement system other than the New
13 York state and local employees' retirement system, the New York state
14 teachers' retirement system, the New York city employees' retirement
15 system, the New York city board of education retirement system or the
16 New York city teachers' retirement system, OR IN THE CASE OF A MEMBER OF
17 THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS A NEW YORK CITY
18 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR
19 REVISED PLAN MEMBER, the accidental disability benefit hereunder shall
20 be a pension equal to two percent of final average salary times years of
21 credited service which such member would have attained if employment had
22 continued until such member's full escalation date, not in excess of the
23 maximum years of service creditable for the normal service retirement
24 benefit, less (i) fifty percent of the primary social security disabili-
25 ty benefit, if any, as provided in section five hundred eleven of this
26 article, and (ii) one hundred percent of any workers' compensation bene-
27 fits payable.

28 In the case of a member of the New York state and local employees'
29 retirement system, the New York state teachers' retirement system, the
30 New York city employees' retirement system (OTHER THAN A NEW YORK CITY
31 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR
32 REVISED PLAN MEMBER), the New York city board of education retirement
33 system or the New York city teachers' retirement system, the accidental
34 disability benefit hereunder shall be a pension equal to sixty percent
35 of final average salary, less (i) fifty percent of the primary social
36 security disability benefit, if any, as provided in section five hundred
37 eleven of this article, and (ii) one hundred percent of any workers'
38 compensation benefits payable. In the event a disability retiree from
39 any retirement system is not eligible for the primary social security
40 disability benefit and continues to be eligible for disability benefits
41 hereunder, such disability benefit shall be reduced by one-half of such
42 retiree's primary social security retirement benefit, commencing at age
43 sixty-two, in the same manner as provided for service retirement bene-
44 fits under section five hundred eleven of this article.

45 S 14. The opening paragraph of subdivision a of section 507-a of the
46 retirement and social security law, as amended by section 145 of subpart
47 B of part C of chapter 62 of the laws of 2011, is amended to read as
48 follows:

49 [Application] SUBJECT TO THE PROVISIONS OF SUBDIVISION E OF THIS
50 SECTION, APPLICATION for a disability retirement allowance for a member
51 in the uniformed personnel in institutions under the jurisdiction of the
52 department of corrections and community supervision of New York state as
53 defined in subdivision i of section eighty-nine of this chapter or for a
54 member serving in institutions who is also in a title defined in such
55 subdivision and who has made an election pursuant to the provisions of

1 article seventeen of this chapter or the New York city department of
2 correction may be made by:

3 S 15. Section 507-a of the retirement and social security law is
4 amended by adding a new subdivision e to read as follows:

5 E. NOTWITHSTANDING THE PRECEDING SUBDIVISIONS OF THIS SECTION TO THE
6 CONTRARY, THIS SECTION SHALL NOT APPLY TO A MEMBER OF THE UNIFORMED
7 FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK
8 CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER.

9 S 16. Subdivision a of section 507-c of the retirement and social
10 security law, as added by chapter 622 of the laws of 1997, is amended to
11 read as follows:

12 a. Any member in the uniformed personnel in institutions under the
13 jurisdiction of the New York city department of correction, who becomes
14 physically or mentally incapacitated for the performance of duties as
15 the natural and proximate result of an injury, sustained in the perform-
16 ance or discharge of his or her duties by, or as a natural and proximate
17 result of, an act of any inmate or any person confined in an institution
18 under the jurisdiction of the department of correction or the department
19 of health, or by any person who has been committed to such institution
20 by any court shall be paid a performance of duty disability retirement
21 allowance equal to three-quarters of final average salary, subject to
22 the provisions of section 13-176 of the administrative code of the city
23 of New York, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION
24 SHALL NOT APPLY TO A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY
25 DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY UNIFORMED
26 CORRECTION/SANITATION REVISED PLAN MEMBER.

27 S 17. Subdivision b of section 508 of the retirement and social secu-
28 rity law, as amended by chapter 601 of the laws of 1997, is amended to
29 read as follows:

30 b. A member of a retirement system subject to the provisions of this
31 article who is a policeman, fireman, correction officer, INVESTIGATOR
32 REVISED PLAN MEMBER or sanitation man and is in a plan which permits
33 immediate retirement upon completion of a specified period of service
34 without regard to age or who is subject to the provisions of section
35 five hundred four or five hundred five of this article, shall upon
36 completion of ninety days of service be covered for financial protection
37 in the event of death in service pursuant to this subdivision. Such
38 death benefit shall be equal to three times the member's salary raised
39 to the next highest multiple of one thousand dollars, but in no event
40 shall it exceed three times the maximum salary specified in section one
41 hundred thirty of the civil service law or, in the case of a member of a
42 retirement system other than the New York city employees' retirement
43 system, OR IN THE CASE OF A MEMBER OF THE NEW YORK CITY EMPLOYEES'
44 RETIREMENT SYSTEM WHO IS A NEW YORK CITY UNIFORMED CORRECTION/SANITATION
45 REVISED PLAN MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER, the specific
46 limitations specified for age of entrance into service contained in
47 subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision
48 a of this section.

49 S 18. Paragraph 2 of subdivision b of section 510 of the retirement
50 and social security law, as added by chapter 890 of the laws of 1976, is
51 amended to read as follows:

52 2. The first day of the month following the date on which a member
53 completes or would have completed twenty-five years of credited service,
54 with respect to service retirement benefits for police/fire members and
55 their beneficiaries, NEW YORK CITY UNIFORMED CORRECTION/SANITATION

1 REVISED PLAN MEMBERS AND THEIR BENEFICIARIES OR INVESTIGATOR REVISED
2 PLAN MEMBERS AND THEIR BENEFICIARIES.

3 S 19. Subdivision f of section 511 of the retirement and social secu-
4 rity law, as amended by section 147 of subpart B of part C of chapter 62
5 of the laws of 2011, is amended to read as follows:

6 f. This section shall not apply to general members in the uniformed
7 correction force of the New York city department of correction or to
8 uniformed personnel in institutions under the jurisdiction of the
9 department of corrections and community supervision and security hospi-
10 tal treatment assistants, as those terms are defined in subdivision i of
11 section eighty-nine of this chapter, PROVIDED, HOWEVER, THAT THE
12 PROVISIONS OF THIS SECTION SHALL APPLY TO A NEW YORK CITY UNIFORMED
13 CORRECTION/SANITATION REVISED PLAN MEMBER.

14 S 20. Section 512 of the retirement and social security law, as
15 amended by chapter 379 of the laws of 1986, subdivisions b and c as
16 amended by chapter 286 of the laws of 2010 and subdivision d as added by
17 chapter 749 of the laws of 1992, is amended to read as follows:

18 S 512. Final average salary. a. A member's final average salary shall
19 be the average wages earned by such a member during any three consec-
20 utive years which provide the highest average wage; provided, however,
21 if the wages earned during any year included in the period used to
22 determine final average salary exceeds that of the average of the previ-
23 ous two years by more than ten percent, the amount in excess of ten
24 percent shall be excluded from the computation of final average salary.
25 [Where] NOTWITHSTANDING THE PRECEDING PROVISIONS OF THIS SUBDIVISION TO
26 THE CONTRARY, FOR A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK
27 STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST,
28 TWO THOUSAND TWELVE, OR FOR A NEW YORK CITY POLICE/FIRE REVISED PLAN
29 MEMBER, A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN
30 MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER, A MEMBER'S FINAL AVERAGE
31 SALARY SHALL BE THE AVERAGE WAGES EARNED BY SUCH A MEMBER DURING ANY
32 FIVE CONSECUTIVE YEARS WHICH PROVIDE THE HIGHEST AVERAGE WAGE; PROVIDED,
33 HOWEVER, IF THE WAGES EARNED DURING ANY YEAR INCLUDED IN THE PERIOD USED
34 TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THAT OF THE AVERAGE OF THE
35 PREVIOUS FOUR YEARS BY MORE THAN EIGHT PERCENT, THE AMOUNT IN EXCESS OF
36 EIGHT PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE
37 SALARY. IN DETERMINING FINAL AVERAGE SALARY PURSUANT TO ANY PROVISION OF
38 THIS SUBDIVISION, WHERE the period used to determine final average sala-
39 ry is the period which immediately precedes the date of retirement, any
40 month or months (not in excess of twelve) which would otherwise be
41 included in computing final average salary but during which the member
42 was on authorized leave of absence at partial pay or without pay shall
43 be excluded from the computation of final average salary and the month
44 or an equal number of months immediately preceding such period shall be
45 substituted in lieu thereof.

46 b. Notwithstanding the provisions of subdivision a of this section,
47 with respect to members of the New York state employees' retirement
48 system WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOY-
49 EES' RETIREMENT SYSTEM BEFORE APRIL FIRST, TWO THOUSAND TWELVE, the New
50 York state and local police and fire retirement system and the New York
51 city teachers' retirement system, a member's final average salary shall
52 be equal to one-third of the highest total wages earned during any
53 continuous period of employment for which the member was credited with
54 three years of service credit; provided, however, if the wages earned
55 during any year of credited service included the period used to deter-
56 mine final average salary exceeds the average of the wages of the previ-

1 ous two years of credited service by more than ten percent, the amount
2 in excess of ten percent shall be excluded from the computation of final
3 average salary. FOR MEMBERS WHO FIRST BECOME A MEMBER OF THE NEW YORK
4 STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST,
5 TWO THOUSAND TWELVE, WITH RESPECT TO MEMBERS OF THE NEW YORK STATE AND
6 LOCAL EMPLOYEES' RETIREMENT SYSTEM, A MEMBER'S FINAL AVERAGE SALARY
7 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED DURING ANY
8 CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE MEMBER WAS CREDITED WITH
9 FIVE YEARS OF SERVICE CREDIT; PROVIDED, HOWEVER, IF THE WAGES EARNED
10 DURING ANY YEAR OF CREDITED SERVICE INCLUDED THE PERIOD USED TO DETER-
11 MINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE WAGES OF THE PREVI-
12 OUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN EIGHT PERCENT, THE
13 AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION
14 OF FINAL AVERAGE SALARY.

15 c. Notwithstanding the provisions of subdivisions a and b of this
16 section, the final average salary of an employee who has been a member
17 of the New York city employees' retirement system (OTHER THAN A NEW YORK
18 CITY CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR
19 REVISED PLAN MEMBER) or the New York city teachers' retirement system
20 for less than one year shall be the projected one year salary, with the
21 calculation based upon a twelve month projection of the sums earned in
22 the portion of the year worked. If a member has been employed for more
23 than one year but less than two years, then the member's final average
24 salary shall be the average of the first year and projected second year
25 earnings based upon the calculation above, and if more than two years,
26 but less than three years, then one-third the total of the first two
27 years of employment plus the projected third year's earnings, calculated
28 as indicated above.

29 d. Subject to the provisions of subdivision c of this section, and
30 notwithstanding the provisions of subdivision a of this section, with
31 respect to members of the New York city employees' retirement system
32 (OTHER THAN A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN
33 MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER) and the New York city
34 board of education retirement system who are subject to the provisions
35 of this article, a member's final average salary shall be determined
36 pursuant to the provisions of paragraph thirteen of subdivision e of
37 section 13-638.4 of the administrative code of the city of New York.

38 S 21. Subdivision h of section 513 of the retirement and social secu-
39 rity law, as added by chapter 477 of the laws of 2005, is amended to
40 read as follows:

41 h. Notwithstanding any other provision of this section, any general
42 member in the uniformed correction force of the New York city department
43 of [corrections] CORRECTION who is absent without pay for a child care
44 leave of absence pursuant to regulations of the New York city department
45 of [corrections] CORRECTION shall be eligible for credit for such period
46 of child care leave provided such member files a claim for such service
47 credit with the retirement system by December thirty-first, two thousand
48 five or within ninety days of the termination of the child care leave,
49 whichever is later, and contributes to the retirement system an amount
50 which such member would have contributed during the period of such child
51 care leave, together with interest thereon. Service credit provided
52 pursuant to this subdivision shall not exceed one year of credit for
53 each period of authorized child care leave. In the event there is a
54 conflict between the provisions of this subdivision and the provisions
55 of any other law or code to the contrary, the provisions of this subdi-
56 vision shall govern, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS

SUBDIVISION SHALL NOT APPLY TO A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER.

S 22. Section 513 of the retirement and social security law is amended by adding a new subdivision i to read as follows:

I. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS SHALL NOT RECEIVE SERVICE CREDIT FOR ANY UNDOCUMENTED SICK LEAVE THAT MAY BE CREDITED TOWARD TERMINAL LEAVE.

S 23. Subdivisions a, c and d of section 516 of the retirement and social security law, subdivision a as amended by section 4 of part B of chapter 504 of the laws of 2009, subdivision c as added by chapter 890 of the laws of 1976 and subdivision d as amended by section 148 of subpart B of part C of chapter 62 of the laws of 2011, are amended and a new subdivision e is added to read as follows:

a. A member who has five or more years of credited service or ten or more years of credited service for members who first join the New York state and local employees' retirement system on or after January first, two thousand ten upon termination of employment shall be entitled to a deferred vested benefit as provided herein. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, OR FOR NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS OR INVESTIGATOR REVISED PLAN MEMBERS, A MEMBER WHO HAS TWELVE OR MORE YEARS OF CREDITED SERVICE UPON TERMINATION OF EMPLOYMENT SHALL BE ENTITLED TO A DEFERRED VESTED BENEFIT AS PROVIDED HEREIN.

c. 1. The deferred vested benefit of police/fire members WHO ARE NOT NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS shall be a pension commencing at early retirement age equal to two and one-tenths percent of final average salary times years of credited service, less fifty percent of the primary social security retirement benefit commencing at age sixty-two, as provided in section five hundred eleven OF THIS ARTICLE. A police/fire member WHO IS NOT A NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBER may elect to receive his vested benefit commencing at early retirement age or age fifty-five. If the vested benefit commences before early retirement age, the benefit shall be reduced by one-fifteenth for each year, if any, that the member's early retirement age is in excess of age sixty, and by one-thirtieth for each additional year by which the vested benefit commences prior to early retirement age. If such vested benefit is deferred until after such member's normal retirement age, the benefit shall be computed and subject to annual escalation in the same manner as provided for an early retirement benefit pursuant to subdivision c of section five hundred five of this article.

2. THE DEFERRED VESTED BENEFIT OF NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS SHALL BE A PENSION COMMENCING AT AGE SIXTY-FIVE EQUAL TO TWO AND ONE-TENTH PERCENT OF FINAL AVERAGE SALARY TIMES YEARS OF CREDITED SERVICE, LESS FIFTY PERCENT OF THE PRIMARY SOCIAL SECURITY RETIREMENT BENEFIT COMMENCING AT AGE SIXTY-TWO, AS PROVIDED IN SECTION FIVE HUNDRED ELEVEN OF THIS ARTICLE.

d. The deferred vested benefit of general members in the uniformed correction force of the New York city department of correction, who are not entitled to a deferred vested benefit under subdivision d of section five hundred four-a of this article or under subdivision d of section

1 five hundred four-b of this article or under subdivision d of section
2 five hundred four-d of this article, or of general members in the
3 uniformed personnel in institutions under the jurisdiction of the
4 department of corrections and community supervision, as defined in
5 subdivision i of section eighty-nine of this chapter, with twenty or
6 more years of credited service shall be a pension commencing at normal
7 retirement age equal to one-fiftieth, OR ONE-SIXTIETH FOR MEMBERS WHO
8 FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIRE-
9 MENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, of final aver-
10 age salary times years of credited service, not in excess of thirty
11 years. The deferred vested benefit of general members in the uniformed
12 correction force of the New York city department of correction, who are
13 not entitled to a deferred vested benefit under subdivision d of section
14 five hundred four-a of this article or under subdivision d of section
15 five hundred four-b of this article or under subdivision d of section
16 five hundred four-d of this article, or of general members in the
17 uniformed personnel in institutions under jurisdiction of the department
18 of corrections and community supervision, as defined in subdivision i of
19 section eighty-nine of this chapter, with less than twenty years of
20 credited service shall be a pension commencing at normal retirement age
21 equal to one-sixtieth of final average salary times years of credited
22 service. Such deferred vested benefit may be paid in the form of an
23 early service retirement benefit, or may be postponed until after normal
24 retirement age, in which event the benefit will be subject to reduction
25 or escalation as provided in subdivision c of section five hundred four
26 of this article. MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE
27 AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
28 THOUSAND TWELVE SHALL NOT BE ENTITLED TO SUCH EARLY SERVICE RETIREMENT
29 BENEFIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
30 PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A MEMBER OF THE
31 UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A
32 NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER.

33 E. IN NO EVENT SHALL THE VESTED RETIREMENT ALLOWANCE PAYABLE WITHOUT
34 OPTIONAL MODIFICATION BE LESS THAN THE ACTUARIAL EQUIVALENT OF THE TOTAL
35 WHICH RESULTS FROM THE MEMBER'S CONTRIBUTIONS ACCUMULATED WITH INTEREST
36 AT FIVE PERCENT PER ANNUM COMPOUNDED ANNUALLY TO THE DATE OF RETIREMENT.

37 S 24. Subdivision a of section 517 of the retirement and social secu-
38 rity law, as added by chapter 890 of the laws of 1976, is amended to
39 read as follows:

40 a. Members shall contribute three percent of annual wages to the
41 retirement system in which they have membership, provided that such
42 contributions shall not be required for more than thirty years, for
43 general members, or twenty-five years, for police/fire members, EXCEPT
44 THAT FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND
45 LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
46 TWELVE, MEMBERS WITH WAGES OF THIRTY-TWO THOUSAND DOLLARS PER ANNUM OR
47 LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES
48 BETWEEN THIRTY-TWO THOUSAND AND ONE DOLLAR PER ANNUM AND SIXTY-THREE
49 THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL
50 WAGES, AND MEMBERS WITH WAGES ABOVE SIXTY-THREE THOUSAND DOLLARS PER
51 ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO
52 FIRST BECOME MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM
53 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF
54 FORTY-THREE THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR
55 PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN FORTY-THREE THOUSAND
56 AND ONE DOLLAR PER ANNUM AND EIGHTY-FIVE THOUSAND DOLLARS PER ANNUM

1 SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES
2 ABOVE EIGHTY-FIVE THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX
3 PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW
4 YORK CITY POLICE PENSION FUND ON OR AFTER APRIL FIRST, TWO THOUSAND
5 TWELVE, MEMBERS WITH WAGES OF SIXTY-ONE THOUSAND DOLLARS PER ANNUM OR
6 LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES
7 BETWEEN SIXTY-ONE THOUSAND AND ONE HUNDRED TWENTY-TWO THOUSAND
8 DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND
9 MEMBERS WITH WAGES ABOVE ONE HUNDRED TWENTY-TWO THOU-
10 SAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR
11 MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY FIRE DEPARTMENT
12 PENSION FUND ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH
13 WAGES OF SIXTY-THREE THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE
14 FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN SIXTY-THREE
15 THOUSAND AND ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS PER ANNUM SHALL
16 CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND
17 MEMBERS WITH WAGES ABOVE ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS PER
18 ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES, PROVIDED, HOWEVER,
19 THAT NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY
20 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR
21 REVISED PLAN MEMBERS SHALL NOT BE REQUIRED TO MAKE SUCH CONTRIBUTIONS
22 FOR MORE THAN TWENTY-FIVE YEARS. The head of each retirement system
23 shall promulgate such regulations as may be necessary and appropriate
24 with respect to the deduction of such contribution from members' wages
25 and for the maintenance of any special fund or funds with respect to
26 amounts so contributed.

27 S 25. Subdivision b of section 517-c of the retirement and social
28 security law, as amended by chapter 171 of the laws of 2011, is amended
29 to read as follows:

30 b. A member of the New York state and local employees' retirement
31 system, the New York state and local police and fire retirement system,
32 the New York city employees' retirement system or the New York city
33 board of education retirement system in active service who has credit
34 for at least one year of member service may borrow, no more than once
35 during each twelve month period, an amount not exceeding seventy-five
36 percent of the total contributions made pursuant to section five hundred
37 seventeen OF THIS ARTICLE (including interest credited at the rate set
38 forth in subdivision c of such section five hundred seventeen compounded
39 annually) and not less than one thousand dollars, PROVIDED, HOWEVER,
40 THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A NEW YORK CITY
41 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR
42 REVISED PLAN MEMBER.

43 S 26. The retirement and social security law is amended by adding a
44 new section 517-d to read as follows:

45 S 517-D. ADDITIONAL EMPLOYEE CONTRIBUTIONS AND REDUCED EMPLOYEE
46 CONTRIBUTIONS. A. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE
47 APPLICABLE TO MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIRE-
48 MENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL
49 FIRST, TWO THOUSAND TWELVE EXCEEDS SEVEN PER CENTUM, SUCH MEMBERS SHALL
50 BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN
51 ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN
52 ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER
53 CONTRIBUTION RATE AND SEVEN PER CENTUM DIVIDED BY TWO. IN YEARS IN WHICH
54 ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION,
55 THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL BE REDUCED
56 BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

1 B. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
2 MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WHO
3 FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOU-
4 SAND TWELVE IS BELOW FOUR PER CENTUM, THE EMPLOYEE CONTRIBUTIONS MADE
5 PURSUANT TO SECTION FIVE HUNDRED SEVENTEEN OF THIS ARTICLE SHALL BE
6 REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF FOUR
7 PER CENTUM AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS
8 IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVI-
9 SION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL
10 INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO
11 THIS SUBDIVISION.

12 C. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
13 MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST
14 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
15 TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
16 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
17 THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE
18 CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO
19 OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA:
20 THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETER-
21 MINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL
22 OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN
23 WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDI-
24 VISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW
25 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-
26 UTIONS.

27 D. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
28 MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST
29 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
30 TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
31 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
32 THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS
33 OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMU-
34 LA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR
35 THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR
36 OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN
37 YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS
38 SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS
39 SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSU-
40 ANT TO THIS SUBDIVISION.

41 E. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
42 MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND WHO FIRST BECAME
43 MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE
44 EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF
45 NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDG-
46 ET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIB-
47 UTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO OTHER
48 SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE
49 DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETERMINED
50 BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF
51 THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN
52 WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDI-
53 VISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW
54 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-
55 UTIONS.

1 F. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
2 MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND WHO FIRST BECAME
3 MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS
4 BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW
5 YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET,
6 THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS OF THIS CHAP-
7 TER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE
8 DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
9 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
10 THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS
11 IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVI-
12 SION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL
13 INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO
14 THIS SUBDIVISION.

15 G. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
16 MEMBERS OF THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND WHO FIRST
17 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
18 TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
19 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
20 THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE
21 CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO
22 OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA:
23 THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETER-
24 MINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL
25 OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN
26 WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDI-
27 VISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW
28 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-
29 UTIONS.

30 H. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
31 MEMBERS OF THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND WHO FIRST
32 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
33 TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
34 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
35 THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS
36 OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMU-
37 LA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR
38 THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR
39 OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN
40 YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS
41 SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS
42 SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSU-
43 ANT TO THIS SUBDIVISION.

44 S 27. Paragraphs 4 and 5 of subdivision a of section 600 of the
45 retirement and social security law, as amended by chapter 370 of the
46 laws of 1996, are amended and a new paragraph 6 is added to read as
47 follows:

48 4. Members qualified for participation in the uniformed transit police
49 force plan or housing police force plan in the New York city employees'
50 retirement [systems] SYSTEM; [and]

51 5. Investigator [member] MEMBERS of the New York city employees'
52 retirement system[.]; AND

53 6. MEMBERS OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF
54 SANITATION WHO JOIN OR REJOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE ON
55 OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

1 S 28. Subdivision l of section 601 of the retirement and social secu-
2 rity law, as amended by section 5 of part B of chapter 504 of the laws
3 of 2009, is amended to read as follows:

4 1. "Wages" shall mean regular compensation earned by and paid to a
5 member by a public employer, except that for members who first join the
6 New York state and local employees' retirement system or the New York
7 state teachers' retirement system on or after January first, two thou-
8 sand ten, overtime compensation paid in any year in excess of the over-
9 time ceiling, as defined by this subdivision, shall not be included in
10 the definition of wages. "Overtime compensation" shall mean, for
11 purposes of this section, compensation paid under any law or policy
12 under which employees are paid at a rate greater than their standard
13 rate for additional hours worked beyond those required, including
14 compensation paid under section one hundred thirty-four of the civil
15 service law and section ninety of the general municipal law. The "over-
16 time ceiling" shall mean fifteen thousand dollars per annum on January
17 first, two thousand ten, and shall be increased by three per cent each
18 year thereafter. FOR MEMBERS WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM
19 OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE FOLLOWING
20 ITEMS SHALL NOT BE INCLUDED IN THE DEFINITION OF WAGES: 1. OVERTIME
21 COMPENSATION PAID UNDER ANY LAW OR POLICY UNDER WHICH EMPLOYEES ARE PAID
22 AT A RATE GREATER THAN THEIR STANDARD RATE FOR ADDITIONAL HOURS BEYOND
23 THAT REQUIRED, INCLUDING SECTION ONE HUNDRED THIRTY-FOUR OF THE CIVIL
24 SERVICE LAW AND SECTION NINETY OF THE GENERAL MUNICIPAL LAW, 2. WAGES IN
25 EXCESS OF THE ANNUAL SALARY PAID TO THE GOVERNOR PURSUANT TO SECTION
26 THREE OF ARTICLE FOUR OF THE STATE CONSTITUTION, 3. LUMP SUM PAYMENTS
27 FOR DEFERRED COMPENSATION, SICK LEAVE, ACCUMULATED VACATION OR OTHER
28 CREDITS FOR TIME NOT WORKED, 4. ANY FORM OF TERMINATION PAY, AND 5. ANY
29 ADDITIONAL COMPENSATION PAID IN ANTICIPATION OF RETIREMENT.

30 S 29. Section 601 of the retirement and social security law is amended
31 by adding a new subdivision m to read as follows:

32 M. "NEW YORK CITY REVISED PLAN MEMBER" SHALL MEAN A MEMBER OF THE NEW
33 YORK CITY EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK CITY TEACHERS'
34 RETIREMENT SYSTEM OR THE BOARD OF EDUCATION RETIREMENT SYSTEM OF THE
35 CITY OF NEW YORK WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE
36 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

37 S 30. Subdivisions a, b and b-1 of section 602 of the retirement and
38 social security law, subdivisions a and b as separately amended by
39 section 6 of part B and section 1 of part C of chapter 504 of the laws
40 of 2009 and subdivision b-1 as added by section 2 of part C of chapter
41 504 of the laws of 2009, are amended to read as follows:

42 a. Except as provided in subdivision b-1 of this section, a member who
43 first joins a public retirement system of this state on or after July
44 first, nineteen hundred seventy-six shall not be eligible for service
45 retirement benefits hereunder until such member has rendered a minimum
46 of five years of credited service, except that a member who first joins
47 the New York state and local employees' retirement system or the New
48 York state teachers' retirement system on or after January first, two
49 thousand ten shall not be eligible for service retirement benefits
50 pursuant to this article until such member has rendered a minimum of ten
51 years of credited service. A MEMBER WHO FIRST BECOMES A MEMBER OF A
52 PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOU-
53 SAND TWELVE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS PURSU-
54 ANT TO THIS ARTICLE UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TWELVE
55 YEARS OF CREDITED SERVICE.

1 b. Except as provided in subdivision b-1 of this section, a member who
2 previously was a member of a public retirement system of this state
3 shall not be eligible for service retirement benefits hereunder until
4 such member has rendered a minimum of five years of service which is
5 credited pursuant to section six hundred nine of this article. A member
6 who first joins the New York state and local employees' retirement
7 system or the New York state teachers' retirement system on or after
8 January first, two thousand ten shall not be eligible for service
9 retirement benefits pursuant to this article until such member has
10 rendered a minimum of ten years of credited service. A MEMBER WHO FIRST
11 BECOMES A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER
12 APRIL FIRST, TWO THOUSAND TWELVE SHALL NOT BE ELIGIBLE FOR SERVICE
13 RETIREMENT BENEFITS PURSUANT TO THIS ARTICLE UNTIL SUCH MEMBER HAS
14 RENDERED A MINIMUM OF TWELVE YEARS OF CREDITED SERVICE.

15 b-1. Notwithstanding the provisions of subdivision a or b of this
16 section or any other provision of law to the contrary, (i) a member of
17 the New York city teachers' retirement system who holds a position
18 represented by the recognized teacher organization for collective
19 bargaining purposes, and who became subject to the provisions of this
20 article after the effective date of this subdivision, or (ii) a member
21 of the New York city board of education retirement system who holds a
22 position represented by the recognized teacher organization for collec-
23 tive bargaining purposes, and who became subject to the provisions of
24 this article after the effective date of this subdivision, shall not be
25 eligible for service retirement benefits hereunder until such member has
26 rendered a minimum of ten years of credited service, PROVIDED, HOWEVER,
27 THAT NO SUCH MEMBER OF EITHER OF SUCH RETIREMENT SYSTEMS WHO IS A NEW
28 YORK CITY REVISED PLAN MEMBER SHALL BE ELIGIBLE FOR SERVICE RETIREMENT
29 BENEFITS PURSUANT TO THIS ARTICLE UNTIL SUCH MEMBER HAS RENDERED A MINI-
30 MUM OF TWELVE YEARS OF CREDITED SERVICE.

31 S 31. Subdivision a of section 603 of the retirement and social secu-
32 rity law, as amended by section 7 of part B of chapter 504 of the laws
33 of 2009, is amended and a new subdivision a-1 is added to read as
34 follows:

35 a. The service retirement benefit specified in section six hundred
36 four of this article shall be payable to members who have met the mini-
37 mum service requirements upon retirement and attainment of age sixty-
38 two, other than members who are eligible for early service retirement
39 pursuant to subdivision c of section six hundred four-b of this article,
40 subdivision c of section six hundred four-c of this article, subdivision
41 d of section six hundred four-d of this article, subdivision c of
42 section six hundred four-e of this article, subdivision c of section six
43 hundred four-f of this article, subdivision c of section six hundred
44 four-g of this article, subdivision c of section six hundred four-h of
45 this article or subdivision c of section six hundred four-i of this
46 article, provided, however, a member of a teachers' retirement system or
47 the New York state and local employees' retirement system who first
48 joins such system before January first, two thousand ten or a member who
49 is a uniformed court officer or peace officer employed by the unified
50 court system WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL
51 EMPLOYEES' RETIREMENT SYSTEM BEFORE APRIL FIRST, TWO THOUSAND TWELVE may
52 retire without reduction of his or her retirement benefit upon attain-
53 ment of at least fifty-five years of age and completion of thirty or
54 more years of service, provided, however, that a uniformed court officer
55 or peace officer employed by the unified court system who first becomes
56 a member of the New York state and local employees' retirement system on

1 or after January first, two thousand ten and retires without reduction
2 of his or her retirement benefit upon attainment of at least fifty-five
3 years of age and completion of thirty or more years of service pursuant
4 to this section shall be required to make the member contributions
5 required by subdivision f of section six hundred thirteen of this arti-
6 cle for all years of credited and creditable service, PROVIDED FURTHER
7 THAT THE THE PRECEDING PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO
8 A NEW YORK CITY REVISED PLAN MEMBER.

9 A-1. FOR MEMBERS WHO FIRST BECOME A MEMBER OF A PUBLIC RETIREMENT
10 SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE
11 SERVICE RETIREMENT BENEFIT SPECIFIED IN SECTION SIX HUNDRED FOUR OF THIS
12 ARTICLE SHALL BE PAYABLE TO MEMBERS WHO HAVE MET THE MINIMUM SERVICE
13 REQUIREMENTS UPON RETIREMENT AND HAVE ATTAINED AGE SIXTY-FIVE.

14 S 32. Subdivision i of section 603 of the retirement and social secu-
15 rity law, as amended by section 8 of part B of chapter 504 of the laws
16 of 2009, is amended to read as follows:

17 i. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO MEMBERS WHO
18 FIRST BECOME A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR
19 AFTER APRIL FIRST, TWO THOUSAND TWELVE. 1. A member of a teachers'
20 retirement system or the New York state and local employees' retirement
21 system who has met the minimum service requirements but who has less
22 than thirty years of credited service or a member who first joins the
23 New York state and local employees' retirement system or the New York
24 state teachers' retirement system on or after January first, two thou-
25 sand ten may retire prior to normal retirement age, but no earlier than
26 attainment of age fifty-five, in which event, unless such person is a
27 member of the New York city teachers' retirement system who is otherwise
28 eligible for early service retirement pursuant to subdivision c of
29 section six hundred four-i of this article, the amount of his or her
30 retirement benefit otherwise computed without optional modification
31 shall be reduced in accordance with the following schedule: (i) for
32 each of the first twenty-four full months that retirement predates age
33 sixty-two, one-half of one per centum per month; provided, however, that
34 for members who first join the New York state and local employees'
35 retirement system or the New York state teachers' retirement system on
36 or after January first, two thousand ten, such amounts shall be equal to
37 one-fifteenth per year; and

38 (ii) for each full month that retirement predates age sixty, one-quar-
39 ter of one per centum per month; provided, however, that for members who
40 first join the New York state and local employees' retirement system or
41 the New York state teachers' retirement system on or after January
42 first, two thousand ten, such amounts shall be equal to one-twentieth
43 per year, but in no event shall retirement be permitted prior to attain-
44 ment of age fifty-five.

45 2. A member of the New York city employees' retirement system or the
46 board of education retirement system of the city of New York who has met
47 the minimum service requirement, but who is not (a) a participant in the
48 twenty-five-year early retirement program, as defined in paragraph ten
49 of subdivision a of section six hundred four-c of this article (as added
50 by chapter ninety-six of the laws of nineteen hundred ninety-five), or
51 (b) a participant in the age fifty-seven retirement program, as defined
52 in paragraph three of subdivision b of section six hundred four-d of
53 this article, or (c) a New York city transit authority member, as
54 defined in paragraph one of subdivision a of section six hundred four-b
55 of this article, may retire prior to normal retirement age, but no
56 earlier than attainment of age fifty-five, in which event, unless such

1 person is a member of the board of education retirement system of such
2 city who is otherwise eligible for early service retirement pursuant to
3 subdivision c of section six hundred four-i of this article, the amount
4 of his or her retirement benefit computed without optional modification
5 shall be reduced in accordance with the following schedule:

6 (i) for each of the first twenty-four full months that retirement
7 predates age sixty-two, one-half of one per centum per month; and

8 (ii) for each full month that retirement predates age sixty, one-quar-
9 ter of one per centum per month, but in no event shall retirement be
10 permitted prior to attainment of age fifty-five.

11 S 33. Subdivision t of section 603 of the retirement and social secu-
12 rity law, as added by section 8-a of part B of chapter 504 of the laws
13 of 2009, is amended to read as follows:

14 t. Members who join the New York state teachers' retirement system on
15 or after January first, two thousand ten, shall be eligible to retire
16 without reduction of his or her retirement benefit upon attainment of at
17 least fifty-seven years of age and completion of thirty or more years of
18 service. Members who retire pursuant to the provisions of this subdivi-
19 sion shall be required to make the member contributions required by
20 subdivision g of section six hundred thirteen of this article for all
21 years of credited and creditable service. THE PROVISIONS OF THIS SUBDI-
22 VISION SHALL NOT APPLY TO MEMBERS WHO FIRST BECOME A MEMBER OF THE NEW
23 YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
24 THOUSAND TWELVE.

25 S 34. Section 604 of the retirement and social security law is amended
26 by adding a new subdivision b-1 to read as follows:

27 B-1. THE SERVICE RETIREMENT BENEFIT FOR MEMBERS WHO FIRST BECOME A
28 MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL
29 FIRST, TWO THOUSAND TWELVE AT AGE SIXTY-FIVE SHALL BE A PENSION EQUAL TO
30 ONE-SIXTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF CREDITED SERVICE,
31 NOT IN EXCESS OF THIRTY YEARS. CREDITED SERVICE IN EXCESS OF THIRTY
32 YEARS SHALL PROVIDE AN ADDITIONAL RETIREMENT ALLOWANCE EQUAL TO THREE
33 TWO-HUNDREDTHS OF THE FINAL AVERAGE SALARY FOR EACH YEAR OF CREDITED
34 SERVICE IN EXCESS OF THIRTY YEARS. IN NO EVENT SHALL ANY RETIREMENT
35 BENEFIT PAYABLE WITHOUT OPTIONAL MODIFICATION BE LESS THAN THE ACTUARI-
36 ALLY EQUIVALENT ANNUITIZED VALUE OF THE MEMBER'S CONTRIBUTIONS ACCUMU-
37 LATED WITH INTEREST AT FIVE PERCENT PER ANNUM COMPOUNDED ANNUALLY TO THE
38 DATE OF RETIREMENT.

39 S 35. Paragraph 1 of subdivision d of section 604-b of the retirement
40 and social security law, as amended by chapter 10 of the laws of 2000,
41 is amended to read as follows:

42 1. A participant in the twenty-five-year and age fifty-five retirement
43 program who:

44 (i) discontinues city-service and service as a member of the New York
45 city transit authority other than by death or retirement; and

46 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED
47 PLAN MEMBER, prior to such discontinuance, completed five but less than
48 twenty-five years of allowable service in the transit authority OR, IN
49 THE CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER,
50 HAS COMPLETED TWELVE BUT LESS THAN TWENTY-FIVE YEARS OF ALLOWABLE
51 SERVICE IN THE TRANSIT AUTHORITY PRIOR TO SUCH DISCONTINUANCE; and

52 (iii) has paid, prior to such discontinuance, all additional member
53 contributions and interest, if any, required by subdivision e of this
54 section; and

55 (iv) does not withdraw in whole or in part his or her accumulated
56 member contributions pursuant to section six hundred thirteen of this

1 article unless such participant thereafter returns to public service and
2 repays the amounts so withdrawn, together with interest, pursuant to
3 such section six hundred thirteen of this article; shall be entitled to
4 receive a deferred vested benefit as provided in section six hundred
5 twelve of this article.

6 S 36. Subparagraph (ii) of paragraph 3 of subdivision d of section
7 604-b of the retirement and social security law, as added by chapter 352
8 of the laws of 1997, is amended to read as follows:

9 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
10 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the
11 earliest date on which such discontinued member could have retired for
12 service if such discontinuance had not occurred OR, IN THE CASE OF A
13 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED
14 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

15 S 37. Subdivision b of section 604-c of the retirement and social
16 security law, as added by chapter 96 of the laws of 1995, is amended by
17 adding a new paragraph 2-a to read as follows:

18 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY
19 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT TO
20 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS
21 PARAGRAPH SHALL BE A PARTICIPANT IN THE TWENTY-FIVE-YEAR EARLY RETIRE-
22 MENT PROGRAM.

23 S 38. Paragraph 1 of subdivision d of section 604-c of the retirement
24 and social security law, as amended by chapter 659 of the laws of 1999,
25 is amended to read as follows:

26 1. A participant in the twenty-year/age fifty retirement program who:

27 (i) discontinues service as a Triborough bridge and tunnel member,
28 other than by death or retirement; and

29 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED
30 PLAN MEMBER, prior to such discontinuance, completed five but less than
31 twenty years of credited service OR, IN THE CASE OF A PARTICIPANT WHO IS
32 A NEW YORK CITY REVISED PLAN MEMBER, HAS COMPLETED TWELVE BUT LESS THAN
33 TWENTY YEARS OF CREDITED SERVICE; and

34 (iii) has paid, prior to such discontinuance, all additional member
35 contributions and interest (if any) required by subdivision e of this
36 section; and

37 (iv) does not withdraw in whole or in part his or her accumulated
38 member contributions pursuant to section six hundred thirteen of this
39 article unless such participant thereafter returns to public service and
40 repays the amounts so withdrawn, together with interest, pursuant to
41 such section six hundred thirteen; shall be entitled to receive a
42 deferred vested benefit as provided in this subdivision.

43 S 39. Subparagraph (ii) of paragraph 2 of subdivision d of section
44 604-c of the retirement and social security law, as added by chapter 472
45 of the laws of 1995, is amended to read as follows:

46 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
47 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the
48 earliest date on which such discontinued member could have retired for
49 service if such discontinuance had not occurred OR, IN THE CASE OF A
50 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED
51 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

52 S 40. Subdivision c of section 604-d of the retirement and social
53 security law is amended by adding a new paragraph 3-a to read as
54 follows:

55 3-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY
56 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT TO

1 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS
2 PARAGRAPH SHALL BE A PARTICIPANT IN THE AGE FIFTY-SEVEN RETIREMENT
3 PROGRAM.

4 S 41. Paragraph 1 of subdivision d of section 604-e of the retirement
5 and social security law, as added by chapter 576 of the laws of 2000, is
6 amended to read as follows:

7 1. A participant in the twenty-five year retirement program:

8 (i) who discontinues service as such a participant, other than by
9 death or retirement; and

10 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED
11 PLAN MEMBER, who prior to such discontinuance, completed five but less
12 than twenty-five years of allowable service as a dispatcher member OR,
13 IN THE CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER,
14 WHO PRIOR TO SUCH DISCONTINUANCE, COMPLETED TWELVE BUT LESS THAN TWEN-
15 TY-FIVE YEARS OF ALLOWABLE SERVICE AS A DISPATCHER MEMBER; and

16 (iii) who, subject to the provisions of paragraph seven of subdivision
17 e of this section, has paid, prior to such discontinuance, all addi-
18 tional member contributions and interest (if any) required by subdivi-
19 sion e of this section; and

20 (iv) who does not withdraw in whole or in part his or her accumulated
21 member contributions pursuant to section six hundred thirteen of this
22 article unless such participant thereafter returns to public service and
23 repays the amounts so withdrawn, together with interest, pursuant to
24 such section six hundred thirteen; shall be entitled to receive a
25 deferred vested benefit as provided in this subdivision.

26 S 42. Subparagraph (ii) of paragraph 2 of subdivision d of section
27 604-e of the retirement and social security law, as added by chapter 576
28 of the laws of 2000, is amended to read as follows:

29 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
30 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the
31 earliest date on which such discontinued member could have retired for
32 service if such discontinuance had not occurred OR, IN THE CASE OF A
33 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED
34 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

35 S 43. Paragraph 1 of subdivision d of section 604-e of the retirement
36 and social security law, as added by chapter 577 of the laws of 2000, is
37 amended to read as follows:

38 1. A participant in the twenty-five year retirement program:

39 (i) who discontinues service as such a participant, other than by
40 death or retirement; and

41 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED
42 PLAN MEMBER, who prior to such discontinuance, completed five but less
43 than twenty-five years of allowable service as an EMT member OR, IN THE
44 CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, WHO
45 PRIOR TO SUCH DISCONTINUANCE, COMPLETED TWELVE BUT LESS THAN TWENTY-FIVE
46 YEARS OF ALLOWABLE SERVICE AS AN EMT MEMBER; and

47 (iii) who, subject to the provisions of paragraph seven of subdivision
48 e of this section, has paid, prior to such discontinuance, all addi-
49 tional member contributions and interest (if any) required by subdivi-
50 sion e of this section; and

51 (iv) who does not withdraw in whole or in part his or her accumulated
52 member contributions pursuant to section six hundred thirteen of this
53 article unless such participant thereafter returns to public service and
54 repays the amounts so withdrawn, together with interest, pursuant to
55 such section six hundred thirteen; shall be entitled to receive a
56 deferred vested benefit as provided in this subdivision.

1 S 44. Subparagraph (ii) of paragraph 2 of subdivision d of section
2 604-e of the retirement and social security law, as added by chapter 577
3 of the laws of 2000, is amended to read as follows:

4 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
5 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the
6 earliest date on which such discontinued member could have retired for
7 service if such discontinuance had not occurred OR, IN THE CASE OF A
8 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED
9 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

10 S 45. Paragraph 1 of subdivision d of section 604-f of the retirement
11 and social security law, as added by chapter 559 of the laws of 2001, is
12 amended to read as follows:

13 1. A participant in the twenty-five year retirement program:

14 (i) who discontinues service as such a participant, other than by
15 death or retirement; and

16 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED
17 PLAN MEMBER, who prior to such discontinuance, completed five but less
18 than twenty-five years of credited service OR, IN THE CASE OF A PARTIC-
19 IPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO SUCH
20 DISCONTINUANCE, COMPLETED TWELVE BUT LESS THAN TWENTY-FIVE YEARS OF
21 CREDITED SERVICE; and

22 (iii) who, subject to the provisions of paragraph seven of subdivision
23 e of this section, has paid, prior to such discontinuance, all addi-
24 tional member contributions and interest (if any) required by subdivi-
25 sion e of this section; and

26 (iv) who does not withdraw in whole or in part his or her accumulated
27 member contributions pursuant to section six hundred thirteen of this
28 article unless such participant thereafter returns to public service and
29 repays the amounts so withdrawn, together with interest, pursuant to
30 such section six hundred thirteen; shall be entitled to receive a
31 deferred vested benefit as provided in this subdivision.

32 S 46. Subparagraph (ii) of paragraph 2 of subdivision d of section
33 604-f of the retirement and social security law, as added by chapter 559
34 of the laws of 2001, is amended to read as follows:

35 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
36 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the
37 earliest date on which such discontinued member could have retired for
38 service if such discontinuance had not occurred OR, IN THE CASE OF A
39 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED
40 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

41 S 47. Paragraph 1 of subdivision d of section 604-f of the retirement
42 and social security law, as added by chapter 582 of the laws of 2001, is
43 amended to read as follows:

44 1. A participant in the twenty-five year retirement program:

45 (i) who discontinues service as such a participant, other than by
46 death or retirement; and

47 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED
48 PLAN MEMBER, who prior to such discontinuance, completed five but less
49 than twenty-five years of allowable service as a special officer, park-
50 ing control specialist, school safety agent, campus peace officer or
51 taxi and limousine inspector member OR, IN THE CASE OF A PARTICIPANT WHO
52 IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO SUCH DISCONTIN-
53 UANCE, COMPLETED TWELVE BUT LESS THAN TWENTY-FIVE YEARS OF ALLOWABLE
54 SERVICE AS A SPECIAL OFFICER, PARKING CONTROL SPECIALIST, SCHOOL SAFETY
55 AGENT, CAMPUS PEACE OFFICER OR TAXI AND LIMOUSINE INSPECTOR MEMBER; and

1 (iii) who, subject to the provisions of paragraph seven of subdivision
2 e of this section, has paid, prior to such discontinuance, all addi-
3 tional member contributions and interest, if any, required by subdivi-
4 sion e of this section; and

5 (iv) who does not withdraw in whole or in part his or her accumulated
6 member contributions pursuant to section six hundred thirteen of this
7 article unless such participant thereafter returns to public service and
8 repays the amounts so withdrawn, together with interest, pursuant to
9 such section six hundred thirteen; shall be entitled to receive a
10 deferred vested benefit as provided in this subdivision.

11 S 48. Subparagraph (ii) of paragraph 2 of subdivision d of section
12 604-f of the retirement and social security law, as added by chapter 582
13 of the laws of 2001, is amended to read as follows:

14 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
15 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the
16 earliest date on which such discontinued member could have retired for
17 service if such discontinuance had not occurred OR, IN THE CASE OF A
18 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED
19 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

20 S 49. Paragraph 1 of subdivision d of section 604-g of the retirement
21 and social security law, as added by chapter 414 of the laws of 2002, is
22 amended to read as follows:

23 1. A participant in the twenty-five year/age fifty retirement program:

24 (i) who discontinues service as such a participant, other than by
25 death or retirement; and

26 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED
27 PLAN MEMBER, who prior to such discontinuance, completed five but less
28 than twenty-five years of credited service OR, IN THE CASE OF A PARTIC-
29 IPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO SUCH
30 DISCONTINUANCE, COMPLETED TWELVE BUT LESS THAN TWENTY-FIVE YEARS OF
31 CREDITED SERVICE; and

32 (iii) who, subject to the provisions of paragraph seven of subdivision
33 e of this section, has paid, prior to such discontinuance, all addi-
34 tional member contributions and interest (if any) required by subdivi-
35 sion e of this section; and

36 (iv) who does not withdraw in whole or in part his or her accumulated
37 member contributions pursuant to section six hundred thirteen of this
38 article unless such participant thereafter returns to public service and
39 repays the amounts so withdrawn, together with interest, pursuant to
40 such section six hundred thirteen; shall be entitled to receive a
41 deferred vested benefit as provided in this subdivision.

42 S 50. Subparagraph (ii) of paragraph 2 of subdivision d of section
43 604-g of the retirement and social security law, as added by chapter 414
44 of the laws of 2002, is amended to read as follows:

45 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
46 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the
47 earliest date on which such discontinued member could have retired for
48 service if such discontinuance had not occurred OR, IN THE CASE OF A
49 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED
50 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

51 S 51. Paragraph 1 of subdivision d of section 604-h of the retirement
52 and social security law, as added by chapter 682 of the laws of 2003, is
53 amended to read as follows:

54 1. A participant in the twenty-five year retirement program:

55 (i) who discontinues service as such a participant, other than by
56 death or retirement; and

(ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED PLAN MEMBER, who prior to such discontinuance, completed five but less than twenty-five years of credited service OR, IN THE CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO SUCH DISCONTINUANCE, COMPLETED TWELVE BUT LESS THAN TWENTY-FIVE YEARS OF CREDITED SERVICE; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

S 52. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-h of the retirement and social security law, as added by chapter 682 of the laws of 2003, is amended to read as follows:

(ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY REVISED PLAN MEMBER, SUCH vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred OR, IN THE CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH VESTED BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-FIVE.

S 53. Subdivision b of section 604-i of the retirement and social security law is amended by adding a new paragraph 5-a to read as follows:

5-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE A PARTICIPANT IN THE AGE FIFTY-FIVE RETIREMENT PROGRAM.

S 54. Subdivisions a, b, c and d of section 608 of the retirement and social security law, subdivision a as amended by chapter 379 of the laws of 1986, subdivisions b and c as amended by chapter 286 of the laws of 2010 and subdivision d as added by chapter 749 of the laws of 1992, are amended to read as follows:

a. [A] FOR MEMBERS WHO FIRST BECOME MEMBERS OF A PUBLIC RETIREMENT SYSTEM OF THE STATE BEFORE APRIL FIRST, TWO THOUSAND TWELVE, A member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, A MEMBER'S FINAL AVERAGE SALARY SHALL BE THE AVERAGE WAGES EARNED BY SUCH MEMBER DURING ANY FIVE CONSECUTIVE YEARS WHICH PROVIDE THE HIGHEST AVERAGE WAGE; PROVIDED, HOWEVER, IF THE WAGES EARNED DURING ANY YEAR INCLUDED IN THE PERIOD USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS FOUR YEARS BY MORE THAN EIGHT PERCENT, THE AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY. Where the period used to

determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

b. Notwithstanding the provisions of subdivision a of this section, with respect to members WHO FIRST BECAME MEMBERS of the New York state AND LOCAL employees' retirement system and the New York city teachers' retirement system BEFORE APRIL FIRST, TWO THOUSAND TWELVE, a member's final average salary shall be equal to one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. WITH RESPECT TO MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM AND THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, A MEMBER'S FINAL AVERAGE SALARY SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED BY SUCH MEMBER DURING ANY CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE MEMBER WAS CREDITED WITH FIVE YEARS OF SERVICE CREDIT; PROVIDED, HOWEVER, IF THE WAGES EARNED DURING ANY YEAR OF CREDITED SERVICE INCLUDED IN THE PERIOD USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE WAGES OF THE PREVIOUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN EIGHT PERCENT, THE AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY.

c. Notwithstanding the provisions of subdivisions a and b of this section, the final average salary of an employee who has been a member of the New York city employees' retirement system or the New York city teachers' retirement system for less than one year shall be the projected one year salary, with the calculation based upon a twelve month projection of the sums earned in the portion of the year worked. If a member has been employed for more than one year but less than two years, then the member's final average salary shall be the average of the first year and projected second year earnings based upon the calculation above, and if more than two years, but less than three years, then one-third the total of the first two years of employment plus the projected third year's earnings, calculated as indicated above, PROVIDED THAT THIS SUBDIVISION SHALL NOT APPLY TO A NEW YORK CITY REVISED PLAN MEMBER OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM OR A NEW YORK CITY REVISED PLAN MEMBER OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM.

d. Subject to the provisions of subdivision c of this section, and notwithstanding the provisions of subdivision a of this section, with respect to members of the New York city employees' retirement system and the New York city board of education retirement system who are subject to the provisions of this article, a member's final average salary shall be determined pursuant to the provisions of paragraph fourteen of SUBDIVISION E OF section 13-638.4 of the administrative code of the city of New York, PROVIDED, HOWEVER, THAT THE APPLICABLE PROVISIONS AND LIMITATIONS OF THE TERM "WAGES", AS DEFINED IN SUBDIVISION L OF SECTION SIX

1 HUNDRED ONE OF THIS ARTICLE, SHALL APPLY TO SUCH DETERMINATIONS OF FINAL
2 AVERAGE SALARY.

3 S 55. Paragraph 2 of subdivision b of section 609 of the retirement
4 and social security law, as amended by section 8-c of part B of chapter
5 504 of the laws of 2009, is amended to read as follows:

6 2. Previous service credit shall not be granted unless such member
7 applies therefor and repays the amount refunded by a public retirement
8 system of the state for service rendered after July first, nineteen
9 hundred seventy-six together with interest through the date of repayment
10 at the rate of five percent per annum compounded annually and three
11 percent of the wages earned for service prior to that date together with
12 interest from July first, nineteen hundred seventy-six through the date
13 of payment at the rate of five percent per annum compounded annually and
14 three percent of the wages earned for service which predates the date of
15 entry into the retirement system together with interest at the rate of
16 five percent per annum compounded annually from the date of such service
17 until the date of payment. Anything in this paragraph to the contrary
18 notwithstanding, in order to obtain credit for previous service, members
19 who first join the New York state teachers' retirement system on or
20 after January first, two thousand ten shall pay three and one-half
21 percent of wages earned for service which predates the date of entry
22 into the retirement system together with interest at the rate of five
23 percent per annum compounded annually from the date of such service
24 until the date of payment. ANYTHING IN THIS PARAGRAPH TO THE CONTRARY
25 NOTWITHSTANDING, IN ORDER TO OBTAIN CREDIT FOR PREVIOUS SERVICE, MEMBERS
26 WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL
27 FIRST, TWO THOUSAND TWELVE SHALL PAY SIX PERCENT OF WAGES EARNED FOR
28 SERVICE WHICH PREDATES THE DATE OF ENTRY INTO THE RETIREMENT SYSTEM
29 TOGETHER WITH INTEREST AT THE RATE OF FIVE PERCENT PER ANNUM COMPOUNDED
30 ANNUALLY FROM THE DATE OF SUCH SERVICE UNTIL THE DATE OF PAYMENT.

31 S 56. Section 609 of the retirement and social security law is amended
32 by adding a new subdivision h to read as follows:

33 H. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A NEW
34 YORK CITY REVISED PLAN MEMBER SHALL NOT RECEIVE SERVICE CREDIT FOR ANY
35 UNDOCUMENTED SICK LEAVE THAT MAY BE CREDITED TOWARD TERMINAL LEAVE.

36 S 57. Subdivisions a and a-1 of section 612 of the retirement and
37 social security law, subdivision a as separately amended by section 9 of
38 part B and section 3 of part C of chapter 504 of the laws of 2009 and
39 subdivision a-1 as added by section 4 of part C of chapter 504 of the
40 laws of 2009, are amended to read as follows:

41 a. Except as provided in subdivision a-1 of this section, a member who
42 has five or more years of credited service, or ten or more years of
43 credited service for a member who first joined the New York state and
44 local employees' retirement system or the New York state teachers'
45 retirement system on or after January first, two thousand ten, upon
46 termination of employment, other than a member who is entitled to a
47 deferred vested benefit pursuant to any other provision of this article,
48 shall be entitled to a deferred vested benefit at normal retirement age
49 computed in accordance with the provisions of section six hundred four
50 of this article. Except as provided in subdivision a-1 of this section,
51 a member of a teachers' retirement system or the New York state and
52 local employees' retirement system who has five or more years of credit-
53 ed service, or ten or more years of credited service for a member who
54 first becomes a member of the New York state and local employees'
55 retirement system or the New York state teachers' retirement system on
56 or after January first, two thousand ten, upon termination of employment

1 shall be entitled to a deferred vested benefit prior to normal retire-
2 ment age, but no earlier than age fifty-five, computed in accordance
3 with the provisions of subdivision i of section six hundred three of
4 this article AS AMENDED BY SECTION EIGHT OF PART B OF CHAPTER FIVE
5 HUNDRED FOUR OF THE LAWS OF TWO THOUSAND NINE. ANYTHING TO THE CONTRARY
6 NOTWITHSTANDING, A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE WHO
7 FIRST BECAME A MEMBER OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOU-
8 SAND TWELVE MUST HAVE AT LEAST TWELVE YEARS OF CREDITED SERVICE IN ORDER
9 TO QUALIFY FOR A DEFERRED VESTED BENEFIT UNDER THIS SECTION; SUCH MEMBER
10 SHALL NOT BE ENTITLED TO SUCH BENEFIT PRIOR TO THE MEMBER'S ATTAINMENT
11 OF AGE SIXTY-FIVE; AND SUCH DEFERRED VESTED BENEFIT SHALL BE COMPUTED
12 PURSUANT TO SUBDIVISION B-1 OF SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

13 a-1. Notwithstanding the provisions of subdivision a of this section
14 or any other provision of law to the contrary, (i) a member of the New
15 York city teachers' retirement system who holds a position represented
16 by the recognized teacher organization for collective bargaining
17 purposes, who became subject to the provisions of this article after the
18 effective date of this subdivision, and who has ten or more years of
19 credited service, or (ii) a member of the New York city board of educa-
20 tion retirement system who holds a position represented by the recog-
21 nized teacher organization for collective bargaining purposes, who
22 became subject to the provisions of this article after the effective
23 date of this subdivision, and who has ten or more years of credited
24 service, other than such a member of either of such retirement systems
25 who is entitled to a deferred vested benefit pursuant to any other
26 provision of this article, shall, upon termination of employment, be
27 entitled to a deferred vested benefit at normal retirement age computed
28 in accordance with the provisions of section six hundred four of this
29 article. Notwithstanding the provisions of subdivision a of this
30 section or any other provision of law to the contrary, a member of the
31 New York city teachers' retirement system who holds a position repres-
32 ented by the recognized teacher organization for collective bargaining
33 purposes, who became subject to the provisions of this article after the
34 effective date of this subdivision, and who has ten or more years of
35 credited service, shall, upon termination of employment, be entitled to
36 a deferred vested benefit prior to normal retirement age, but no earlier
37 than age fifty-five, computed in accordance with the provisions of
38 subdivision i of section six hundred three of this article, PROVIDED,
39 HOWEVER, THAT ANY SUCH MEMBER OF EITHER OF SUCH RETIREMENT SYSTEMS WHO
40 IS A NEW YORK CITY REVISED PLAN MEMBER SHALL BE REQUIRED TO HAVE AT
41 LEAST TWELVE YEARS OF CREDITED SERVICE IN ORDER TO BE ELIGIBLE FOR A
42 DEFERRED VESTED BENEFIT, SUCH MEMBER SHALL NOT BE ENTITLED TO PAYABILITY
43 OF SUCH BENEFIT PRIOR TO ATTAINMENT OF AGE SIXTY-FIVE AND SUCH DEFERRED
44 VESTED BENEFIT SHALL BE COMPUTED PURSUANT TO SUBDIVISION B-1 OF SECTION
45 SIX HUNDRED FOUR OF THIS ARTICLE.

46 S 58. Paragraphs 1 and 2 of subdivision a and subdivisions c, f and g
47 of section 613 of the retirement and social security law, paragraph 1 of
48 subdivision a as amended and paragraph 2 of subdivision a as added by
49 chapter 10 of the laws of 2000, subdivision c as amended by chapter 389
50 of the laws of 1998 and subdivisions f and g as added by section 9-a of
51 part B of chapter 504 of the laws of 2009, are amended to read as
52 follows:

53 1. Except as provided by paragraph two of this subdivision, members
54 shall contribute three percent of annual wages to the retirement system
55 in which they have membership, EXCEPT THAT FOR MEMBERS WHO FIRST BECOME
56 MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON

1 OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF THIR-
2 TY-TWO THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT
3 OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN THIRTY-TWO THOUSAND AND ONE
4 DOLLAR PER ANNUM AND SIXTY-THREE THOUSAND DOLLARS PER ANNUM SHALL
5 CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE
6 SIXTY-THREE THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL
7 WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY
8 EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
9 TWELVE, MEMBERS WITH WAGES OF FORTY-THREE THOUSAND DOLLARS PER ANNUM OR
10 LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES
11 BETWEEN FORTY-THREE THOUSAND AND ONE DOLLAR PER ANNUM AND EIGHTY-FIVE
12 THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL
13 WAGES, AND MEMBERS WITH WAGES ABOVE EIGHTY-FIVE THOUSAND PER ANNUM SHALL
14 CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME
15 MEMBERS OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM ON OR AFTER
16 APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF FORTY-SEVEN
17 THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF
18 ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN FORTY SEVEN THOUSAND AND ONE
19 DOLLAR PER ANNUM AND NINETY-FOUR THOUSAND DOLLARS PER ANNUM SHALL
20 CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE
21 NINETY-FOUR THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL
22 WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY BOARD
23 OF EDUCATION RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
24 TWELVE, MEMBERS WITH WAGES OF TWENTY-SIX THOUSAND DOLLARS PER ANNUM OR
25 LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES
26 BETWEEN TWENTY-SIX THOUSAND AND ONE DOLLAR PER ANNUM AND FIFTY-TWO THOU-
27 SAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES,
28 AND MEMBERS WITH WAGES ABOVE FIFTY-TWO THOUSAND PER ANNUM SHALL CONTRIB-
29 UTE SIX PERCENT OF ANNUAL WAGES. The head of each retirement system
30 shall promulgate such regulations as may be necessary and appropriate
31 with respect to the deduction of such contribution from members' wages
32 and for the maintenance of any special fund or funds with respect to
33 amounts so contributed.

34 2. A member of the New York city employees' retirement system who is
35 eligible to be a participant in the twenty-five-year and age fifty-five
36 retirement program, as defined by paragraph five of subdivision a of
37 section six hundred four-b of this article shall contribute two percent
38 of annual wages to such system effective on the starting date of the
39 elimination of additional member contributions, as defined in an
40 election made pursuant to paragraph ten of subdivision e of section six
41 hundred four-b of this article, EXCEPT THAT FOR MEMBERS WHO FIRST BECOME
42 MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER
43 APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF FORTY-THREE
44 THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF
45 ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN FORTY-THREE THOUSAND AND ONE
46 DOLLAR PER ANNUM AND EIGHTY-FIVE THOUSAND DOLLARS PER ANNUM SHALL
47 CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE
48 EIGHTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL
49 WAGES.

50 c. Notwithstanding any other provision of law to the contrary, a
51 person whose membership in a public retirement system has terminated
52 other than as a result of transfer, retirement or death, or a member of
53 a public retirement system who is not vested and not entitled to any
54 other benefit from such system under this article, and who no longer is
55 employed by a participating employer of such public retirement system in
56 a position upon which his or her membership is based, may withdraw his

1 or her member contributions by filing a written demand for withdrawal of
2 contributions and membership pursuant to rules and regulations promul-
3 gated by the public retirement system of which he or she is a member.
4 Upon the death of a person whose membership previously terminated due to
5 lack of credited service and who did not withdraw his or her member
6 contributions, or upon the death of a member, provided a death benefit
7 pursuant to section six hundred seven of this article is not paid, the
8 member contributions of such person shall be refunded to such person as
9 he or she shall have nominated to receive a death benefit by written
10 designation duly executed and filed with the public retirement system
11 or, in the absence of such designation, to his or her estate. For
12 purposes of such refunds, interest shall be credited at the rate of five
13 percent per annum compounded annually to the date of termination of
14 membership. Provided, however, if a death benefit is paid pursuant to
15 section six hundred seven of this article, such benefit shall be in lieu
16 of the refund of such contributions pursuant to this subdivision, howev-
17 er, in no event shall such death benefit be less than the amount payable
18 pursuant to this subdivision. Notwithstanding the above, or any other
19 provision of law to the contrary, a member may, upon separation from
20 service of the state or a participating employer, withdraw his or her
21 member contributions pursuant to the applicable provision of law until
22 such date as such individual has accrued ten years of credited service
23 in such system. However, the withdrawal of contributions pursuant to
24 this section by an individual who has accrued at least five years of
25 creditable service shall terminate his or her membership and all rights
26 in such retirement system in the same manner as withdrawal of contrib-
27 utions would terminate the membership of an individual who has not
28 attained vested status. Nothing in this section shall be construed as
29 permitting an individual who has accrued at least ten years of credit in
30 a retirement system to withdraw member contributions, OR TWELVE YEARS OF
31 CREDIT IN A PUBLIC RETIREMENT SYSTEM OF THE STATE FOR MEMBERS WHO FIRST
32 BECOME MEMBERS OF A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER
33 APRIL FIRST, TWO THOUSAND TWELVE.

34 f. Anything in subdivision a of this section to the contrary notwith-
35 standing a member employed as a uniformed court officer or peace officer
36 in the unified court system who first joins the New York state and local
37 employees' retirement system on or after January first, two thousand ten
38 shall contribute four percent of annual wages to the New York state and
39 local employees' retirement system, EXCEPT THAT FOR MEMBERS WHO FIRST
40 BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT
41 SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES
42 OF THIRTY-TWO THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR
43 PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN THIRTY-TWO THOUSAND
44 AND DOLLAR PER ANNUM AND SIXTY-THREE THOUSAND DOLLARS PER ANNUM SHALL
45 CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE
46 SIXTY-THREE THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL
47 WAGES. The head of the New York state and local employees' retirement
48 system shall promulgate such regulations as may be necessary and appro-
49 priate with respect to the deduction of such contribution from members'
50 wages and for the maintenance of any special fund or funds with respect
51 to amounts so contributed.

52 g. Members who first join the New York state teachers' retirement
53 system on or after January first, two thousand ten shall contribute
54 three and one-half percent of annual wages to the New York state teach-
55 ers' retirement system, EXCEPT THAT FOR MEMBERS WHO FIRST BECOME MEMBERS
56 OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL

1 FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF THIRTY-FIVE THOUSAND
2 DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES,
3 MEMBERS WITH WAGES BETWEEN THIRTY-FIVE THOUSAND AND ONE DOLLAR PER ANNUM
4 AND SIXTY-NINE THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT
5 OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE SIXTY-NINE THOUSAND PER
6 ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. The head of the New
7 York state teachers' retirement system shall promulgate such regulations
8 as may be necessary and appropriate with respect to the deduction of
9 such contribution from members' wages and for the maintenance of any
10 special fund or funds with respect to amounts so contributed.

11 S 59. The retirement and social security law is amended by adding a
12 new section 613-c to read as follows:

13 S 613-C. ADDITIONAL EMPLOYEE CONTRIBUTIONS AND REDUCED EMPLOYEE
14 CONTRIBUTIONS. A. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE
15 APPLICABLE TO MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIRE-
16 MENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL
17 FIRST, TWO THOUSAND TWELVE EXCEEDS SEVEN PER CENTUM, SUCH MEMBERS SHALL
18 BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN
19 ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN
20 ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER
21 CONTRIBUTION RATE AND SEVEN PER CENTUM DIVIDED BY TWO. IN YEARS IN WHICH
22 ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION,
23 THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL BE REDUCED
24 BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

25 B. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
26 MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WHO
27 FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOU-
28 SAND TWELVE IS BELOW FOUR PER CENTUM, THE EMPLOYEE CONTRIBUTIONS MADE
29 PURSUANT TO SECTION SIX HUNDRED THIRTEEN OF THIS ARTICLE SHALL BE
30 REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF FOUR
31 PER CENTUM AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS
32 IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVI-
33 SION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL
34 INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO
35 THIS SUBDIVISION.

36 C. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE ASSOCIATED WITH
37 MEMBERS OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM WHO FIRST
38 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
39 TWELVE, EXCEEDS SEVEN PER CENTUM, SUCH MEMBERS SHALL BE REQUIRED TO MAKE
40 ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE
41 MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE
42 FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND
43 SEVEN PER CENTUM DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE
44 CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER
45 CONTRIBUTION RATE TO BE PAID BY EMPLOYERS ON THE SALARIES OF MEMBERS WHO
46 FIRST BECAME MEMBERS OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM
47 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE SHALL BE REDUCED BY THE
48 VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

49 D. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE ASSOCIATED WITH
50 MEMBERS OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM WHO FIRST
51 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
52 TWELVE, IS BELOW FOUR PER CENTUM, THE EMPLOYEE CONTRIBUTIONS MADE BY
53 SUCH EMPLOYEES PURSUANT TO SECTION SIX HUNDRED THIRTEEN OF THIS ARTICLE
54 SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFER-
55 ENCE OF FOUR PER CENTUM AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY
56 TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO

1 THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS
2 ON THE SALARIES OF MEMBERS WHO FIRST BECAME MEMBERS OF THE NEW YORK
3 STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
4 TWELVE SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE
5 CONTRIBUTIONS.

6 E. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
7 MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST
8 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
9 TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
10 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
11 THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE
12 CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO
13 OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA:
14 THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETER-
15 MINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL
16 OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN
17 WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDI-
18 VISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW
19 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-
20 UTIONS.

21 F. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
22 MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST
23 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
24 TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
25 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
26 THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS
27 OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMU-
28 LA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR
29 THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR
30 OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN
31 YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS
32 SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS
33 SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSU-
34 ANT TO THIS SUBDIVISION.

35 G. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
36 MEMBERS OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM WHO FIRST
37 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
38 TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
39 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
40 THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE
41 CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO
42 OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA:
43 THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETER-
44 MINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL
45 OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN
46 WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDI-
47 VISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW
48 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-
49 UTIONS.

50 H. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
51 MEMBERS OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM WHO FIRST
52 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND
53 TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE
54 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF
55 THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS
56 OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMU-

1 LA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR
2 THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR
3 OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN
4 YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS
5 SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS
6 SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSU-
7 ANT TO THIS SUBDIVISION.

8 I. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
9 MEMBERS OF THE NEW YORK CITY BOARD OF EDUCATION RETIREMENT SYSTEM WHO
10 FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOU-
11 SAND TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR
12 THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR
13 OF THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOY-
14 EE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO
15 OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA:
16 THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETER-
17 MINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL
18 OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN
19 WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDI-
20 VISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW
21 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-
22 UTIONS.

23 J. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
24 MEMBERS OF THE NEW YORK CITY BOARD OF EDUCATION RETIREMENT SYSTEM WHO
25 FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOU-
26 SAND TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR
27 THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR
28 OF THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER
29 SECTIONS OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOW-
30 ING FORMULA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET
31 DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK
32 STATE DIRECTOR OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED
33 BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO
34 THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS
35 SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSU-
36 ANT TO THIS SUBDIVISION.

37 S 60. Section 650 of the retirement and social security law, as
38 amended by chapter 746 of the laws of 1989, is amended to read as
39 follows:

40 S 650. Application. This article shall apply to a member of the New
41 York city employees' retirement system (i) who holds the position of
42 bridge and tunnel officer, sergeant or lieutenant with the Triborough
43 bridge and tunnel authority, and has received or receives an appointment
44 to at least one such position from a competitive civil service list; or
45 (ii) who holds the position of assistant bridge and tunnel maintainer,
46 bridge and tunnel maintainer, senior bridge and tunnel maintainer or
47 laborer with the Triborough bridge and tunnel authority, PROVIDED,
48 HOWEVER, THAT THIS ARTICLE SHALL NOT APPLY TO A NEW YORK CITY REVISED
49 PLAN MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF
50 THIS CHAPTER).

51 S 61. Paragraphs 1 and 1-a of subdivision b of section 911 of the
52 retirement and social security law, paragraph 1 as amended by section 5
53 and paragraph 1-a as added by section 6 of part C of chapter 504 of the
54 laws of 2009, are amended to read as follows:

55 1. Subject to the provisions of paragraph one-a of this subdivision,
56 AND EXCEPT AS PROVIDED IN PARAGRAPH ONE-B OF THIS SUBDIVISION, an eligi-

ble member (i) with a date of membership in a retirement system on or after July twenty-seventh, nineteen hundred seventy-six and (ii) who has ten or more years of membership or ten or more years of credited service with a retirement system under the provisions of article fourteen or fifteen of this chapter shall not be required to contribute to a retirement system pursuant to section five hundred seventeen or six hundred thirteen of this chapter as of the cessation date.

1-a. Notwithstanding the provisions of paragraph one of this subdivision or any other provision of law to the contrary, AND EXCEPT AS PROVIDED IN PARAGRAPH ONE-B OF THIS SUBDIVISION, a member of the New York city teachers' retirement system or the New York city board of education retirement system:

(i) who is a twenty-seven year participant in the age fifty-five retirement program (as defined in paragraph twelve of subdivision a of section six hundred four-i of this chapter), and

(ii) who becomes subject to the provisions of article fifteen of this chapter after the effective date of this paragraph, shall contribute to a retirement system pursuant to section six hundred thirteen of this chapter until he or she has completed twenty-seven years of credited service.

S 62. Subdivision b of section 911 of the retirement and social security law is amended by adding a new paragraph 1-b to read as follows:

1-B. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER (AS DEFINED IN SUBDIVISION TWENTY-FIVE OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER), AN INVESTIGATOR REVISED PLAN MEMBER (AS DEFINED IN SUBDIVISION TWENTY-SEVEN OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER) OR A NEW YORK CITY REVISED PLAN MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF THIS CHAPTER).

S 63. Section 1000 of the retirement and social security law is amended by adding a new subdivision 10 to read as follows:

10. ANYTHING TO THE CONTRARY IN SUBDIVISION FOUR OF THIS SECTION NOTWITHSTANDING, TO OBTAIN SUCH CREDIT, A MEMBER WHO FIRST JOINS A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE SHALL PAY SUCH RETIREMENT SYSTEM, FOR DEPOSIT IN THE FUND USED TO ACCUMULATE EMPLOYER CONTRIBUTIONS, A SUM EQUAL TO THE PRODUCT OF THE NUMBER OF YEARS OF MILITARY SERVICE BEING CLAIMED AND SIX PERCENT OF SUCH MEMBER'S COMPENSATION EARNED DURING THE TWELVE MONTHS OF CREDITED SERVICE IMMEDIATELY PRECEDING THE DATE THAT THE MEMBER MADE APPLICATION FOR CREDIT PURSUANT TO THIS SECTION.

S 64. Subdivision a of section 1202 of the retirement and social security law, as added by section 1 of part A of chapter 504 of the laws of 2009, is amended and a new subdivision c is added to read as follows:

a. In order to qualify for a service retirement benefit, members subject to the provisions of this article must have a minimum of ten years of creditable service, EXCEPT THAT A MEMBER WHO FIRST BECOMES A MEMBER OF THE RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS PURSUANT TO THIS ARTICLE UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TWELVE YEARS OF CREDITED SERVICE.

C. IN NO EVENT SHALL THE VESTED RETIREMENT ALLOWANCE PAYABLE WITHOUT OPTIONAL MODIFICATION BE LESS THAN THE ACTUARIAL EQUIVALENT OF THE TOTAL WHICH RESULTS FROM THE MEMBER'S CONTRIBUTIONS ACCUMULATED WITH INTEREST AT FIVE PERCENT PER ANNUM COMPOUNDED ANNUALLY TO THE DATE OF RETIREMENT.

1 S 65. Section 1204 of the retirement and social security law, as added
2 by section 1 of part A of chapter 504 of the laws of 2009, is amended to
3 read as follows:

4 S 1204. Member contributions. Members who are subject to the
5 provisions of this article shall contribute three percent of annual
6 wages to the retirement system in which they have membership, EXCEPT
7 THAT FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND
8 LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
9 THOUSAND TWELVE, MEMBERS WITH WAGES OF SIXTY-SIX THOUSAND DOLLARS PER
10 ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS
11 WITH WAGES BETWEEN SIXTY-SIX THOUSAND AND ONE HUNDRED THIRTY-TWO
12 THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL
13 WAGES, AND MEMBERS WITH WAGES ABOVE ONE HUNDRED THIRTY-TWO
14 THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL
15 WAGES. Members who are enrolled in a retirement plan that limits the amount of
16 creditable service a member can accrue shall not be required to make
17 contributions pursuant to this section after accruing the maximum amount
18 of service credit allowed by the retirement plan in which they are
19 enrolled. The state comptroller shall promulgate such regulations as may
20 be necessary and appropriate with respect to the deduction of such
21 contribution from members' wages and for the maintenance of any special
22 fund or funds with respect to amounts so contributed. In no way shall
23 the member contributions made pursuant to this section be used to
24 provide for pension increases or annuities of any kind.

25 S 66. The retirement and social security law is amended by adding a
26 new section 1208 to read as follows:

27 S 1208. ADDITIONAL EMPLOYEE CONTRIBUTIONS AND REDUCED EMPLOYEE
28 CONTRIBUTIONS. A. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE
29 APPLICABLE TO MEMBERS OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE
30 RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER
31 APRIL FIRST, TWO THOUSAND TWELVE EXCEEDS FOURTEEN PER CENTUM, SUCH
32 MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF
33 ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO SECTION TWELVE
34 HUNDRED FOUR OF THIS ARTICLE IN ACCORDANCE WITH THE FOLLOWING FORMULA:
35 THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND FOURTEEN PER CENTUM
36 DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE
37 MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE
38 PAID BY EMPLOYERS SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL
39 EMPLOYEE CONTRIBUTIONS.

40 B. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO
41 MEMBERS OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT
42 SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST,
43 TWO THOUSAND TWELVE IS BELOW TEN PER CENTUM, THE EMPLOYEE CONTRIBUTIONS
44 MADE PURSUANT TO SECTION TWELVE HUNDRED FOUR OF THIS ARTICLE SHALL BE
45 REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF FOUR
46 PER CENTUM AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN NO
47 EVENT, HOWEVER, SHALL THE EMPLOYEE CONTRIBUTION RATE BE LESS THAN ZERO
48 PER CENTUM OF WAGES. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE
49 REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO
50 BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE
51 CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

52 S 67. The retirement and social security law is amended by adding a
53 new section 1209 to read as follows:

54 S 1209. FINAL AVERAGE SALARY. FOR MEMBERS WHO FIRST BECOME MEMBERS OF
55 THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR
56 AFTER APRIL FIRST, TWO THOUSAND TWELVE, A MEMBER'S FINAL AVERAGE SALARY

1 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED BY SUCH
2 MEMBER DURING ANY CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE MEMBER
3 WAS CREDITED WITH FIVE YEARS OF SERVICE CREDIT; PROVIDED, HOWEVER, IF
4 THE WAGES EARNED DURING ANY YEAR OF CREDITED SERVICE INCLUDED IN THE
5 PERIOD USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE
6 WAGES OF THE PREVIOUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN EIGHT
7 PERCENT, THE AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM
8 THE COMPUTATION OF FINAL AVERAGE SALARY. WAGES IN EXCESS OF THE ANNUAL
9 SALARY PAID TO THE GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE FOUR OF
10 THE STATE CONSTITUTION SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL
11 AVERAGE SALARY FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK
12 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL
13 FIRST, TWO THOUSAND TWELVE.

14 S 68. The retirement and social security law is amended by adding a
15 new section 1210 to read as follows:

16 S 1210. WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK
17 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL
18 FIRST, TWO THOUSAND TWELVE, THE FOLLOWING ITEMS SHALL NOT BE INCLUDED IN
19 THE DEFINITION OF WAGES: A. OVERTIME COMPENSATION PAID UNDER ANY LAW OR
20 POLICY UNDER WHICH EMPLOYEES ARE PAID AT A RATE GREATER THAN THEIR STAN-
21 DARD RATE FOR ADDITIONAL HOURS BEYOND THAT REQUIRED, INCLUDING SECTION
22 ONE HUNDRED THIRTY-FOUR OF THE CIVIL SERVICE LAW AND SECTION NINETY OF
23 THE GENERAL MUNICIPAL LAW, B. WAGES IN EXCESS OF THE ANNUAL SALARY PAID
24 TO THE GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE FOUR OF THE STATE
25 CONSTITUTION, C. LUMP SUM PAYMENTS FOR DEFERRED COMPENSATION, SICK
26 LEAVE, ACCUMULATED VACATION OR OTHER CREDITS FOR TIME NOT WORKED, D. ANY
27 FORM OF TERMINATION PAY, AND E. ANY ADDITIONAL COMPENSATION PAID IN
28 ANTICIPATION OF RETIREMENT.

29 S 69. Paragraph 2 of subdivision b of section 23-a of the retirement
30 and social security law, as added by section 1 of part A of chapter 49
31 of the laws of 2003, is amended to read as follows:

32 2. requiring a minimum annual contribution from the state and every
33 participating employer (exclusive of payments for group term life insur-
34 ance, deficiency payments, adjustments relating to prior fiscal years'
35 obligations and obligations pertaining to retirement incentives or any
36 other obligations that the state or participating employer is permitted
37 to pay on an amortized basis) equal to four and one-half percent of
38 pensionable salaries. NOTWITHSTANDING ANY OTHER SECTION OF LAW, THIS
39 SECTION SHALL NOT BE APPLICABLE TO PENSIONABLE SALARIES OF MEMBERS WHO
40 FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIRE-
41 MENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE. Effective
42 immediately upon implementation by the comptroller of the comprehensive
43 structural reform program set forth in this section, and in all subse-
44 quent years, participating employers shall pay either the required annu-
45 al contribution determined under the revised schedule pertaining to the
46 valuation, billing and payment of contributions pursuant to paragraph
47 one of this subdivision, or the required minimum annual contribution of
48 four and one-half percent of pensionable salaries, whichever is greater;
49 and

50 S 70. Paragraph 2 of subdivision b of section 323-a of retirement and
51 social security law, as added by section 2 of part A of chapter 49 of
52 the laws of 2003, is amended to read as follows:

53 2. requiring a minimum annual contribution from the state and every
54 participating employer (exclusive of payments for group term life insur-
55 ance, deficiency payments, adjustments relating to prior fiscal years'
56 obligations and obligations pertaining to retirement incentives or any

1 other obligations that the state or participating employer is permitted
2 to pay on an amortized basis) equal to four and one-half percent of
3 pensionable salaries. NOTWITHSTANDING ANY OTHER SECTION OF LAW, THIS
4 SECTION SHALL NOT BE APPLICABLE TO PENSIONABLE SALARIES OF MEMBERS WHO
5 FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIRE-
6 MENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE. Effective
7 immediately upon implementation by the comptroller of the comprehensive
8 structural reform program set forth in this section, and in all subse-
9 quent years, participating employers shall pay either the required annu-
10 al contribution determined under the revised schedule pertaining to the
11 valuation, billing and payment of contributions pursuant to paragraph
12 one of this subdivision, or the required minimum annual contribution of
13 four and one-half percent of pensionable salaries, whichever is greater;
14 and

15 S 71. The retirement and social security law is amended by adding a
16 new article 23 to read as follows:

17 ARTICLE 23

18 DEFINED CONTRIBUTION PROGRAM

19 SECTION 1250. DEFINITIONS.

20 1251. DEFINED CONTRIBUTION PROGRAMS ESTABLISHED.

21 1252. RATES OF CONTRIBUTION.

22 1253. ENROLLMENT.

23 1254. DEATH BENEFIT.

24 1255. INCONSISTENT PROVISIONS OF OTHER ACTS SUPERSEDED.

25 S 1250. DEFINITIONS. WHEREVER USED IN THIS ARTICLE THE FOLLOWING TERMS
26 SHALL HAVE THE FOLLOWING MEANINGS:

27 A. THE TERM "PUBLIC RETIREMENT SYSTEM OF THE STATE" SHALL MEAN THE NEW
28 YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE
29 TEACHERS' RETIREMENT SYSTEM, THE NEW YORK STATE AND LOCAL POLICE AND
30 FIRE RETIREMENT SYSTEM, THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM,
31 THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM, THE NEW YORK CITY BOARD
32 OF EDUCATION RETIREMENT SYSTEM, THE NEW YORK CITY POLICE PENSION FUND,
33 AND THE NEW YORK CITY FIRE PENSION FUND.

34 B. THE TERMS "OPTIONAL MEMBER" AND "OPTIONAL MEMBERS" MEAN THOSE
35 EMPLOYEES WHO ARE MEMBERS OF A PUBLIC RETIREMENT SYSTEM OF THE STATE WHO
36 FIRST BECAME MEMBERS OF SUCH SYSTEMS ON OR AFTER APRIL FIRST, TWO THOU-
37 SAND TWELVE AND MAKE AN ELECTION TO JOIN THE DEFINED CONTRIBUTION
38 PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE PURSUANT TO THE PROVISIONS
39 OF SECTION TWELVE HUNDRED FIFTY-THREE OF THIS ARTICLE.

40 C. THE TERMS "PROGRAM PARTICIPANT" AND "PROGRAM PARTICIPANTS" MEAN
41 THOSE EMPLOYEES ELECTING TO PARTICIPATE IN THE DEFINED CONTRIBUTION
42 PROGRAM.

43 D. THE TERM "DEFINED CONTRIBUTION PROGRAM" MEANS THE RETIREMENT
44 PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

45 E. THE TERM "WAGES" SHALL MEAN REGULAR COMPENSATION EARNED BY AND PAID
46 TO A MEMBER BY A PUBLIC EMPLOYER, EXCEPT THAT THE FOLLOWING ITEMS SHALL
47 NOT BE INCLUDED IN THE DEFINITION OF WAGES: (I) OVERTIME COMPENSATION
48 PAID UNDER ANY LAW OR POLICY UNDER WHICH EMPLOYEES ARE PAID AT A RATE
49 GREATER THAN THEIR STANDARD RATE FOR ADDITIONAL HOURS BEYOND THAT
50 REQUIRED, INCLUDING SECTIONS ONE HUNDRED THIRTY-FOUR OF THE CIVIL
51 SERVICE LAW AND SECTION NINETY OF THE GENERAL MUNICIPAL LAW, (II) WAGES
52 IN EXCESS OF THE ANNUAL SALARY PAID TO THE GOVERNOR PURSUANT TO SECTION
53 THREE OF ARTICLE FOUR OF THE STATE CONSTITUTION, (III) LUMP SUM PAYMENTS
54 FOR DEFERRED COMPENSATION, SICK LEAVE, ACCUMULATED VACATION OR OTHER
55 CREDITS FOR TIME NOT WORKED, (IV) ANY FORM OF TERMINATION PAY, AND (V)
56 ANY ADDITIONAL COMPENSATION PAID IN ANTICIPATION OF RETIREMENT.

1 S 1251. DEFINED CONTRIBUTION PROGRAMS ESTABLISHED. THERE IS HEREBY
2 ESTABLISHED A DEFINED CONTRIBUTION PROGRAM WITHIN EACH PUBLIC RETIREMENT
3 SYSTEM OF THE STATE WHICH SHALL PROVIDE FOR RETIREMENT BENEFITS FOR OR
4 ON BEHALF OF PROGRAM PARTICIPANTS. UNDER SUCH PROGRAM THE STATE, THE
5 CITY OF NEW YORK AND OTHER PARTICIPATING EMPLOYERS AND SUCH EMPLOYEES
6 SHALL CONTRIBUTE, TO THE EXTENT AUTHORIZED OR REQUIRED, TO SUCH DEFINED
7 CONTRIBUTION ACCOUNTS. THE PROGRAMS SHALL BE ADMINISTERED BY THE RETIRE-
8 MENT SYSTEM IN WHICH THE PROGRAM PARTICIPANT IS A MEMBER. EACH PUBLIC
9 RETIREMENT SYSTEM OF THE STATE IS AUTHORIZED TO PROMULGATE ALL SUCH
10 RULES AND REGULATIONS AS MAY BE NECESSARY OR REQUIRED TO IMPLEMENT THE
11 DEFINED CONTRIBUTION PROGRAMS ESTABLISHED PURSUANT TO THIS ARTICLE,
12 INCLUDING SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO COMPLY WITH
13 THE APPLICABLE PROVISIONS OF TITLE TWENTY-SIX OF THE UNITED STATES CODE
14 RELATING TO DEFINED CONTRIBUTION PLANS AND THEIR QUALIFICATION AND OPER-
15 ATION AND ALL SUCH RULES AND REGULATIONS AS MAY BE NECESSARY OR REQUIRED
16 REGARDING THE COLLECTION OF EMPLOYER AND MEMBER CONTRIBUTIONS, INVEST-
17 MENT OF CONTRIBUTIONS, WITHDRAWALS AND DISTRIBUTION OF MEMBER ACCOUNTS,
18 NOMINATION OF BENEFICIARIES, THE ASSESSMENT AND COLLECTION FROM EMPLOY-
19 ERS OF COSTS AND EXPENSES INCURRED IN THE ESTABLISHMENT AND OPERATION OF
20 THE PLAN, AND ALL OTHER MATTERS PERTAINING THERETO. EACH PUBLIC RETIRE-
21 MENT SYSTEM OF THE STATE IS AUTHORIZED TO ENTER INTO SUCH AGREEMENTS
22 WITH QUALIFIED PROVIDERS AS MAY BE NECESSARY OR DESIRABLE FOR THE
23 INVESTMENT OF MEMBER ACCOUNTS AND THE GENERAL ADMINISTRATION OF THE
24 PLAN.

25 S 1252. RATES OF CONTRIBUTION. A. 1. THE EMPLOYER SHALL MAKE A
26 CONTRIBUTION EQUAL TO FOUR PERCENT OF EACH PROGRAM PARTICIPANTS' WAGES.
27 SUCH CONTRIBUTIONS SHALL BE KNOWN AS "BASIC EMPLOYER CONTRIBUTIONS".

28 2. THE EMPLOYER SHALL CONTRIBUTE AN AMOUNT EQUAL TO THE CONTRIBUTION
29 MADE BY EACH PROGRAM PARTICIPANT, PROVIDED HOWEVER, THAT SUCH ADDITIONAL
30 CONTRIBUTIONS SHALL NOT EXCEED THREE PERCENT OF EACH PROGRAM PARTIC-
31 IPANT'S WAGES. SUCH CONTRIBUTIONS SHALL BE KNOWN AS "MATCHING EMPLOYER
32 CONTRIBUTIONS".

33 B. IN THE CASE OF ANY PROGRAM PARTICIPANTS, EMPLOYEES SHALL BE ALLOWED
34 TO CONTRIBUTE AN AMOUNT UP TO THE MAXIMUM ALLOWABLE AMOUNT, INCLUSIVE OF
35 BASIC AND MATCHING EMPLOYER CONTRIBUTIONS, PERMITTED BY FEDERAL LAW IN
36 26 U.S.C. 401 ET SEQ. AND THE RULES AND REGULATIONS OF THE UNITED STATES
37 DEPARTMENT OF THE TREASURY PROMULGATED THEREUNDER.

38 C. NO CONTRIBUTIONS PURSUANT TO SUBDIVISION A OF THIS SECTION SHALL BE
39 MADE BY THE EMPLOYER UNTIL THE PROGRAM PARTICIPANT COMPLETES ONE YEAR OF
40 SERVICE AND CONTINUES IN SERVICE THEREAFTER. AT THE END OF A PROGRAM
41 PARTICIPANT'S INITIAL YEAR OF SERVICE, A SINGLE CONTRIBUTION IN AN
42 AMOUNT DETERMINED PURSUANT TO SUBDIVISION A OF THIS SECTION, WITH INTER-
43 EST AT THE RATE OF FOUR PER CENTUM PER ANNUM, SHALL BE MADE BY THE
44 EMPLOYER, ON BEHALF OF SUCH PROGRAM PARTICIPANT CONTINUED IN SERVICE.

45 S 1253. ENROLLMENT. A. EMPLOYEES WHO FIRST BECOME MEMBERS OF A PUBLIC
46 RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND
47 TWELVE, WITHIN THIRTY DAYS OF HIS OR HER ENTRY INTO SERVICE, SHALL HAVE
48 THE ABILITY TO ELECT THE DEFINED CONTRIBUTION PROGRAM ESTABLISHED PURSU-
49 ANT TO THIS ARTICLE. SUCH ELECTION SHALL BE IN WRITING, SHALL BE DULY
50 EXECUTED AND FILED WITH THE RETIREMENT SYSTEM OF WHICH HE OR SHE IS A
51 MEMBER AND SHALL BE IRREVOCABLE AS LONG AS SUCH PERSON IS A MEMBER OF A
52 PUBLIC RETIREMENT SYSTEM OF THE STATE. ALL ELIGIBLE EMPLOYEES WHO ELECT
53 THE DEFINED CONTRIBUTION PROGRAM SHALL NOT ACCRUE CREDITED SERVICE FOR
54 ANY PURPOSE UNDER ANY OTHER ARTICLE OF THIS CHAPTER OR ANY OTHER APPLI-
55 CABLE LAW.

1 B. ALL PROGRAM PARTICIPANTS ENROLLED IN THE DEFINED CONTRIBUTION
2 PROGRAM SHALL NOT ACCRUE CREDITED SERVICE TO BE USED FOR ANY PURPOSE
3 UNDER ANY OTHER ARTICLE OF THIS CHAPTER OR ANY OTHER APPLICABLE LAW.

4 S 1254. DEATH BENEFIT. A. PROGRAM PARTICIPANTS SHALL RECEIVE THE
5 FOLLOWING FINANCIAL PROTECTION IN THE EVENT OF DEATH IN SERVICE: A BENE-
6 FIT UPON THE DEATH OF A MEMBER IN SERVICE EQUAL TO THE MEMBER'S SALARY
7 UPON HIS OR HER COMPLETION OF ONE YEAR OF SERVICE, TWO YEARS' SALARY
8 UPON COMPLETION OF TWO YEARS OF SERVICE, AND THREE YEARS' SALARY UPON
9 COMPLETION OF THREE YEARS OF SERVICE.

10 B. FOR THE PURPOSES OF THIS SECTION: 1. THE DEATH BENEFIT PAYABLE
11 SHALL BE IN LIEU OF THE PAYMENT OF THE BASIC EMPLOYER CONTRIBUTIONS AND
12 MATCHING EMPLOYER CONTRIBUTIONS MADE PURSUANT TO THIS ARTICLE, BUT SHALL
13 NOT BE LESS THAN THE VALUE OF SUCH CONTRIBUTIONS AND 2. THE VALUE OF THE
14 EMPLOYEE CONTRIBUTIONS SHALL BE PAYABLE IN ADDITION TO THE DEATH BENEFIT
15 PAYABLE PURSUANT TO THIS SECTION.

16 S 1255. INCONSISTENT PROVISIONS OF OTHER ACTS SUPERSEDED. INsofar AS
17 THE PROVISIONS OF THIS ARTICLE ARE INCONSISTENT WITH THE PROVISIONS OF
18 ANY OTHER ACT, GENERAL OR SPECIAL, THE PROVISIONS OF THIS ARTICLE SHALL
19 BE CONTROLLING.

20 S 72. Subdivisions 1 and 2 of section 182 of the education law, subdi-
21 vision 1 as amended by chapter 63 of the laws of 1993 and subdivision 2
22 as added by chapter 1076 of the laws of 1968, are amended to read as
23 follows:

24 1. Employer contributions. In the case of any electing employee
25 initially appointed on or before June thirtieth, nineteen hundred nine-
26 ty-two, the state shall, during continuance of his employment, make
27 contributions at the rate of nine [percentum] PER CENTUM of that portion
28 of his state salary upon which contributions are or may hereafter be
29 paid to the secretary of the treasury of the United States pursuant to
30 article three of the retirement and social security law and at the rate
31 of twelve [percentum] PER CENTUM of that portion of his state salary
32 above said amount, out of moneys which shall be appropriated to the
33 department for such purpose. In the case of any electing employee
34 initially appointed on or after July first, nineteen hundred ninety-two,
35 the state shall, during continuance of his employment, make contrib-
36 utions at the rate of eight [percentum] PER CENTUM of his state salary
37 during the first seven years of such employment and at the rate of ten
38 percentum of his state salary, thereafter, out of moneys which shall be
39 appropriated to the department for such purpose. IN THE CASE OF ANY
40 ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL FIRST, TWO THOU-
41 SAND TWELVE, THE STATE SHALL, DURING CONTINUANCE OF HIS OR HER EMPLOY-
42 MENT, MAKE CONTRIBUTIONS AT THE RATE OF FOUR PER CENTUM OF HIS OR HER
43 STATE SALARY OUT OF MONEYS WHICH SHALL BE APPROPRIATED TO THE DEPARTMENT
44 FOR SUCH PURPOSE. FOR ELECTING EMPLOYEES APPOINTED ON OR AFTER APRIL
45 FIRST, TWO THOUSAND TWELVE, THE STATE SHALL MAKE ADDITIONAL CONTRIB-
46 UTIONS EQUAL TO THE CONTRIBUTION MADE BY EACH ELECTING EMPLOYEE,
47 PROVIDED, HOWEVER THAT SUCH ADDITIONAL CONTRIBUTIONS SHALL NOT EXCEED
48 THREE PERCENT OF EACH ELECTING EMPLOYEE'S ANNUAL WAGES. For purposes of
49 this subdivision, that portion of the employee's salary upon which
50 contributions are paid to the secretary of the treasury of the United
51 States pursuant to article three of the retirement and social security
52 law shall not exceed sixteen thousand five hundred dollars.

53 2. Employee contributions. In the case of any electing employee,
54 contributions at the rate of three [percentum] PER CENTUM of his state
55 salary shall be deducted by the state comptroller as the employee
56 contribution, PROVIDED, HOWEVER, NO EMPLOYEE CONTRIBUTIONS SHALL BE

1 REQUIRED FOR ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL
2 FIRST, TWO THOUSAND TWELVE, provided however, that such employee
3 contribution shall be made by the state in accordance with subdivision
4 one of this section during such period as (a) either section seventy-a
5 of the retirement and social security law or section five hundred twenty-
6 eight of [the education law] THIS TITLE provides that the contrib-
7 ution of each member of the New York state employees' retirement system
8 or the New York state teachers' retirement system in the employ of the
9 state shall be reduced by at least eight [percentum] PER CENTUM of his
10 compensation, or (b) employee contributions to either such system are no
11 longer required by reason of such system becoming noncontributory for
12 state employees.

13 S 73. Subdivisions 1 and 2 of section 392 of the education law, as
14 amended by chapter 63 of the laws of 1993 and paragraph (c) of subdivi-
15 sion 2 as added by chapter 617 of the laws of 2007, are amended to read
16 as follows:

17 1. Employer contributions. In the case of any electing employee
18 initially appointed on or before June thirtieth, nineteen hundred nine-
19 ty-two, the state, with respect to employees of state university, and
20 the electing employer, with respect to employees of a community college,
21 shall, during continuance of his employment, make contributions at the
22 rate of nine [percentum] PER CENTUM of that portion of his salary upon
23 which contributions, if any, are or may hereafter be paid to the secre-
24 tary of the treasury of the United States pursuant to article three of
25 the retirement and social security law and at the rate of twelve
26 [percentum] PER CENTUM of any portion of his salary upon which such
27 contributions are not paid, out of monies which shall be appropriated to
28 state university or which shall be available to the electing employer
29 for such purpose. In the case of any electing employee initially
30 appointed on or after July first, nineteen hundred ninety-two, the
31 state, with respect to employees of the state university and the elect-
32 ing employer, with respect to employees of a community college, shall,
33 during continuance of his employment, make contributions at the rate of
34 eight [percentum] PER CENTUM of his salary during the first seven years
35 of such employment and at the rate of ten [percentum] PER CENTUM of his
36 salary thereafter, out of monies which shall be appropriated to the
37 state university or which shall be available to the electing employer
38 for such purpose. IN THE CASE OF ANY ELECTING EMPLOYEE INITIALLY
39 APPOINTED ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE STATE, WITH
40 RESPECT TO EMPLOYEES OF THE STATE UNIVERSITY AND THE ELECTING EMPLOYER,
41 WITH RESPECT TO EMPLOYEES OF A COMMUNITY COLLEGE, SHALL, DURING CONTIN-
42 UANCE OF HIS EMPLOYMENT, MAKE CONTRIBUTIONS AT THE RATE OF FOUR PER
43 CENTUM OF HIS SALARY OUT OF MONIES WHICH SHALL BE APPROPRIATED TO THE
44 STATE UNIVERSITY OR WHICH SHALL BE AVAILABLE TO THE ELECTING EMPLOYER
45 FOR SUCH PURPOSE. FOR ELECTING EMPLOYEES INITIALLY APPOINTED ON OR
46 AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE STATE SHALL MAKE ADDITIONAL
47 CONTRIBUTIONS EQUAL TO THE CONTRIBUTION MADE BY EACH ELECTING EMPLOYEE,
48 PROVIDED, HOWEVER THAT SUCH ADDITIONAL CONTRIBUTIONS SHALL NOT EXCEED
49 THREE PERCENT OF EACH ELECTING EMPLOYEE'S ANNUAL WAGES. For purposes of
50 this subdivision, that portion of the employee's salary upon which
51 contributions are or may thereafter be paid to the secretary of the
52 treasury of the United States pursuant to article three of the retire-
53 ment and social security law shall be deemed not to exceed sixteen thou-
54 sand five hundred dollars.

55 2. Employee contributions. (a) In the case of any electing employee,
56 contributions at the rate of three [percentum] PER CENTUM of his salary

1 shall be deducted as the employee contribution by the comptroller, or by
2 the appropriate fiscal officer with respect to an electing employer,
3 PROVIDED, HOWEVER, THAT NO EMPLOYEE CONTRIBUTIONS SHALL BE REQUIRED FOR
4 ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL FIRST, TWO
5 THOUSAND TWELVE, provided however, that such employee contribution shall
6 be made by (i) the state for employees other than those employed by an
7 electing employer in accordance with subdivision one of this section
8 during such period as (a) either section seventy-a of the retirement and
9 social security law or section five hundred twenty-eight of this title
10 provides that the contribution of each member of the New York state
11 employees' retirement system or the New York state teachers' retirement
12 system in the employ of the state shall be reduced by at least eight
13 [percentum] PER CENTUM of his compensation or (b) employee contributions
14 to either such system are no longer required by reason of such system
15 becoming noncontributory for state employees, or (ii) by the electing
16 employer in accordance with subdivision one of this section during such
17 period as the contributions of any members of either the New York state
18 employees' retirement system or the New York state teachers' retirement
19 system or of any other public retirement system in this state in its
20 employ shall (a) be reduced by at least eight [percentum] PER CENTUM of
21 their compensation in accordance with section seventy-a of the retire-
22 ment and social security law or section five hundred twenty-nine of this
23 title or section [B3-36.1] 13-152 or section [B20-41.1] 13-546 of the
24 administrative code of the city of New York or (b) employee contrib-
25 utions to any such system of which any of its employees are members are
26 no longer required by reasons of such system becoming non contributory
27 for such employees; and provided further, however, that such employee
28 contribution with respect to the fiscal year of the city of New York
29 beginning on July first, nineteen hundred seventy-two and ending on June
30 thirtieth, nineteen hundred seventy-three shall be made by the electing
31 employer in the case of any electing employee who is employed by a
32 community college operated in such city, notwithstanding any of the
33 foregoing provisions of this subdivision to the contrary.

34 (b) Notwithstanding any provision of paragraph (a) of this subdivision
35 or any other provision of law to the contrary, but subject to the
36 provisions of subdivision d of section six hundred thirteen of the
37 retirement and social security law, in the case of any electing employee
38 initially appointed on or after July first, nineteen hundred ninety-two
39 who is employed by a community college subject to the provisions of this
40 article which is operated in the city of New York, contributions at the
41 rate of three [percentum] PER CENTUM of his or her salary shall be
42 deducted as the employee contribution by the appropriate fiscal officer
43 with respect to such community college, PROVIDED, HOWEVER, THAT FOR
44 EMPLOYEES INITIALLY APPOINTED ON OR AFTER APRIL FIRST, TWO THOUSAND
45 TWELVE, NO REQUIRED EMPLOYEE CONTRIBUTIONS SHALL BE DEDUCTED AS THE
46 EMPLOYEE CONTRIBUTION BY THE APPROPRIATE FISCAL OFFICE WITH RESPECT TO
47 SUCH COMMUNITY COLLEGE.

48 (c) Notwithstanding any other provision of this section or any other
49 law to the contrary, (1) on and after April first, two thousand eight
50 for a member who joined the optional retirement program established
51 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and who
52 has ten or more years of membership in such optional retirement program,
53 the state shall contribute one-third of the three percent employee
54 contribution required pursuant to the provisions of this section on
55 behalf of such employee; and (2) on and after April first, two thousand
56 nine for a member who joined the optional retirement program established

1 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and who
2 has ten or more years of membership in such optional retirement program,
3 the state shall contribute two-thirds of the three percent employee
4 contribution required pursuant to the provisions of this section on
5 behalf of such employee; and (3) on and after April first, two thousand
6 ten for a member who joined the optional retirement program established
7 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and who
8 has ten or more years of membership in such optional retirement program,
9 the state shall contribute the three percent employee contribution
10 required pursuant to the provisions of this section on behalf of such
11 employee. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO ANY
12 ELECTING EMPLOYEE WHO BECOMES A MEMBER OF THE OPTIONAL RETIREMENT
13 PROGRAM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

14 S 74. Subdivisions 1 and 2 of section 6252 of the education law, as
15 amended by chapter 63 of the laws of 1993 and paragraph (c) of subdivi-
16 sion 2 as added by chapter 617 of the laws of 2007, are amended to read
17 as follows:

18 1. Employer contributions. In the case of any electing employee
19 initially appointed on or before June thirtieth, nineteen hundred nine-
20 ty-two, the city shall, during continuance of his employment, makes
21 contributions at the rate of nine [percentum] PER CENTUM of that portion
22 of his city salary upon which contributions are or may hereafter be paid
23 to the secretary of the treasury of the United States pursuant to arti-
24 cle three of the retirement and social security law and at the rate of
25 twelve [percentum] PER CENTUM of that portion of his city salary above
26 said amount, out of monies which shall be appropriated to the city
27 university for such purposes. In the case of any electing employee
28 initially appointed on or after July first, nineteen hundred ninety-two,
29 the city shall, during continuance of his employment, make contributions
30 at the rate of eight [percentum] PER CENTUM of his city salary during
31 the first seven years of such employment and at the rate of ten [percen-
32 tum] PER CENTUM of his city salary, thereafter, out of monies which
33 shall be appropriated to the city university for such purpose. IN THE
34 CASE OF ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL
35 FIRST, TWO THOUSAND TWELVE, THE CITY SHALL, DURING CONTINUANCE OF HIS
36 EMPLOYMENT, MAKE CONTRIBUTIONS AT THE RATE OF FOUR PER CENTUM of his
37 city salary out of monies which shall be appropriated to the city
38 university for such purpose. For electing employees initially appointed
39 on or after April first, two thousand twelve, the state shall make addi-
40 tional contributions equal to the contribution made by each electing
41 employee, provided, however, that such additional contributions shall
42 not exceed three percent of each electing employee's annual wages. For
43 purposes of this subdivision, that portion of the employee's salary upon
44 which contributions are or may thereafter be paid to the secretary of
45 the treasury of the United States pursuant to article three of the
46 retirement and social security law shall be deemed not to exceed sixteen
47 thousand five hundred dollars.

48 2. Employee contributions. (a) In the case of any electing employee,
49 contributions at the rate of three [percentum] PER CENTUM of his city
50 salary shall be deducted as the employee contribution by the comp-
51 troller, PROVIDED, HOWEVER, THAT NO EMPLOYEE CONTRIBUTIONS SHALL BE
52 REQUIRED FOR ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL
53 FIRST, TWO THOUSAND TWELVE, provided however that such employee contrib-
54 ution shall be made by the city in accordance with subdivision one of
55 this section during such period as either section seventy-a of the
56 retirement and social security law or section [B3-36.1] 13-152 or

1 section [B20-41.1] 13-546 of the administrative code of the city of New
2 York provides that the contribution of any member of the New York city
3 employees' retirement system or the New York city teachers' retirement
4 system in the employ of the city shall be reduced by at least eight
5 [percentum] PER CENTUM of his compensation; and provided further, howev-
6 er, that such employee contribution with respect to the fiscal year of
7 the city beginning on July first, nineteen hundred seventy-two and
8 ending on June thirtieth, nineteen hundred seventy-three shall be made
9 by the city, notwithstanding any of the foregoing provisions of this
10 subdivision to the contrary.

11 (b) Notwithstanding any provision of paragraph (a) of this subdivision
12 or any other provision of law to the contrary, but subject to the
13 provisions of subdivision d of section six hundred thirteen of the
14 retirement and social security law in the case of any electing employee
15 initially appointed on or after July first, nineteen hundred ninety-two,
16 contributions at the rate of three [percentum] PER CENTUM of his or her
17 city salary shall be deducted as the employee contribution by the comp-
18 troller, PROVIDED, HOWEVER, THAT FOR EMPLOYEES INITIALLY APPOINTED ON OR
19 AFTER APRIL FIRST, TWO THOUSAND TWELVE, NO REQUIRED EMPLOYEE CONTRIB-
20 UTIONS SHALL BE DEDUCTED BY THE COMPTROLLER.

21 (c) Notwithstanding any other provision of this section or any other
22 law to the contrary, (1) on and after April first, two thousand eight
23 for a member who joined the optional retirement program established
24 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and who
25 has ten or more years of membership in such optional retirement program,
26 the city shall contribute one-third of the three percent employee
27 contribution required pursuant to the provisions of this section on
28 behalf of such employee; and (2) on and after June first, two thousand
29 nine for a member who joined the optional retirement program established
30 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and who
31 has ten or more years of membership in such optional retirement program,
32 the city shall contribute two-thirds of the three percent employee
33 contribution required pursuant to the provisions of this section on
34 behalf of such employee; and (3) on and after June first, two thousand
35 ten for a member who joined the optional retirement program established
36 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and who
37 has ten or more years of membership in such optional retirement program,
38 the city shall contribute the three percent employee contribution
39 required pursuant to the provisions of this section on behalf of such
40 employee. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO ANY
41 ELECTING EMPLOYEE WHO BECOMES A MEMBER OF THE OPTIONAL RETIREMENT
42 PROGRAM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

43 S 75. Paragraphs (b) and (c) of subdivision 86 of section 13-101 of
44 the administrative code of the city of New York, as added by chapter 114
45 of the laws of 1989, are amended to read as follows:

46 (b) In the case of a uniformed force member who is a member of the
47 uniformed force of the department of sanitation and is not a TIER III
48 MEMBER (AS DEFINED IN SUBDIVISION SEVENTY-THREE OF THIS SECTION) OR A
49 Tier IV member (as defined in subdivision seventy-six of this section),
50 the term "normal rate of contribution as a uniformed force member" shall
51 mean the proportion of such member's earnable compensation required to
52 be deducted from his or her compensation by the applicable provisions of
53 sections 13-125, 13-154, 13-159 and 13-160 of this chapter as his or her
54 member contributions, exclusive of any increase in such contributions
55 pursuant to subdivision d, e, or f of section 13-125 of this chapter, or
56 any decrease in such contributions on account of any program for

1 increased-take-home-pay or pursuant to subdivision one of section one
2 hundred thirty-eight-b of the retirement and social security law (relat-
3 ing to election to decrease member contributions by contributions due on
4 account of social security coverage).

5 (c) In the case of any uniformed force member (1) who is both a member
6 of the uniformed correction force and a Tier III member, OR (2) WHO IS
7 BOTH A MEMBER OF THE UNIFORMED FORCE OF THE DEPARTMENT OF SANITATION AND
8 A TIER III MEMBER, the term "normal rate of contribution as a uniformed
9 force member" shall mean the percentage of the annual wages of such
10 member required to be deducted from such member's wages by subdivision a
11 of section five hundred seventeen of the retirement and social security
12 law, as his or her member contributions.

13 S 76. Paragraph (b) of subdivision 87 of section 13-101 of the admin-
14 istrative code of the city of New York, as added by chapter 114 of the
15 laws of 1989, is amended to read as follows:

16 (b) a uniformed force member who is not required to contribute during
17 such payroll period because he or she is a Tier III member who, having
18 contributed for thirty years, OR WHO, IN THE CASE OF A NEW YORK CITY
19 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER (AS DEFINED IN
20 SUBDIVISION TWENTY-FIVE OF SECTION FIVE HUNDRED ONE OF THE RETIREMENT
21 AND SOCIAL SECURITY LAW), HAVING CONTRIBUTED FOR TWENTY-FIVE YEARS, has
22 discontinued member contributions pursuant to subdivision a of section
23 five hundred seventeen of the retirement and social security law.

24 S 77. Paragraph (c) of subdivision 89 of section 13-101 of the admin-
25 istrative code of the city of New York, as added by chapter 114 of the
26 laws of 1989, is amended to read as follows:

27 (c) In the case of any contributing uniformed force member who is both
28 (1) a member of the uniformed correction force (as defined in subdivi-
29 sion thirty-nine of this section) OR THE UNIFORMED FORCE OF THE DEPART-
30 MENT OF SANITATION (AS DEFINED IN SUBDIVISION SIXTY-TWO OF THIS SECTION)
31 and (2) a Tier III member (as defined in subdivision seventy-three of
32 this section), the term "uniformed force member contributions eligible
33 for pick up by the employer" shall mean the amount which, in the absence
34 of a pick up program applicable to such member pursuant to section
35 13-125.1 of this chapter, would be required to be deducted from the
36 wages of such member for such payroll period pursuant to subdivision a
37 of section five hundred seventeen of the retirement and social security
38 law as his or her required member contributions for such payroll period.

39 S 78. Paragraph 14 of subdivision e of section 13-638.4 of the admin-
40 istrative code of the city of New York, as added by chapter 749 of the
41 laws of 1992, is amended to read as follows:

42 (14) (I) Subject to the provisions of subdivision f of this section
43 and the provisions of subdivision c of section six hundred eight of the
44 RSSL, where those provisions are applicable, and notwithstanding the
45 provisions of subdivision a of section six hundred eight of the RSSL,
46 for a tier IV member of NYCERS WHO IS NOT A NEW YORK CITY REVISED PLAN
47 MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF THE
48 RSSL) or FOR A TIER IV MEMBER OF BERS WHO IS NOT A NEW YORK CITY REVISED
49 PLAN MEMBER, the term "final average salary", as used in article fifteen
50 of the RSSL, shall be equal to the greater of:

51 [(i)] (A) one-third of the highest total wages earned by such member
52 during any continuous period of employment for which the member was
53 credited with three years of service credit; provided that if the wages
54 earned during any year of credited service included in the period used
55 to determine final average salary exceeds the average of the wages of
56 the previous two years of credited service by more than ten percent, the

1 amount in excess of ten percent shall be excluded from the computation
2 of final average salary; or

3 [(ii)] (B) the total wages earned during any six consecutive years
4 from service for which the member received service credit divided by the
5 amount of such service credit earned during that six-year period,
6 PROVIDED, HOWEVER, THAT "WAGES", AS USED IN THIS PARAGRAPH, SHALL MEAN
7 THE APPLICABLE PROVISIONS AND LIMITATIONS OF THE TERM "WAGES", AS
8 DEFINED IN SUBDIVISION 1 OF SECTION SIX HUNDRED ONE OF THE RSSL.

9 (II) SUBJECT TO THE PROVISIONS OF SUBDIVISION F OF THIS SECTION WHERE
10 THOSE PROVISIONS ARE APPLICABLE, AND NOTWITHSTANDING THE PROVISIONS OF
11 SUBDIVISIONS A AND C OF SECTION SIX HUNDRED EIGHT OF THE RSSL, FOR A
12 TIER IV MEMBER OF NYCERS WHO IS A NEW YORK CITY REVISED PLAN MEMBER (AS
13 DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF THE RSSL) OR A
14 TIER IV MEMBER OF BERS WHO IS A NEW YORK CITY REVISED PLAN MEMBER, THE
15 TERM "FINAL AVERAGE SALARY", AS USED IN ARTICLE FIFTEEN OF THE RSSL,
16 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED BY SUCH
17 MEMBER DURING ANY CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE MEMBER
18 WAS CREDITED WITH FIVE YEARS OF SERVICE CREDIT; PROVIDED THAT IF THE
19 WAGES EARNED DURING ANY YEAR OF CREDITED SERVICE INCLUDED IN THE PERIOD
20 USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE WAGES
21 OF THE PREVIOUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN EIGHT
22 PERCENT, THE AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM
23 THE COMPUTATION OF FINAL AVERAGE SALARY, PROVIDED FURTHER THAT "WAGES",
24 AS USED IN THIS PARAGRAPH, SHALL MEAN THE APPLICABLE PROVISIONS AND
25 LIMITATIONS OF THE TERM "WAGES", AS DEFINED IN SUBDIVISION L OF SECTION
26 SIX HUNDRED ONE OF THE RSSL.

27 S 79. Nothing contained in sections seventy-five, seventy-six and
28 seventy-seven of this act shall be construed to create any contractual
29 right with respect to members to whom such sections apply. The
30 provisions of such sections are intended to afford members the advan-
31 tages of certain benefits contained in the internal revenue code, and
32 the effectiveness and existence of such sections and benefits they
33 confer are completely contingent thereon.

34 S 80. Notwithstanding any provision of law to the contrary, nothing in
35 this act shall limit the eligibility of any member of an employee organ-
36 ization to join a special retirement plan open to him or her pursuant to
37 a collectively negotiated agreement with any state or local government
38 employer, where such agreement is in effect on the effective date of
39 this act and so long as such agreement remains in effect thereafter;
40 provided, however, that any such eligibility shall not apply upon termi-
41 nation of such agreement for employees otherwise subject to the
42 provisions of article 22 of the retirement and social security law,
43 provided further that this section shall not be construed as authorizing
44 any member who first joins a public retirement system of the state (as
45 defined in subdivision 23 of section 501 of the retirement and social
46 security law) on or after April 1, 2012 to become a participant in any
47 of the special plans established by section 504-a, 504-b, 504-d, 604-a,
48 604-c (as added by chapter 96 of the laws of 1995), 604-d or 604-i of
49 the retirement and social security law or section 13-157.1 or 13-157.4
50 of the administrative code of the city of New York.

51 S 81. No enhancement, increase or other alteration or change in the
52 benefit structure provided herein shall be authorized.

53 S 82. Severability clause. If any clause, sentence, paragraph, subdi-
54 vision, section or part of this act shall be adjudged by any court of
55 competent jurisdiction to be invalid, such judgment shall not affect,
56 impair, or invalidate the remainder thereof, but shall be confined in

its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 83. This act shall take effect April 1, 2012, provided that the amendments to subdivision a of section 603 of the retirement and social security law made by section thirty-one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 13 of chapter 682 of the laws of 2003, as amended, provided, further that the amendments to subdivisions 86, 87 and 89 of section 13-101 of the administrative code of the city of New York made by sections seventy-five, seventy-six and seventy-seven of this act shall not affect the expiration of such subdivisions and shall be deemed to expire therewith.

PART I

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

S 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the premium charge for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. Where appropriate, such amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, INCLUDING CONTRIBUTIONS FROM PUBLIC AUTHORITIES, PUBLIC BENEFIT CORPORATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to [state] employees and retired [state] employees OF THE STATE, PUBLIC AUTHORITIES, PUBLIC BENEFIT CORPORATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE; provided, however, the state, PUBLIC AUTHORITIES, PUBLIC BENEFIT CORPORATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE shall remain obligated to pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

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

PART J

Section 1. Section 25 of the state finance law is amended to read as follows:

S 25. Reappropriation bills. Every appropriation reappropriating moneys shall set forth clearly the year, chapter and part or section of the act by which such appropriation was originally made, a brief summary of the purposes of such original appropriation, and the year, chapter and part or section of the last act, if any, reappropriating such original appropriation or any part thereof, and the amount of such reappropriation.

If it is proposed to change in any detail the purpose for which the original appropriation was made, the bill as submitted by the governor shall show clearly [any] such change.

ALL REAPPROPRIATIONS, WITH THE EXCEPTION OF REAPPROPRIATIONS FOR CAPITAL PROJECTS FUNDS AND FEDERAL FUNDS, SHALL LAPSE FIVE YEARS AFTER THE DATE UPON WHICH THE ORIGINAL APPROPRIATION WOULD LAPSE IN ACCORDANCE WITH SECTION FORTY OF THIS CHAPTER AND SECTION NINETY-NINE-D OF THIS CHAPTER, AS ADDED BY CHAPTER FOUR HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED NINETY-SIX, AND NO MONIES SHALL BE PAID OUT OF THE STATE TREASURY OR ANY OF ITS FUNDS OR THE FUNDS UNDER ITS MANAGEMENT PURSUANT TO SUCH APPROPRIATIONS.

S 2. This act shall take effect April 1, 2013.

PART K

Section 1. Paragraph 1 of subdivision 2-a of section 19-a of the public lands law, as amended by section 1 of part K-1 of chapter 109 of the laws of 2006, is amended to read as follows:

(1) Notwithstanding any provision of this section to the contrary, in addition to state aid otherwise payable pursuant to this section, there shall be payable to any city located in a county in which there has been constructed a state office building project in accordance with the provisions of chapter one hundred fifty-two of the laws of nineteen hundred sixty-four, as amended, and pursuant to an agreement entitled the "South Mall contract" dated May eleventh, nineteen hundred sixty-five, state aid in accordance with the following schedule:

State Fiscal Year

Amount

2000-2001	\$4,500,000
2001-2002	\$4,500,000
2002-2003	\$4,500,000
2003-2004	\$9,850,000
2004-2005	\$16,850,000
2005-2006	\$22,850,000
2006-2007	\$22,850,000
2007-2008	\$22,850,000
2008-2009	\$22,850,000
2009-2010	\$22,850,000
2010-2011	\$22,850,000
2011-2012	\$15,000,000
2012-2013	[\$15,000,000] \$22,850,000
2013-2014	\$15,000,000
2014-2015	\$15,000,000
2015-2016	\$15,000,000
2016-2017	\$15,000,000
2017-2018	\$15,000,000
2018-2019	\$15,000,000
2019-2020	\$15,000,000

1	2020-2021	\$15,000,000
2	2021-2022	\$15,000,000
3	2022-2023	\$15,000,000
4	2023-2024	\$15,000,000
5	2024-2025	\$15,000,000
6	2025-2026	\$15,000,000
7	2026-2027	\$15,000,000
8	2027-2028	\$15,000,000
9	2028-2029	\$15,000,000
10	2029-2030	\$15,000,000
11	2030-2031	\$15,000,000
12	2031-2032	\$15,000,000
13	2032-2033	[\$15,000,000] \$7,150,000

14 S 2. This act shall take effect April 1, 2012.

15 PART L

16 Section 1. Paragraph i of subdivision 1 of section 163 of the state
17 finance law, as added by chapter 83 of the laws of 1995, is amended to
18 read as follows:

19 i. "Lowest price" means the basis for awarding contracts for commod-
20 ities AND SERVICES among responsive and responsible offerers.

21 S 2. Paragraph j of subdivision 1 of section 163 of the state finance
22 law, as added by chapter 83 of the laws of 1995, is amended to read as
23 follows:

24 j. "Best value" means the basis for awarding contracts for COMMODITIES
25 AND services to the offerer which optimizes quality, cost and efficien-
26 cy, among responsive and responsible offerers. Such basis shall reflect,
27 wherever possible, objective and quantifiable analysis. SUCH BASIS MAY
28 ALSO IDENTIFY A QUANTITATIVE FACTOR FOR OFFERERS THAT ARE SMALL BUSI-
29 NESSES OR CERTIFIED MINORITY- OR WOMEN-OWNED BUSINESS ENTERPRISES AS
30 DEFINED IN SUBDIVISIONS ONE, SEVEN, FIFTEEN AND TWENTY OF SECTION THREE
31 HUNDRED TEN OF THE EXECUTIVE LAW TO BE USED IN EVALUATION OF OFFERS FOR
32 AWARDING OF CONTRACTS FOR COMMODITIES AND SERVICES.

33 S 3. Subparagraphs (ii), (iv), (v), and (viii) of paragraph a of
34 subdivision 3 of section 163 of the state finance law, as added by chap-
35 ter 83 of the laws of 1995, subparagraph (iv) as amended by chapter 430
36 of the laws of 1997, and subparagraph (viii) as amended by section 165
37 of subpart B of part C of chapter 62 of the laws of 2011, are amended to
38 read as follows:

39 (ii) Commodities contracts shall be awarded on the basis of lowest
40 price to a responsive and responsible offerer; or, in the case of multi-
41 ple awards, in accordance with paragraph c of subdivision ten of this
42 section. WHERE THE COMMISSIONER REASONABLY DETERMINES THAT A SPECIFIC
43 COMMODITIES PROCUREMENT WOULD RESULT IN LOWER COST TO THE STATE, SUCH
44 CONTRACT MAY ALSO BE AWARDED ON THE BASIS OF BEST VALUE TO A RESPONSIVE
45 AND RESPONSIBLE OFFERER; OR, IN THE CASE OF MULTIPLE AWARDS, IN ACCORD-
46 ANCE WITH PARAGRAPH (C) OF SUBDIVISION TEN OF THIS SECTION AND AS OTHER-
47 WISE REQUIRED BY SUBDIVISION FOUR OF THIS SECTION. SUCH DETERMINATION
48 SHALL BE INCLUDED IN THE PROCUREMENT RECORD.

49 (iv) The commissioner is authorized to permit [any officer, body or
50 agency of the state or of a political subdivision or a district therein,
51 or fire company or volunteer ambulance service as such are defined in
52 section one hundred of the general municipal law, to make] purchases of
53 commodities AND SERVICES FOR AUTHORIZED USERS through the office of
54 general services' centralized contracts[, pursuant to the provisions of

1 section one hundred four of the general municipal law. The commissioner
2 is authorized to permit any county extension service association as
3 authorized under subdivision eight of section two hundred twenty-four of
4 the county law, or any association or other entity as specified in and
5 in accordance with section one hundred nine-a of the general municipal
6 law, or any other association or entity as specified in state law, to
7 make purchases of commodities through the office of general services'
8 centralized contracts; provided, however, that such entity so empowered
9 shall accept sole responsibility for any payment due with respect to
10 such purchase]. SUCH AUTHORIZED USERS SO EMPOWERED SHALL ACCEPT SOLE
11 RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASES.

12 (v) Consistent with guidelines issued by the state procurement coun-
13 cil, state agencies may competitively purchase commodities AND SERVICES
14 procured in accordance with this article in lieu of using centralized
15 contracts when the resultant price is less than the centralized contract
16 price.

17 [(viii) The commissioner may permit and prescribe the conditions for,
18 (A) any association, consortium or group of privately owned or municipi-
19 pal, federal or state owned or operated hospitals, medical schools,
20 other health related facilities or voluntary ambulance services, which
21 have entered into a contract and made mutual arrangements for the joint
22 purchase of commodities pursuant to section twenty-eight hundred three-a
23 of the public health law; (B) any institution for the instruction of the
24 deaf or of the blind listed in section forty-two hundred one of the
25 education law; (C) any qualified non-profit-making agency for the blind
26 approved by the commissioner of the office of children and family
27 services or the office of temporary and disability assistance; (D) any
28 qualified charitable non-profit-making agency for the severely disabled
29 approved by the commissioner of education; (E) any hospital or residen-
30 tial health care facility as defined in section twenty-eight hundred one
31 of the public health law; (F) any private not-for-profit mental hygiene
32 facility as defined in section 1.03 of the mental hygiene law; and (G)
33 any public authority or public benefit corporation of the state, includ-
34 ing the port authority of New York and New Jersey and the interstate
35 environmental commission, to make purchases using centralized contracts
36 for commodities. Such qualified non-profit-making agencies for the blind
37 and severely disabled may make purchases from the correctional indus-
38 tries program of the department of corrections and community supervision
39 subject to rules pursuant to the correction law.]

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

43 d. The commissioner may make, or cause to be made by a duly authorized
44 representative, any investigation which he or she may deem proper for
45 acquiring the necessary information from a state agency for the exercise
46 of his or her powers and duties under this [subdivision] ARTICLE. For
47 such purposes the commissioner may subpoena and compel the attendance of
48 witnesses before him or her, or an authorized representative, and may
49 compel the production of books, papers, records or documents. The
50 commissioner or a duly authorized representative may take and hear
51 proofs and testimony and, for that purpose, the commissioner or the duly
52 authorized representative may administer oaths. In addition, the commis-
53 sioner or the duly authorized representative:

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

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

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

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

9 e. [Any officer, body or agency of a political subdivision as defined
10 in section one hundred of the general municipal law or a district there-
11 in, may make purchases of services through the office of general
12 services' centralized contracts for services, subject to the provisions
13 of section one hundred four of the general municipal law. The commis-
14 sioner may permit and prescribe the conditions for the purchase of
15 services through the office of general services' centralized contracts
16 for services by any public authority or public benefit corporation of
17 the state including the port authority of New York and New Jersey. The
18 commissioner is authorized to permit any public library, association
19 library, library system, cooperative library system, the New York
20 Library Association, and the New York State Association of Library
21 Boards or any other library except those which are operated by for
22 profit entities, to make purchases of services through the office of
23 general services' centralized contracts; provided, however, that such
24 entity so empowered shall accept sole responsibility for any payment due
25 with respect to such purchase.] THE COMMISSIONER IS AUTHORIZED TO PERMIT
26 PURCHASES OF SERVICES FOR AUTHORIZED USERS THROUGH THE OFFICE OF GENERAL
27 SERVICES' CENTRALIZED CONTRACTS. SUCH AUTHORIZED USERS SO EMPOWERED
28 SHALL ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO
29 SUCH PURCHASES.

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

33 Purchase through office of general services; PURCHASES FROM OTHER
34 PUBLIC CONTRACTS; certain federal contracts. 1. Notwithstanding the
35 provisions of section one hundred three of this article or of any other
36 general, special or local law, any officer, board or agency of a poli-
37 tical subdivision, of a district therein, of a fire company or of a
38 voluntary ambulance service authorized to make purchases of COMMODITIES,
39 materials, equipment, TECHNOLOGY, food products, [or] supplies[, or
40 services available pursuant to [sections one hundred sixty-one and one
41 hundred sixty-seven] SECTION ONE HUNDRED SIXTY-THREE of the state
42 finance law, may make such purchases[, except of printed material,]
43 through the office of general services OR ANY OTHER DEPARTMENT OR AGENCY
44 OF THE STATE subject to [such] rules [as may be established from time to
45 time] PROMULGATED pursuant to [sections one hundred sixty-three and one
46 hundred sixty-seven] ARTICLE ELEVEN of the state finance law; provided
47 that any such purchase shall exceed five hundred dollars and that the
48 political subdivision, district, fire company or voluntary ambulance
49 service for which such officer, board or agency acts shall accept sole
50 responsibility for any payment due the vendor. All purchases shall be
51 subject to audit and inspection by the political subdivision, district,
52 fire company or voluntary ambulance service for which made. No officer,
53 board or agency of a political subdivision, or a district therein, of a
54 fire company or of a voluntary ambulance service shall make any purchase
55 through such [office] PUBLIC ENTITY when bids have been received for
56 such purchase by such officer, board or agency, unless such purchase may

1 be made upon the same terms, conditions and specifications at a lower
2 price through such office. Two or more fire companies or voluntary ambu-
3 lance services may join in making purchases pursuant to this section,
4 and for the purposes of this section such groups shall be deemed "fire
5 companies or voluntary ambulance services."

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

10 (i) Centralized contracts for services may be procured by the office
11 of general services at the request of state agencies [and state agencies
12 may when such centralized contracts are in the form, function or utility
13 required by said agency, purchase from established centralized
14 contracts. The state procurement council may, from time to time, require
15 that state agencies procure services from certain centralized contracts]
16 OR AS DETERMINED BY THE COMMISSIONER. THE PURCHASE OF SERVICES BY STATE
17 AGENCIES SHALL BE CONDUCTED IN A MANNER THAT ACCORDS SECOND PRIORITY TO
18 CENTRALIZED CONTRACTS MEETING FORM, FUNCTION AND UTILITY REQUIRED BY
19 SAID AGENCY, THIRD PRIORITY TO AGENCY OR MULTI-AGENCY ESTABLISHED
20 CONTRACTS AND FOURTH PRIORITY TO OTHER MEANS OF CONTRACTING.

21 S 8. Paragraph d of subdivision 4 of section 163 of the state finance
22 law, as added by chapter 83 of the laws of 1995, is amended to read as
23 follows:

24 d. Service contracts shall be awarded on the basis of best value to a
25 responsive and responsible offerer; or, in the case of multiple awards,
26 in accordance with paragraph c of subdivision ten of this section.
27 WHERE THE COMMISSIONER REASONABLY DETERMINES THAT A SPECIFIC SERVICES
28 PROCUREMENT WOULD RESULT IN LOWER COST TO THE STATE, SUCH CONTRACT MAY
29 ALSO BE AWARDED ON THE BASIS OF LOW PRICE TO A RESPONSIVE AND RESPONSI-
30 BLE OFFERER; OR, IN THE CASE OF MULTIPLE AWARDS, IN ACCORDANCE WITH
31 PARAGRAPH (C) OF SUBDIVISION TEN OF THIS SECTION AND AS OTHERWISE
32 REQUIRED BY SUBDIVISION FOUR OF THIS SECTION. SUCH DETERMINATION SHALL
33 BE INCLUDED IN THE PROCUREMENT RECORD.

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

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

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

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

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

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

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

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

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

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

21 7. Method of procurement. Consistent with the requirements of subdivi-
22 sions three and four of this section, state agencies shall select among
23 permissible methods of procurement including, but not limited to, an
24 invitation for bid, request for proposals or other means of solicitation
25 pursuant to guidelines issued by the state procurement council. State
26 agencies may accept bids electronically including submission of the
27 statement of non-collusion required by section one hundred thirty-nine-d
28 of this chapter and may, for COMMODITY, SERVICE AND technology contracts
29 [and, in addition, for the period from July first, two thousand ten, to
30 July first, two thousand twelve, fuels (home heating, diesel, gasoline,
31 natural gas), road salt, recycled paper, tires, telecommunications
32 equipment, industrial supplies (tools, equipment), bituminous materials,
33 drainage and culvert pipe, and road aggregate (gravel),] require elec-
34 tronic submission as the sole method for the submission of bids for the
35 solicitation, provided that the agency has made a determination, which
36 shall be documented in the procurement record, that such method affords
37 a fair and equal opportunity for offerers to submit responsive offers.
38 Except where otherwise provided by law, procurements shall be compet-
39 itive, and state agencies shall conduct formal competitive procurements
40 to the maximum extent practicable. State agencies shall document the
41 determination of the method of procurement and the basis of award in the
42 procurement record. Where the basis for award is the best value offer,
43 the state agency shall document, in the procurement record and in
44 advance of the initial receipt of offers, the determination of the eval-
45 uation criteria, which whenever possible, shall be quantifiable, and the
46 process to be used in the determination of best value and the manner in
47 which the evaluation process and selection shall be conducted.

48 S 11. Subdivision 8 of section 163 of the state finance law, as
49 amended by chapter 95 of the laws of 2000, is amended to read as
50 follows:

51 8. Public notice. All procurements by state agencies in excess of
52 [fifteen] FIFTY thousand dollars shall be advertised in the state's
53 procurement opportunities newsletter in accordance with article four-C
54 of the economic development law.

1 S 12. Paragraph (a) of subdivision 2 of section 112 of the state
2 finance law, as amended by section 2 of part D of chapter 56 of the laws
3 of 2006, is amended to read as follows:

4 (a) Before any contract made for or by any state agency, department,
5 board, officer, commission, or institution, except the office of general
6 services, shall be executed or become effective, whenever such contract
7 exceeds fifty thousand dollars in amount and before any contract made
8 for or by the office of general services shall be executed or become
9 effective, whenever such contract exceeds eighty-five thousand dollars
10 in amount, it shall first be approved by the comptroller and filed in
11 his or her office, [provided, however, that the] WITH THE EXCEPTION OF
12 CONTRACTS ESTABLISHED AS A CENTRALIZED CONTRACT THROUGH THE OFFICE OF
13 GENERAL SERVICES AND PURCHASE ORDERS OR OTHER PROCUREMENT TRANSACTIONS
14 ISSUED UNDER SUCH CENTRALIZED CONTRACTS. THE comptroller shall make a
15 final written determination with respect to approval of such contract
16 within ninety days of the submission of such contract to his or her
17 office unless the comptroller shall notify, in writing, the state agen-
18 cy, department, board, officer, commission, or institution, prior to the
19 expiration of the ninety day period, and for good cause, of the need for
20 an extension of not more than fifteen days, or a reasonable period of
21 time agreed to by such state agency, department, board, officer, commis-
22 sion, or institution and provided, further, that such written determi-
23 nation or extension shall be made part of the procurement record pursu-
24 ant to paragraph f of subdivision one of section one hundred sixty-three
25 of this chapter.

26 S 13. Section 3 of the New York state printing and public documents
27 law, as added by chapter 160 of the laws of 1976, subdivision 1 as
28 amended by chapter 849 of the laws of 1987, and subdivision 5 as amended
29 by chapter 346 of the laws of 1991, is amended to read as follows:

30 S 3. Powers and duties of commissioner OF GENERAL SERVICES AND STATE
31 AGENCIES IN PURCHASING PRINTING. 1. The commissioner of general
32 services shall have general supervision over the letting of all
33 contracts for public printing provided to be made herein. In addition,
34 the commissioner shall exercise such further supervision and control
35 over all contracts for department printing [as herein defined that he
36 has heretofore exercised or may hereafter deem] PURSUANT TO SECTION ONE
37 HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW. THE COMMISSIONER MAY, AS
38 deemed appropriate [including, but not limited to, the establishment of]
39 ESTABLISH standard sizes and grades of paper and OTHER NECESSARY spec-
40 ifications for paper; provided, however, that such specifications shall
41 be in accordance with those established pursuant to section one hundred
42 [sixty-four] SIXTY-THREE AND SUBDIVISION THREE OF SECTION ONE HUNDRED
43 SIXTY-FIVE of the state finance law.

44 (A) THE COMMISSIONER OF GENERAL SERVICES SHALL BE RESPONSIBLE FOR THE
45 STANDARDIZATION AND CENTRALIZED CONTRACTING OF PRINTING REQUIRED BY
46 STATE AGENCIES IN A MANNER WHICH MAXIMIZES THE PURCHASING VALUE OF
47 PUBLIC FUNDS. PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE
48 FINANCE LAW, CONTRACTS FOR PRINTING MAY BE ESTABLISHED BY THE OFFICE OF
49 GENERAL SERVICES OR STATE AGENCIES, AND STATE AGENCIES MAY, WHEN SUCH
50 CENTRALIZED CONTRACTS ESTABLISHED BY THE OFFICE OF GENERAL SERVICES ARE
51 IN THE FORM, FUNCTION AND UTILITY REQUIRED BY SAID AGENCY, PURCHASE FROM
52 SUCH CENTRALIZED CONTRACTS. WHEN PRINTING IS NOT AVAILABLE CONSISTENT
53 WITH THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-THREE OF THE STATE
54 FINANCE LAW IN THE FORM, FUNCTION AND UTILITY REQUIRED BY STATE AGEN-
55 CIES, STATE AGENCIES MAY PROCURE PRINTING INDEPENDENTLY OR IN CONJUNC-
56 TION WITH OTHER STATE AGENCIES.

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

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

3. It shall be the duty of said commissioner, in accordance with rules and regulations to be prescribed by him, to let to the lowest responsible bidder, as hereinafter provided, and as will best promote the public interest, all contracts for the work embraced in the legislative printing and department printing as those terms are in this chapter defined, except printing done pursuant to law in the correctional facilities of the state, in the state charitable and benevolent institutions for the benefit of such institutions, or by the board or commission having fiscal control of such institutions, the printing of examination question papers or printing done for the education department or the schools under its jurisdiction in the rooms of the university of the state of New York by its employees, the stationery used by the legislature, briefs and cases on appeal and the bulletins issued by the Geneva and Ithaca experimental stations.] No contract for department printing shall be let to a bidder who, in the opinion of the commissioner, does not have satisfactory facilities and equipment which are ample and sufficient to insure proper performance of the contract or who has failed to give adequate security in an amount which may be required by the commissioner. Provided further, however, that no contract shall be let to a bidder other than the lowest PRICE OR BEST VALUE responsible bidder without the written approval of the comptroller.

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

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

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

S 14. Section 6 of the New York state printing and public documents law is REPEALED.

1 S 15. Section 7 of the New York state printing and public documents
2 law is REPEALED and section 7-a is renumbered section 7.

3 S 16. Section 8 of the New York state printing and public documents
4 law, as amended by chapter 704 of the laws of 1964 and as renumbered by
5 chapter 160 of the laws of 1976, is amended to read as follows:

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

17 S 17. Paragraph (g) of section 1509 of the not-for-profit corporation
18 law, as added by chapter 151 of the laws of 1992, is amended to read as
19 follows:

20 (g) Purchases through office of general services. Notwithstanding the
21 provisions of any general, special or local law, any officer or agent of
22 a cemetery corporation subject to the provisions of this article author-
23 ized to make purchases of [materials, equipment or supplies] COMMODITIES
24 AND SERVICES may make such purchases[, except of printed material,]
25 through the office of general services subject to such rules as may be
26 established from time to time pursuant to section one hundred sixty-
27 three of the state finance law; provided that any such purchase shall
28 exceed five hundred dollars and that the cemetery corporation for which
29 such officer or agent acts shall accept sole responsibility for any
30 payment due the vendor. All purchases shall be subject to audit and
31 inspection by the cemetery corporation for which made. Two or more ceme-
32 tery corporations may join in making purchases pursuant to this section
33 and, for the purposes of this section, such groups shall be deemed a
34 cemetery corporation.

35 S 18. Paragraph i of subdivision 3 of section 236 of the education
36 law, as added by chapter 9 of the laws of 1979, is amended to read as
37 follows:

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

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

49 S 258-a. Purchases by museums, historical societies, zoological
50 gardens, aquariums, botanical gardens and arboreta through office of
51 general services. Museums, historical societies, zoological gardens,
52 aquariums, botanical gardens and arboreta which are chartered or incor-
53 porated by the regents or otherwise formed pursuant to section two
54 hundred sixteen of this chapter or otherwise pursuant to the laws of
55 this state and are also non-profit ORGANIZATIONS may make purchases [,
56 except of printed material,] OF COMMODITIES AND SERVICES through the

1 [state division of standards and purchase in the] office of general
2 services subject to such rules as may be established from time to time
3 pursuant to section one hundred sixty-three of the state finance law;
4 provided that each such purchase shall have a cost of five hundred
5 dollars or more and that said museum, historical society, zoological
6 garden, aquarium, botanical garden or arboreta shall accept sole respon-
7 sibility for any payment of such cost due the vendor.

8 S 20. Section 6404 of the education law, as added by chapter 734 of
9 the laws of 1976, is amended to read as follows:

10 S 6404. Purchases by certain independent institutions. Any postsecon-
11 dary institution chartered under the powers of the regents pursuant to
12 section two hundred sixteen or incorporated under a special act of the
13 legislature may make purchases[, except of printed material,] OF COMMOD-
14 ITIES AND SERVICES pursuant to the terms of contracts let by the [state
15 division of standards and purchase in the] office of general services
16 subject to such rules as may be established from time to time pursuant
17 to section one hundred sixty-three of the state finance law which may
18 establish limitations with respect to commodities AND SERVICES and
19 impose such other appropriate conditions upon purchasing as deemed
20 necessary by the commissioner of general services in order to protect
21 the state's own purchasing interests; provided that each such purchase
22 shall have a cost of five hundred dollars or more and that said [corpo-
23 ration] INSTITUTION shall accept sole responsibility for any payment of
24 such cost due the vendor.

25 S 21. Section 104 of the general municipal law, as amended by chapter
26 137 of the laws of 2008, is amended to read as follows:

27 S 104. Purchase through office of general services. Notwithstanding
28 the provisions of section one hundred three of this article or of any
29 other general, special or local law, any officer, board or agency of a
30 political subdivision, of a district therein, of a fire company or of a
31 voluntary ambulance service IS authorized to make purchases of [materi-
32 als, equipment, food products, or supplies, or services] COMMODITIES AND
33 SERVICES available pursuant to [sections one hundred sixty-one and one
34 hundred sixty-seven] SECTION ONE HUNDRED SIXTY-THREE of the state
35 finance law, may make such purchases[, except of printed material,]
36 through the office of general services subject to such rules as may be
37 established from time to time pursuant to [sections] SECTION one hundred
38 sixty-three [and one hundred sixty-seven] of the state finance law or
39 through the general services administration pursuant to section 1555 of
40 the federal acquisition streamlining act of 1994, P.L. 103-355; provided
41 that any such purchase shall exceed five hundred dollars and that the
42 political subdivision, district, fire company or voluntary ambulance
43 service for which such officer, board or agency acts shall accept sole
44 responsibility for any payment due the vendor. All purchases shall be
45 subject to audit and inspection by the political subdivision, district,
46 fire company or voluntary ambulance service for which made. No officer,
47 board or agency of a political subdivision, or a district therein, of a
48 fire company or of a voluntary ambulance service shall make any purchase
49 through such office when bids have been received for such purchase by
50 such officer, board or agency, unless such purchase may be made upon the
51 same terms, conditions and specifications at a lower price through such
52 office. Two or more fire companies or voluntary ambulance services may
53 join in making purchases pursuant to this section, and for the purposes
54 of this section such groups shall be deemed "fire companies or voluntary
55 ambulance services."

1 S 22. Section 109-a of the general municipal law, as amended by chap-
2 ter 502 of the laws of 2002, is amended to read as follows:

3 S 109-a. Purchases through the office of general services by certain
4 public associations. The New York State Association of Counties, the
5 Association of Towns of the State of New York, the New York State Town
6 Clerk's Association, Inc., the New York State Conference of Mayors and
7 Other Municipal Officials, the New York State School Boards Association,
8 Inc., the New York Planning Federation and the Association of Fire
9 Districts of the State of New York, the New York State Association of
10 School Business Officials, the New York state council of school super-
11 intendents, any nonpublic elementary and/or secondary school of the
12 state of New York, which provides the instruction required by section
13 thirty-two hundred four and article seventeen of the education law, and
14 which is chartered by, registered with or subject to examination and
15 inspection by the department of education and which is a not for profit
16 institution and any public library, association library, library system,
17 cooperative library system, the New York Library Association, and the
18 New York State Association of Library Boards or any other library except
19 those which are operated by for profit entities, may make purchases[,
20 except of printed material,] through the office of general services
21 subject to such rules as may be [established from time to time] PROMUL-
22 GATED pursuant to [sections] SECTION one hundred sixty-three [and one
23 hundred sixty-five] of the state finance law and subdivision eight-a of
24 section one hundred three of this article which may establish limita-
25 tions with respect to commodities and impose such other appropriate
26 conditions upon purchasing as deemed necessary by the commissioner of
27 general services in order to protect the state's own purchasing inter-
28 ests; and that such association, school, library, library system or
29 cooperative library system shall accept sole responsibility for any
30 payment due the vendor. Boards of education may permit such nonpublic
31 schools to make purchases pursuant to this section through the school
32 district in which the nonpublic school is located, provided that any
33 administrative costs incurred by the school district will be paid by the
34 nonpublic school.

35 S 23. Subdivision (a) of section 2 of chapter 741 of the laws of 1985
36 relating to authorizing certain organizations to purchase commodities
37 and services under contracts let by the state office of general
38 services, as amended by chapter 134 of the laws of 1994, is amended to
39 read as follows:

40 (a) Any charitable organization or federation of charitable organiza-
41 tions, as defined in subdivision (b) of this section, maintaining its
42 office in a county of the state and performing all or the predominant
43 part of its charitable, benevolent or philanthropic services or conduct-
44 ing all or the predominant part of its solicitation of charitable
45 contributions in such county and any county, town or other agricultural
46 society, the American institute of the city of New York, performing
47 their activities in any such county on or after January 1, 1993 is
48 authorized to make purchases[, except of printed material,] pursuant to
49 the terms of contracts let by the [state divisions of purchasing and of
50 standards and quality control of the] office of general services subject
51 to such rules as may be [established from time to time under] PROMULGAT-
52 ED PURSUANT TO the provisions of section 163 of the state finance law,
53 which may establish limitations with respect to commodities AND SERVICES
54 and impose such other appropriate conditions upon purchasing as deemed
55 necessary by the commissioner of general services in order to protect
56 the state's own purchasing interests; provided that each such purchase

1 shall exceed five hundred dollars and that such charitable organization
2 or federation of charitable organizations shall accept sole responsibil-
3 ity for any payment due the vendor.

4 S 24. Subdivision 7 of section 160 of the state finance law, as added
5 by chapter 83 of the laws of 1995, is amended to read as follows:

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

14 S 25. Paragraph a of subdivision 5 of section 355 of the education
15 law, as amended by section 1 of subpart B of part D of chapter 58 of the
16 laws of 2011, is amended to read as follows:

17 a. (i) purchase materials, PROPRIETARY ELECTRONIC INFORMATION
18 RESOURCES INCLUDING BUT NOT LIMITED TO ACADEMIC, PROFESSIONAL, AND
19 INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING
20 TOOLS, INDEXES AND ABSTRACTS, equipment and supplies, including computer
21 equipment and motor vehicles, (ii) execute contracts for construction
22 and construction-related services contracts, and (iii) contract for
23 printing, without prior approval by any other state officer or agency,
24 but subject to rules and regulations of the state comptroller not other-
25 wise inconsistent with the provisions of this section and in accordance
26 with guidelines promulgated by the state university board of trustees
27 after consultation with the state comptroller;

28 S 25-a. Paragraph a of subdivision 5 of section 355 of the education
29 law, as amended by chapter 682 of the laws of 2007, is amended to read
30 as follows:

31 a. (i) purchase materials, PROPRIETARY ELECTRONIC INFORMATION
32 RESOURCES INCLUDING BUT NOT LIMITED TO ACADEMIC, PROFESSIONAL, AND
33 INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING
34 TOOLS, INDEXES AND ABSTRACTS equipment and supplies, including computer
35 equipment and motor vehicles, where the amount for a single purchase
36 does not exceed twenty thousand dollars, (ii) execute contracts for
37 services and construction contracts to an amount not exceeding twenty
38 thousand dollars, and (iii) contract for printing to an amount not
39 exceeding five thousand dollars, without prior approval by any other
40 state officer or agency, but subject to rules and regulations of the
41 state comptroller not otherwise inconsistent with the provisions of this
42 section and in accordance with the rules and regulations promulgated by
43 the state university board of trustees after consultation with the state
44 comptroller. In addition, the trustees, after consultation with the
45 commissioner of general services, are authorized to annually negotiate
46 with the state comptroller increases in the aforementioned dollar limits
47 and the exemption of any articles, categories of articles or commodities
48 from these limits. Rules and regulations promulgated by the state
49 university board of trustees shall, to the extent practicable, require
50 that competitive proposals be solicited for purchases, and shall include
51 requirements that purchases and contracts authorized under this section
52 be at the lowest available price, including consideration of prices
53 available through other state agencies, consistent with quality require-
54 ments, and as will best promote the public interest. Such purchases may
55 be made directly from any contractor pursuant to any contract for

1 commodities let by the office of general services or any other state
2 agency;

3 S 26. Subdivision 3 of section 160 of the state finance law, as added
4 by chapter 83 of the laws of 1995, is amended to read as follows:

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

10 S 27. Subdivision 1 of section 163 of the state finance law is amended
11 by adding a new paragraph k to read as follows:

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

51 S 28. Subdivision 5 of section 362 of chapter 83 of the laws of 1995
52 amending the state finance law and other laws relating to bonds, notes
53 and revenues, as amended by chapter 137 of the laws of 2008, is amended
54 to read as follows:

55 5. Sections thirty-one through forty-two of this act shall take effect
56 on the thirtieth day after it shall have become a law and shall be

1 deemed to have been in full force and effect on and after April 1,
2 1995[; provided that section 163 of the state finance law, as added by
3 section thirty-three of this act shall remain in full force and effect
4 until June 30, 2012 at which time it shall expire and be deemed
5 repealed. Contracts executed prior to the expiration of such section 163
6 shall remain in full force and effect until the expiration of any such
7 contract notwithstanding the expiration of certain provisions of this
8 act].

9 S 29. Section 179-ee of the state finance law is amended by adding a
10 new subdivision 3 to read as follows:

11 3. A MODIFICATION TO A CONTRACT THAT WOULD RESULT IN A TRANSFER OF
12 FUNDS AMONG PROGRAM ACTIVITIES OR BUDGET COST CATEGORIES BUT DOES NOT
13 AFFECT THE AMOUNT, CONSIDERATION, SCOPE OR OTHER TERMS OF SUCH CONTRACT
14 SHALL NOT, BY ITSELF, REQUIRE SUCH CONTRACT AND MODIFICATION TO BE
15 SUBMITTED TO THE COMPTROLLER FOR REVIEW; PROVIDED, HOWEVER, THAT IF SUCH
16 MODIFICATION IS IN AN AMOUNT EQUAL TO OR GREATER THAN TEN PERCENT OF THE
17 TOTAL VALUE OF THE CONTRACT, THE COMPTROLLER MAY REQUIRE THAT SUCH
18 MODIFICATION BE SUBMITTED TO HIM OR HER FOR REVIEW.

19 S 30. This act shall take effect immediately, provided, however, that
20 procurement contracts for which bid solicitations have been issued prior
21 to the effective date of this act shall be subject to the provisions of
22 law in effect at the time of issuance; and provided, however, that the
23 amendments to section 104 of the general municipal law made by section
24 six of this act shall be subject to the expiration and reversion of such
25 section pursuant to section 9 of subpart A of part C of chapter 97 of
26 the laws of 2011, when upon such date the provisions of section twenty-
27 one of this act shall take effect; and provided, however, that the
28 amendments to paragraph a of subdivision 5 of section 355 of the educa-
29 tion law made by section twenty-five of this act shall be subject to the
30 expiration and reversion of such subdivision pursuant to section 4 of
31 subpart B of part D of chapter 58 of the laws of 2011, when upon such
32 date the provisions of section twenty-five-a of this act shall take
33 effect; and provided further, however, that section twenty-eight of this
34 act shall be deemed to have been in full force and effect on and after
35 April 1, 2012.

36 PART M

37 Section 1. The civil service law is amended by adding a new section 66
38 to read as follows:

39 S 66. TERM APPOINTMENTS IN PROFESSIONAL, SCIENTIFIC, TECHNICAL OR
40 OTHER EXPERT SERVICES. 1. THE DEPARTMENT MAY AUTHORIZE A TERM APPOINT-
41 MENT WITHOUT EXAMINATION TO A TEMPORARY PROFESSIONAL, SCIENTIFIC, TECH-
42 NICAL OR OTHER POSITION REQUIRING SPECIAL EXPERTISE OR QUALIFICATIONS.
43 SUCH APPOINTMENT MAY BE AUTHORIZED ONLY IN A CASE WHERE THE APPOINTING
44 AUTHORITY CERTIFIES TO THE DEPARTMENT THAT BECAUSE OF THE TYPE OF
45 SERVICES TO BE RENDERED OR THE TEMPORARY OR OCCASIONAL CHARACTER OF SUCH
46 SERVICES, IT WOULD NOT BE PRACTICABLE TO HOLD AN EXAMINATION OF ANY
47 KIND. SUCH CERTIFICATION SHALL BE A PUBLIC DOCUMENT PURSUANT TO THE
48 PUBLIC OFFICERS LAW AND SHALL IDENTIFY THE SPECIAL EXPERTISE OR QUALI-
49 FICATIONS THAT ARE REQUIRED AND WHY THEY CANNOT BE OBTAINED THROUGH AN
50 APPOINTMENT FROM AN ELIGIBLE LIST. THE MAXIMUM PERIOD FOR SUCH TERM
51 APPOINTMENT ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL NOT EXCEED
52 SIXTY MONTHS AND SHALL NOT BE EXTENDED. THE MAXIMUM NUMBER OF PERSONS IN
53 SUCH APPOINTMENTS SHALL NOT EXCEED FIVE HUNDRED AT ANY ONE TIME. AT
54 LEAST FIFTEEN DAYS PRIOR TO MAKING A TERM APPOINTMENT PURSUANT TO THIS

SECTION THE APPOINTING AUTHORITY SHALL PUBLICLY AND CONSPICUOUSLY POST IN ITS OFFICES INFORMATION ABOUT THE TEMPORARY POSITION AND THE REQUIRED QUALIFICATIONS AND SHALL ALLOW ANY QUALIFIED EMPLOYEE TO APPLY FOR SAID POSITION. AN EMPLOYEE APPOINTED PURSUANT TO THIS PROVISION WHO HAS COMPLETED TWO YEARS OF CONTINUOUS SERVICE UNDER THIS PROVISION SHALL BE ABLE TO COMPETE IN ONE PROMOTIONAL EXAMINATION THAT IS ALSO OPEN TO OTHER EMPLOYEES WHO HAVE PERMANENT CIVIL SERVICE APPOINTMENTS AND APPROPRIATE QUALIFICATIONS.

2. A TEMPORARY POSITION ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION MAY BE ABOLISHED FOR REASONS OF ECONOMY, CONSOLIDATION OR ABOLITION OF FUNCTIONS, CURTAILMENT OF ACTIVITIES OR OTHERWISE. UPON SUCH ABOLITION OR AT THE END OF THE TERM OF THE APPOINTMENT, THE PROVISIONS OF SECTIONS SEVENTY-EIGHT, SEVENTY-NINE, EIGHTY AND EIGHTY-ONE OF THIS CHAPTER SHALL NOT APPLY. IN THE EVENT OF A REDUCTION OF WORKFORCE PURSUANT TO SECTION EIGHTY OF THIS CHAPTER AFFECTING PROFESSIONAL, SCIENTIFIC, TECHNICAL, OR INFORMATION TECHNOLOGY POSITIONS, THE TERM APPOINTMENTS PURSUANT TO THIS SECTION AT AN AGENCY SHALL BE ABOLISHED PRIOR TO THE ABOLITION OF PERMANENT COMPETITIVE CLASS PROFESSIONAL, SCIENTIFIC, TECHNICAL, OR INFORMATION TECHNOLOGY POSITIONS AT SUCH AGENCY INVOLVING COMPARABLE SKILLS AND RESPONSIBILITIES.

3. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT MAY LIMIT CERTIFICATION FROM THE FOLLOWING ELIGIBLE LISTS TO THOSE ELIGIBLES IDENTIFIED AS HAVING KNOWLEDGE, SKILLS OR CERTIFICATIONS, OR ANY COMBINATION THEREOF, IDENTIFIED BY THE APPOINTING AUTHORITY AS NECESSARY TO PERFORM THE DUTIES OF CERTAIN POSITIONS:

- 35-382 INFORMATION TECHNOLOGY SPECIALIST 4 G-25
- 35-383 INFORMATION TECHNOLOGY SPECIALIST 4 (DATA COMMUNICATIONS) G-25
- 35-384 INFORMATION TECHNOLOGY SPECIALIST 4 (DATABASE) G-25
- 35-386 INFORMATION TECHNOLOGY SPECIALIST 4 (SYSTEMS PROGRAMMING) G-25
- 35-387 MANAGER INFORMATION TECHNOLOGY SERVICES 1 G-27
- 35-388 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATA COMMUNICATIONS) G-27
- 35-389 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATABASE) G-27
- 35-391 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (SYSTEMS PROGRAMMING) G-27
- 35-392 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (TECHNICAL) G-27

S 2. Section 51 of the civil service law, as amended by chapter 836 of the laws of 1968, is amended to read as follows:

S 51. Filling vacancies by open competitive OR OPEN PROMOTION examination. 1. Upon the written request of the appointing officer stating [his] THE reasons therefor, or on its own initiative, the state civil service department or appropriate municipal commission may determine to conduct an open competitive examination for filling a vacancy or vacancies instead of a promotion examination.

2. Except where the state civil service department or appropriate municipal commission finds that there are less than three persons eligible for promotion in the promotion unit where the vacancy exists, or in the department, if such vacancy is not in a separate promotion unit, [and] OR except where the department or municipal commission determines to conduct an open competitive and a promotion examination simultaneously, OR EXCEPT WHERE THE STATE CIVIL SERVICE DEPARTMENT DETERMINES TO CONDUCT AN OPEN PROMOTION EXAMINATION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, a notice of intention to conduct such open competitive examination OR OPEN PROMOTION EXAMINATION or a copy of the appointing officer's request for open competitive examination OR OPEN PROMOTION EXAMINATION, as the case may be, shall be publicly and conspicuously

1 posted in the offices of both the appointing officer and the state civil
2 service department or appropriate municipal commission and such request
3 shall not be acted upon until said notice has been posted as aforesaid
4 for a period of not less than fifteen days.

5 3. Any employee who believes that a promotion examination should be
6 held for filling such vacancy may submit to the state civil service
7 department or appropriate municipal commission his OR HER request, in
8 writing, for a promotion examination rather than an open competitive OR
9 OPEN PROMOTION examination, stating the reasons why he OR SHE believes
10 it to be practicable and in the public interest to fill the vacancy by
11 promotion examination.

12 4. THE STATE CIVIL SERVICE DEPARTMENT, UPON THE WRITTEN REQUEST OF AN
13 APPOINTING OFFICER, OR ON ITS OWN INITIATIVE, MAY DETERMINE TO CONDUCT
14 AN OPEN PROMOTION EXAMINATION FOR FILLING A VACANCY OR VACANCIES IN
15 PROFESSIONAL, TECHNICAL, SCIENTIFIC OR ADMINISTRATIVE POSITIONS. SUCH
16 OPEN PROMOTION EXAMINATION SHALL BE OPEN BOTH TO PERSONS WHO WOULD
17 OTHERWISE BE ELIGIBLE TO PARTICIPATE IN AN OPEN COMPETITIVE EXAMINATION
18 FOR SUCH POSITIONS AND TO PERSONS WHO WOULD OTHERWISE BE ELIGIBLE TO
19 PARTICIPATE IN A PROMOTION EXAMINATION FOR SUCH POSITIONS, PROVIDED
20 HOWEVER, THAT PERSONS MAY ONLY PARTICIPATE IN EITHER THE PROMOTION OR
21 OPEN COMPETITIVE EXAMINATION. ELIGIBLE LISTS SHALL BE CERTIFIED IN THE
22 MANNER PROVIDED IN SUBDIVISION FOUR OF SECTION SIXTY OF THIS ARTICLE.

23 S 3. Section 60 of the civil service law is amended by adding a new
24 subdivision 4 to read as follows:

25 4. CERTIFICATION OF ELIGIBLE LISTS FROM AN OPEN PROMOTION EXAMINATION.
26 THE STATE DEPARTMENT OF CIVIL SERVICE SHALL CERTIFY A PROMOTION ELIGIBLE
27 LIST AND AN OPEN COMPETITIVE ELIGIBLE LIST CONTAINING THE NAMES OF ALL
28 SUCCESSFUL CANDIDATES RESULTING FROM AN OPEN PROMOTION EXAMINATION HELD
29 PURSUANT TO SUBDIVISION FOUR OF SECTION FIFTY-ONE OF THIS ARTICLE. THE
30 PROMOTION ELIGIBLE LIST SHALL BE ESTABLISHED IN THE SAME MANNER AND
31 SUBJECT TO THE SAME CONDITIONS AS WOULD OTHERWISE APPLY IF SUCH EXAMINA-
32 TION HAD BEEN A PROMOTION EXAMINATION; THE RATINGS AND RANKS OF THE
33 CANDIDATES SHALL BE REVISED BY INCLUDING CREDIT FOR SENIORITY AND APPLY-
34 ING ADDITIONAL CREDITS FOR DISABLED AND NON-DISABLED VETERANS APPLICABLE
35 TO PROMOTION EXAMINATIONS. THE OPEN COMPETITIVE LIST SHALL RANK ALL
36 SUCCESSFUL CANDIDATES IN THE ORDER OF THEIR FINAL RATINGS; THE RATINGS
37 AND RANKS OF THE CANDIDATES SHALL BE REVISED BY INCLUDING ADDITIONAL
38 CREDITS FOR DISABLED AND NON-DISABLED VETERANS APPLICABLE TO EXAMINA-
39 TIONS FOR ORIGINAL APPOINTMENT. AN APPOINTING OFFICER MAY USE EITHER
40 LIST TO FILL A VACANCY.

41 S 4. Subdivision 4 of section 52 of the civil service law, as added by
42 chapter 790 of the laws of 1958, is amended to read as follows:

43 4. Departmental and interdepartmental promotion lists. The state civil
44 service department and municipal commissions may establish interdepart-
45 mental promotion ELIGIBLE lists which shall not be certified to a
46 department until after the promotion eligible list for that department
47 has been exhausted, EXCEPT THAT WHERE IT WOULD BE IN THE BEST INTEREST
48 OF THE STATE SERVICE, THE STATE CIVIL SERVICE DEPARTMENT MAY CERTIFY AN
49 INTERDEPARTMENTAL PROMOTION ELIGIBLE LIST AND DEPARTMENTAL PROMOTION
50 ELIGIBLE LIST FOR FILLING POSITIONS WITHOUT PREFERENCE TO THE DEPART-
51 MENTAL PROMOTION ELIGIBLE LIST.

52 S 5. Subdivision 11 of section 52 of the civil service law, as amended
53 by chapter 214 of the laws of 1989, is amended to read as follows:

54 11. Notwithstanding any other provision of law, the state [department
55 of] civil service DEPARTMENT may, for titles designated by it, extend to
56 employees in the state service who are holding or who have held a posi-

tion in the non-competitive or labor class of such service the same opportunity as employees in the competitive class to take promotion examinations [if such examinations are to be held in conjunction with open competitive examinations].

S 6. Subdivision 6 of section 52 of the civil service law, as added by chapter 790 of the laws of 1958, paragraph (a) as amended by chapter 210 of the laws of 1971 and paragraph (b) as separately amended by chapters 836 and 837 of the laws of 1968, is amended to read as follows:

6. Promotion and transfer to administrative positions in the state service. (a) For the purpose of this subdivision, the term "administrative positions" shall include competitive class OR NON-COMPETITIVE CLASS positions in the state service in law, personnel, budgeting, methods and procedures, management, records analysis, and administrative research, as determined by the state civil service department.

(b) Except as provided in section fifty-one OF THIS ARTICLE, vacancies in administrative positions IN THE COMPETITIVE CLASS shall be filled, so far as practicable, by promotion as prescribed in subdivision one of this section, which may be made from among persons holding administrative positions in lower grades without regard to the specialties of their lower grade positions. The civil service department, upon the request of an appointing officer stating the reasons why the filling of administrative positions in grade fourteen or higher under his jurisdiction from an interdepartmental promotion list or a promotion list including persons employed in other units of government would be in the best interests of the state service, or upon its own initiative whenever it finds that the filling of administrative positions in grade fourteen or higher in any department from such an interdepartmental or intergovernmental promotion list would be in the best interests of the state service, may certify such an interdepartmental or intergovernmental promotion list for filling such positions, without preference to departmental lists or to eligibles holding lower grade positions in the department or promotion unit in which such positions exist.

(c) Transfers shall be allowed between administrative positions in the same or related or collateral specialties which involve substantially equivalent COMPETITIVE EXAMINATIONS OR NON-COMPETITIVE tests or qualifications, subject to such conditions and limitations as the state civil service department may prescribe.

(d) The provisions of this subdivision shall be applicable and controlling, notwithstanding any other provisions of this section or chapter or any other law.

S 7. Subdivision 1 of section 70 of the civil service law, as amended by chapter 718 of the laws of 1993, is amended to read as follows:

1. General provisions. Except as provided in subdivisions four and six of this section no employee IN THE COMPETITIVE OR NON-COMPETITIVE CLASS shall be transferred to a position for which there is required by this chapter or the rules established hereunder an examination involving essential tests or qualifications different from or higher than those required for the position held by such employee. The state and municipal commissions may adopt rules governing transfers between positions in their respective jurisdictions and may also adopt reciprocal rules providing for the transfer of employees from one governmental jurisdiction to another. No employee shall be transferred without his or her consent except as provided in subdivision six of this section or upon the transfer of functions as provided in subdivision two of this section. NOTWITHSTANDING THE PROVISIONS OF SECTION FIFTY OF THIS CHAPTER OR ANY OTHER LAW, TRANSFERS IN THE STATE SERVICE PURSUANT TO THIS SUBDI-

VISION FROM NON-COMPETITIVE CLASS POSITIONS TO COMPETITIVE CLASS POSITIONS SHALL BE PERMITTED ONLY WHERE THE NON-COMPETITIVE TESTS OR QUALIFICATIONS INCLUDE POSSESSION OF CREDENTIALS, LICENSES, OR CERTIFICATIONS GRANTED BY APPROPRIATE REGULATORY BODIES WHICH ARE SIMILAR TO THE REQUIRED ESSENTIAL TESTS OR QUALIFICATIONS OF THE COMPETITIVE CLASS POSITION.

S 8. Subdivision 4 of section 70 of the civil service law, as amended by chapter 718 of the laws of 1993, is amended to read as follows:

4. Transfer and change of title. Notwithstanding the provisions of subdivision one of this section or any other provision of law, any permanent employee in the competitive, NON-COMPETITIVE, OR LABOR class who meets all of the requirements for a competitive examination, and is otherwise qualified as determined by the state civil service commission or the municipal civil service commission, as the case may be, shall be eligible for participation in a non-competitive examination in a different position classification, provided, however, that such employee is holding a position in a similar grade.

S 9. Section 70 of the civil service law is amended by adding a new subdivision 3 to read as follows:

3. TRANSFER OF PERSONNEL UPON THE CONSOLIDATION OR MERGER OF AGENCIES OR DEPARTMENTS OF THE STATE. OFFICERS AND EMPLOYEES TRANSFERRED PURSUANT TO SUBDIVISION ONE OR TWO OF THIS SECTION TO A NEW DEPARTMENT OR AGENCY SHALL BE TRANSFERRED IN THEIR CURRENT CIVIL SERVICE CLASSIFICATION AND STATUS. TRANSFERRED PERMANENT EMPLOYEES WHOSE POSITIONS ARE SUBSEQUENTLY RECLASSIFIED TO ALIGN WITH THE DUTIES AND RESPONSIBILITIES OF THEIR POSITIONS WITHIN THE NEW DEPARTMENT OR AGENCY SHALL HOLD SUCH POSITIONS WITHOUT FURTHER EXAMINATION OR QUALIFICATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE NAMES OF PERMANENT EMPLOYEES TRANSFERRED FROM A STATE DEPARTMENT OR AGENCY TO A NEW DEPARTMENT OR AGENCY WHO WERE ON A PROMOTION ELIGIBLE LIST FOR APPOINTMENT IN THE AGENCY OR DEPARTMENT FROM WHICH SUCH EMPLOYEES WERE TRANSFERRED SHALL BE ADDED TO THE PROMOTION ELIGIBLE LIST IN THE NEW DEPARTMENT OR AGENCY, AS THE STATE CIVIL SERVICE DEPARTMENT DEEMS APPROPRIATE.

S 10. This act shall take effect immediately; provided, however, that section one of this act shall be deemed to have been in full force and effect on and after December 31, 2011.

PART N

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

1. Tuition reimbursement fund (050):
 - a. Tuition reimbursement account (01).
 - b. Proprietary vocational school supervision account (02).
2. Local government records management improvement fund (052):
 - a. Local government records management account (01).
3. Dedicated highway and bridge trust fund (072):
 - a. Highway and bridge capital account (01).
 - b. State university residence hall rehabilitation fund (074).
4. State parks infrastructure trust fund (076):
 - a. State parks infrastructure account (01).
5. Clean water/clean air implementation fund (079).
6. State lottery fund (160):
 - a. Education - New (03).

- 1 b. VLT - Sound basic education fund (06).
- 2 7. Medicaid management information system escrow fund (179).
- 3 8. Sewage treatment program management and administration fund (300).
- 4 9. Environmental conservation special revenue fund (301):
- 5 a. Waste cleanup and management account (48).
- 6 b. Hazardous bulk storage account (F7).
- 7 c. Low level radioactive waste siting account (K5).
- 8 d. Recreation account (K6).
- 9 e. Public safety recovery account (PS).
- 10 f. Conservationist magazine account (S4).
- 11 g. Environmental regulatory account (S5).
- 12 h. Natural resource account (S6).
- 13 i. Mined land reclamation program account (XB).
- 14 j. Federal grants indirect cost recovery account (IC).
- 15 10. Environmental protection and oil spill compensation fund (303).
- 16 11. Hazardous waste remedial fund (312):
- 17 a. Site investigation and construction account (01).
- 18 b. Hazardous waste remedial clean up account (06).
- 19 12. Mass transportation operating assistance fund (313):
- 20 a. Public transportation systems account (01).
- 21 b. Metropolitan mass transportation (02).
- 22 13. Clean air fund (314):
- 23 a. Operating permit program account (01).
- 24 b. Mobile source account (02).
- 25 14. Centralized services fund (323).
- 26 15. State exposition special fund (325).
- 27 16. Agency enterprise fund (331):
- 28 a. OGS convention center account (55).
- 29 17. Agencies internal service fund (334):
- 30 a. Archives records management account (02).
- 31 b. Federal single audit account (05).
- 32 c. Civil service law: sec 11 admin account (09).
- 33 d. Civil service EHS occupational health program account (10).
- 34 e. Banking services account (12).
- 35 f. Cultural resources survey account (14).
- 36 g. Neighborhood work project (17).
- 37 h. Automation & printing chargeback account (18).
- 38 i. OFT NYT account (20).
- 39 j. Data center account (23).
- 40 k. Human service telecom account (24).
- 41 l. Centralized Technology services account (30).
- 42 m. OPWDD copy center account (26).
- 43 n. Intrusion detection account (27).
- 44 o. Domestic violence grant account (28).
- 45 p. Learning management system account (ZV).
- 46 18. Miscellaneous special revenue fund (339):
- 47 a. Statewide planning and research cooperative system account (03).
- 48 b. OPWDD provider of service account (05).
- 49 c. New York state thruway authority account (08).
- 50 d. Mental hygiene patient income account (13).
- 51 e. Financial control board account (15).
- 52 f. Regulation of racing account (16).
- 53 g. New York metropolitan transportation council account (17).
- 54 h. Quality of care account (20).
- 55 i. Cyber upgrade account (25).
- 56 j. Certificate of need account (26).

1 k. Hospital and nursing home management account (44).
2 l. State university dormitory income reimbursable account (47).
3 m. Energy research account (60).
4 n. Criminal justice improvement account (62).
5 o. Fingerprint identification and technology account (68).
6 p. Environmental laboratory reference fee account (81).
7 q. Clinical laboratory reference system assessment account (90).
8 r. Public employment relations board account (93).
9 s. Radiological health protection account (95).
10 t. Teacher certification account (A4).
11 u. Banking department account (A5).
12 v. Cable television account (A6).
13 w. Indirect cost recovery account (AH).
14 x. High school equivalency program account (AI).
15 y. Rail safety inspection account (AQ).
16 z. Multi-agency training account (AY).
17 aa. Critical infrastructure account (B3).
18 bb. Insurance department account (B6).
19 cc. Bell jar collection account (BJ).
20 dd. Industry and utility service account (BK).
21 ee. Real property disposition account (BP).
22 ff. Parking account (BQ).
23 gg. Asbestos safety training program account (BW).
24 hh. Public service account (C3).
25 ii. Batavia school for the blind account (D9).
26 jj. Investment services account (DC).
27 kk. Surplus property account (DE).
28 ll. Financial oversight account (DI).
29 mm. Regulation of indian gaming account (DT).
30 nn. Interest assessment account (DZ).
31 oo. Office of the professions account (E3).
32 pp. Rome school for the deaf account (E6).
33 qq. Seized assets account (E8).
34 rr. Administrative adjudication account (E9).
35 ss. Federal salary sharing account (EC).
36 tt. New York City Assessment Account (EM).
37 uu. Cultural education account (EN).
38 vv. Examination and miscellaneous revenue account (ER).
39 ww. Transportation regulation account (F1).
40 xx. Local services account (G3).
41 yy. DHCR mortgage servicing account (H2).
42 zz. Department of motor vehicles compulsory insurance account (H7).
43 aaa. Housing indirect cost recovery account (HI).
44 bbb. DHCR-HCA application fee account (J5).
45 ccc. Federal gasoline and diesel fuel excise tax account (L6).
46 ddd. Low income housing monitoring account (NG).
47 eee. Procurement opportunities newsletter account (P4).
48 fff. Corporation administration account (P6).
49 ggg. Montrose veteran's home account (Q6).
50 hhh. Excelsior capital corporation reimbursement account (R1).
51 iii. Motor fuel quality account (R4).
52 jjj. Deferred compensation administration account (R7).
53 kkk. Rent revenue other account (RR).
54 lll. Rent revenue account (S8).
55 mmm. Tax revenue arrearage account (TR).
56 nnn. Solid waste management account (W3).

1 ooo. Occupational health clinics account (W4).
2 ppp. Capacity contracting (XU).
3 qqq. Administrative cost recovery -
4 tax return preparer registration fee account (Y8).
5 rrr. Sales tax re-registration fee account (YD).
6 sss. Equitable sharing agreement account (YP).
7 ttt. Point insurance reduction program account.
8 uuu. Internet point insurance reduction program account (IC).
9 vvv. Mental hygiene program fund account (10).
10 www. Third party debt collection account.
11 xxx. Regulation of manufactured housing account (CM).
12 yyy. Business and licensing services account (AG).
13 zzz. Consumer protection account (F2).
14 19. State university income fund (345):
15 a. State university general income offset account (11).
16 20. State police and motor vehicle law enforcement fund (354):
17 a. State police motor vehicle law enforcement account (02).
18 21. Youth facilities improvement fund (357):
19 a. Youth facilities improvement account (01).
20 22. Highway safety program fund (362):
21 a. Highway safety program account (01).
22 23. 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 24. New York city county clerks offset fund (368):
26 a. NYCCC operating offset account (01).
27 25. Housing assistance fund (374).
28 26. Housing program fund (376).
29 27. Department of transportation - engineering services fund (380):
30 a. Highway facility purpose account (01).
31 28. Miscellaneous capital projects fund (387):
32 a. Clean air capital account (08).
33 b. New York racing account.
34 29. Mental hygiene facilities capital improvement fund (389).
35 30. Joint labor/management administration fund (394):
36 a. Joint labor/management administration fund (01).
37 31. Audit and control revolving fund (395):
38 a. Executive direction internal audit account (04).
39 b. CIO Information technology centralized services account (zz).
40 32. Health insurance internal service fund (396):
41 a. Health insurance internal service account (00).
42 b. Civil service employee benefits div admin (01).
43 33. Correctional industries revolving fund (397).
44 34. Correctional facilities capital improvement fund (399).
45 35. 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).

1 3. Federal education grants fund (267).

2 4. Federal block grant fund (269).

3 5. Federal operating grants fund (290).

4 6. Federal capital projects fund (291).

5 7. Federal unemployment insurance administration fund (480).

6 8. Federal unemployment insurance occupational training fund (484).

7 9. Federal employment and training grants (486).

8 S 2. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, upon request of the director of the budget, on
11 or before March 31, 2013, up to the unencumbered balance or the follow-
12 ing amounts:

13 Economic Development and Public Authorities:

14 1. \$175,000 from the miscellaneous special revenue fund (339) under-
15 ground facilities safety training account (US), to the general fund.

16 2. An amount up to the unencumbered balance from the miscellaneous
17 special revenue fund (339), business and licensing services account
18 (AG), to the general fund.

19 3. \$14,810,000 from the miscellaneous special revenue fund (339), code
20 enforcement account (07), to the general fund.

21 4. \$100,000 from the miscellaneous special revenue fund (339), manu-
22 factured housing account (CM), to the general fund.

23 5. An amount up to the unencumbered balance from the miscellaneous
24 special revenue fund (339), administrative costs account (AB), to the
25 general fund.

26 Education:

27 1. \$2,217,000,000 from the general fund to the state lottery fund
28 (160), education account (03), as reimbursement for disbursements made
29 from such fund for supplemental aid to education pursuant to section
30 92-c of the state finance law that are in excess of the amounts deposit-
31 ed in such fund for such purposes pursuant to section 1612 of the tax
32 law.

33 2. \$836,000,000 from the general fund to the state lottery fund (160),
34 VLT education account (06), as reimbursement for disbursements made from
35 such fund for supplemental aid to education pursuant to section 92-c of
36 the state finance law that are in excess of the amounts deposited in
37 such fund for such purposes pursuant to section 1612 of the tax law.

38 3. Moneys from the state lottery fund (160) up to an amount deposited
39 in such fund pursuant to section 1612 of the tax law in excess of the
40 current year appropriation for supplemental aid to education pursuant to
41 section 92-c of the state finance law.

42 4. \$300,000 from the local government records management improvement
43 fund (052) to the archives partnership trust fund (024).

44 5. \$900,000 from the general fund to the miscellaneous special revenue
45 fund (339), Batavia school for the blind account (D9).

46 6. \$900,000 from the general fund to the miscellaneous special revenue
47 fund (339), Rome school for the deaf account (E6).

48 7. \$80,000,000 from the state university dormitory income fund (330)
49 to the state university residence hall rehabilitation fund (074).

50 8. \$343,400,000 from the state university dormitory income fund (330)
51 to the miscellaneous special revenue fund (339), state university dormi-
52 tory income reimbursable account (47).

53 9. \$24,000,000 from any of the state education department special
54 revenue and internal service funds to the miscellaneous special revenue
55 fund (339), indirect cost recovery account (AH).

10. \$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.

11. \$45,000,000 from the State University Income Fund (345), State University Hospitals Income Reimbursable Account (22) to the general fund for hospital debt service for the period April 1, 2012 through March 31, 2013.

12. \$884,000 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. \$2,000,000 from any of the department of environmental conservation's special revenue federal funds to the conservation fund (302) as necessary to avoid diversion of conservation funds.

4. \$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).

5. \$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 general fund.

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. \$155,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

1 8. \$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 9. \$50,000,000 from any of the office of children and family services,
6 office of temporary and disability assistance, department of labor, and
7 department of health special revenue federal funds to the office of
8 children and family services miscellaneous special revenue fund (339),
9 multi-agency training contract account (AY).
10 10. \$152,400,000 from the miscellaneous special revenue fund (339),
11 youth facility per Diem account (YF), to the general fund.
12 11. \$621,850 from the general fund to the combined gifts, grants, and
13 bequests fund (020), WB Hoyt Memorial account (78).
14 12. \$1,300,000 from any of the office of temporary and disability
15 assistance and department of health special revenue federal funds to the
16 miscellaneous special revenue fund (339) welfare inspector general
17 administrative reimbursement account (WW).
18 13. \$4,822,000 from the miscellaneous special revenue fund (339) state
19 central registry (CY) to the general fund.
20 General Government:
21 1. \$1,566,000 from the miscellaneous special revenue fund (339), exam-
22 ination and miscellaneous revenue account (ER) to the general fund.
23 2. \$12,500,000 from the general fund to the health insurance revolving
24 fund (396).
25 3. \$192,400,000 from the health insurance reserve receipts fund (167)
26 to the general fund.
27 4. \$150,000 from the general fund to the not-for-profit revolving loan
28 fund (055).
29 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
30 general fund.
31 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
32 property disposition account (BP), to the general fund.
33 7. \$3,000,000 from the miscellaneous special revenue fund (339),
34 surplus property account (DE), to the general fund.
35 8. \$19,000,000 from the general fund to the miscellaneous special
36 revenue fund (339), alcoholic beverage control account (DB).
37 9. \$23,000,000 from the miscellaneous special revenue fund (339),
38 revenue arrearage account (CR), to the general fund.
39 10. \$1,826,000 from the miscellaneous special revenue fund (339)
40 revenue arrearage account (CR), to the miscellaneous special revenue
41 fund (339) authority budget office account.
42 11. \$1,000,000 from the miscellaneous special revenue fund (339),
43 parking services account (BQ), to the general fund, for the purpose of
44 reimbursing the costs of debt service related to state parking facili-
45 ties.
46 12. \$55,000,000 from the general fund to the miscellaneous special
47 revenue fund (339), statewide financial system account (FM).
48 13. \$12,300,000 from the general fund, to the office for technology
49 internal service fund (334), centralized technology services account
50 (30), for the purpose of developing a statewide licensing system.
51 14. \$12,000,000 from the general fund to the office for technology
52 internal service fund (334), central technology services account (30),
53 for the purpose of enterprise technology projects.
54 Health:
55 1. \$12,000,000 from any of the department of health accounts within
56 the federal health and human services fund (265) to the general fund.

1 2. \$139,560,000 from any of the department of health accounts within
2 the federal health and human services fund (265) to the miscellaneous
3 special revenue fund (339), quality of care account (20).
4 3. \$1,000,000 from the general fund to the combined gifts, grants and
5 bequests fund (020), breast cancer research and education account (BD),
6 an amount equal to the monies collected and deposited into that account
7 in the previous fiscal year.
8 4. \$2,464,000 from any of the department of health accounts within the
9 federal health and human services fund (265) to the department of health
10 miscellaneous special revenue fund (339), statewide planning and
11 research cooperation system (SPARCS) program account (03).
12 5. \$250,000 from the general fund to the combined gifts, grants and
13 bequests fund (020), prostate cancer research, detection, and education
14 account (PR), an amount equal to the moneys collected and deposited into
15 that account in the previous fiscal year.
16 6. \$500,000 from the general fund to the combined gifts, grants and
17 bequests fund (020), Alzheimer's disease research and assistance account
18 (AA), an amount equal to the moneys collected and deposited into that
19 account in the previous fiscal year.
20 7. \$1,000,000 from the miscellaneous special revenue fund (339),
21 administration account (AP), to the general fund.
22 8. \$600,000,000 from any of the department of health accounts within
23 the federal health and human services fund (265) to the miscellaneous
24 special revenue fund (339), federal state health reform partnership
25 account (FS).
26 9. \$50,000,000 from the special revenue fund (061), HCRA resources
27 fund, to the miscellaneous special revenue fund (339), empire state stem
28 cell trust fund account (SR).
29 10. \$1,250,000 from the miscellaneous New York state agency fund
30 (169), medical assistance account to the department of health miscella-
31 neous special revenue fund (339), third party health insurance account
32 (35).
33 11. \$3,700,000 from the miscellaneous New York state agency fund
34 (169), medical assistance account to the office of medicaid inspector
35 general miscellaneous special revenue fund (339), recoveries and revenue
36 account (C9).
37 12. \$2,500,000 from the general fund to the miscellaneous special
38 revenue fund (339), quality of care improvement account (QC).
39 Labor:
40 1. \$700,000 from the labor standards miscellaneous special revenue
41 fund (339), fee and penalty account (30), to the child performer
42 protection fund (025), child performer protection account (CP).
43 2. \$8,000,000 from the labor standards miscellaneous special revenue
44 fund (339), fee and penalty account (30), to the general fund.
45 3. \$6,500,000 from the unemployment insurance interest and penalty
46 special revenue fund (482), unemployment insurance special interest and
47 penalty account (01), to the general fund.
48 4. \$2,700,000 from the labor standards miscellaneous special revenue
49 fund (339), public work enforcement account (BA), to the general fund.
50 5. \$1,500,000 from the training and education program on occupational
51 safety and health fund (305), occupational safety and health inspection
52 account (02), to the general fund.
53 Mental Hygiene:
54 1. \$5,000,000 from the miscellaneous special revenue fund (339),
55 mental hygiene patient income account (13), to the miscellaneous special
56 revenue fund (339), federal salary sharing account (EC).

1 2. \$240,000,000 from the miscellaneous special revenue fund (339),
2 mental hygiene patient income account (13) to the miscellaneous special
3 revenue fund (339), provider of service accounts (05).
4 3. \$220,000,000 from the miscellaneous special revenue fund (339),
5 mental hygiene program fund account (10) to the miscellaneous special
6 revenue fund (339), provider of service account (05).
7 4. \$150,000,000 from the general fund to the miscellaneous special
8 revenue fund (339), mental hygiene patient income account (13).
9 5. \$150,000,000 from the general fund to the miscellaneous special
10 revenue fund (339), mental hygiene program fund account (10).
11 6. \$300,000,000 from the miscellaneous special revenue fund (339),
12 mental hygiene program fund account (10) to the general fund.
13 7. \$180,000,000 from the miscellaneous special revenue fund (339),
14 mental hygiene patient income account (13) to the general fund.
15 8. \$200,000 from the chemical dependence service fund (346) to the
16 general fund.
17 9. \$200,000 from the combined gifts, grants and bequests fund (020),
18 disability and technical assistance account (D1) to the general fund.
19 Public Protection:
20 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
21 gency management account (61), to the general fund.
22 2. \$3,300,000 from the general fund to the miscellaneous special
23 revenue fund (339), recruitment incentive account (U2).
24 3. \$9,500,000 from the general fund to the correctional industries
25 revolving fund (397), correctional industries internal service account
26 (00).
27 4. \$10,000,000 from federal miscellaneous operating grants fund (290),
28 DMNA damage account (71), to the general fund.
29 5. \$16,000,000 from the general fund to the miscellaneous special
30 revenue fund (339), crimes against revenue program account (CA).
31 6. \$20,000,000 from any office of homeland security account within the
32 federal miscellaneous operating grants fund (290), receiving money
33 through the homeland security grants program, to the general fund.
34 7. \$26,900,000 from the miscellaneous special revenue fund (339) crim-
35 inal justice improvement account (62) to the general fund.
36 8. \$20,000,000 from the miscellaneous special revenue fund (339),
37 statewide public safety communications account (LZ), to the general
38 fund.
39 9. \$106,000,000 from the state police and motor vehicle law enforce-
40 ment and motor vehicle theft and insurance fund prevention fund (354),
41 state police motor vehicle enforcement account (02) to the general fund
42 for state operation expenses of the division of state police.
43 10. \$21,500,000 from the general fund to the correctional facilities
44 capital improvement fund (399).
45 Transportation:
46 1. \$17,672,000 from the federal miscellaneous operating grants fund
47 (290) to the special revenue fund (339), tri-state federal regional
48 planning account (17).
49 2. \$20,147,000 from the federal capital projects fund (291) to the
50 special revenue fund (339), tri-state federal regional planning accounts
51 (17).
52 3. \$15,368,000 from the miscellaneous special revenue fund (339),
53 compulsory insurance account (H7), to the general fund.
54 4. \$12,000,000 from the general fund to the mass transportation oper-
55 ating assistance fund (313), public transportation systems operating
56 assistance account (01).

1 5. \$597,317,000 from the general fund to the dedicated highway and
2 bridge trust fund (072).

3 6. \$606,000 from the miscellaneous special revenue fund (339), inter-
4 net point insurance reduction program account (IC), to the general fund.

5 7. \$6,000 from the miscellaneous special revenue fund (339), motorcy-
6 cle safety account (AE), to the general fund.

7 8. \$12,000 from the general fund to the miscellaneous special revenue
8 fund (339), federal seized asset account (GE).

9 9. \$10,000,000 from the miscellaneous special revenue fund (339),
10 department of transportation accident damage recovery account (G7), to
11 the dedicated highway and bridge trust fund (072).

12 10. \$255,000,000 from the general fund to the MTA financial assistance
13 fund (225), mobility tax trust account (01).

14 Miscellaneous:

15 1. \$150,000,000 from the general fund to any funds or accounts for the
16 purpose of reimbursing certain outstanding accounts receivable balances.

17 2. \$500,000,000 from the general fund to the debt reduction reserve
18 fund (064).

19 S 3. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, on or before March 31, 2013:

22 1. Upon request of the commissioner of environmental conservation, up
23 to \$10,940,000 from revenues credited to any of the department of envi-
24 ronmental conservation special revenue funds, including \$3,197,800 from
25 the environmental protection and oil spill compensation fund (303), and
26 \$1,751,600 from the conservation fund (302), to the environmental
27 conservation special revenue fund (301), indirect charges account (BJ).

28 2. Upon request of the commissioner of agriculture and markets, up to
29 \$3,000,000 from any special revenue fund or enterprise fund within the
30 department of agriculture and markets to the general fund, to pay appro-
31 priate administrative expenses.

32 3. Upon request of the commissioner of agriculture and markets, up to
33 \$2,000,000 from the state exposition special fund (325), state fair
34 receipts account (01) to the miscellaneous capital projects fund (387),
35 state fair capital improvement account (13).

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

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

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

48 7. On or about March 31, 2012, the comptroller is authorized to and
49 directed to transfer all funds from the miscellaneous special revenue
50 fund (339), commission of investigation seized assets account (EK) to
51 the miscellaneous special revenue fund (339), state police seized asset
52 account (E8).

53 S 4. Notwithstanding section 2815 of the public health law or any
54 other contrary provision of law, upon the direction of the director of
55 the budget and the commissioner of health, the dormitory authority of
56 the state of New York is directed to transfer seven million dollars

1 annually from funds available and uncommitted in the New York state
2 health care restructuring pool to the health care reform act (HCRA)
3 resources fund - HCRA resources account.

4 S 5. On or before March 31, 2013, the comptroller is hereby authorized
5 and directed to deposit earnings that would otherwise accrue to the
6 general fund that are attributable to the operation of section 98-a of
7 the state finance law, to the agencies internal service fund (334),
8 banking services account (12), for the purpose of meeting direct
9 payments from such account.

10 S 6. Notwithstanding any law to the contrary, upon the direction of
11 the director of the budget and upon requisition by the state university
12 of New York, the dormitory authority of the state of New York is
13 directed to transfer, up to \$22,000,000 in revenues generated from the
14 sale of notes or bonds, to the state university of New York for
15 reimbursement of bondable equipment for further transfer to the state's
16 general fund.

17 S 6-a. Notwithstanding any law to the contrary, and in accordance with
18 section 4 of the state finance law, the comptroller is hereby authorized
19 and directed to transfer, upon request of the director of the budget and
20 upon consultation with the state university chancellor or his or her
21 designee, on or before March 31, 2013, up to \$16,000,000 from the State
22 university income fund (345) general revenue account (10) to the State
23 general fund for debt service costs related to capital project costs for
24 the NY-SUNY 2020 challenge grant program.

25 S 7. Notwithstanding any law to the contrary, the state university
26 chancellor or her designee is authorized and directed to transfer esti-
27 mated tuition revenue balances from the state university collection fund
28 (344) to the state university fund (345), state university general
29 revenue offset account (12) on or before March 31, 2013.

30 S 8. Notwithstanding any law to the contrary, and in accordance with
31 section 4 of the state finance law, the comptroller is hereby authorized
32 and directed to transfer, upon request of the director of the budget, up
33 to \$60,000,000 from the general fund to the state university income fund
34 (345), state university hospitals income reimbursable account (22)
35 during the period July 1, 2012 through June 30, 2013 to reflect ongoing
36 state subsidy of SUNY hospitals and to pay costs attributable to the
37 SUNY hospitals' state agency status.

38 S 9. Notwithstanding any law to the contrary, and in accordance with
39 section 4 of the state finance law, the comptroller is hereby authorized
40 and directed to transfer, upon request of the director of the budget, up
41 to \$968,550,000 from the general fund to the state university income
42 fund (345), state university general revenue offset account (12) during
43 the period of July 1, 2012 through June 30, 2013 to support operations
44 at the state university.

45 S 10. 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, upon request of the state university chancel-
48 lor or her designee, up to \$50,000,000 from the state university income
49 fund (345), state university hospitals income reimbursable account (22),
50 for hospital income reimbursable for services and expenses of hospital
51 operations and capital expenditures at the state university hospitals,
52 and the state university income fund (345) Long Island veterans' home
53 account (09) to the state university capital projects fund (384) on or
54 before June 30, 2013.

55 S 11. Notwithstanding any law to the contrary, and in accordance with
56 section 4 of the state finance law, the comptroller, after consultation

1 with the state university chancellor or his or her designee, is hereby
2 authorized and directed to transfer moneys, in the first instance, from
3 the state university collection fund (344), Stony Brook hospital
4 collection account (07), Brooklyn hospital collection account (08), and
5 Syracuse hospital collection account (09) to the state university income
6 fund (345), state university hospitals income reimbursable account (22)
7 in the event insufficient funds are available in the state university
8 income fund (345), state university hospitals income reimbursable
9 account (22) to transfer moneys, in amounts sufficient to permit the
10 full transfer of moneys authorized for transfer, to the general fund for
11 payment of debt service related to the SUNY hospitals. Notwithstanding
12 any law to the contrary, the comptroller is also hereby authorized and
13 directed, after consultation with the state university chancellor or his
14 or her designee, to transfer moneys from the state university income
15 fund (345) to the state university income fund (345), state university
16 hospitals income reimbursable account (22) in the event insufficient
17 funds are available in the state university income fund (345), state
18 university hospitals income reimbursable account (22) to pay hospital
19 operating costs or to transfer moneys, in amounts sufficient to permit
20 the full transfer of moneys authorized for transfer, to the general fund
21 for payment of debt service related to the SUNY hospitals on or before
22 March 31, 2013.

23 S 12. Notwithstanding any law to the contrary, and in accordance with
24 section 4 of the state finance law, the comptroller is hereby authorized
25 and directed to transfer monies, upon request of the director of the
26 budget, on or before March 31, 2013, from and to any of the following
27 accounts: the miscellaneous special revenue fund (339), patient income
28 account (13), the miscellaneous special revenue fund (339), mental
29 hygiene program fund account (10) or the general fund in any combina-
30 tion, the aggregate of which shall not exceed \$350 million.

31 S 13. Notwithstanding any law to the contrary, and in accordance with
32 section 4 of the state finance law, the comptroller is hereby authorized
33 and directed to transfer, at the request of the director of the budget,
34 up to \$500 million from the unencumbered balance of any special revenue
35 fund or account, or combination of funds and accounts, to the general
36 fund. The amounts transferred pursuant to this authorization shall be in
37 addition to any other transfers expressly authorized in the 2012-13
38 budget. Transfers from federal funds, debt service funds, capital
39 projects funds, the community projects fund, or funds that would result
40 in the loss of eligibility for federal benefits or federal funds pursu-
41 ant to federal law, rule, or regulation, are not permitted pursuant to
42 this authorization. The director of the budget shall notify both houses
43 of the legislature in writing prior to initiating transfers pursuant to
44 this authorization.

45 S 14. Notwithstanding any provision of law to the contrary, the power
46 authority of the state of New York, as deemed feasible and advisable by
47 its trustees, is authorized and directed to make a contribution to the
48 state treasury to the credit of the general fund in an amount of up to
49 \$65,000,000 for the fiscal year commencing April 1, 2012. The power
50 authority of the state of New York will transfer up to \$25,000,000 by
51 June 30, 2012 and will transfer the remainder of any such contribution
52 by January 31, 2013.

53 S 15. In addition to any payment made by a public benefit corporation
54 pursuant to an assessment imposed under sections 2975, 2975-a, 2976 and
55 2976-a of the public authorities law, a public benefit corporation is
56 authorized to make voluntary contributions to the state general fund or

1 to any other public benefit corporation for any lawful purpose at any
2 time from any public benefit corporation funds in such amounts as deemed
3 to be feasible and advisable by such public benefit corporation's
4 governing board after due consideration of the public benefit corpo-
5 ration's legal and financial obligations. Notwithstanding any other law,
6 the payment of a voluntary payment pursuant to this subdivision is
7 deemed to be a valid and proper purpose for which available funds may be
8 applied. Voluntary contributions made to the state pursuant to this
9 subdivision shall be payable to the state treasury to the credit of the
10 general fund.

11 S 16. Subdivision 5 of section 97-rrr of the state finance law, as
12 amended by section 16 of part BB of chapter 58 of the laws of 2011, is
13 amended to read as follows:

14 5. Notwithstanding the provisions of section one hundred seventy-one-a
15 of the tax law, as separately amended by chapters four hundred eighty-
16 one and four hundred eighty-four of the laws of nineteen hundred eight-
17 y-one, AND NOTWITHSTANDING THE PROVISIONS OF CHAPTER NINETY-FOUR OF THE
18 LAWS OF TWO THOUSAND ELEVEN, or any other provisions of law to the
19 contrary, during the fiscal year beginning April first, two thousand
20 [ten] TWELVE, AND DURING EACH FISCAL YEAR THEREAFTER, the state comp-
21 troller is hereby authorized and directed to deposit to the fund created
22 pursuant to this section from amounts collected pursuant to article
23 twenty-two of the tax law [and pursuant to a schedule submitted by the
24 director of the budget, up to \$3,292,520,000, as may be certified in
25 such schedule as] THE AMOUNTS necessary to meet the purposes of such
26 fund for [the] EACH fiscal year [beginning April first, two thousand
27 eleven] PURSUANT TO A SCHEDULE SUBMITTED BY THE DIRECTOR OF THE BUDGET.
28 THE DIRECTOR OF THE BUDGET SHALL NOTIFY BOTH HOUSES OF THE LEGISLATURE
29 IN WRITING WHEN SUBMITTING SUCH SCHEDULE OF DEPOSITS TO THE STATE COMP-
30 TROLLER.

31 S 16-a. Subdivision 5 of section 97-rrr of the state finance law, as
32 amended by section 8 of part F of chapter 109 of the laws of 2006, is
33 REPEALED.

34 S 17. The comptroller is authorized and directed to deposit to the
35 general fund-state purposes account reimbursements from moneys appropri-
36 ated or reappropriated to the correctional facilities capital improve-
37 ment fund (399) by a chapter of the laws of 2012. Reimbursements shall
38 be available for spending from appropriations made to the department of
39 correctional services in the general fund-state purposes accounts by a
40 chapter of the laws of 2012 for costs associated with the administration
41 and security of capital projects and for other costs which are attribut-
42 able, according to a plan, to such capital projects.

43 S 18. Subdivision 6 of section 4 of the state finance law, as amended
44 by section 16 of part JJ of chapter 56 of the laws of 2010, is amended
45 to read as follows:

46 6. Notwithstanding any law to the contrary, at the beginning of the
47 state fiscal year, the state comptroller is hereby authorized and
48 directed to receive for deposit to the credit of a fund and/or an
49 account such monies as are identified by the director of the budget as
50 having been intended for such deposit to support disbursements from such
51 fund and/or account made in pursuance of an appropriation by law. As
52 soon as practicable upon enactment of the budget, the director of the
53 budget shall, but not less than three days following preliminary
54 submission to the [chairpersons] CHAIRS of the senate finance committee
55 and the assembly ways and means committee, file with the state comp-
56 troller an identification of specific monies to be so deposited. Any

subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the [chairpersons] CHAIRS of the senate finance committee and the assembly ways and means committee.

All monies identified by the director of the budget to be deposited to the credit of a fund and/or account shall be consistent with the intent of the budget for the then current state fiscal year as enacted by the legislature.

[The provisions of this subdivision shall expire on March thirty-first, two thousand twelve.]

S 18-a. The state comptroller is hereby authorized and directed to abolish or consolidate with the state general fund the associated funds and/or accounts established pursuant to section 92-a of the state finance law, subdivision 5 of section 233-a of the education law, section 94-d of the state finance law, section 97-cc of the state finance law, section 90-b of the state finance law, section 91-g of the state finance law, section 92-i of the state finance law, section 92-j of the state finance law, section 92-m of the state finance law, section 92-w of the state finance law, section 94-c of the state finance law, section 96 of the state finance law, section 97-o of the state finance law, section 97-ff of the state finance law, section 97-ss of the state finance law, section 97-fff of the state finance law, section 97-uuu of the state finance law, section 97-www of the state finance law, section 97-aaaa of the state finance law, section 97-bbbb of the state finance law, section 99-g of the state finance law, section 99-i of the state finance law, subdivision 3-a of section 378 of the education law, paragraph f of subdivision 31 of section 1680 of the public authorities law, section 1022 of the private housing finance law, chapter 50 of the laws of 1993, section 12 of chapter 1040 of the laws of 1981 and section 97-n of the state finance law.

S 18-b. Sections 90-b, 91-g, 92-a, 92-i, 92-j, 92-m, 92-w, 94-c, 94-d, 96, 97-n, 97-o, 97-cc, 97-ff, 97-ss, 97-fff, 97-uuu, 97-www, 97-aaaa, 97-bbbb, 99-g and 99-i of the state finance law are REPEALED.

S 18-c. Subdivision 5 of section 233-a and subdivision 3-a of section 378 of the education law are REPEALED.

S 18-d. Paragraph f of subdivision 31 of section 1680 of the public authorities law is REPEALED.

S 18-e. Section 1022 of the private housing finance law is REPEALED.

S 18-f. Section 12 of chapter 1040 of the laws of 1981 and chapter 50 of the laws of 1993 are REPEALED.

S 19. Subdivision 4 of section 40 of the state finance law, as amended by section 17 of part JJ of chapter 56 of the laws of 2010, is amended to read as follows:

4. Every appropriation made from a fund or account to a department or agency shall be available for the payment of prior years' liabilities in such fund or account for fringe benefits, indirect costs, and telecommunications expenses and expenses for other centralized services fund programs without limit. Every appropriation shall also be available for the payment of prior years' liabilities other than those indicated above, but only to the extent of one-half of one percent of the total amount appropriated to a department or agency in such fund or account.

[The provisions of this subdivision shall expire March thirty-first, two thousand twelve.]

S 20. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit,

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

37 S 21. Notwithstanding any other law, rule, or regulation to the
38 contrary, the comptroller is hereby authorized and directed to deposit,
39 to the credit of the capital projects fund, reimbursement from the
40 proceeds of notes or bonds issued by the dormitory authority of the
41 state of New York for a capital appropriation for \$215,650,000 author-
42 ized by chapter 55 of the laws of 2000 to all state agencies for payment
43 of costs related to the strategic investment program.

44 S 22. Notwithstanding any other law, rule, or regulation to the
45 contrary, the comptroller is hereby authorized and directed to deposit
46 to the credit of the capital projects fund, reimbursement from the
47 proceeds of notes or bonds issued by the environmental facilities corpo-
48 ration for a capital appropriation of \$30,174,000 authorized by chapter
49 55 of the laws of 2003 to the department of environmental conservation
50 for payment of a portion of the state's match for federal capitalization
51 grants for the water pollution control revolving loan fund, reimburse-
52 ment from the proceeds of notes or bonds issued by the urban development
53 corporation or other financing source for a capital appropriation of
54 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
55 of general services for payment of capital construction costs for the 51
56 Elk street parking garage building located in the city of Albany,

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

29 S 23. 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 for \$28,893,000 authorized by chapter
34 55 of the laws of 2004 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 disbursements of up to \$10,000,000 from any capital
39 appropriation or reappropriation authorized by chapter 50 of the laws of
40 2004 to the office of general services for various purposes, reimburse-
41 ment from the proceeds of notes or bonds issued by the environmental
42 facilities corporation for a capital appropriation of \$11,350,000
43 authorized by chapter 55 of the laws of 2004 to the energy research and
44 development authority for the Western New York Nuclear Service Center at
45 West Valley, reimbursement from the proceeds of notes or bonds issued by
46 the environmental facilities corporation, for a capital appropriation of
47 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
48 ment of environmental conservation for Onondaga lake, reimbursement from
49 the proceeds of notes or bonds issued by the environmental facilities
50 corporation for disbursements of up to \$11,000,000 from any capital
51 appropriations or reappropriations authorized by chapter 55 of the laws
52 of 2004 to the department of environmental conservation for environ-
53 mental purposes, reimbursement from the proceeds of notes or bonds
54 issued by the dormitory authority for a capital appropriation of
55 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
56 tion department for capital transition grants for transportation,

1 reimbursement from the proceeds of notes or bonds issued by the dormito-
2 ry authority for a capital appropriation of \$243,325,000 authorized by
3 chapter 55 of the laws of 2004 for payment of costs related to economic
4 development projects, reimbursement from the proceeds of bonds or notes
5 issued by the urban development corporation for a capital appropriation
6 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
7 by chapter 108 of the laws of 2006, for payment of costs related to the
8 H. H. Richardson complex and the Darwin Martin House, and reimbursement
9 from the proceeds of notes or bonds issued by the dormitory authority
10 for a capital appropriation of \$345,750,000 authorized by chapter 3 of
11 the laws of 2004 for the New York state economic development program.

12 S 24. Notwithstanding any other law, rule, or regulation to the
13 contrary, the comptroller is hereby authorized and directed to deposit
14 to the credit of the capital projects fund, reimbursement from the
15 proceeds of notes or bonds issued by the environmental facilities corpo-
16 ration for a capital appropriation of \$29,602,000 authorized by chapter
17 55 of the laws of 2005 to the department of environmental conservation
18 for payment of a portion of the state's match for federal capitalization
19 grants for the water pollution control revolving loan fund, reimburse-
20 ment from the proceeds of notes or bonds issued by the urban development
21 corporation for disbursements of up to \$10,000,000 from any capital
22 appropriation or reappropriation authorized by chapter 50 of the laws of
23 2005 to the office of general services for various purposes, reimburse-
24 ment from the proceeds of notes or bonds issued by the environmental
25 facilities corporation for a capital appropriation of \$11,350,000
26 authorized by chapter 55 of the laws of 2005 to the energy research and
27 development authority for the Western New York Nuclear Service Center at
28 West Valley, reimbursement from the proceeds of notes or bonds issued by
29 the environmental facilities corporation for a capital appropriation of
30 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
31 ment of environmental conservation for Onondaga lake, reimbursement from
32 the proceeds of notes or bonds issued by the environmental facilities
33 corporation for disbursements of up to \$11,000,000 from any capital
34 appropriations or reappropriations authorized by chapter 55 of the laws
35 of 2005 to the department of environmental conservation for environ-
36 mental purposes, reimbursement from the proceeds of notes or bonds
37 issued by the urban development corporation for a capital appropriation
38 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
39 Javits center, reimbursement from the proceeds of notes or bonds issued
40 by the dormitory authority for a capital appropriation of \$89,750,000
41 authorized by chapter 62 of the laws of 2005 for regional development,
42 reimbursement from the proceeds of notes or bonds issued by the dormito-
43 ry authority for a capital appropriation of \$249,000,000 authorized by
44 chapter 62 of the laws of 2005 for technology and development,
45 reimbursement from the proceeds of notes or bonds issued by the urban
46 development corporation for a capital appropriation of \$48,517,000
47 authorized by chapter 162 of the laws of 2005 for the New York state
48 economic development program, reimbursement from the proceeds of notes
49 or bonds issued by the urban development corporation for a capital
50 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
51 2005 for the higher education facilities capital matching grants
52 program, reimbursement from the proceeds of notes or bonds issued by the
53 dormitory authority or other financing source for a capital appropri-
54 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
55 office of general services for payment of capital construction costs for
56 the Elk street parking garage building located in the city of Albany,

1 reimbursement from the proceeds of notes or bonds issued by the urban
2 development corporation for a capital appropriation of \$15,000,000
3 authorized by chapter 53 of the laws of 2005 to the state education
4 department for payment of capital construction costs for public broad-
5 casting facilities, reimbursement from the proceeds of notes or bonds
6 issued by the urban development corporation for a capital appropriation
7 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
8 sion of state police for public protection facilities, and reimbursement
9 from the proceeds of notes or bonds issued by the urban development
10 corporation for capital disbursements of up to \$3,000,000 from any capi-
11 tal appropriation or reappropriation authorized by chapter 50 of the
12 laws of 2005 to the division of military and naval affairs for various
13 purposes.

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

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

1 of 2006 for a Cornell equine drug testing laboratory, reimbursement from
2 the proceeds of notes or bonds issued by the urban development corpo-
3 ration or the dormitory authority for an appropriation of \$2,000,000
4 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard
5 laboratory, reimbursement from the proceeds of notes or bonds issued by
6 the dormitory authority or the urban development corporation for an
7 appropriation of \$40,000,000 authorized by chapter 108 of the laws of
8 2006 for a food testing laboratory, reimbursement from the proceeds of
9 notes or bonds issued by the New York state thruway authority for an
10 appropriation of \$22,000,000 authorized by chapter 108 of the laws of
11 2006 to the department of transportation for high speed rail, reimburse-
12 ment from the proceeds of notes or bonds issued by the urban development
13 corporation for capital disbursements of up to \$500,000,000 from an
14 appropriation authorized by chapter 108 of the laws of 2006 to the urban
15 development corporation for development of a semiconductor manufacturing
16 facility, reimbursement from the proceeds of notes or bonds issued by
17 the urban development corporation of up to \$150,000,000 from an appro-
18 priation authorized by chapter 108 of the laws of 2006 to the urban
19 development corporation for research and development activities of a
20 semiconductor manufacturer, and reimbursement from the proceeds of notes
21 or bonds issued by the urban development corporation for capital
22 disbursements of up to \$292,385,000 from an appropriation to the urban
23 development corporation authorized by chapter 108 of the laws of 2006
24 for community revitalization projects.

25 S 26. 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 27. 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 \$2,500,000 authorized by chapter 50 of the laws of 2008
20 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 \$18,000,000 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 \$32,148,000 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 \$137,037,000 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 \$117,265,000 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 \$25,000,000 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 28. 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 29. 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 30. 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 reimbursement from the proceeds of notes or bonds issued by the urban
44 development corporation for capital appropriation of \$130,550,000
45 authorized by a chapter of the laws of 2011 to the urban development
46 corporation for services and expenses related to the regional economic
47 development council initiative, reimbursement from the proceeds of notes
48 or bonds issued by the urban development corporation for capital appro-
49 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to
50 the urban development corporation for services and expenses related to
51 the economic transformation program. Reimbursements from the proceeds
52 of notes or bonds issued by the urban development corporation for
53 disbursements of up to \$26,000,000 from any capital appropriation or
54 reappropriation authorized by a chapter of the laws of 2012 to the
55 office of general services for various purposes.

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 capital projects fund, reimbursement from the
4 proceeds of notes or bonds issued by the environmental facilities corpo-
5 ration for a capital appropriation of \$35,000,000 authorized by a chap-
6 ter of the laws of 2012 to the department of environmental conservation
7 for payment of a portion of the state's match for federal capitalization
8 grants for the water pollution control revolving loan fund, reimburse-
9 ment from the proceeds of notes or bonds issued by the urban development
10 corporation for disbursements of up to \$26,000,000 from any capital
11 appropriation or reappropriation authorized by a chapter of the laws of
12 2012 to the office of general services for various purposes, reimburse-
13 ment from the proceeds of notes or bonds issued by the environmental
14 facilities corporation for disbursements of up to \$12,000,000 from any
15 capital appropriations or reappropriations authorized by a chapter of
16 the laws of 2012 to the department of environmental conservation for
17 environmental purposes, reimbursement from the proceeds of notes or
18 bonds issued by the urban development corporation for capital disburse-
19 ments of up to \$3,000,000 from any capital appropriation or reappropri-
20 ation authorized by a chapter of the laws of 2012 to the division of
21 military and naval affairs for various purposes, reimbursement from the
22 proceeds of notes or bonds issued by the urban development corporation
23 for a capital appropriation of \$6,000,000 authorized by a chapter of the
24 laws of 2012 to the division of state police for rehabilitation of
25 facilities, reimbursement from the proceeds of notes or bonds issued by
26 the dormitory authority of the state of New York or other financing
27 source for a capital appropriation of \$14,000,000 authorized by a chap-
28 ter of the laws of 2012 to the state education department for library
29 construction.

30 S 31-a. For purposes of sections twenty through thirty-one of this
31 act, the comptroller is also hereby authorized and directed to deposit
32 to the credit of any capital projects fund, reimbursement from the
33 proceeds of bonds and notes issued by any authorized issuer, as defined
34 by section 68-a of the state finance law, in the amounts and for the
35 purposes listed in such sections.

36 S 32. Notwithstanding any other law, rule, or regulation to the
37 contrary, the comptroller is hereby authorized and directed to deposit
38 to the credit of the state university residence hall rehabilitation fund
39 (074), reimbursement from the proceeds of notes or bonds issued by the
40 dormitory authority of the state of New York for capital disbursements
41 of up to \$331,000,000 from any appropriation or reappropriation author-
42 ized by a chapter of the laws of 2012.

43 S 33. 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 city university special revenue fund (377),
46 reimbursement from the proceeds of notes or bonds issued by the Dormito-
47 ry Authority of the State of New York for capital disbursements of up to
48 \$20,000,000 from any appropriation or reappropriation authorized by
49 chapter 53 of the laws of 2009 to the city university of New York for
50 various purposes.

51 S 34. Notwithstanding any other law, rule, or regulation to the
52 contrary, the state comptroller is hereby authorized and directed to use
53 any balance remaining in the mental health services fund debt service
54 appropriation, after payment by the state comptroller of all obligations
55 required pursuant to any lease, sublease, or other financing arrangement
56 between the dormitory authority of the state of New York as successor to

1 the New York state medical care facilities finance agency, and the
2 facilities development corporation pursuant to chapter 83 of the laws of
3 1995 and the department of mental hygiene for the purpose of making
4 payments to the dormitory authority of the state of New York for the
5 amount of the earnings for the investment of monies deposited in the
6 mental health services fund that such agency determines will or may have
7 to be rebated to the federal government pursuant to the provisions of
8 the internal revenue code of 1986, as amended, in order to enable such
9 agency to maintain the exemption from federal income taxation on the
10 interest paid to the holders of such agency's mental services facilities
11 improvement revenue bonds. On or before June 30, 2012, such agency shall
12 certify to the state comptroller its determination of the amounts
13 received in the mental health services fund as a result of the invest-
14 ment of monies deposited therein that will or may have to be rebated to
15 the federal government pursuant to the provisions of the internal reven-
16 ue code of 1986, as amended.

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

24 (2) Notwithstanding any law to the contrary, prior to the issuance by
25 the comptroller of bonds authorized pursuant to subdivision a of section
26 4 of the environmental quality bond act of nineteen hundred eighty-six,
27 as enacted by chapter 511 of the laws of 1986, disbursements from all
28 appropriations for that purpose shall first be reimbursed from moneys
29 credited to the hazardous waste remedial fund, site investigation and
30 construction account, to the extent moneys are available in such
31 account. For purposes of determining moneys available in such account,
32 the commissioner of environmental conservation shall certify to the
33 comptroller the amounts required for administration of the hazardous
34 waste remedial program.

35 (3) The comptroller is hereby authorized and directed to transfer any
36 balance above the amounts certified by the commissioner of environmental
37 conservation to reimburse disbursements pursuant to all appropriations
38 from such site investigation and construction account; provided, howev-
39 er, that if such transfers are determined by the comptroller to be
40 insufficient to assure that interest paid to holders of state obli-
41 gations issued for hazardous waste purposes pursuant to the environ-
42 mental quality bond act of nineteen hundred eighty-six, as enacted by
43 chapter 511 of the laws of 1986, is exempt from federal income taxation,
44 the comptroller is hereby authorized and directed to transfer, from such
45 site investigation and construction account to the general fund, the
46 amount necessary to redeem bonds in an amount necessary to assure the
47 continuation of such tax exempt status. Prior to the making of any such
48 transfers, the comptroller shall notify the director of the budget of
49 the amount of such transfers.

50 S 36. Subdivision 2 of section 68-a of the state finance law, as
51 amended by section 36 of part BB of chapter 58 of the laws of 2011, is
52 amended to read as follows:

53 2. "Authorized purpose" for purposes of this article and section nine-
54 ty-two-z of this chapter shall mean any purposes for which state-sup-
55 ported debt, as defined by section sixty-seven-a of this chapter, may or
56 has been issued except debt for which the state is constitutionally

1 obligated thereunder to pay debt service and related expenses, and
2 except (a) as authorized in paragraph (b) of subdivision one of section
3 three hundred eighty-five of the public authorities law, (b) as author-
4 ized for the department of health of the state of New York facilities as
5 specified in paragraph a of subdivision two of section sixteen hundred
6 eighty of the public authorities law, (c) state university of New York
7 dormitory facilities as specified in subdivision eight of section
8 sixteen hundred seventy-eight of the public authorities law, and (d) as
9 authorized for mental health services facilities by section nine-a of
10 section one of chapter three hundred ninety-two of the laws of nineteen
11 hundred seventy-three constituting the New York state medical care
12 facilities financing act. Notwithstanding the provisions of clause (d)
13 of this subdivision, for the period April first, two thousand nine
14 through March thirty-first, two thousand [twelve] THIRTEEN, mental
15 health services facilities, as authorized by section nine-a of section
16 one of chapter three hundred ninety-two of the laws of nineteen hundred
17 seventy-three constituting the New York state medical care facilities
18 financing act, shall constitute an authorized purpose.

19 S 36-a. Section 73 of the state finance law, as added by section 41 of
20 part JJ of chapter 56 of the laws of 2010, is amended to read as
21 follows:

22 S 73. Federal interest subsidy payments. Notwithstanding any other
23 provision of law to the contrary, the comptroller shall deposit any
24 federal interest subsidy payments received by the state for state-sup-
25 ported debt issued as build America bonds (BABS) OR QUALIFIED SCHOOL
26 CONSTRUCTION BONDS (QSCBS), as authorized pursuant to the American
27 Recovery and Reinvestment Act of 2009 (ARRA), as amended or pursuant to
28 any successor authorization, to each respective debt service fund which
29 relates to such bonds.

30 S 37. Paragraph (b) of subdivision 4 of section 72 of the state
31 finance law, as added by section 35 of part JJ of chapter 56 of the laws
32 of 2010, is amended to read as follows:

33 (b) On or before the beginning of each quarter, the director of the
34 budget may certify to the state comptroller the estimated amount of
35 monies that shall be reserved in the general debt service fund for the
36 payment of debt service and related expenses payable by such fund during
37 each month of the state fiscal year, excluding payments due from the
38 revenue bond tax fund. Such certificate may be periodically updated, as
39 necessary. Notwithstanding any provision of law to the contrary, the
40 state comptroller shall reserve in the general debt service fund the
41 amount of monies identified on such certificate as necessary for the
42 payment of debt service and related expenses during the current or next
43 succeeding quarter of the state fiscal year. Such monies reserved shall
44 not be available for any other purpose. Such certificate shall be
45 reported to the chairpersons of the Senate Finance Committee and the
46 Assembly Ways and Means Committee. [The provisions of this paragraph
47 shall expire June thirtieth, two thousand twelve.]

48 S 38. Subdivision 3 of section 1285-p of the public authorities law,
49 as amended by section 38 of part BB of chapter 58 of the laws of 2011,
50 is amended to read as follows:

51 3. The maximum amount of bonds that may be issued for the purpose of
52 financing environmental infrastructure projects authorized by this
53 section shall be [nine hundred fifteen million seven hundred forty-seven
54 thousand] ONE BILLION ONE HUNDRED EIGHTEEN MILLION SEVEN HUNDRED SIXTY
55 THOUSAND dollars, exclusive of bonds issued to fund any debt service
56 reserve funds, pay costs of issuance of such bonds, and bonds or notes

1 issued to refund or otherwise repay bonds or notes previously issued.
2 Such bonds and notes of the corporation shall not be a debt of the
3 state, and the state shall not be liable thereon, nor shall they be
4 payable out of any funds other than those appropriated by the state to
5 the corporation for debt service and related expenses pursuant to any
6 service contracts executed pursuant to subdivision one of this section,
7 and such bonds and notes shall contain on the face thereof a statement
8 to such effect.

9 S 39. Subdivision (a) of section 28 of part Y of chapter 61 of the
10 laws of 2005, relating to providing for the administration of certain
11 funds and accounts related to the 2005-2006 budget, as amended by
12 section 39 of part BB of chapter 58 of the laws of 2011, is amended to
13 read as follows:

14 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
15 notwithstanding any provisions of law to the contrary, one or more
16 authorized issuers as defined by section 68-a of the state finance law
17 are hereby authorized to issue bonds or notes in one or more series in
18 an aggregate principal amount not to exceed [\$21,000,000] \$24,000,000,
19 excluding bonds issued to finance one or more debt service reserve
20 funds, to pay costs of issuance of such bonds, and bonds or notes issued
21 to refund or otherwise repay such bonds or notes previously issued, for
22 the purpose of financing capital projects for public protection facili-
23 ties in the Division of Military and Naval Affairs, debt service and
24 leases; and to reimburse the state general fund for disbursements made
25 therefor. Such bonds and notes of such authorized issuer shall not be a
26 debt of the state, and the state shall not be liable thereon, nor shall
27 they be payable out of any funds other than those appropriated by the
28 state to such authorized issuer for debt service and related expenses
29 pursuant to any service contract executed pursuant to subdivision (b) of
30 this section and such bonds and notes shall contain on the face thereof
31 a statement to such effect. Except for purposes of complying with the
32 internal revenue code, any interest income earned on bond proceeds shall
33 only be used to pay debt service on such bonds.

34 S 40. Subdivision 1 of section 16 of part D of chapter 389 of the laws
35 of 1997, relating to the financing of the correctional facilities
36 improvement fund and the youth facility improvement fund, as amended by
37 section 42 of part BB of chapter 58 of the laws of 2011, is amended to
38 read as follows:

39 1. Subject to the provisions of chapter 59 of the laws of 2000, but
40 notwithstanding the provisions of section 18 of section 1 of chapter 174
41 of the laws of 1968, the New York state urban development corporation is
42 hereby authorized to issue bonds, notes and other obligations in an
43 aggregate principal amount not to exceed six billion [four] EIGHT
44 hundred [ninety] SIXTEEN million [four] EIGHT hundred sixty-nine thou-
45 sand dollars [\$6,490,469,000] \$6,816,869,000, and shall include all
46 bonds, notes and other obligations issued pursuant to chapter 56 of the
47 laws of 1983, as amended or supplemented. The proceeds of such bonds,
48 notes or other obligations shall be paid to the state, for deposit in
49 the correctional facilities capital improvement fund to pay for all or
50 any portion of the amount or amounts paid by the state from appropri-
51 ations or reappropriations made to the department of corrections and
52 community supervision from the correctional facilities capital improve-
53 ment fund for capital projects. The aggregate amount of bonds, notes or
54 other obligations authorized to be issued pursuant to this section shall
55 exclude bonds, notes or other obligations issued to refund or otherwise
56 repay bonds, notes or other obligations theretofore issued, the proceeds

1 of which were paid to the state for all or a portion of the amounts
2 expended by the state from appropriations or reappropriations made to
3 the department of corrections and community supervision; provided,
4 however, that upon any such refunding or repayment the total aggregate
5 principal amount of outstanding bonds, notes or other obligations may be
6 greater than six billion [four] EIGHT hundred [ninety] SIXTEEN million
7 [four] EIGHT hundred sixty-nine thousand dollars [\$6,490,469,000]
8 \$6,816,869,000, only if the present value of the aggregate debt service
9 of the refunding or repayment bonds, notes or other obligations to be
10 issued shall not exceed the present value of the aggregate debt service
11 of the bonds, notes or other obligations so to be refunded or repaid.
12 For the purposes hereof, the present value of the aggregate debt service
13 of the refunding or repayment bonds, notes or other obligations and of
14 the aggregate debt service of the bonds, notes or other obligations so
15 refunded or repaid, shall be calculated by utilizing the effective
16 interest rate of the refunding or repayment bonds, notes or other obli-
17 gations, which shall be that rate arrived at by doubling the semi-annual
18 interest rate (compounded semi-annually) necessary to discount the debt
19 service payments on the refunding or repayment bonds, notes or other
20 obligations from the payment dates thereof to the date of issue of the
21 refunding or repayment bonds, notes or other obligations and to the
22 price bid including estimated accrued interest or proceeds received by
23 the corporation including estimated accrued interest from the sale ther-
24 eof.

25 S 41. Paragraph (a) of subdivision 2 of section 47-e of the private
26 housing finance law, as amended by section 44 of part BB of chapter 58
27 of the laws of 2011, is amended to read as follows:

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

54 S 42. Subdivision (b) of section 11 of chapter 329 of the laws of
55 1991, amending the state finance law and other laws relating to the
56 establishment of the dedicated highway and bridge trust fund, as amended

by section 46 of part BB of chapter 58 of the laws of 2011, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund such projects having a cost not in excess of [\$6,695,169,000] \$7,106,022,000 cumulatively by the end of fiscal year [2011-12] 2012-13.

S 43. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 58 of part BB of chapter 58 of the laws of 2011, is amended to read as follows:

S 44. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, STATE UNIVERSITY OF NEW YORK COLLEGE FOR NANOSCALE AND SCIENCE ENGINEERING, BROADBAND INITIATIVE, INFRASTRUCTURE AND PREVENTIVE MAINTENANCE PROJECTS FOR THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, PROJECTS WITHIN THE CITY OF BUFFALO OR SURROUNDING ENVIRONS, AND THE ADVANCE NEW YORK CAPITAL FUND and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [one] SEVEN hundred [eighty] FIFTEEN million five hundred fifty thousand dollars, 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. Such bonds and notes of the dormitory authority and 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 dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, STATE UNIVERSITY OF NEW YORK COLLEGE FOR NANOSCALE AND SCIENCE ENGINEERING, BROADBAND INITIATIVE, INFRASTRUCTURE AND PREVENTIVE MAINTENANCE PROJECTS FOR THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, PROJECTS WITHIN THE CITY OF BUFFALO OR SURROUNDING ENVIRONS AND THE ADVANCE NEW YORK CAPITAL FUND and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service

1 contract entered into pursuant to this section shall provide that the
2 obligation of the state to pay the amount therein provided shall not
3 constitute a debt of the state within the meaning of any constitutional
4 or statutory provision and shall be deemed executory only to the extent
5 of monies available and that no liability shall be incurred by the state
6 beyond the monies available for such purpose, subject to annual appro-
7 priation by the legislature. Any such contract or any payments made or
8 to be made thereunder may be assigned and pledged by the dormitory
9 authority and the corporation as security for its bonds and notes, as
10 authorized by this section.

11 3. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE DORMITORY
12 AUTHORITY AND THE CORPORATION ANY PORTION OF BOND PROCEEDS PAID TO
13 PROVIDE FUNDS FOR OR REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH
14 SUCH PROJECT COSTS AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS
15 FUND OR ANY OTHER APPROPRIATE FUND.

16 S 44. Section 1680-o of the public authorities law, as amended by
17 section 49-b of part PP of chapter 56 of the laws of 2009, is amended to
18 read as follows:

19 S 1680-o. Courthouse improvements and training facilities. 1.
20 Notwithstanding the provisions of any other law to the contrary, the
21 authority and the urban development corporation are hereby authorized to
22 issue bonds or notes in one or more series for the purpose of funding
23 project costs for eligible courthouse improvements[, drug courts,] and
24 training facilities. The aggregate principal amount of bonds authorized
25 to be issued pursuant to this section shall not exceed [eighty-five]
26 SEVENTY-SIX million [nine] ONE hundred thousand dollars, excluding bonds
27 issued to fund one or more debt service reserve funds, to pay costs of
28 issuance of such bonds, and bonds or notes issued to refund or otherwise
29 repay such bonds or notes previously issued. Such bonds and notes of the
30 authority and the urban development corporation shall not be a debt of
31 the state, and the state shall not be liable thereon, nor shall they be
32 payable out of any funds other than those appropriated by the state to
33 the authority and the urban development corporation for principal,
34 interest, and related expenses pursuant to a service contract and such
35 bonds and notes shall contain on the face thereof a statement to such
36 effect. Except for purposes of complying with the internal revenue code,
37 any interest income earned on bond proceeds shall only be used to pay
38 debt service on such bonds.

39 2. Notwithstanding any other provision of law to the contrary, in
40 order to assist the authority and the urban development corporation in
41 undertaking the financing of eligible courthouse improvements[, drug
42 courts,] and training facilities, the director of the budget is hereby
43 authorized to enter into one or more service contracts with the authori-
44 ty and the urban development corporation, none of which shall exceed
45 thirty years in duration, upon such terms and conditions as the director
46 of the budget and the authority and the urban development corporation
47 agree, so as to annually provide to the authority and the urban develop-
48 ment corporation, in the aggregate, a sum not to exceed the principal,
49 interest, and related expenses required for such bonds and notes. Any
50 service contract entered into pursuant to this section shall provide
51 that the obligation of the state to pay the amount therein provided
52 shall not constitute a debt of the state within the meaning of any
53 constitutional or statutory provision and shall be deemed executory only
54 to the extent of monies available and that no liability shall be
55 incurred by the state beyond the monies available for such purpose,
56 subject to annual appropriation by the legislature. Any such contract or

1 any payments made or to be made thereunder may be assigned and pledged
2 by the authority and the urban development corporation as security for
3 its bonds and notes, as authorized by this section.

4 S 45. Section 51 of part RR of chapter 57 of the laws of 2008, relat-
5 ing to providing for the administration of certain funds and accounts
6 related to the 2008-2009 budget, as amended by chapter 94 of the laws of
7 2011, is amended to read as follows:

8 S 51. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on and after April 1, 2008; provided,
10 however, that the amendments to subdivision 6 of section 4 and subdivi-
11 sion 4 of section 40 of the state finance law made by sections fifteen
12 and sixteen of this act shall expire on the same date such subdivisions
13 expire; and provided, further, however, that section thirty-four of this
14 act shall take effect on the same date as the reversion of section 69-c
15 of the state finance law as provided in section 58 of part T of chapter
16 57 of the laws of 2007, as amended; [and] provided, further, however,
17 that sections one, three, four, and eighteen through twenty-seven of
18 this act shall expire March 31, 2009 when upon such date the provisions
19 of such sections shall be deemed repealed; and provided further that
20 section [fourteen of this act shall expire March 31, 2012 when upon such
21 date the provisions of such section shall be deemed repealed] FORTY OF
22 THIS ACT SHALL BE DEEMED TO HAVE BEEN IN FULL FORCE AND EFFECT ON AND
23 AFTER APRIL 1, 2007.

24 S 45-a. Section 57 of part PP of chapter 56 of the laws of 2009,
25 relating to providing for the administration of certain funds and
26 accounts related to the 2009-10 budget, is amended to read as follows:

27 S 57. This act shall take effect immediately and shall be deemed to
28 have been in full force and effect on and after April 1, 2009; provided,
29 however, that sections one, two, three, four, twelve and twenty-one
30 through thirty-one of this act shall expire March 31, 2010, when, upon
31 such date, the provisions of such sections shall be deemed repealed;
32 provided, however that the amendments to subdivision 5 of section 97-rrr
33 of the state finance law made by section thirteen of this act shall not
34 affect the expiration and reversion of such subdivision and shall expire
35 and be deemed repealed therewith; [and] provided, further that amend-
36 ments to section 69-c of the state finance law, made by section thirty-
37 five of this act, shall not affect the expiration and reversion of such
38 section and shall expire therewith[.]; AND PROVIDED FURTHER THAT SECTION
39 FORTY-ONE OF THIS ACT SHALL BE DEEMED TO HAVE BEEN IN FULL FORCE AND
40 EFFECT ON APRIL 1, 2007.

41 S 45-b. Section 55 of part JJ of chapter 56 of the laws of 2010,
42 relating to providing for the administration of certain funds and
43 accounts related to the 2010-11 budget, paragraph (a) as amended by
44 section 58-a of part BB of chapter 58 of the laws of 2011, is amended to
45 read as follows:

46 S 55. This act shall take effect immediately and shall be deemed to
47 have been in full force and effect on and after April 1, 2010, provided,
48 however, that:

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

51 (b) sections one, two, three, four, five, six, seven, eight, nine,
52 ten, eighteen, and nineteen through twenty-nine of this act shall expire
53 March 31, 2011, when, upon such date, the provisions of such sections
54 shall be deemed repealed; [and]

55 (c) the amendments to subdivision 5 of section 97-rrr of the state
56 finance law made by section fifteen of this act shall not affect the

1 expiration of such subdivision and shall be deemed to expire there-
2 with[.]; AND PROVIDED FURTHER THAT SECTION FORTY-SEVEN OF THIS ACT SHALL
3 BE DEEMED TO HAVE BEEN IN FULL FORCE AND EFFECT ON APRIL 1, 2007.

4 S 46. The public authorities law is amended by adding a new section
5 386-a to read as follows:

6 S 386-A. FINANCING OF METROPOLITAN TRANSPORTATION AUTHORITY (MTA)
7 TRANSPORTATION FACILITIES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF
8 LAW TO THE CONTRARY, THE AUTHORITY, THE DORMITORY AUTHORITY AND THE
9 URBAN DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR
10 NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF ASSISTING THE METROPOL-
11 ITAN TRANSPORTATION AUTHORITY IN THE FINANCING OF TRANSPORTATION FACILI-
12 TIES AS DEFINED IN SUBDIVISION SEVENTEEN OF SECTION TWELVE HUNDRED
13 SIXTY-ONE OF THIS CHAPTER. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS
14 AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED SEVEN
15 HUNDRED SEVENTY MILLION DOLLARS (\$770,000,000), EXCLUDING BONDS ISSUED
16 TO FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE
17 OF SUCH BONDS, AND TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES
18 PREVIOUSLY ISSUED. SUCH BONDS AND NOTES OF THE AUTHORITY, THE DORMITORY
19 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION SHALL NOT BE A DEBT OF
20 THE STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE
21 PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO
22 THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
23 RATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES PURSUANT TO A
24 SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON THE FACE
25 THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING
26 WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON BOND
27 PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

28 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
29 ORDER TO ASSIST THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN
30 DEVELOPMENT CORPORATION IN UNDERTAKING THE FINANCING OF SUCH TRANSPORTA-
31 TION FACILITIES PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHOR-
32 IZED TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE AUTHORITY, THE
33 DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION, NONE OF WHICH
34 SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH TERMS AND CONDITIONS AS
35 THE DIRECTOR OF THE BUDGET AND THE AUTHORITY, THE DORMITORY AUTHORITY
36 AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE
37 TO THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
38 CORPORATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTER-
39 EST, AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE
40 CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE
41 OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT
42 CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL
43 OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT
44 OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE
45 BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPRO-
46 PRIATION BY THE LEGISLATURE. ANY SUCH SERVICE CONTRACT OR ANY PAYMENTS
47 MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE AUTHOR-
48 ITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS
49 SECURITY FOR SUCH BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

50 3. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE AUTHORITY,
51 THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION ANY
52 PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR REIMBURSE THE
53 STATE FOR ITS COSTS ASSOCIATED WITH SUCH PROJECT COSTS AND TO CREDIT
54 SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY OTHER APPROPRIATE FUND.

55 S 47. Subdivisions 2 and 6 of section 34 of part 0 of chapter 61 of
56 the laws of 2000 amending the public authorities law relating to the

1 metropolitan transportation authority, the New York city transit author-
2 ity and the Triborough bridge and tunnel authority, are amended to read
3 as follows:

4 2. The metropolitan transportation authority is hereby authorized to
5 issue from time to time one or more series of its bonds and notes to
6 finance and refinance projects and/or to refund bonds and notes (a)
7 previously issued by the metropolitan transportation authority, the New
8 York city transit authority and the Triborough bridge and tunnel author-
9 ity, or (b) secured wholly or partially by any or all of the following
10 service contracts: (i) service contracts entered into for the purposes
11 set forth in section 16 of chapter 314 of the laws of 1981; (ii) service
12 contracts entered into for the purposes set forth in section 42 of chap-
13 ter 929 of the laws of 1986; and (iii) service contracts entered into
14 for the purposes set forth in subdivision one of this section. THE
15 AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT TO
16 THIS SUBDIVISION SHALL NOT EXCEED TWO BILLION FIVE MILLION FOUR HUNDRED
17 FIFTY-FIVE THOUSAND DOLLARS (\$2,005,455,000), EXCLUDING BONDS ISSUED TO
18 FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF
19 SUCH BONDS, AND TO REFUND OR OTHERWISE REPAY SUCH BONDS ISSUED PRIOR TO
20 APRIL 1, 2012.

21 6. Any service contract or contracts for transit and SIRTOA projects
22 and for commuter projects entered into pursuant to this section shall
23 provide for state commitments to provide annually to the metropolitan
24 transportation authority a sum or sums, upon such terms and conditions
25 as shall be deemed appropriate by the director of the budget, to fund,
26 or to fund the debt service requirements of any bonds or other obli-
27 gations of the metropolitan transportation authority issued to fund[,]
28 such projects [such that the aggregate debt service on all bonds and
29 notes identified in subdivision three of this section does not exceed
30 \$165,000,000 annually through and including July 1, 2031].

31 S 48. The public authorities law is amended by adding a new section
32 386-b to read as follows:

33 S 386-B. FINANCING OF PEACE BRIDGE PROJECTS. 1. NOTWITHSTANDING ANY
34 OTHER PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY, THE DORMITORY
35 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO
36 ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF FINANCING
37 PEACE BRIDGE PROJECTS. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHOR-
38 IZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTEEN
39 MILLION DOLLARS (\$15,000,000), EXCLUDING BONDS ISSUED TO FUND ONE OR
40 MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS,
41 AND TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED.
42 SUCH BONDS AND NOTES OF THE AUTHORITY, THE DORMITORY AUTHORITY AND THE
43 URBAN DEVELOPMENT CORPORATION SHALL NOT BE A DEBT OF THE STATE, AND THE
44 STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY
45 FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO THE AUTHORITY, THE
46 DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION FOR PRINCIPAL,
47 INTEREST, AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND SUCH
48 BONDS AND NOTES SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH
49 EFFECT. EXCEPT FOR PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE CODE,
50 ANY INTEREST INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO PAY
51 DEBT SERVICE ON SUCH BONDS.

52 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
53 ORDER TO ASSIST THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN
54 DEVELOPMENT CORPORATION IN UNDERTAKING THE FINANCING OF SUCH TRANSPORTA-
55 TION FACILITIES PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHOR-
56 IZED TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE AUTHORITY, THE

1 DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION, NONE OF WHICH
2 SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH TERMS AND CONDITIONS AS
3 THE DIRECTOR OF THE BUDGET AND THE AUTHORITY, THE DORMITORY AUTHORITY
4 AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE
5 TO THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
6 CORPORATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTER-
7 EST, AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE
8 CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE
9 OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT
10 CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL
11 OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT
12 OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE
13 BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPRO-
14 PRIATION BY THE LEGISLATURE. ANY SUCH SERVICE CONTRACT OR ANY PAYMENTS
15 MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE AUTHOR-
16 ITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS
17 SECURITY FOR SUCH BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

18 3. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE AUTHORITY,
19 THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION ANY
20 PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR REIMBURSE THE
21 STATE FOR ITS COSTS ASSOCIATED WITH SUCH PROJECT COSTS AND TO CREDIT
22 SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY OTHER APPROPRIATE FUND.

23 S 49. Subdivisions 1 and 2 of section 45 of section 1 of chapter 174
24 of the laws of 1968, constituting the New York state urban development
25 corporation act, as added by chapter 260 of the laws of 2011, are
26 amended to read as follows:

27 1. Notwithstanding the provisions of any other law to the contrary,
28 the urban development corporation of the state of New York is hereby
29 authorized to issue bonds or notes in one or more series for the purpose
30 of funding project costs for the implementation of a NY-SUNY 2020 chal-
31 lenge grant program subject to the approval of a NY-SUNY 2020 plan or
32 plans by the governor and the chancellor of the state university of New
33 York. The aggregate principal amount of bonds authorized to be issued
34 pursuant to this section shall not exceed [\$80,000,000] \$110,000,000,
35 excluding bonds issued to fund one or more debt service reserve funds,
36 to pay costs of issuance of such bonds, and bonds or notes issued to
37 refund or otherwise repay such bonds or notes previously issued. Such
38 bonds and notes of the corporation shall not be a debt of the state, and
39 the state shall not be liable thereon, nor shall they be payable out of
40 any funds other than those appropriated by the state to the corporation
41 for principal, interest, and related expenses pursuant to a service
42 contract and such bonds and notes shall contain on the face thereof a
43 statement to such effect. Except for purposes of complying with the
44 internal revenue code, any interest income earned on bond proceeds shall
45 only be used to pay debt service on such bonds.

46 2. Notwithstanding any other law, rule, or regulation to the contrary,
47 the comptroller is hereby authorized and directed to deposit to the
48 credit of the capital projects fund, reimbursement from the proceeds of
49 notes or bonds issued by the urban development corporation of the state
50 of New York for capital disbursements [of up to \$80,000,000 from any
51 appropriation or reappropriation authorized by a chapter of the laws of
52 2011 for NY-SUNY 2020 challenge grants] ASSOCIATED WITH SUCH PROJECT
53 COSTS.

54 S 50. Subdivision 1 of section 1689-i of the public authorities law,
55 as amended by section 49 of part BB of chapter 58 of the laws of 2011,
56 is amended to read as follows:

1 1. The dormitory authority is authorized to issue bonds, at the
2 request of the commissioner of education, to finance eligible library
3 construction projects pursuant to section two hundred seventy-three-a of
4 the education law, in amounts certified by such commissioner not to
5 exceed a total principal amount of [eighty-four] NINETY-EIGHT million
6 dollars.

7 S 51. Subdivision 10-a of section 1680 of the public authorities law,
8 as amended by section 38 of part PP of chapter 56 of the laws of 2009,
9 is amended to read as follows:

10 10-a. Subject to the provisions of chapter fifty-nine of the laws of
11 two thousand, but notwithstanding any other provision of the law to the
12 contrary, the maximum amount of bonds and notes to be issued after March
13 thirty-first, two thousand two, on behalf of the state, in relation to
14 any locally sponsored community college, shall be [five] SIX hundred
15 [thirty-six] TWENTY-THREE million dollars. Such amount shall be exclu-
16 sive of bonds and notes issued to fund any reserve fund or funds, costs
17 of issuance and to refund any outstanding bonds and notes, issued on
18 behalf of the state, relating to a locally sponsored community college.

19 S 52. Paragraph (c) of subdivision 19 of section 1680 of the public
20 authorities law, as amended by section 36 of part PP of chapter 56 of
21 the laws of 2009, is amended to read as follows:

22 (c) Subject to the provisions of chapter fifty-nine of the laws of two
23 thousand, the dormitory authority shall not issue any bonds for state
24 university educational facilities purposes if the principal amount of
25 bonds to be issued when added to the aggregate principal amount of bonds
26 issued by the dormitory authority on and after July first, nineteen
27 hundred eighty-eight for state university educational facilities will
28 exceed ten billion [eighty-nine] THREE HUNDRED FOUR million dollars;
29 provided, however, that bonds issued or to be issued shall be excluded
30 from such limitation if: (1) such bonds are issued to refund state
31 university construction bonds and state university construction notes
32 previously issued by the housing finance agency; or (2) such bonds are
33 issued to refund bonds of the authority or other obligations issued for
34 state university educational facilities purposes and the present value
35 of the aggregate debt service on the refunding bonds does not exceed the
36 present value of the aggregate debt service on the bonds refunded there-
37 by; provided, further that upon certification by the director of the
38 budget that the issuance of refunding bonds or other obligations issued
39 between April first, nineteen hundred ninety-two and March thirty-first,
40 nineteen hundred ninety-three will generate long term economic benefits
41 to the state, as assessed on a present value basis, such issuance will
42 be deemed to have met the present value test noted above. For purposes
43 of this subdivision, the present value of the aggregate debt service of
44 the refunding bonds and the aggregate debt service of the bonds
45 refunded, shall be calculated by utilizing the true interest cost of the
46 refunding bonds, which shall be that rate arrived at by doubling the
47 semi-annual interest rate (compounded semi-annually) necessary to
48 discount the debt service payments on the refunding bonds from the
49 payment dates thereof to the date of issue of the refunding bonds to the
50 purchase price of the refunding bonds, including interest accrued there-
51 on prior to the issuance thereof. The maturity of such bonds, other than
52 bonds issued to refund outstanding bonds, shall not exceed the weighted
53 average economic life, as certified by the state university construction
54 fund, of the facilities in connection with which the bonds are issued,
55 and in any case not later than the earlier of thirty years or the expi-
56 ration of the term of any lease, sublease or other agreement relating

thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

S 53. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012; provided that sections one through seven, sections ten through fifteen, and section seventeen of this act shall expire March 31, 2013, when upon such date, the provisions of such sections shall be deemed repealed; provided further that the amendments to subdivisions 1 and 2 of section 45 of section 1 of chapter 174 of the laws of 1968 made by section forty-nine of this act shall not affect the expiration of such subdivisions and shall be deemed to expire therewith.

PART O

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

OFFICE [FOR TECHNOLOGY] OF INFORMATION TECHNOLOGY SERVICES

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

3. "Office" means the office [for technology] OF INFORMATION TECHNOLOGY SERVICES.

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

Office [for technology] OF INFORMATION TECHNOLOGY SERVICES; director, organization and employees. 1. The office [for technology] OF INFORMATION TECHNOLOGY SERVICES is hereby created within the executive department to have and exercise the functions, powers and duties provided by the provisions of this article and any other provision of law.

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

4. "Office" shall mean the state office [for technology] OF INFORMATION TECHNOLOGY SERVICES.

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

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

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

15. Promotion eligibility of person transferred to the office [for technology] OF INFORMATION TECHNOLOGY SERVICES. Notwithstanding any other provision of this chapter, the names of permanent employees trans-

ferred from a state agency or department to the office [for technology] OF INFORMATION TECHNOLOGY SERVICES shall remain on any promotion eligible list for appointment in the agency or department from which such employees were transferred, for a period of one year or until the expiration of such list, whichever occurs first. Further, where the promotion eligible list on which such employees' names appear is established in the office [for technology] OF INFORMATION TECHNOLOGY SERVICES, the names of employees so transferred shall be added to such promotion eligible list.

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

1. There is hereby created in the executive department a disaster preparedness commission consisting of the commissioners of transportation, health, division of criminal justice services, education, social services, economic development, agriculture and markets, housing and community renewal, general services, labor, environmental conservation, mental health, parks, recreation and historic preservation, corrections and community supervision and children and family services, the president of the New York state energy research and development authority, the superintendents of state police, insurance, banking, the secretary of state, the state fire administrator, the chair of the public service commission, the adjutant general, the directors of the offices within the division of homeland security and emergency services, the office [for technology] OF INFORMATION TECHNOLOGY SERVICES, and the office of victim services, the chairs of the thruway authority, the metropolitan transportation authority, the port authority of New York and New Jersey, the chief professional officer of the state coordinating chapter of the American Red Cross and three additional members, to be appointed by the governor, two of whom shall be chief executives. Each member agency may designate an officer of that agency, with responsibility for disaster preparedness matters, who may represent that agency on the commission. The commissioner of the division of homeland security and emergency services shall serve as chair of the commission, and the governor shall designate the vice chair of the commission. The members of the commission, except those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

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

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

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

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

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

4. The state agency together with the office [for technology] OF INFORMATION TECHNOLOGY SERVICES determines that the restriction is not in the best interest of the state. Such office shall notify each member

1 of the advisory council established in article one of the state technol-
2 ogy law of any such waiver of these restrictions.

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

5 S 171-k. Electronic signature. If any return or report relating to a
6 tax, fee or other imposition administered by the commissioner is author-
7 ized by the commissioner to be filed electronically, then such return or
8 report shall be signed electronically consistent with the provisions of
9 article three of the state technology law; provided, however, that if
10 the commissioner determines that electronic signatures that are used by
11 the federal internal revenue service in tax administration are not
12 consistent with the provisions of article three of the state technology
13 law, then the commissioner, after conferring with the office [for tech-
14 nology] OF INFORMATION TECHNOLOGY SERVICES, may prescribe the manner and
15 form of electronic signature on any such return or report. Such elec-
16 tronic signature shall conform, to the extent practicable, with elec-
17 tronic signatures that are used by the federal internal revenue service.
18 The use of such an electronic signature shall have the same validity and
19 effect as the use of a signature affixed by hand.

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

22 4. In this section, the term "agency of the state of New York" shall
23 include any department, bureau, commission, board, public authority or
24 other agency of the state of New York; any public benefit corporation
25 whose board of directors includes any member appointed by the governor;
26 any subdivision of any department, bureau, commission, board, public
27 authority or other agency of the state which is easily identifiable and
28 which for most other purposes is treated as an independent state agency;
29 and the office [for technology] OF INFORMATION TECHNOLOGY SERVICES.

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

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

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

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

43 (c) The legislative bill drafting commission is hereby directed to
44 effectuate this provision, and shall be guided by a memorandum of
45 instruction setting forth the specific provisions of law to be amended.
46 Such memorandum shall be transmitted to the legislative bill drafting
47 commission within sixty days of the effective date of this provision.
48 Such memorandum shall be issued jointly by the governor, the temporary
49 president of the senate and the speaker of the assembly, or by the dele-
50 gate of each.

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

54 S 16. Pending actions and proceedings. No action or proceeding pending
55 at the time when this act shall take effect, brought by or against the
56 office for technology, and pertaining to or connected with its func-

tions, powers, obligations and duties, shall be affected by any provision of this act, but in the same way may be prosecuted or defended in the name of the office of information technology services. In all such actions and proceedings the office of information technology services, upon application to the court, shall be substituted as a party.

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

PART P

Section 1. Paragraph i of subdivision 10 of section 54 of the state finance law, as added by section 1 of part F of chapter 56 of the laws of 2007, subparagraph (vi) as added by section 2 of part D of chapter 503 of the laws of 2009, subparagraph (vii) as added by section 3 of part Z of chapter 56 of the laws of 2010, subparagraph (viii) as added by section 3 of part I of chapter 57 of the laws of 2011, is amended to read as follows:

i. Payments. (i) In the state fiscal year commencing April first, two thousand seven and in each state fiscal year thereafter through and including the state fiscal year commencing April first, two thousand ten, base level grants shall be paid in the same "on or before month and day" manner as:

(1) paid in the state fiscal year commencing April first, two thousand six under the aid and incentives for municipalities program in effect at that time and appropriated in chapter fifty of the laws of two thousand six; or

(2) set forth in part R of chapter fifty-six of the laws of two thousand four relating to unrestricted aid to certain cities.

(ii) In the state fiscal year commencing April first, two thousand seven and in each state fiscal year thereafter through and including the state fiscal year commencing April first, two thousand ten, additional annual apportionments and per capita adjustments authorized in paragraphs d and e of this subdivision shall be paid on or before December fifteenth for cities with fiscal years beginning January first, on or before March fifteenth for all other cities, and for towns and villages, in the same "on or before month and day" manner as their base level grants are paid pursuant to subparagraph (i) of this paragraph.

(II-A) NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, IN THE STATE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND THIRTEEN AND EACH STATE FISCAL YEAR THEREAFTER, UP TO TWENTY-EIGHT MILLION DOLLARS IN BASE LEVEL GRANTS OTHERWISE PAYABLE TO THE CITY OF ROCHESTER IN OCTOBER, DECEMBER AND MARCH SHALL BE PAID ON OR BEFORE JUNE THIRTIETH.

(iii) Aid and incentives for municipalities shall be apportioned and paid to the chief fiscal officer of each municipality on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance account in the general fund of the state treasury. Any municipality receiving aid and incentives for municipalities pursuant to this subdivision shall use such aid only for general municipal purposes except as provided in subparagraph (iv) of this paragraph.

(iv) Amounts payable to any city having a population of less than fifty-five thousand but more than fifty-four thousand according to the federal decennial census of nineteen hundred ninety shall be apportioned and paid to the special account for the municipal assistance corporation for the city of Troy in the municipal assistance state aid fund pursuant

1 to section ninety-two-e of this chapter and chapters one hundred eight-
2 y-seven and one hundred eighty-eight of the laws of nineteen hundred
3 ninety-five.

4 (v) Notwithstanding any inconsistent provision of law, additional
5 annual apportionments pursuant to paragraph d of this subdivision and
6 pursuant to the aid and incentives for municipalities program appropri-
7 ated in chapter fifty of the laws of two thousand six shall not be
8 considered state aid pursuant to title two of article ten-D of the
9 public authorities law for any eligible city subject to a control period
10 under a state imposed fiscal stability authority. Such additional annual
11 apportionments shall be paid to such authority for distribution to such
12 city within the context of an authority-approved four year financial
13 plan, for the following purposes:

14 (i) To maintain, minimize, or reduce the real property tax burden;

15 (ii) To support investments in technology or other efficiency and
16 productivity initiatives that permanently minimize or reduce the munici-
17 pality's operating expenses;

18 (iii) To support economic development or infrastructure investments
19 that are necessary to achieve economic revitalization and generate
20 growth in the municipality's real property tax base; and

21 (iv) To minimize or prevent reductions in city services.

22 (vi) Notwithstanding subparagraph (i) of this paragraph, in the state
23 fiscal year commencing April first, two thousand nine the deficit
24 reduction adjustment to the base level grants of certain cities pursuant
25 to paragraph e-one of this subdivision shall be made on or before March
26 fifteenth, two thousand ten.

27 (vii) Notwithstanding subparagraph (i) of this paragraph, in the state
28 fiscal year commencing April first, two thousand ten, the base level
29 grant adjustment pursuant to subparagraph (ii) of paragraph b of this
30 subdivision shall be made on or before September twenty-fifth for a town
31 or village, on or before December fifteenth for a city whose fiscal year
32 begins January first, and on or before March fifteenth for a city whose
33 fiscal year does not begin on January first.

34 (viii) Notwithstanding subparagraph (i) of this paragraph, in the
35 state fiscal year commencing April first, two thousand eleven, the base
36 level grant adjustment pursuant to subparagraph (iv) of paragraph b of
37 this subdivision shall be made on or before September twenty-fifth for a
38 town or village, on or before December fifteenth for a city whose fiscal
39 year begins January first, and on or before March fifteenth for a city
40 whose fiscal year does not begin January first.

41 S 2. This act shall take effect immediately.

42 PART Q

43 Section 1. Notwithstanding any other law to the contrary, for the
44 purpose of promoting access to employment, the state shall pay to the
45 metropolitan transportation authority the costs associated with estab-
46 lishment and implementation by the metropolitan transportation authority
47 of a rebate program for E-ZPass tolls paid by the residents of Broad
48 Channel and the Rockaway Peninsula who live within zip codes 11691,
49 11692, 11693, 11694, 11695, and 11697, for travel over the Cross Bay
50 Veterans Memorial Bridge.

51 S 2. This act shall take effect immediately.

52 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
53 sion, section or part of this act shall be adjudged by any court of
54 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 Q of this act shall be
9 as specifically set forth in the last section of such Parts.