

S T A T E   O F   N E W   Y O R K

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S. 6255--A

A. 9055--A

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

January 17, 2012

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

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

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

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

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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 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 merger 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); 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); and to amend the workers' compensation law, in relation to the collection of assessments for annual expenses (Part R)

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 R. 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.

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

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

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

1 in section 160.05 of the penal law; identity theft in the second degree,  
2 as defined in section 190.79 of the penal law; identity theft in the  
3 first degree, as defined in section 190.80 of the penal law; promoting  
4 prison contraband in the first degree, as defined in section 205.25 of  
5 the penal law; tampering with a witness in the third degree, as defined  
6 in section 215.11 of the penal law; tampering with a witness in the  
7 second degree, as defined in section 215.12 of the penal law; tampering  
8 with a witness in the first degree, as defined in section 215.13 of the  
9 penal law; criminal contempt in the first degree, as defined in subdivi-  
10 sions (b), (c) and (d) of section 215.51 of the penal law; aggravated  
11 criminal contempt, as defined in section 215.52 of the penal law; bail  
12 jumping in the second degree, as defined in section 215.56 of the penal  
13 law; bail jumping in the first degree, as defined in section 215.57 of  
14 the penal law; patronizing a prostitute in the second degree, as defined  
15 in section 230.05 of the penal law; patronizing a prostitute in the  
16 first degree, as defined in section 230.06 of the penal law; promoting  
17 prostitution in the second degree, as defined in section 230.30 of the  
18 penal law; promoting prostitution in the first degree, as defined in  
19 section 230.32 of the penal law; compelling prostitution, as defined in  
20 section 230.33 of the penal law; disseminating indecent materials to  
21 minors in the second degree, as defined in section 235.21 of the penal  
22 law; disseminating indecent materials to minors in the first degree, as  
23 defined in section 235.22 of the penal law; riot in the first degree, as  
24 defined in section 240.06 of the penal law; criminal anarchy, as defined  
25 in section 240.15 of the penal law; aggravated harassment of an employee  
26 by an inmate, as defined in section 240.32 of the penal law; unlawful  
27 surveillance in the second degree, as defined in section 250.45 of the  
28 penal law; unlawful surveillance in the first degree, as defined in  
29 section 250.50 of the penal law; endangering the welfare of a vulnerable  
30 elderly person in the second degree, as defined in section 260.32 of the  
31 penal law; endangering the welfare of a vulnerable elderly person in the  
32 first degree, as defined in section 260.34 of the penal law; use of a  
33 child in a sexual performance, as defined in section 263.05 of the penal  
34 law; promoting an obscene sexual performance by a child, as defined in  
35 section 263.10 of the penal law; possessing an obscene sexual perform-  
36 ance by a child, as defined in section 263.11 of the penal law; promot-  
37 ing a sexual performance by a child, as defined in section 263.15 of the  
38 penal law; possessing a sexual performance by a child, as defined in  
39 section 263.16 of the penal law; criminal possession of a weapon in the  
40 third degree, as defined in section 265.02 of the penal law; criminal  
41 sale of a firearm in the third degree, as defined in section 265.11 of  
42 the penal law; criminal sale of a firearm to a minor, as defined in  
43 section 265.16 of the penal law; unlawful wearing of a body vest, as  
44 defined in section 270.20 of the penal law; hate crimes as defined in  
45 section 485.05 of the penal law; and crime of terrorism, as defined in  
46 section 490.25 of the penal law; or (e) a felony defined in the penal  
47 law or an attempt thereof where such attempt is a felony; or (f) any of  
48 the following misdemeanors: assault in the third degree as defined in  
49 section 120.00 of the penal law; attempted aggravated assault upon a  
50 person less than eleven years old, as defined in section 110.00 and  
51 section 120.12 of the penal law; attempted menacing in the first degree,  
52 as defined in section 110.00 and section 120.13 of the penal law; menac-  
53 ing in the second degree as defined in section 120.14 of the penal law;  
54 menacing in the third degree as defined in section 120.15 of the penal  
55 law; reckless endangerment in the second degree as defined in section  
56 120.20 of the penal law; stalking in the fourth degree as defined in

1 section 120.45 of the penal law; stalking in the third degree as defined  
2 in section 120.50 of the penal law; attempted stalking in the second  
3 degree, as defined in section 110.00 and section 120.55 of the penal  
4 law; criminal obstruction of breathing or blood circulation as defined  
5 in section 121.11 of the penal law; forcible touching as defined in  
6 section 130.52 of the penal law regardless of the age of the victim;  
7 sexual abuse in the third degree as defined in section 130.55 of the  
8 penal law regardless of the age of the victim; unlawful imprisonment in  
9 the second degree as defined in section 135.05 of the penal law regard-  
10 less of the age of the victim; attempted unlawful imprisonment in the  
11 first degree, as defined in section 110.00 and section 135.10 of the  
12 penal law regardless of the age of the victim; criminal trespass in the  
13 second degree as defined in section 140.15 of the penal law; possession  
14 of burglar's tools as defined in section 140.35 of the penal law; petit  
15 larceny as defined in section 155.25 of the penal law; endangering the  
16 welfare of a child as defined in section 260.10 of the penal law; endan-  
17 gering the welfare of an incompetent or physically disabled person as  
18 defined in section 260.25 of the penal law] ANY FELONY DEFINED IN ANY  
19 CHAPTER OF THE LAWS OF THE STATE OR ANY MISDEMEANOR DEFINED IN THE PENAL  
20 LAW.

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

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

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

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

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

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

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

1

## PART B

2

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

3

S 2. This act shall take effect immediately.

4

## PART C

5

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

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

27

S 2. This act shall take effect immediately.

28

## PART D

29

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

30

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

31

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

36

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

45

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

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

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

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

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

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

S 1-a. Subdivision 4 of section 60.01 of the penal law, as amended by chapter 548 of the laws of 1984, is amended to read as follows:

4. [In] NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, IN any case where a person has been sentenced to a period of probation imposed pursuant to section 65.00 of this chapter OR PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION, if the [part of the] sentence [that provides for] OF probation is revoked, the court must sentence such person to imprisonment or to the sentence of imprisonment and probation as provided for in paragraph (d) of subdivision two of this section; PROVIDED, HOWEVER, THAT IF THE ORIGINAL PERIOD OF PROBATION WAS LESS THAN THE MAXIMUM PROBATION SENTENCE AUTHORIZED BY SUBDIVISION THREE OF SECTION 65.00 OF THIS CHAPTER, THE COURT MAY INSTEAD IMPOSE THE REMAINING PORTION OF SUCH MAXIMUM AUTHORIZED SENTENCE IN LIEU OF IMPRISONMENT. IN THE EVENT THAT A PROBATION SENTENCE IS VIOLATED, THE SENTENCE OF PROBATION SHALL BE IN ACCORDANCE WITH SUBDIVISION FOUR OF SECTION 65.00 OF THIS CHAPTER.

S 1-b. Subdivision four of section 65.00 of the penal law, as added by chapter 264 of the laws of 2003, is amended to read as follows:

4. In any case where a court pursuant to its authority under subdivision four of section 60.01 of this chapter revokes probation and sentences such person to imprisonment and probation, as provided in paragraph (d) of subdivision two of section 60.01 of this chapter OR A SENTENCE OF PROBATION IMPOSED PURSUANT TO SECTION 65.00 OF THIS CHAPTER, the period of probation shall be the remaining period of the [original] MAXIMUM AUTHORIZED probation sentence IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION or one year whichever is greater, IN ADDITION TO ANY TIME AUTHORIZED PURSUANT TO SUBDIVISION FIVE OF SECTION 410.70 OF THE CRIMINAL PROCEDURE LAW.

S 1-c. Subdivision five of section 410.70 of the criminal procedure law, as amended by chapter 112 of the laws of 1985, is amended to read as follows:

5. Revocation; modification; continuation. At the conclusion of the hearing the court may revoke, continue or modify the sentence of probation or conditional discharge. Where the court revokes the sentence, it must impose sentence as specified in [subdivisions] SUBDIVISION three [and] OR four of section 60.01 of the penal law, WHICHEVER



1 IS APPLICABLE. Where the court continues or modifies the sentence, it  
2 must vacate the declaration of delinquency and direct that the defendant  
3 be released. If the alleged violation is sustained and the court contin-  
4 ues or modifies the sentence, it may extend the sentence up to the peri-  
5 od of interruption specified in subdivision two of section 65.15 of the  
6 penal law, but any time spent in custody in any correctional institution  
7 pursuant to section 410.60 of this article shall be credited against the  
8 term of the sentence.

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

12 (c) For the detention of persons awaiting the availability of a court,  
13 pursuant to the provisions of section 210.10, subdivision two of section  
14 530.70 [or], subdivision two of section 410.40 OR SECTION 410.92 of the  
15 criminal procedure law;

16 S 3. The criminal procedure law is amended by adding a new section  
17 410.92 to read as follows:

18 S 410.92 PROBATION DETAINER WARRANT.

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

44 2. A PERSON TEMPORARILY DETAINED PURSUANT TO SUBDIVISION ONE OF THIS  
45 SECTION SHALL BE BROUGHT BEFORE THE SENTENCING COURT WITHOUT UNNECESSARY  
46 DELAY, AND IN ANY EVENT WITHIN FORTY-EIGHT HOURS, WHETHER OR NOT THE  
47 COURT IS SCHEDULED TO BE IN SESSION. IF THE COURT HAS REASONABLE CAUSE  
48 TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT  
49 MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR FIX BAIL OR  
50 RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR FUTURE APPEARANCE  
51 AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION 410.70 OF THIS ARTI-  
52 CLE. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH  
53 PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT THAT HE  
54 OR SHE BE RELEASED. THE COURT SHALL CONSIDER ALL RELEVANT FACTS AND  
55 CIRCUMSTANCES AND RENDER AN INDEPENDENT JUDGMENT IN MAKING A DECISION  
56 UNDER THIS SUBDIVISION AND SHALL NOT RELY ON THE DETERMINATION TO TEMPO-

RARILY 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. UPON APPLICATION OF THE PEOPLE, THE COURT, IN IMPOSING SENTENCE ON A PERSON CONVICTED OF A CRIME DEFINED IN ANY CHAPTER OF THE LAWS OF THE STATE, SHALL ORDER THAT THE PERSON FORFEIT ANY PROCEEDS OF A CRIME AND SUBSTITUTED PROCEEDS OF A CRIME, AS THOSE TERMS ARE DEFINED IN SECTION 425.00 OF THE CRIMINAL PROCEDURE LAW. UPON APPLICATION OF THE PEOPLE, THE COURT, IN IMPOSING SENTENCE ON A PERSON CONVICTED OF A FELONY CRIME DEFINED IN ANY CHAPTER OF THE LAWS OF THE STATE SHALL ALSO ORDER THAT THE PERSON FORFEIT ANY PROPERTY, REAL OR PERSONAL, WHICH CONSTITUTES AN INSTRUMENTALITY OF A FELONY CRIME AS THAT TERM IS DEFINED IN SECTION 425.00 OF THE CRIMINAL PROCEDURE LAW.

THE FORFEITURE ORDER SHALL DIVEST FROM THE DEFENDANT, AND AWARD TO THE PEOPLE, ALL OF THE DEFENDANT'S INTEREST IN THE PROPERTY FORFEITED, AS DEFINED IN SECTION 425.00 OF THE CRIMINAL PROCEDURE LAW. WHERE THE COURT IMPOSES A SENTENCE OF FORFEITURE UPON PROPERTY THAT IS NOT IN THE PEOPLE'S OR THE CLAIMING AGENT'S OR THE COURT'S CUSTODY AT THE TIME OF THE IMPOSITION OF THAT SENTENCE, THE FORFEITURE ORDER MAY BE ENFORCED IN THE SAME MANNER AS AUTHORIZED BY ARTICLE FIFTY-ONE OF THE CIVIL PRACTICE LAW AND RULES BY ANY CLAIMING AGENT, AS DEFINED IN SUBDIVISION TWELVE OF SECTION 1310 OF THE CIVIL PRACTICE LAW AND RULES, EXCEPT THAT, UPON APPLICATION OF THE PEOPLE, THE COURT MAY, AT IMPOSITION OF A SENTENCE, ISSUE OTHER ORDERS TO OBTAIN POSSESSION OF PROPERTY ORDERED FORFEITED. WHEN THE COURT IMPOSES A SENTENCE OF FORFEITURE UPON PROPERTY, THE PEOPLE'S INTEREST IN THE FORFEITED PROPERTY VESTS AT THE TIME OF THE OFFENSE THAT GAVE RISE TO THE FORFEITURE, UNLESS A THIRD PARTY ESTABLISHES THAT HE OR SHE WAS A BONA FIDE PURCHASER. UPON APPLICATION OF THE PEOPLE, THE COURT, IN IMPOSING A SENTENCE UPON A PERSON, SHALL AWARD A MONEY JUDGMENT TO THE PEOPLE AND AGAINST THE DEFENDANT IN AN AMOUNT EQUAL TO THE VALUE OF THE PROPERTY WHICH CONSTITUTES THE PROCEEDS, SUBSTITUTED PROCEEDS, OR INSTRUMENTALITY OF THE CRIME OR CRIMES, AS DEFINED IN SECTION 425.00 OF THE CRIMINAL PROCEDURE LAW, GIVING RISE TO THE FORFEITURE. THE TOTAL AMOUNT THAT MAY BE RECOVERED BY THE PEOPLE AGAINST A CRIMINAL DEFENDANT SHALL NOT EXCEED THE VALUE OF THE PROCEEDS, OR SUBSTITUTED PROCEEDS OF THE CRIME, WHICHEVER AMOUNT IS GREATER, IN ADDITION TO THE VALUE OF ANY FORFEITED INSTRUMENTALITY.

2. IN THE EVENT OF A PENDING CRIMINAL ACTION IN WHICH A DEFENDANT HAS ABSCONDED FROM THE JURISDICTION OF THE COURT, THE COURT MAY ORDER

FORFEITURE OF ANY SEIZED OR RESTRAINED PROPERTY, REAL OR PERSONAL, CONSTITUTING, OR DERIVED FROM, PROCEEDS OF A CRIME AND SUBSTITUTED PROCEEDS OF A CRIME AS THOSE TERMS ARE DEFINED IN SECTION 425.00 OF THE CRIMINAL PROCEDURE LAW, AS WELL AS ANY SEIZED OR RESTRAINED PROPERTY, REAL OR PERSONAL, WHICH CONSTITUTES AN INSTRUMENTALITY OF A FELONY CRIME, AS THAT TERM IS DEFINED IN SECTION 425.00 OF THE CRIMINAL PROCEDURE LAW. 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 PROCEEDINGS GOVERNING FORFEITURE OF PROPERTY, INCLUDING ANY SEIZURE AND DISPOSAL OF THE PROPERTY UNDER THIS ARTICLE, SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 425.00 OF THE CRIMINAL PROCEDURE LAW.

5. NOTHING IN THIS ARTICLE SHALL SUPERSEDE LOCAL LAWS AFFECTING FORFEITURE OR ANY SEIZURE OR FORFEITURE PROVISIONS OF THE TAX LAW.

S 2. Subdivisions 2 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.

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:

1 (a) Actions relating to post-conviction forfeiture crimes. An action  
2 relating to a post-conviction forfeiture crime must be grounded upon a  
3 conviction of a [felony] CRIME defined in subdivision five of section  
4 one thousand three hundred ten of this article, or upon criminal activ-  
5 ity arising from a common scheme or plan of which such a conviction is a  
6 part, or upon a count of an indictment or information OR IN SATISFACTION  
7 OF AN APPROPRIATE ACCUSATORY INSTRUMENT AS DEFINED IN SUBDIVISION ONE OF  
8 SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW alleging a [felony] CRIME  
9 which was dismissed at the time of a plea of guilty to a felony OR  
10 MISDEMEANOR in satisfaction of such count. A court may not grant forfei-  
11 ture until such conviction has occurred. However, an action may be  
12 commenced, and a court may grant a provisional remedy provided under  
13 this article, prior to such conviction having occurred. An action under  
14 this paragraph must be dismissed at any time after sixty days of the  
15 commencement of the action unless the conviction upon which the action  
16 is grounded has occurred, or an [indictment or information] APPROPRIATE  
17 ACCUSATORY INSTRUMENT AS DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF  
18 THE CRIMINAL PROCEDURE LAW upon which the asserted conviction is to be  
19 based is pending in a superior OR LOCAL CRIMINAL court. An action under  
20 this paragraph shall be stayed during the pendency of a criminal action  
21 which is related to it; provided, however, that such stay shall not  
22 prevent the granting or continuance of any provisional remedy provided  
23 under this article or any other provisions of law.

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

26 6. Where the defendant consents to a plea of guilty to [the indict-  
27 ment, or part of the indictment] AN APPROPRIATE ACCUSATORY INSTRUMENT AS  
28 DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF THIS CHAPTER, or consents  
29 to be prosecuted by superior court information as set forth in section  
30 195.20 of this chapter, and if the defendant and prosecutor agree that  
31 as a condition of the plea or the superior court information certain  
32 property shall be forfeited by the defendant, the description and pres-  
33 ent estimated monetary value of the property shall be stated in court by  
34 the prosecutor at the time of [plea] DISPOSITION. Within thirty days of  
35 the acceptance of the plea or superior court information by the court,  
36 the prosecutor shall send to the commissioner of the division of crimi-  
37 nal justice services a document containing the name of the defendant,  
38 the description and present estimated monetary value of the property,  
39 and the date the plea [or superior court information] was accepted. Any  
40 property forfeited by the defendant as a condition to a plea of guilty  
41 to an [indictment] APPROPRIATE ACCUSATORY INSTRUMENT AS DEFINED IN  
42 SUBDIVISION ONE OF SECTION 1.20 OF THIS CHAPTER, or a part thereof, or  
43 to a superior court information, shall be disposed of in accordance with  
44 the provisions of section thirteen hundred forty-nine of the civil prac-  
45 tice law and rules.

46 S 5. The criminal procedure law is amended by adding a new article 425  
47 to read as follows:

#### 48 ARTICLE 425

#### 49 CRIMINAL ASSET FORFEITURE

50 425.00 DEFINITIONS

51 425.05 NOTICE TO THE DEFENDANT

52 425.10 FORFEITURE PROCEDURE AND DETERMINATIONS

53 425.15 FORFEITURE ORDER

54 425.20 THIRD-PARTY RIGHTS

55 425.25 STAY PENDING APPEAL

56 425.30 SEIZED AND FORFEITED PROPERTY

1 425.35 ATTORNEY'S PAYMENTS

2 425.40 PRESERVATION OF OTHER RIGHTS AND REMEDIES

3 425.45 PROPERTY SEIZED BEFORE THE FILING OF AN ACCUSATORY INSTRUMENT

4 S 425.00 DEFINITIONS.

5 1. "PROPERTY" MEANS REAL PROPERTY, PERSONAL PROPERTY, MONEY, NEGOTI-  
6 ABLE INSTRUMENTS, SECURITIES, OR ANYTHING OF VALUE OR ANY INTEREST IN A  
7 THING OF VALUE.

8 2. "PROCEEDS OF A CRIME" MEANS ANY PROPERTY OBTAINED THROUGH THE  
9 COMMISSION OF A CRIME DEFINED IN ANY CHAPTER OF THE LAWS OF THE STATE,  
10 AND INCLUDES ANY APPRECIATION IN VALUE OF SUCH PROPERTY.

11 3. "SUBSTITUTED PROCEEDS OF A CRIME" MEANS ANY PROPERTY OBTAINED BY  
12 THE SALE OR EXCHANGE OF PROCEEDS OF A CRIME, AND ANY GAIN REALIZED BY  
13 SUCH SALE OR EXCHANGE.

14 4. AS USED IN SUBDIVISIONS TWO AND THREE OF THIS SECTION, "PROCEEDS"  
15 AND "SUBSTITUTED PROCEEDS" REFER TO GROSS RECEIPTS, NOT PROFITS.

16 5. "INSTRUMENTALITY OF A FELONY CRIME" MEANS AND INCLUDES ANY PROPERTY  
17 WHOSE USE CONTRIBUTES DIRECTLY AND MATERIALLY TO THE COMMISSION OF A  
18 FELONY CRIME DEFINED IN ANY CHAPTER OF THE LAWS OF THE STATE.

19 6. "SPECIFIC PROPERTY" MEANS ALL PROPERTY SUBJECT TO FORFEITURE OTHER  
20 THAN THAT PROPERTY WHOSE SEIZURE AND FORFEITURE WOULD REQUIRE A MONEY  
21 JUDGMENT IN FAVOR OF THE PEOPLE.

22 7. "REAL PROPERTY INSTRUMENTALITY OF A CRIME" MEANS AN INTEREST IN  
23 REAL PROPERTY THE USE OF WHICH CONTRIBUTES DIRECTLY AND MATERIALLY TO  
24 THE COMMISSION OF ANY FELONY DEFINED IN ANY CHAPTER OF THE LAWS OF THE  
25 STATE.

26 S 425.05 NOTICE TO THE DEFENDANT.

27 A COURT MUST NOT ENTER A JUDGMENT OF FORFEITURE IN A CRIMINAL PROCEED-  
28 ING UNLESS THE PEOPLE PROVIDE WRITTEN NOTICE OF THEIR INTENTION TO SEEK  
29 THE FORFEITURE OF PROPERTY AS PART OF ANY SENTENCE IN ACCORDANCE WITH  
30 THE APPLICABLE STATUTE. THE NOTICE SHALL BE SERVED UPON THE DEFENDANT  
31 WITHIN FIFTEEN DAYS AFTER ARRAIGNMENT AND BEFORE TRIAL. THE NOTICE NEED  
32 NOT IDENTIFY THE PROPERTY SUBJECT TO FORFEITURE OR SPECIFY THE AMOUNT OF  
33 ANY FORFEITURE MONEY JUDGMENT THAT THE PEOPLE SEEK. WHERE THE PEOPLE  
34 SEEK THE FORFEITURE OF SPECIFIC PROPERTY, EXCLUDING A PERSONAL MONEY  
35 JUDGMENT, IN ADDITION TO NOTICE OF THEIR GENERAL INTENTION TO SEEK  
36 FORFEITURE, THEY SHALL SERVE A FORFEITURE BILL OF PARTICULARS ON THE  
37 DEFENDANT NO LATER THAN NINETY DAYS AFTER THE ARRAIGNMENT. THE FORFEI-  
38 TURE BILL OF PARTICULARS SHALL STATE THE PROPERTY THAT THE PEOPLE SEEK  
39 TO FORFEIT AND THE GENERAL THEORY UNDER WHICH THE PEOPLE SEEK TO FORFEIT  
40 THAT PROPERTY. THE TIMING REQUIREMENTS UNDER THIS SECTION MAY BE WAIVED  
41 BY THE COURT FOR GOOD CAUSE SHOWN, INCLUDING WHERE THE PEOPLE DISCOVER  
42 OR IDENTIFY FORFEITABLE PROPERTY AFTER THE NOTICE PERIODS HAVE ELAPSED.

43 S 425.10 FORFEITURE PROCEDURE AND DETERMINATIONS.

44 1. BURDEN OF PROOF. IN A FORFEITURE ACTION UNDER THIS ARTICLE, THE  
45 BURDEN SHALL BE UPON THE PEOPLE TO PROVE BY A PREPONDERANCE OF THE  
46 EVIDENCE THE FACTS NECESSARY TO ESTABLISH A CLAIM FOR FORFEITURE.

47 2. EVIDENCE AND HEARING. THE FORFEITURE DETERMINATION IS PART OF  
48 SENTENCING, AND THE COURT'S DETERMINATION MAY BE BASED ON EVIDENCE  
49 ALREADY IN THE RECORD, INCLUDING ANY FACTS CONTAINED IN ANY PLEA AGREE-  
50 MENT, AND ON ANY ADDITIONAL EVIDENCE OR INFORMATION SUBMITTED BY THE  
51 PARTIES AND ACCEPTED BY THE COURT AS RELEVANT AND RELIABLE. UPON APPLI-  
52 CATION OF EITHER PARTY, THE COURT MUST CONDUCT A HEARING IN ACCORDANCE  
53 WITH THE PROVISIONS OF SUBDIVISION FOUR OF SECTION 710.60 OF THE CRIMI-  
54 NAL PROCEDURE LAW AFTER THE CONVICTION.

55 3. NON-JURY CASES. AS SOON AS PRACTICABLE AFTER A VERDICT OF GUILTY OF  
56 A CHARGE SUBJECTING PROPERTY TO FORFEITURE, THE COURT MUST DETERMINE

1 WHAT PROPERTY IS SUBJECT TO FORFEITURE UNDER THIS ARTICLE AND ARTICLE  
2 SIXTY-TWO OF THE PENAL LAW. THE COURT MUST DETERMINE WHETHER THE PEOPLE  
3 HAVE PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT THE SPECIFIC PROPER-  
4 TY IS THE PROCEEDS OF CRIME, SUBSTITUTED PROCEEDS OF A CRIME, OR AN  
5 INSTRUMENTALITY OF A FELONY CRIME, AS APPLICABLE, OR, WHERE THE PEOPLE  
6 SEEK A PERSONAL MONEY JUDGMENT, THE COURT MUST DETERMINE THE AMOUNT OF  
7 THE MONEY JUDGMENT.

8 4. JURY CASES. IN ANY CASE TRIED BEFORE A JURY, IF THE PEOPLE HAVE  
9 SERVED NOTICE OF THEIR INTENTION TO FORFEIT SPECIFIC PROPERTY, THE COURT  
10 MUST DETERMINE BEFORE THE JURY BEGINS DELIBERATING WHETHER EITHER PARTY  
11 REQUESTS THAT THE JURY BE RETAINED TO DETERMINE THE FORFEITABILITY OF  
12 SPECIFIC PROPERTY SHOULD THE JURY RETURN A VERDICT OF GUILTY TO A CHARGE  
13 SUBJECTING PROPERTY TO FORFEITURE. IF EITHER PARTY TIMELY REQUESTS TO  
14 HAVE THE JURY DETERMINE FORFEITURE, THE PEOPLE MUST SUBMIT A PROPOSED  
15 SPECIAL VERDICT FORM LISTING THE SPECIFIC PROPERTY SUBJECT TO FORFEITURE  
16 AND ASKING THE JURY TO DETERMINE WHETHER THE PEOPLE HAVE PROVEN BY A  
17 PREPONDERANCE OF THE EVIDENCE THAT THE SPECIFIC PROPERTY IS PROCEEDS OF  
18 CRIME, SUBSTITUTED PROCEEDS OF A CRIME, OR AN INSTRUMENTALITY OF A FELO-  
19 NY CRIME, AS APPLICABLE. THE DETERMINATION OF THE AMOUNT OF A PERSONAL  
20 MONEY JUDGMENT SHALL BE MADE ONLY BY THE COURT AND IN ACCORDANCE WITH  
21 SUBDIVISION THREE OF THIS SECTION.

22 S 425.15 FORFEITURE ORDER.

23 1. CONTENTS OF A SPECIFIC ORDER. IF THE COURT OR JURY FINDS THAT PROP-  
24 ERTY IS SUBJECT TO FORFEITURE, THE COURT MUST PROMPTLY ENTER AN ORDER OF  
25 FORFEITURE SETTING FORTH THE AMOUNT OF ANY MONEY JUDGMENT AND DIRECTING  
26 THE FORFEITURE OF SPECIFIC PROPERTY. THE COURT MUST ENTER THE ORDER  
27 WITHOUT REGARD TO ANY THIRD PARTY'S INTEREST IN THE PROPERTY. DETERMIN-  
28 ING WHETHER A THIRD PARTY HAS SUCH AN INTEREST MUST BE DEFERRED UNTIL  
29 ANY THIRD PARTY FILES A CLAIM UNDER THE PROVISIONS OF THIS ARTICLE OR  
30 ARTICLE SIXTY-TWO OF THE PENAL LAW. THE FORFEITURE ORDER IS PART OF A  
31 DEFENDANT'S SENTENCE. EVEN WHERE A DEFENDANT HAS AGREED TO FORFEITURE OF  
32 CERTAIN PROPERTY, THE COURT STILL MUST ISSUE A FORFEITURE ORDER.

33 2. SENTENCE AND JUDGMENT. AT SENTENCING -- OR AT ANY TIME BEFORE  
34 SENTENCING IF THE DEFENDANT CONSENTS -- THE FORFEITURE ORDER BECOMES  
35 FINAL AS TO THE DEFENDANT. IF THE ORDER DIRECTS THE DEFENDANT TO FORFEIT  
36 SPECIFIC PROPERTY, THEN THE ORDER REMAINS PRELIMINARY AS TO THIRD  
37 PARTIES UNTIL ANY ANCILLARY PROCEEDING IS CONCLUDED UNDER THIS SECTION  
38 IF A THIRD PARTY TIMELY FILES A CLAIM, AS SET FORTH IN SECTIONS 425.20  
39 AND 425.25 OF THIS ARTICLE. IF NO THIRD PARTY TIMELY FILES A CLAIM UNDER  
40 THIS SECTION, THE FORFEITURE ORDER BECOMES FINAL AS TO ALL PARTIES.

41 S 425.20 THIRD-PARTY RIGHTS.

42 1. AN INNOCENT INTEREST IN PROPERTY SHALL NOT BE FORFEITED UNDER ARTI-  
43 CLE SIXTY-TWO OF THE PENAL LAW. THE CLAIMANT SHALL HAVE THE BURDEN OF  
44 PROVING THAT THE CLAIMANT IS AN INNOCENT OWNER BY A PREPONDERANCE OF THE  
45 EVIDENCE. ANY PERSON CLAIMING AN INTEREST IN PROPERTY SUBJECT TO FORFEI-  
46 TURE MAY INSTITUTE A SPECIAL PROCEEDING IN THE COURT BEFORE WHICH THE  
47 CRIMINAL CASE IS PENDING TO DETERMINE THAT CLAIM, BEFORE OR AFTER THE  
48 TRIAL, PURSUANT TO SECTION 1327 OF THE CIVIL PRACTICE LAW AND RULES;  
49 PROVIDED, HOWEVER, THAT IF SUCH SPECIAL PROCEEDING IS INITIATED BEFORE  
50 TRIAL, IT MAY, UPON WRITTEN MOTION OF THE PROSECUTOR, AND IN THE COURT'S  
51 DISCRETION, BE POSTPONED BY THE COURT UNTIL COMPLETION OF THE TRIAL. IN  
52 ADDITION, ANY PERSON CLAIMING AN INTEREST IN PROPERTY SUBJECT TO FORFEI-  
53 TURE MAY PETITION THE COURT PURSUANT TO SECTION 1311 OF THE CIVIL PRAC-  
54 TICE LAW AND RULES.

55 2. WITH RESPECT TO A PROPERTY INTEREST IN EXISTENCE AT THE TIME THE  
56 ILLEGAL CONDUCT GIVING RISE TO FORFEITURE TOOK PLACE, THE TERM "INNOCENT

OWNER" MEANS AN OWNER WHO DID NOT KNOW OF THE CONDUCT GIVING RISE TO FORFEITURE; OR UPON LEARNING OF THE CONDUCT GIVING RISE TO THE FORFEITURE, DID ALL THAT REASONABLY COULD BE EXPECTED UNDER THE CIRCUMSTANCES TO TERMINATE SUCH CRIMINAL USE OF THE PROPERTY.

3. FOR THE PURPOSES OF THIS SECTION, WAYS IN WHICH A PERSON MAY SHOW THAT HE DID ALL THAT REASONABLY COULD BE EXPECTED UNDER THE CIRCUMSTANCES TO TERMINATE THE CRIMINAL USE OF PROPERTY MAY INCLUDE DEMONSTRATING THAT HE, TO THE EXTENT PERMITTED BY LAW:

A. GAVE TIMELY NOTICE TO A LAW ENFORCEMENT AGENCY OF INFORMATION THAT LED HIM TO KNOW THE CONDUCT GIVING RISE TO A FORFEITURE WOULD OCCUR OR HAS OCCURRED; OR

B. IN A TIMELY FASHION, REVOKED OR MADE A GOOD FAITH ATTEMPT TO REVOKE PERMISSION FOR THOSE ENGAGING IN SUCH CONDUCT TO USE THE PROPERTY; OR

C. TOOK REASONABLE ACTIONS IN CONSULTATION WITH A LAW ENFORCEMENT AGENCY TO DISCOURAGE OR PREVENT THE ILLEGAL USE OF THE PROPERTY.

A PERSON IS NOT REQUIRED BY THIS SECTION TO TAKE STEPS THAT THE PERSON REASONABLY BELIEVES WOULD BE LIKELY TO SUBJECT ANY PERSON, OTHER THAN THE PERSON WHOSE CONDUCT GAVE RISE TO THE FORFEITURE, TO PHYSICAL DANGER.

4. WITH RESPECT TO A PROPERTY INTEREST ACQUIRED AFTER THE CONDUCT GIVING RISE TO THE FORFEITURE HAS TAKEN PLACE, THE TERM "INNOCENT OWNER" MEANS A PERSON WHO, AT THE TIME THAT PERSON ACQUIRED THE INTEREST IN THE PROPERTY WAS A BONA FIDE PURCHASER OR SELLER FOR VALUE, INCLUDING A PURCHASER OR SELLER OF GOODS OR SERVICES FOR VALUE, DID NOT KNOW AND WAS REASONABLY WITHOUT CAUSE TO BELIEVE THAT THE PROPERTY WAS SUBJECT TO FORFEITURE.

AN OTHERWISE VALID CLAIM UNDER THIS SECTION SHALL NOT BE DENIED ON THE GROUND THAT THE CLAIMANT GAVE NOTHING OF VALUE IN EXCHANGE FOR THE PROPERTY IF:

A. THE PROPERTY IS THE PRIMARY RESIDENCE OF THE CLAIMANT; OR

B. DEPRIVING THE CLAIMANT OF THE PROPERTY WOULD DEPRIVE THE CLAIMANT OF THE MEANS TO MAINTAIN REASONABLE SHELTER IN THE COMMUNITY FOR THE CLAIMANT AND ALL DEPENDENTS RESIDING WITH THE CLAIMANT; OR

C. THE PROPERTY IS NOT, AND IS NOT TRACEABLE TO, THE PROCEEDS OF ANY CRIMINAL OFFENSE; OR

D. THE CLAIMANT ACQUIRED HIS OR HER INTEREST IN THE PROPERTY THROUGH MARRIAGE, DIVORCE, OR LEGAL SEPARATION; OR

E. THE CLAIMANT WAS THE SPOUSE OR LEGAL DEPENDENT OF A PERSON WHOSE DEATH RESULTED IN THE TRANSFER OF THE PROPERTY TO THE CLAIMANT THROUGH INHERITANCE OR PROBATE.

PROVIDED, HOWEVER, THAT THE COURT SHALL LIMIT THE VALUE OF ANY REAL PROPERTY INTEREST FOR WHICH INNOCENT OWNERSHIP IS RECOGNIZED UNDER THIS SUBDIVISION TO THE VALUE NECESSARY TO MAINTAIN REASONABLE SHELTER IN THE COMMUNITY FOR SUCH CLAIMANT AND ALL DEPENDENTS RESIDING WITH THE CLAIMANT.

5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, NO PERSON MAY ASSERT AN OWNERSHIP INTEREST UNDER THIS SECTION IN CONTRABAND OR OTHER PROPERTY THAT IT IS ILLEGAL TO POSSESS.

6. IF THE COURT DETERMINES, IN ACCORDANCE WITH THIS SECTION, THAT AN INNOCENT OWNER HAS A PARTIAL INTEREST IN PROPERTY OTHERWISE SUBJECT TO FORFEITURE, OR A JOINT TENANCY OR TENANCY BY THE ENTIRETY IN SUCH PROPERTY, THE COURT MAY ENTER AN APPROPRIATE ORDER SEVERING THE PROPERTY; TRANSFERRING THE PROPERTY TO THE PEOPLE WITH A PROVISION THAT THE PEOPLE COMPENSATE THE INNOCENT OWNER TO THE EXTENT OF HIS OR HER OWNERSHIP INTEREST ONCE A FINAL ORDER OF FORFEITURE HAS BEEN ENTERED AND THE PROPERTY HAS BEEN REDUCED TO LIQUID ASSETS; OR PERMITTING THE INNOCENT OWNER

1 TO RETAIN THE PROPERTY SUBJECT TO A LIEN IN FAVOR OF THE PEOPLE TO THE  
2 EXTENT OF THE FORFEITABLE INTEREST IN THE PROPERTY.

3 7. FOR THE PURPOSES OF THIS SECTION, THE TERM "OWNER" MEANS A PERSON  
4 WITH AN OWNERSHIP INTEREST IN THE SPECIFIC PROPERTY SOUGHT TO BE  
5 FORFEITED, INCLUDING, BUT NOT LIMITED TO, A LEASEHOLD, LIEN, MORTGAGE,  
6 RECORDED SECURITY INTEREST, OR VALID ASSIGNMENT OF AN OWNERSHIP INTER-  
7 EST. IT DOES NOT INCLUDE A PERSON WITH ONLY A GENERAL UNSECURED INTEREST  
8 IN, OR CLAIM AGAINST, THE PROPERTY OR ESTATE OF ANOTHER; A BAILEE UNLESS  
9 THE BAILOR IS IDENTIFIED AND THE BAILEE SHOWS A COLORABLE LEGITIMATE  
10 INTEREST IN THE PROPERTY SEIZED; OR A NOMINEE WHO EXERCISES NO DOMINION  
11 OR CONTROL OVER THE PROPERTY.

12 8. THIRD-PARTY TRANSFERS. ALL RIGHT, TITLE, AND INTEREST IN PROPERTY  
13 DESCRIBED IN THIS SECTION VESTS IN THE PEOPLE UPON THE COMMISSION OF THE  
14 ACT GIVING RISE TO FORFEITURE UNDER THIS SECTION. ANY SUCH PROPERTY THAT  
15 IS SUBSEQUENTLY TRANSFERRED TO A PERSON OTHER THAN THE DEFENDANT MAY BE  
16 THE SUBJECT OF A SPECIAL VERDICT OF FORFEITURE AND THEREAFTER SHALL BE  
17 ORDERED FORFEITED, UNLESS THE TRANSFEREE ESTABLISHES IN A HEARING PURSU-  
18 ANT TO THIS SECTION THAT HE IS A BONA FIDE PURCHASER FOR VALUE OF SUCH  
19 PROPERTY WHO AT THE TIME OF PURCHASE WAS REASONABLY WITHOUT CAUSE TO  
20 BELIEVE THAT THE PROPERTY WAS SUBJECT TO FORFEITURE UNDER THIS SECTION.

21 S 425.25 STAY PENDING APPEAL.

22 IF A DEFENDANT APPEALS FROM A CONVICTION OR AN ORDER OF FORFEITURE,  
23 THE COURT MAY STAY THE ORDER OF FORFEITURE ON TERMS APPROPRIATE TO  
24 ENSURE THAT THE PROPERTY REMAINS AVAILABLE PENDING APPELLATE REVIEW. A  
25 STAY DOES NOT DELAY THE ANCILLARY PROCEEDING OR THE DETERMINATION OF A  
26 THIRD PARTY'S RIGHTS OR INTERESTS. IF THE COURT RULES IN FAVOR OF ANY  
27 THIRD PARTY WHILE AN APPEAL IS PENDING, THE COURT MAY AMEND THE ORDER OF  
28 FORFEITURE BUT MUST NOT TRANSFER ANY PROPERTY INTEREST TO A THIRD PARTY  
29 UNTIL THE DECISION ON APPEAL BECOMES FINAL, UNLESS THE DEFENDANT  
30 CONSENTS IN WRITING OR ON THE RECORD.

31 S 425.30 SEIZED AND FORFEITED PROPERTY.

32 1. SEIZING PROPERTY. THE ENTRY OF AN ORDER OF FORFEITURE AUTHORIZES A  
33 PROSECUTOR OR A DESIGNEE TO SEIZE THE SPECIFIC PROPERTY SUBJECT TO  
34 FORFEITURE AND TO COMMENCE PROCEEDINGS THAT COMPLY WITH ANY STATUTES  
35 GOVERNING THIRD-PARTY RIGHTS. THE COURT MAY INCLUDE IN THE ORDER OF  
36 THOSE FORFEITURE CONDITIONS REASONABLY NECESSARY TO PRESERVE THE PROPER-  
37 TY'S VALUE PENDING ANY APPEAL.

38 2. DISTRIBUTION AND PRESUMPTIONS. THE DISTRIBUTION OF ANY PROPERTY  
39 FORFEITED UNDER THIS ARTICLE AND ANY REBUTTABLE PRESUMPTIONS SHALL BE  
40 TREATED IN THE SAME MANNER AS A FORFEITURE BROUGHT UNDER BY THE  
41 PROVISIONS OF ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES.

42 3. REAL PROPERTY SEIZURES. AT NO TIME UNDER ANY PROVISION OF THIS  
43 SECTION OR ARTICLE SIXTY-TWO OF THE PENAL LAW MAY REAL PROPERTY BE  
44 SEIZED PRIOR TO THE ENTRY OF A FORFEITURE ORDER THAT ORDERS THE FORFEI-  
45 TURE OF THAT REAL PROPERTY.

46 S 425.35 ATTORNEY'S PAYMENTS.

47 1. PROPERTY ACQUIRED IN GOOD FAITH BY AN ATTORNEY AS PAYMENT FOR THE  
48 REASONABLE AND BONA FIDE FEES OF LEGAL SERVICES OR AS REIMBURSEMENT FOR  
49 REASONABLE AND BONA FIDE EXPENSES RELATED TO THE REPRESENTATION OF A  
50 DEFENDANT IN CONNECTION WITH A CIVIL OR CRIMINAL FORFEITURE PROCEEDING  
51 OR A RELATED CRIMINAL MATTER, SHALL BE EXEMPT FROM A JUDGMENT OF FORFEI-  
52 TURE. HOWEVER, PROPERTY SEIZED OR RESTRAINED UNDER ARTICLE SIXTY-TWO OF  
53 THE PENAL LAW MAY NOT BE RELEASED FOR THE PAYMENT OF ATTORNEY'S FEES.

54 S 425.40 PRESERVATION OF OTHER RIGHTS AND REMEDIES.

55 THE REMEDIES PROVIDED FOR IN THIS ARTICLE ARE NOT INTENDED TO SUBSTI-  
56 TUTE FOR, LIMIT, OR SUPERSEDE THE LAWFUL AUTHORITY OF ANY PUBLIC OFFICER



OR AGENCY OR OTHER PERSON TO ENFORCE ANY OTHER RIGHT OR REMEDY PROVIDED FOR BY LAW.

S 425.45 PROPERTY SEIZED BEFORE THE FILING OF AN ACCUSATORY INSTRUMENT.

1. WHERE PROPERTY IS SEIZED PURSUANT TO ARTICLE SIXTY-TWO OF THE PENAL LAW BEFORE THE FILING OF A CHARGING INSTRUMENT, THE PEOPLE SHALL, NOT LATER THAN NINETY DAYS AFTER A CLAIM HAS BEEN FILED, EITHER OBTAIN A PROVISIONAL REMEDY PURSUANT TO ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES THAT JUSTIFIES THE CONTINUED RETENTION OF THE PROPERTY OR SHALL FILE A CHARGING INSTRUMENT THAT GIVES NOTICE OF THE PEOPLE'S INTENTION TO FORFEIT THAT PROPERTY AS SET FORTH IN SECTION 425.05 OF THIS ARTICLE, EXCEPT THAT THE COURT MAY EXTEND THE NINETY-DAY PERIOD FOR GOOD CAUSE SHOWN OR UPON AGREEMENT OF THE PARTIES. IF THE PEOPLE FAIL TO COMPLY WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL ORDER THE RELEASE OF THE PROPERTY.

2. WITHIN TEN BUSINESS DAYS OF SEIZING PROPERTY, THE PEOPLE SHALL SEND NOTICE TO ANY PERSON KNOWN TO HAVE ALLEGED AN INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THE ORDER OF FORFEITURE ADVISING THEM OF THE SEIZURE, THE SPECIFIC PROPERTY SEIZED, AND THE APPROPRIATE GOVERNMENT LAWYER AND COURT THAT SAID INDIVIDUAL HAS A RIGHT TO A PROMPT HEARING FOR A RETURN OF THE PROPERTY.

3. SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY IF THE COURT FINDS THAT THE SEIZED PROPERTY:

A. IS CONTRABAND; IS TO BE USED AS EVIDENCE OF A VIOLATION OF THE LAW;

B. IS PARTICULARLY SUITED FOR USE IN ILLEGAL ACTIVITIES BY REASON OF DESIGN OR OTHER CHARACTERISTIC;

C. IS LIKELY TO BE USED TO COMMIT ADDITIONAL CRIMINAL ACTS IF RETURNED TO THE CLAIMANT; OR

D. IS LIKELY TO BE USED TO COMMIT ADDITIONAL CRIMINAL ACTS IF RETURNED TO THE CLAIMANT.

S 6. Paragraphs (e), (f), (g) and (h) of subdivision 2 and subdivision 3 of section 1349 of the civil practice law and rules, paragraphs (e), (f) and (h) of subdivision 2 and subdivision 3 as added by chapter 655 of the laws of 1990 and paragraph (g) of subdivision 2 as amended by chapter 398 of the laws of 2004, are amended to read as follows:

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

(f) In addition to amounts, if any, distributed pursuant to paragraph (d) of this subdivision, five percent of all moneys realized through forfeiture to the claiming agent in satisfaction of actual costs incurred for protecting, maintaining and forfeiting the property including that proportion of the salaries of attorneys, clerical and investigative personnel devoted thereto;

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

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

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

the claiming agent is an agency of the state or the political subdivision or public authority of which the claiming agent is a part, to be used for law enforcement use in the investigation of penal law offenses; (ii) the remaining twenty-five percent of such moneys shall be deposited to a prosecution services subaccount of the general fund of the state where the claiming authority is the attorney general or the political subdivision of which the claiming authority is a part, to be used for the prosecution of penal law offenses.

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

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

S 7. Subdivision 3 of section 450.10 of the criminal procedure law is amended to read as follows:

3. A sentence including an order of criminal forfeiture entered pursuant to EITHER section 460.30 OR SECTION 62.00 of the penal law with respect to such forfeiture order.

S 8. This act shall take effect immediately.

#### PART F

Section 1. Section 2 of part H of 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, as amended by section 1 of part B of chapter 57 of the laws of 2011, is amended to read as follows:

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

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

#### PART G

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

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

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

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

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

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

52 (2) THE STATE INCIDENT MANAGEMENT TEAM SHALL HAVE THE AUTHORITY TO ACT  
53 AS THE OPERATIONAL ARM OF THE TEMPORARY ORGANIZATION. WHEN CALLED TO  
54 DUTY AND DEPLOYED BY THE STATE, MEMBERS OF ANY STATE OR LOCAL INCIDENT  
55 MANAGEMENT TEAM SHALL BE DEEMED TEMPORARY EMPLOYEES OF THE STATE AND  
56 SHALL HAVE THE SAME PRIVILEGES AND IMMUNITIES AFFORDED TO REGULAR STATE

1 EMPLOYEES, SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE PRES-  
2 IDENT OF THE STATE CIVIL SERVICE COMMISSION PURSUANT TO SECTION ONE  
3 HUNDRED SIXTY-THREE OF THE CIVIL SERVICE LAW;

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

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

26 S 5. The opening paragraph and paragraph f of subdivision 1 of section  
27 24 of the executive law, the opening paragraph as amended by chapter 158  
28 of the laws of 1994 and paragraph f of subdivision 1 as amended by  
29 section 5 of part B of chapter 56 of the laws of 2010, are amended to  
30 read as follows:

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

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

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

1     3. The PROCLAMATION OF A LOCAL STATE OF EMERGENCY AND local emergency  
2 orders of a chief executive of a county shall be executed in [triplicate]  
3 QUADRUPLICATE and shall be filed within seventy-two hours or as  
4 soon thereafter as practicable in the office of the clerk of the governing  
5 board of the county, the office of the county clerk [and], the  
6 office of the secretary of state AND THE STATE OFFICE OF EMERGENCY  
7 MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
8 SERVICES. The PROCLAMATION OF A LOCAL STATE OF EMERGENCY AND local emergency  
9 orders of a chief executive of a city, town or village shall be  
10 executed in [triplicate] QUADRUPLICATE and shall be filed within seventy-  
11 two hours or as soon thereafter as practicable in the office of the  
12 clerk of such municipal corporation, the office of the county clerk  
13 [and], the office of the secretary of state AND THE STATE OFFICE OF  
14 EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
15 SERVICES.

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

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

25     S 8. Paragraph c of subdivision 2 of section 29-h of the executive  
26 law, as added by section 10-a of part B of chapter 56 of the laws of  
27 2010, is amended to read as follows:

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

31     S 9. Paragraph a of subdivision 6 of section 29-h of the executive  
32 law, as added by section 10-a of part B of chapter 56 of the laws of  
33 2010, is amended to read as follows:

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

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

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

54     C. THE ASSISTING LOCAL GOVERNMENT SHALL BE LIABLE FOR SALARIES OR  
55 OTHER COMPENSATION FOR ITS EMPLOYEES DEPLOYED TO A REQUESTING LOCAL  
56 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 section 10-a of part B of chapter 56 of the laws of 2010, is amended to read as follows:

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

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

C. EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT RESPONDING TO OR RENDERING ASSISTANCE PURSUANT TO A REQUEST WHO SUSTAIN INJURY OR DEATH IN THE COURSE OF, AND ARISING OUT OF, THEIR RESPONSE ARE ENTITLED TO ALL APPLICABLE BENEFITS AS IF THEY WERE RESPONDING IN THEIR HOME JURISDICTION. THE ASSISTING LOCAL GOVERNMENT SHALL BE LIABLE FOR ALL COSTS OR PAYMENTS FOR SUCH BENEFITS AS REQUIRED BY LAW.

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

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

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

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

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

B. ASSETS AND EQUIPMENT OF AN ASSISTING LOCAL GOVERNMENT SHALL CONTINUE UNDER THE OWNERSHIP OF THE ASSISTING JURISDICTION, BUT SHALL BE UNDER

1 THE DIRECTION AND CONTROL OF THE APPROPRIATE OFFICIALS WITHIN THE INCI-  
2 DENT MANAGEMENT SYSTEM OF THE REQUESTING LOCAL GOVERNMENT.

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

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

13 S 13. This act shall take effect immediately.

14 PART H

15 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-  
16 ment and social security law, as amended by chapter 397 of the laws of  
17 2009, is amended to read as follows:

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

50 S 2. Subdivisions a and b of section 376 of the retirement and social  
51 security law, subdivision a as amended by chapter 389 of the laws of  
52 1998 and subdivision b as amended by chapter 371 of the laws of 1969,  
53 are amended to read as follows:

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

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

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

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

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

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

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



1 S 4. Subdivisions 5, 7, 12, 17 and 24 of section 501 of the retirement  
2 and social security law, subdivisions 5, 12 and 17 as added by chapter  
3 890 of the laws of 1976, subdivision 7 as amended by chapter 408 of the  
4 laws of 2000 and subdivision 24 as amended by section 1 of part B of  
5 chapter 504 of the laws of 2009, are amended to read as follows:

6 5. "Early retirement age" shall mean age fifty-five, for general  
7 members, and the age on which a member completes or would have completed  
8 twenty years of service, for police/fire members, NEW YORK CITY  
9 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR  
10 REVISED PLAN MEMBERS.

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

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

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

48 24. "Wages" shall mean regular compensation earned by and paid to a  
49 member by a public employer, except that for members who first join the  
50 state and local employees' retirement system on or after January first,  
51 two thousand ten, overtime compensation paid in any year in excess of  
52 the overtime ceiling, as defined by this subdivision, shall not be  
53 included in the definition of wages. "Overtime compensation" shall mean,  
54 for purposes of this section, compensation paid under any law or policy  
55 under which employees are paid at a rate greater than their standard  
56 rate for additional hours worked beyond those required, including

1 compensation paid under section one hundred thirty-four of the civil  
2 service law and section ninety of the general municipal law. The "over-  
3 time ceiling" shall mean fifteen thousand dollars per annum on January  
4 first, two thousand ten, and shall be increased by three percent each  
5 year thereafter. For the purpose of calculation a member's primary  
6 federal social security retirement or disability benefit, wages shall,  
7 in any calendar year, be limited to the portion of the member's wages  
8 which would be subject to tax under section three thousand one hundred  
9 twenty-one of the internal revenue code of nineteen hundred fifty-four,  
10 or any predecessor or successor provision relating thereto, if such  
11 member was employed by a private employer. FOR MEMBERS WHO FIRST BECOME  
12 MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON  
13 OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND  
14 TWELVE WHICH AMENDED THIS SUBDIVISION, AND FOR NEW YORK CITY POLICE/FIRE  
15 REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED CORRECTION/SANITATION  
16 REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS, THE FOLLOW-  
17 ING ITEMS SHALL NOT BE INCLUDED IN THE DEFINITION OF WAGES: (A) OVERTIME  
18 COMPENSATION PAID UNDER ANY LAW OR POLICY UNDER WHICH EMPLOYEES ARE PAID  
19 AT A RATE GREATER THAN THEIR STANDARD RATE FOR ADDITIONAL HOURS BEYOND  
20 THAT REQUIRED, INCLUDING SECTION ONE HUNDRED THIRTY-FOUR OF THE CIVIL  
21 SERVICE LAW AND SECTION NINETY OF THE GENERAL MUNICIPAL LAW, (B) WAGES  
22 IN EXCESS OF THE ANNUAL SALARY PAID TO THE GOVERNOR PURSUANT TO SECTION  
23 THREE OF ARTICLE FOUR OF THE STATE CONSTITUTION, (C) LUMP SUM PAYMENTS  
24 FOR DEFERRED COMPENSATION, SICK LEAVE, ACCUMULATED VACATION OR OTHER  
25 CREDITS FOR TIME NOT WORKED, (D) ANY FORM OF TERMINATION PAY AND (E) ANY  
26 ADDITIONAL COMPENSATION PAID IN ANTICIPATION OF RETIREMENT.

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

29 25. "NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN  
30 MEMBER" SHALL MEAN A MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF  
31 THIS ARTICLE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, AND WHO IS A  
32 MEMBER OF EITHER THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF  
33 CORRECTION OR THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF  
34 SANITATION.

35 26. "NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBER" SHALL MEAN A  
36 POLICE/FIRE MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE  
37 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, AND WHO IS A MEMBER OF  
38 EITHER THE NEW YORK CITY POLICE PENSION FUND OR THE NEW YORK CITY FIRE  
39 DEPARTMENT PENSION FUND.

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

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

49 a. A member who first joins a public retirement system of this state  
50 on or after June thirtieth, nineteen hundred seventy-six shall not be  
51 eligible for service retirement benefits hereunder until such member has  
52 rendered a minimum of five years of creditable service after July first,  
53 nineteen hundred seventy-three, except that a member who first joins the  
54 New York state and local employees' retirement system on or after Janu-  
55 ary first, two thousand ten shall not be eligible for service retirement  
56 benefits pursuant to this article until such member has rendered a mini-

1 mum of ten years of credited service. A MEMBER WHO FIRST BECOMES A  
2 MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON  
3 OR AFTER APRIL FIRST, TWO THOUSAND TWELVE SHALL NOT BE ELIGIBLE FOR  
4 SERVICE RETIREMENT BENEFITS PURSUANT TO THIS ARTICLE UNTIL SUCH MEMBER  
5 HAS RENDERED A MINIMUM OF TWELVE YEARS OF CREDITED SERVICE.

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

19 S 7. Subdivisions a, c and d of section 503 of the retirement and  
20 social security law, subdivision a as amended by chapter 662 of the laws  
21 of 1988, subdivision c as amended by section 143 of subpart B of part C  
22 of chapter 62 of the laws of 2011 and subdivision d as added by chapter  
23 890 of the laws of 1976, are amended to read as follows:

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

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

55 d. The normal service retirement benefit specified in section five  
56 hundred five OF THIS ARTICLE shall be paid to police/fire members, NEW

YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS without regard to age upon retirement after twenty-two years of service. Early service retirement shall be permitted upon retirement after twenty years of credited service or attainment of age sixty-two, PROVIDED, HOWEVER, THAT NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED 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.

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

3 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
4 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED FORCE  
5 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY  
6 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A PARTIC-  
7 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.

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

11 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
12 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED FORCE  
13 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY  
14 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A PARTIC-  
15 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM FOR CAPTAINS AND ABOVE.

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

19 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
20 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED FORCE  
21 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY  
22 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A PARTIC-  
23 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.

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

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

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

49 c. A police/fire member, A NEW YORK CITY UNIFORMED  
50 CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR REVISED  
51 PLAN MEMBER who retires with twenty-two years of credited service or  
52 less may become eligible for annual escalation of the service retirement  
53 benefit if he elects to have the payment of his benefit commence on the  
54 date he would have completed twenty-two years and one month or more of  
55 service. In such event, the service retirement benefit shall equal two  
56 percent of final average salary for each year of credited service, less

1 fifty percent of the primary social security retirement benefit commenc-  
2 ing at age sixty-two as provided in section five hundred eleven OF THIS  
3 ARTICLE.

4 S 13. Subdivisions b and c of section 507 of the retirement and social  
5 security law, subdivision b as amended by chapter 489 of the laws of  
6 2008 and subdivision c as amended by chapter 513 of the laws of 2010,  
7 are amended to read as follows:

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

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

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

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

1 [Application] SUBJECT TO THE PROVISIONS OF SUBDIVISION E OF THIS  
2 SECTION, APPLICATION for a disability retirement allowance for a member  
3 in the uniformed personnel in institutions under the jurisdiction of the  
4 department of corrections and community supervision of New York state as  
5 defined in subdivision i of section eighty-nine of this chapter or for a  
6 member serving in institutions who is also in a title defined in such  
7 subdivision and who has made an election pursuant to the provisions of  
8 article seventeen of this chapter or the New York city department of  
9 correction may be made by:

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

12 E. NOTWITHSTANDING THE PRECEDING SUBDIVISIONS OF THIS SECTION TO THE  
13 CONTRARY, THIS SECTION SHALL NOT APPLY TO A MEMBER OF THE UNIFORMED  
14 FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK  
15 CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER.

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

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

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

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

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

4 2. The first day of the month following the date on which a member  
5 completes or would have completed twenty-five years of credited service,  
6 with respect to service retirement benefits for police/fire members and  
7 their beneficiaries, NEW YORK CITY UNIFORMED CORRECTION/SANITATION  
8 REVISED PLAN MEMBERS AND THEIR BENEFICIARIES OR INVESTIGATOR REVISED  
9 PLAN MEMBERS AND THEIR BENEFICIARIES.

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

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

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

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

53 b. Notwithstanding the provisions of subdivision a of this section,  
54 with respect to members of the New York state employees' retirement  
55 system WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOY-  
56 EES' RETIREMENT SYSTEM BEFORE APRIL FIRST, TWO THOUSAND TWELVE, the New



1 York state and local police and fire retirement system and the New York  
2 city teachers' retirement system, a member's final average salary shall  
3 be equal to one-third of the highest total wages earned during any  
4 continuous period of employment for which the member was credited with  
5 three years of service credit; provided, however, if the wages earned  
6 during any year of credited service included the period used to deter-  
7 mine final average salary exceeds the average of the wages of the previ-  
8 ous two years of credited service by more than ten percent, the amount  
9 in excess of ten percent shall be excluded from the computation of final  
10 average salary. FOR MEMBERS WHO FIRST BECOME A MEMBER OF THE NEW YORK  
11 STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST,  
12 TWO THOUSAND TWELVE, WITH RESPECT TO MEMBERS OF THE NEW YORK STATE AND  
13 LOCAL EMPLOYEES' RETIREMENT SYSTEM, A MEMBER'S FINAL AVERAGE SALARY  
14 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED DURING ANY  
15 CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE MEMBER WAS CREDITED WITH  
16 FIVE YEARS OF SERVICE CREDIT; PROVIDED, HOWEVER, IF THE WAGES EARNED  
17 DURING ANY YEAR OF CREDITED SERVICE INCLUDED THE PERIOD USED TO DETER-  
18 MINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE WAGES OF THE PREVI-  
19 OUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN EIGHT PERCENT, THE  
20 AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION  
21 OF FINAL AVERAGE SALARY.

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

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

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

48 h. Notwithstanding any other provision of this section, any general  
49 member in the uniformed correction force of the New York city department  
50 of [corrections] CORRECTION who is absent without pay for a child care  
51 leave of absence pursuant to regulations of the New York city department  
52 of [corrections] CORRECTION shall be eligible for credit for such period  
53 of child care leave provided such member files a claim for such service  
54 credit with the retirement system by December thirty-first, two thousand  
55 five or within ninety days of the termination of the child care leave,  
56 whichever is later, and contributes to the retirement system an amount

1 which such member would have contributed during the period of such child  
2 care leave, together with interest thereon. Service credit provided  
3 pursuant to this subdivision shall not exceed one year of credit for  
4 each period of authorized child care leave. In the event there is a  
5 conflict between the provisions of this subdivision and the provisions  
6 of any other law or code to the contrary, the provisions of this subdi-  
7 vision shall govern, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS  
8 SUBDIVISION SHALL NOT APPLY TO A MEMBER OF THE UNIFORMED FORCE OF THE  
9 NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY UNIFORMED  
10 CORRECTION/SANITATION REVISED PLAN MEMBER.

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

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

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

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

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

53 2. THE DEFERRED VESTED BENEFIT OF NEW YORK CITY POLICE/FIRE REVISED  
54 PLAN MEMBERS, NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN  
55 MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS SHALL BE A PENSION  
56 COMMENCING AT AGE SIXTY-FIVE EQUAL TO TWO AND ONE-TENTH PERCENT OF FINAL

1 AVERAGE SALARY TIMES YEARS OF CREDITED SERVICE, LESS FIFTY PERCENT OF  
2 THE PRIMARY SOCIAL SECURITY RETIREMENT BENEFIT COMMENCING AT AGE SIXTY-  
3 TWO, AS PROVIDED IN SECTION FIVE HUNDRED ELEVEN OF THIS ARTICLE.

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

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

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

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

1 WAGES, AND MEMBERS WITH WAGES ABOVE SIXTY-THREE THOUSAND DOLLARS PER  
2 ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO  
3 FIRST BECOME MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM  
4 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF  
5 FORTY-THREE THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR  
6 PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN FORTY-THREE THOUSAND  
7 AND ONE DOLLAR PER ANNUM AND EIGHTY-FIVE THOUSAND DOLLARS PER ANNUM  
8 SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES  
9 ABOVE EIGHTY-FIVE THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX  
10 PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW  
11 YORK CITY POLICE PENSION FUND ON OR AFTER APRIL FIRST, TWO THOUSAND  
12 TWELVE, MEMBERS WITH WAGES OF SIXTY-ONE THOUSAND DOLLARS PER ANNUM OR  
13 LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES  
14 BETWEEN SIXTY-ONE THOUSAND AND ONE DOLLAR PER ANNUM AND ONE HUNDRED  
15 TWENTY-TWO THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF  
16 ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE ONE HUNDRED TWENTY-TWO THOU-  
17 SAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR  
18 MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY FIRE DEPARTMENT  
19 PENSION FUND ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH  
20 WAGES OF SIXTY-THREE THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE  
21 FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN SIXTY-THREE  
22 THOUSAND AND ONE DOLLAR PER ANNUM AND ONE HUNDRED TWENTY-SIX THOUSAND  
23 DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND  
24 MEMBERS WITH WAGES ABOVE ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS PER  
25 ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES, PROVIDED, HOWEVER,  
26 THAT NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY  
27 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR  
28 REVISED PLAN MEMBERS SHALL NOT BE REQUIRED TO MAKE SUCH CONTRIBUTIONS  
29 FOR MORE THAN TWENTY-FIVE YEARS. 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 S 25. Subdivision b of section 517-c of the retirement and social  
35 security law, as amended by chapter 171 of the laws of 2011, is amended  
36 to read as follows:

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

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

52 S 517-D. ADDITIONAL EMPLOYEE CONTRIBUTIONS AND REDUCED EMPLOYEE  
53 CONTRIBUTIONS. A. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE  
54 APPLICABLE TO MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIRE-  
55 MENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL  
56 FIRST, TWO THOUSAND TWELVE EXCEEDS SEVEN PER CENTUM, SUCH MEMBERS SHALL

1 BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN  
2 ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN  
3 ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER  
4 CONTRIBUTION RATE AND SEVEN PER CENTUM DIVIDED BY TWO. IN YEARS IN WHICH  
5 ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION,  
6 THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL BE REDUCED  
7 BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

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

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

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

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

1 BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF  
2 THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN  
3 WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDI-  
4 VISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW  
5 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-  
6 UTIONS.

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

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

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

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

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

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

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

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

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

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

37 M. "NEW YORK CITY REVISED PLAN MEMBER" SHALL MEAN A MEMBER OF THE NEW  
38 YORK CITY EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK CITY TEACHERS'  
39 RETIREMENT SYSTEM OR THE BOARD OF EDUCATION RETIREMENT SYSTEM OF THE  
40 CITY OF NEW YORK WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE  
41 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

42 S 30. Subdivisions a, b and b-1 of section 602 of the retirement and  
43 social security law, subdivisions a and b as separately amended by  
44 section 6 of part B and section 1 of part C of chapter 504 of the laws  
45 of 2009 and subdivision b-1 as added by section 2 of part C of chapter  
46 504 of the laws of 2009, are amended to read as follows:

47 a. Except as provided in subdivision b-1 of this section, a member who  
48 first joins a public retirement system of this state on or after July  
49 first, nineteen hundred seventy-six shall not be eligible for service  
50 retirement benefits hereunder until such member has rendered a minimum  
51 of five years of credited service, except that a member who first joins  
52 the New York state and local employees' retirement system or the New  
53 York state teachers' retirement system on or after January first, two  
54 thousand ten shall not be eligible for service retirement benefits  
55 pursuant to this article until such member has rendered a minimum of ten  
56 years of credited service. A MEMBER WHO FIRST BECOMES A MEMBER OF A

1 PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOU-  
2 SAND TWELVE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS PURSU-  
3 ANT TO THIS ARTICLE UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TWELVE  
4 YEARS OF CREDITED SERVICE.

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

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

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

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



1 ment of at least fifty-five years of age and completion of thirty or  
2 more years of service, provided, however, that a uniformed court officer  
3 or peace officer employed by the unified court system who first becomes  
4 a member of the New York state and local employees' retirement system on  
5 or after January first, two thousand ten and retires without reduction  
6 of his or her retirement benefit upon attainment of at least fifty-five  
7 years of age and completion of thirty or more years of service pursuant  
8 to this section shall be required to make the member contributions  
9 required by subdivision f of section six hundred thirteen of this arti-  
10 cle for all years of credited and creditable service, PROVIDED FURTHER  
11 THAT THE THE PRECEDING PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO  
12 A NEW YORK CITY REVISED PLAN MEMBER.

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

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

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

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

49 2. A member of the New York city employees' retirement system or the  
50 board of education retirement system of the city of New York who has met  
51 the minimum service requirement, but who is not (a) a participant in the  
52 twenty-five-year early retirement program, as defined in paragraph ten  
53 of subdivision a of section six hundred four-c of this article (as added  
54 by chapter ninety-six of the laws of nineteen hundred ninety-five), or  
55 (b) a participant in the age fifty-seven retirement program, as defined  
56 in paragraph three of subdivision b of section six hundred four-d of

1 this article, or (c) a New York city transit authority member, as  
2 defined in paragraph one of subdivision a of section six hundred four-b  
3 of this article, may retire prior to normal retirement age, but no  
4 earlier than attainment of age fifty-five, in which event, unless such  
5 person is a member of the board of education retirement system of such  
6 city who is otherwise eligible for early service retirement pursuant to  
7 subdivision c of section six hundred four-i of this article, the amount  
8 of his or her retirement benefit computed without optional modification  
9 shall be reduced in accordance with the following schedule:

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

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

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

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

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

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

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

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

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

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

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

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

11 S 36. Subparagraph (ii) of paragraph 3 of subdivision d of section  
12 604-b of the retirement and social security law, as added by chapter 352  
13 of the laws of 1997, 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 37. Subdivision b of section 604-c of the retirement and social  
21 security law, as added by chapter 96 of the laws of 1995, is amended by  
22 adding a new paragraph 2-a to read as follows:

23 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
24 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT TO  
25 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS  
26 PARAGRAPH SHALL BE A PARTICIPANT IN THE TWENTY-FIVE-YEAR EARLY RETIRE-  
27 MENT PROGRAM.

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

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

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

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

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

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

48 S 39. Subparagraph (ii) of paragraph 2 of subdivision d of section  
49 604-c of the retirement and social security law, as added by chapter 472  
50 of the laws of 1995, is amended to read as follows:

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

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

4 3-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
5 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT TO  
6 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS  
7 PARAGRAPH SHALL BE A PARTICIPANT IN THE AGE FIFTY-SEVEN RETIREMENT  
8 PROGRAM.

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

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

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

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

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

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

31 S 42. Subparagraph (ii) of paragraph 2 of subdivision d of section  
32 604-e of the retirement and social security law, as added by chapter 576  
33 of the laws of 2000, is amended to read as follows:

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

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

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

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

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

52 (iii) who, subject to the provisions of paragraph seven of subdivision  
53 e of this section, has paid, prior to such discontinuance, all addi-  
54 tional member contributions and interest (if any) required by subdivi-  
55 sion 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 44. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-e of the retirement and social security law, as added by chapter 577 of the laws of 2000, 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 45. Paragraph 1 of subdivision d of section 604-f of the retirement and social security law, as added by chapter 559 of the laws of 2001, is amended to read as follows:

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

(i) who discontinues service as such a participant, other than by 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 46. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-f of the retirement and social security law, as added by chapter 559 of the laws of 2001, 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 47. Paragraph 1 of subdivision d of section 604-f of the retirement and social security law, as added by chapter 582 of the laws of 2001, is amended to read as follows:

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

(i) who discontinues service as such a participant, other than by 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 allowable service as a special officer, parking control specialist, school safety agent, campus peace officer or

1 taxi and limousine inspector member OR, IN THE CASE OF A PARTICIPANT WHO  
2 IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO SUCH DISCONTIN-  
3 UANCE, COMPLETED TWELVE BUT LESS THAN TWENTY-FIVE YEARS OF ALLOWABLE  
4 SERVICE AS A SPECIAL OFFICER, PARKING CONTROL SPECIALIST, SCHOOL SAFETY  
5 AGENT, CAMPUS PEACE OFFICER OR TAXI AND LIMOUSINE INSPECTOR MEMBER; and

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

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

16 S 48. Subparagraph (ii) of paragraph 2 of subdivision d of section  
17 604-f of the retirement and social security law, as added by chapter 582  
18 of the laws of 2001, is amended to read as follows:

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

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

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

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

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

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

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

47 S 50. Subparagraph (ii) of paragraph 2 of subdivision d of section  
48 604-g of the retirement and social security law, as added by chapter 414  
49 of the laws of 2002, is amended to read as follows:

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

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

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

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

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

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

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

23 S 52. Subparagraph (ii) of paragraph 2 of subdivision d of section  
24 604-h of the retirement and social security law, as added by chapter 682  
25 of the laws of 2003, is amended to read as follows:

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

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

35 5-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
36 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT TO  
37 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS  
38 PARAGRAPH SHALL BE A PARTICIPANT IN THE AGE FIFTY-FIVE RETIREMENT  
39 PROGRAM.

40 S 54. Subdivisions a, b, c and d of section 608 of the retirement and  
41 social security law, subdivision a as amended by chapter 379 of the laws  
42 of 1986, subdivisions b and c as amended by chapter 286 of the laws of  
43 2010 and subdivision d as added by chapter 749 of the laws of 1992, are  
44 amended to read as follows:

45 a. [A] FOR MEMBERS WHO FIRST BECOME MEMBERS OF A PUBLIC RETIREMENT  
46 SYSTEM OF THE STATE BEFORE APRIL FIRST, TWO THOUSAND TWELVE, A member's  
47 final average salary shall be the average wages earned by such a member  
48 during any three consecutive years which provide the highest average  
49 wage; provided, however, if the wages earned during any year included in  
50 the period used to determine final average salary exceeds that of the  
51 average of the previous two years by more than ten percent, the amount  
52 in excess of ten percent shall be excluded from the computation of final  
53 average salary. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK  
54 STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE  
55 TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND  
56 TWELVE, A MEMBER'S FINAL AVERAGE SALARY SHALL BE THE AVERAGE WAGES

1 EARNED BY SUCH MEMBER DURING ANY FIVE CONSECUTIVE YEARS WHICH PROVIDE  
2 THE HIGHEST AVERAGE WAGE; PROVIDED, HOWEVER, IF THE WAGES EARNED DURING  
3 ANY YEAR INCLUDED IN THE PERIOD USED TO DETERMINE FINAL AVERAGE SALARY  
4 EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS FOUR YEARS BY MORE THAN  
5 EIGHT PERCENT, THE AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED  
6 FROM THE COMPUTATION OF FINAL AVERAGE SALARY. Where the period used to  
7 determine final average salary is the period which immediately precedes  
8 the date of retirement, any month or months (not in excess of twelve)  
9 which would otherwise be included in computing final average salary but  
10 during which the member was on authorized leave of absence at partial  
11 pay or without pay shall be excluded from the computation of final aver-  
12 age salary and the month or an equal number of months immediately  
13 preceding such period shall be substituted in lieu thereof.

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

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

53 d. Subject to the provisions of subdivision c of this section, and  
54 notwithstanding the provisions of subdivision a of this section, with  
55 respect to members of the New York city employees' retirement system and  
56 the New York city board of education retirement system who are subject



1 to the provisions of this article, a member's final average salary shall  
2 be determined pursuant to the provisions of paragraph fourteen of SUBDI-  
3 VISION E OF section 13-638.4 of the administrative code of the city of  
4 New York, PROVIDED, HOWEVER, THAT THE APPLICABLE PROVISIONS AND LIMITA-  
5 TIONS OF THE TERM "WAGES", AS DEFINED IN SUBDIVISION L OF SECTION SIX  
6 HUNDRED ONE OF THIS ARTICLE, SHALL APPLY TO SUCH DETERMINATIONS OF FINAL  
7 AVERAGE SALARY.

8 S 55. Paragraph 2 of subdivision b of section 609 of the retirement  
9 and social security law, as amended by section 8-c of part B of chapter  
10 504 of the laws of 2009, is amended to read as follows:

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

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

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

41 S 57. Subdivisions a and a-1 of section 612 of the retirement and  
42 social security law, subdivision a as separately amended by section 9 of  
43 part B and section 3 of part C of chapter 504 of the laws of 2009 and  
44 subdivision a-1 as added by section 4 of part C of chapter 504 of the  
45 laws of 2009, are amended to read as follows:

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

1 local employees' retirement system who has five or more years of credit-  
2 ed service, or ten or more years of credited service for a member who  
3 first becomes a member of the New York state and local employees'  
4 retirement system or the New York state teachers' retirement system on  
5 or after January first, two thousand ten, upon termination of employment  
6 shall be entitled to a deferred vested benefit prior to normal retire-  
7 ment age, but no earlier than age fifty-five, computed in accordance  
8 with the provisions of subdivision i of section six hundred three of  
9 this article AS AMENDED BY SECTION EIGHT OF PART B OF CHAPTER FIVE  
10 HUNDRED FOUR OF THE LAWS OF TWO THOUSAND NINE. ANYTHING TO THE CONTRARY  
11 NOTWITHSTANDING, A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE WHO  
12 FIRST BECAME A MEMBER OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOU-  
13 SAND TWELVE MUST HAVE AT LEAST TWELVE YEARS OF CREDITED SERVICE IN ORDER  
14 TO QUALIFY FOR A DEFERRED VESTED BENEFIT UNDER THIS SECTION; SUCH MEMBER  
15 SHALL NOT BE ENTITLED TO SUCH BENEFIT PRIOR TO THE MEMBER'S ATTAINMENT  
16 OF AGE SIXTY-FIVE; AND SUCH DEFERRED VESTED BENEFIT SHALL BE COMPUTED  
17 PURSUANT TO SUBDIVISION B-1 OF SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

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

51 S 58. Paragraphs 1 and 2 of subdivision a and subdivisions c, f and g  
52 of section 613 of the retirement and social security law, paragraph 1 of  
53 subdivision a as amended and paragraph 2 of subdivision a as added by  
54 chapter 10 of the laws of 2000, subdivision c as amended by chapter 389  
55 of the laws of 1998 and subdivisions f and g as added by section 9-a of

part B of chapter 504 of the laws of 2009, are amended to read as follows:

1. Except as provided by paragraph two of this subdivision, members shall contribute three percent of annual wages to the retirement system in which they have membership, EXCEPT THAT FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF THIRTY-TWO THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN THIRTY-TWO THOUSAND AND ONE DOLLAR PER ANNUM AND SIXTY-THREE THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE SIXTY-THREE THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF FORTY-THREE THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN FORTY-THREE THOUSAND AND ONE DOLLAR PER ANNUM AND EIGHTY-FIVE THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE EIGHTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF FORTY-SEVEN THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN FORTY SEVEN THOUSAND AND ONE DOLLAR PER ANNUM AND NINETY-FOUR THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE NINETY-FOUR THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY BOARD OF EDUCATION RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF TWENTY-SIX THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN TWENTY-SIX THOUSAND AND ONE DOLLAR PER ANNUM AND FIFTY-TWO THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE FIFTY-TWO THOUSAND PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. The head of each retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

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

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

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

1 wages and for the maintenance of any special fund or funds with respect  
2 to amounts so contributed.

3 g. Members who first join the New York state teachers' retirement  
4 system on or after January first, two thousand ten shall contribute  
5 three and one-half percent of annual wages to the New York state teach-  
6 ers' retirement system, EXCEPT THAT FOR MEMBERS WHO FIRST BECOME MEMBERS  
7 OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL  
8 FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF THIRTY-FIVE THOUSAND  
9 DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES,  
10 MEMBERS WITH WAGES BETWEEN THIRTY-FIVE THOUSAND AND ONE DOLLAR PER ANNUM  
11 AND SIXTY-NINE THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT  
12 OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE SIXTY-NINE THOUSAND PER  
13 ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. The head of the New  
14 York state teachers' retirement system shall promulgate such regulations  
15 as may be necessary and appropriate with respect to the deduction of  
16 such contribution from members' wages and for the maintenance of any  
17 special fund or funds with respect to amounts so contributed.

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

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

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

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

1 D. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE ASSOCIATED WITH  
2 MEMBERS OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM WHO FIRST  
3 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND  
4 TWELVE, IS BELOW FOUR PER CENTUM, THE EMPLOYEE CONTRIBUTIONS MADE BY  
5 SUCH EMPLOYEES PURSUANT TO SECTION SIX HUNDRED THIRTEEN OF THIS ARTICLE  
6 SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFER-  
7 ENCE OF FOUR PER CENTUM AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY  
8 TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO  
9 THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS  
10 ON THE SALARIES OF MEMBERS WHO FIRST BECAME MEMBERS OF THE NEW YORK  
11 STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND  
12 TWELVE SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE  
13 CONTRIBUTIONS.

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

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

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

1 YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIB-  
2 UTIONS.

3 H. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO  
4 MEMBERS OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM WHO FIRST  
5 BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND  
6 TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE  
7 CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF  
8 THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS  
9 OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMU-  
10 LA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR  
11 THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR  
12 OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN  
13 YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS  
14 SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS  
15 SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSU-  
16 ANT TO THIS SUBDIVISION.

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

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

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

49 S 650. Application. This article shall apply to a member of the New  
50 York city employees' retirement system (i) who holds the position of  
51 bridge and tunnel officer, sergeant or lieutenant with the Triborough  
52 bridge and tunnel authority, and has received or receives an appointment  
53 to at least one such position from a competitive civil service list; or  
54 (ii) who holds the position of assistant bridge and tunnel maintainer,  
55 bridge and tunnel maintainer, senior bridge and tunnel maintainer or  
56 laborer with the Triborough bridge and tunnel authority, PROVIDED,

1 HOWEVER, THAT THIS ARTICLE SHALL NOT APPLY TO A NEW YORK CITY REVISED  
2 PLAN MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF  
3 THIS CHAPTER).

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

8 1. Subject to the provisions of paragraph one-a of this subdivision,  
9 AND EXCEPT AS PROVIDED IN PARAGRAPH ONE-B OF THIS SUBDIVISION, an eligi-  
10 ble member (i) with a date of membership in a retirement system on or  
11 after July twenty-seventh, nineteen hundred seventy-six and (ii) who has  
12 ten or more years of membership or ten or more years of credited service  
13 with a retirement system under the provisions of article fourteen or  
14 fifteen of this chapter shall not be required to contribute to a retire-  
15 ment system pursuant to section five hundred seventeen or six hundred  
16 thirteen of this chapter as of the cessation date.

17 1-a. Notwithstanding the provisions of paragraph one of this subdivi-  
18 sion or any other provision of law to the contrary, AND EXCEPT AS  
19 PROVIDED IN PARAGRAPH ONE-B OF THIS SUBDIVISION, a member of the New  
20 York city teachers' retirement system or the New York city board of  
21 education retirement system:

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

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

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

32 1-B. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A NEW YORK  
33 CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER (AS DEFINED IN  
34 SUBDIVISION TWENTY-FIVE OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER), AN  
35 INVESTIGATOR REVISED PLAN MEMBER (AS DEFINED IN SUBDIVISION TWENTY-SEVEN  
36 OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER) OR A NEW YORK CITY REVISED  
37 PLAN MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF  
38 THIS CHAPTER).

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

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

50 S 64. Subdivision a of section 1202 of the retirement and social secu-  
51 rity law, as added by section 1 of part A of chapter 504 of the laws of  
52 2009, is amended and a new subdivision c is added to read as follows:

53 a. In order to qualify for a service retirement benefit, members  
54 subject to the provisions of this article must have a minimum of ten  
55 years of creditable service, EXCEPT THAT A MEMBER WHO FIRST BECOMES A  
56 MEMBER OF THE RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND



1 TWELVE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS PURSUANT TO  
2 THIS ARTICLE UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TWELVE YEARS OF  
3 CREDITED SERVICE.

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

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

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

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

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

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

1 BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE  
2 CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

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

5 S 1209. FINAL AVERAGE SALARY. FOR MEMBERS WHO FIRST BECOME MEMBERS OF  
6 THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR  
7 AFTER APRIL FIRST, TWO THOUSAND TWELVE, A MEMBER'S FINAL AVERAGE SALARY  
8 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED BY SUCH  
9 MEMBER DURING ANY CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE MEMBER  
10 WAS CREDITED WITH FIVE YEARS OF SERVICE CREDIT; PROVIDED, HOWEVER, IF  
11 THE WAGES EARNED DURING ANY YEAR OF CREDITED SERVICE INCLUDED IN THE  
12 PERIOD USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE  
13 WAGES OF THE PREVIOUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN EIGHT  
14 PERCENT, THE AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM  
15 THE COMPUTATION OF FINAL AVERAGE SALARY. WAGES IN EXCESS OF THE ANNUAL  
16 SALARY PAID TO THE GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE FOUR OF  
17 THE STATE CONSTITUTION SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL  
18 AVERAGE SALARY FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK  
19 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL  
20 FIRST, TWO THOUSAND TWELVE.

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

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

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

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

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

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

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

#### 24 ARTICLE 23

#### 25 DEFINED CONTRIBUTION PROGRAM

26 SECTION 1250. DEFINITIONS.

27 1251. DEFINED CONTRIBUTION PROGRAMS ESTABLISHED.

28 1252. RATES OF CONTRIBUTION.

29 1253. ENROLLMENT.

30 1254. DEATH BENEFIT.

31 1255. INCONSISTENT PROVISIONS OF OTHER ACTS SUPERSEDED.

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

34 A. THE TERM "PUBLIC RETIREMENT SYSTEM OF THE STATE" SHALL MEAN THE NEW  
35 YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE  
36 TEACHERS' RETIREMENT SYSTEM, THE NEW YORK STATE AND LOCAL POLICE AND  
37 FIRE RETIREMENT SYSTEM, THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM,  
38 THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM, THE NEW YORK CITY BOARD  
39 OF EDUCATION RETIREMENT SYSTEM, THE NEW YORK CITY POLICE PENSION FUND,  
40 AND THE NEW YORK CITY FIRE PENSION FUND.

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

47 C. THE TERMS "PROGRAM PARTICIPANT" AND "PROGRAM PARTICIPANTS" MEAN  
48 THOSE EMPLOYEES ELECTING TO PARTICIPATE IN THE DEFINED CONTRIBUTION  
49 PROGRAM.

50 D. THE TERM "DEFINED CONTRIBUTION PROGRAM" MEANS THE RETIREMENT  
51 PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

52 E. THE TERM "WAGES" SHALL MEAN REGULAR COMPENSATION EARNED BY AND PAID  
53 TO A MEMBER BY A PUBLIC EMPLOYER, EXCEPT THAT THE FOLLOWING ITEMS SHALL  
54 NOT BE INCLUDED IN THE DEFINITION OF WAGES: (I) OVERTIME COMPENSATION  
55 PAID UNDER ANY LAW OR POLICY UNDER WHICH EMPLOYEES ARE PAID AT A RATE  
56 GREATER THAN THEIR STANDARD RATE FOR ADDITIONAL HOURS BEYOND THAT

1 REQUIRED, INCLUDING SECTIONS ONE HUNDRED THIRTY-FOUR OF THE CIVIL  
2 SERVICE LAW AND SECTION NINETY OF THE GENERAL MUNICIPAL LAW, (II) WAGES  
3 IN EXCESS OF THE ANNUAL SALARY PAID TO THE GOVERNOR PURSUANT TO SECTION  
4 THREE OF ARTICLE FOUR OF THE STATE CONSTITUTION, (III) LUMP SUM PAYMENTS  
5 FOR DEFERRED COMPENSATION, SICK LEAVE, ACCUMULATED VACATION OR OTHER  
6 CREDITS FOR TIME NOT WORKED, (IV) ANY FORM OF TERMINATION PAY, AND (V)  
7 ANY ADDITIONAL COMPENSATION PAID IN ANTICIPATION OF RETIREMENT.

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

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

35 2. THE EMPLOYER SHALL CONTRIBUTE AN AMOUNT EQUAL TO THE CONTRIBUTION  
36 MADE BY EACH PROGRAM PARTICIPANT, PROVIDED HOWEVER, THAT SUCH ADDITIONAL  
37 CONTRIBUTIONS SHALL NOT EXCEED THREE PERCENT OF EACH PROGRAM PARTIC-  
38 IPANT'S WAGES. SUCH CONTRIBUTIONS SHALL BE KNOWN AS "MATCHING EMPLOYER  
39 CONTRIBUTIONS".

40 B. IN THE CASE OF ANY PROGRAM PARTICIPANTS, EMPLOYEES SHALL BE ALLOWED  
41 TO CONTRIBUTE AN AMOUNT UP TO THE MAXIMUM ALLOWABLE AMOUNT, INCLUSIVE OF  
42 BASIC AND MATCHING EMPLOYER CONTRIBUTIONS, PERMITTED BY FEDERAL LAW IN  
43 26 U.S.C. 401 ET SEQ. AND THE RULES AND REGULATIONS OF THE UNITED STATES  
44 DEPARTMENT OF THE TREASURY PROMULGATED THEREUNDER.

45 C. NO CONTRIBUTIONS PURSUANT TO SUBDIVISION A OF THIS SECTION SHALL BE  
46 MADE BY THE EMPLOYER UNTIL THE PROGRAM PARTICIPANT COMPLETES ONE YEAR OF  
47 SERVICE AND CONTINUES IN SERVICE THEREAFTER. AT THE END OF A PROGRAM  
48 PARTICIPANT'S INITIAL YEAR OF SERVICE, A SINGLE CONTRIBUTION IN AN  
49 AMOUNT DETERMINED PURSUANT TO SUBDIVISION A OF THIS SECTION, WITH INTER-  
50 EST AT THE RATE OF FOUR PER CENTUM PER ANNUM, SHALL BE MADE BY THE  
51 EMPLOYER, ON BEHALF OF SUCH PROGRAM PARTICIPANT CONTINUED IN SERVICE.

52 S 1253. ENROLLMENT. A. EMPLOYEES WHO FIRST BECOME MEMBERS OF A PUBLIC  
53 RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND  
54 TWELVE, WITHIN THIRTY DAYS OF HIS OR HER ENTRY INTO SERVICE, SHALL HAVE  
55 THE ABILITY TO ELECT THE DEFINED CONTRIBUTION PROGRAM ESTABLISHED PURSU-  
56 ANT TO THIS ARTICLE. SUCH ELECTION SHALL BE IN WRITING, SHALL BE DULY

1 EXECUTED AND FILED WITH THE RETIREMENT SYSTEM OF WHICH HE OR SHE IS A  
2 MEMBER AND SHALL BE IRREVOCABLE AS LONG AS SUCH PERSON IS A MEMBER OF A  
3 PUBLIC RETIREMENT SYSTEM OF THE STATE. ALL ELIGIBLE EMPLOYEES WHO ELECT  
4 THE DEFINED CONTRIBUTION PROGRAM SHALL NOT ACCRUE CREDITED SERVICE FOR  
5 ANY PURPOSE UNDER ANY OTHER ARTICLE OF THIS CHAPTER OR ANY OTHER APPLI-  
6 CABLE LAW.

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

10 S 1254. DEATH BENEFIT. A. PROGRAM PARTICIPANTS SHALL RECEIVE THE  
11 FOLLOWING FINANCIAL PROTECTION IN THE EVENT OF DEATH IN SERVICE: A BENE-  
12 FIT UPON THE DEATH OF A MEMBER IN SERVICE EQUAL TO THE MEMBER'S SALARY  
13 UPON HIS OR HER COMPLETION OF ONE YEAR OF SERVICE, TWO YEARS' SALARY  
14 UPON COMPLETION OF TWO YEARS OF SERVICE, AND THREE YEARS' SALARY UPON  
15 COMPLETION OF THREE YEARS OF SERVICE.

16 B. FOR THE PURPOSES OF THIS SECTION: 1. THE DEATH BENEFIT PAYABLE  
17 SHALL BE IN LIEU OF THE PAYMENT OF THE BASIC EMPLOYER CONTRIBUTIONS AND  
18 MATCHING EMPLOYER CONTRIBUTIONS MADE PURSUANT TO THIS ARTICLE, BUT SHALL  
19 NOT BE LESS THAN THE VALUE OF SUCH CONTRIBUTIONS AND 2. THE VALUE OF THE  
20 EMPLOYEE CONTRIBUTIONS SHALL BE PAYABLE IN ADDITION TO THE DEATH BENEFIT  
21 PAYABLE PURSUANT TO THIS SECTION.

22 S 1255. INCONSISTENT PROVISIONS OF OTHER ACTS SUPERSEDED. INsofar AS  
23 THE PROVISIONS OF THIS ARTICLE ARE INCONSISTENT WITH THE PROVISIONS OF  
24 ANY OTHER ACT, GENERAL OR SPECIAL, THE PROVISIONS OF THIS ARTICLE SHALL  
25 BE CONTROLLING.

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

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

1 States pursuant to article three of the retirement and social security  
2 law shall not exceed sixteen thousand five hundred dollars.

3 2. Employee contributions. In the case of any electing employee,  
4 contributions at the rate of three [percentum] PER CENTUM of his state  
5 salary shall be deducted by the state comptroller as the employee  
6 contribution, PROVIDED, HOWEVER, NO EMPLOYEE CONTRIBUTIONS SHALL BE  
7 REQUIRED FOR ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL  
8 FIRST, TWO THOUSAND TWELVE, provided however, that such employee  
9 contribution shall be made by the state in accordance with subdivision  
10 one of this section during such period as (a) either section seventy-a  
11 of the retirement and social security law or section five hundred twen-  
12 ty-eight of [the education law] THIS TITLE provides that the contrib-  
13 ution of each member of the New York state employees' retirement system  
14 or the New York state teachers' retirement system in the employ of the  
15 state shall be reduced by at least eight [percentum] PER CENTUM of his  
16 compensation, or (b) employee contributions to either such system are no  
17 longer required by reason of such system becoming noncontributory for  
18 state employees.

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

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

1 contributions are or may thereafter be paid to the secretary of the  
2 treasury of the United States pursuant to article three of the retire-  
3 ment and social security law shall be deemed not to exceed sixteen thou-  
4 sand five hundred dollars.

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

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

54 (c) Notwithstanding any other provision of this section or any other  
55 law to the contrary, (1) on and after April first, two thousand eight  
56 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 one-third of the three percent employee  
4 contribution required pursuant to the provisions of this section on  
5 behalf of such employee; and (2) on and after April first, two thousand  
6 nine 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 two-thirds of the three percent employee  
10 contribution required pursuant to the provisions of this section on  
11 behalf of such employee; and (3) on and after April first, two thousand  
12 ten for a member who joined the optional retirement program established  
13 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and who  
14 has ten or more years of membership in such optional retirement program,  
15 the state shall contribute the three percent employee contribution  
16 required pursuant to the provisions of this section on behalf of such  
17 employee. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO ANY  
18 ELECTING EMPLOYEE WHO BECOMES A MEMBER OF THE OPTIONAL RETIREMENT  
19 PROGRAM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

20 S 74. Subdivisions 1 and 2 of section 6252 of the education law, as  
21 amended by chapter 63 of the laws of 1993 and paragraph (c) of subdivi-  
22 sion 2 as added by chapter 617 of the laws of 2007, are amended to read  
23 as 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 city shall, during continuance of his employment, makes  
27 contributions at the rate of nine [percentum] PER CENTUM of that portion  
28 of his city salary upon which contributions are or may hereafter be paid  
29 to the secretary of the treasury of the United States pursuant to arti-  
30 cle three of the retirement and social security law and at the rate of  
31 twelve [percentum] PER CENTUM of that portion of his city salary above  
32 said amount, out of monies which shall be appropriated to the city  
33 university for such purposes. In the case of any electing employee  
34 initially appointed on or after July first, nineteen hundred ninety-two,  
35 the city shall, during continuance of his employment, make contributions  
36 at the rate of eight [percentum] PER CENTUM of his city salary during  
37 the first seven years of such employment and at the rate of ten [percen-  
38 tum] PER CENTUM of his city salary, thereafter, out of monies which  
39 shall be appropriated to the city university for such purpose. IN THE  
40 CASE OF ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL  
41 FIRST, TWO THOUSAND TWELVE, THE CITY SHALL, DURING CONTINUANCE OF HIS  
42 EMPLOYMENT, MAKE CONTRIBUTIONS AT THE RATE OF FOUR PER CENTUM of his  
43 city salary out of monies which shall be appropriated to the city  
44 university for such purpose. For electing employees initially appointed  
45 on or after April first, two thousand twelve, the state shall make addi-  
46 tional contributions equal to the contribution made by each electing  
47 employee, provided, however, that such additional contributions shall  
48 not exceed three percent of each electing employee's annual wages. For  
49 purposes of this subdivision, that portion of the employee's salary upon  
50 which contributions are or may thereafter be paid to the secretary of  
51 the treasury of the United States pursuant to article three of the  
52 retirement and social security law shall be deemed not to exceed sixteen  
53 thousand five hundred dollars.

54 2. Employee contributions. (a) In the case of any electing employee,  
55 contributions at the rate of three [percentum] PER CENTUM of his city  
56 salary shall be deducted as the employee contribution by the comp-



1 troller, PROVIDED, HOWEVER, THAT NO EMPLOYEE CONTRIBUTIONS SHALL BE  
2 REQUIRED FOR ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL  
3 FIRST, TWO THOUSAND TWELVE, provided however that such employee contrib-  
4 ution shall be made by the city in accordance with subdivision one of  
5 this section during such period as either section seventy-a of the  
6 retirement and social security law or section [B3-36.1] 13-152 or  
7 section [B20-41.1] 13-546 of the administrative code of the city of New  
8 York provides that the contribution of any member of the New York city  
9 employees' retirement system or the New York city teachers' retirement  
10 system in the employ of the city shall be reduced by at least eight  
11 [percentum] PER CENTUM of his compensation; and provided further, howev-  
12 er, that such employee contribution with respect to the fiscal year of  
13 the city beginning on July first, nineteen hundred seventy-two and  
14 ending on June thirtieth, nineteen hundred seventy-three shall be made  
15 by the city, notwithstanding any of the foregoing provisions of this  
16 subdivision to the contrary.

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

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

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

52 (b) In the case of a uniformed force member who is a member of the  
53 uniformed force of the department of sanitation and is not a TIER III  
54 MEMBER (AS DEFINED IN SUBDIVISION SEVENTY-THREE OF THIS SECTION) OR A  
55 Tier IV member (as defined in subdivision seventy-six of this section),  
56 the term "normal rate of contribution as a uniformed force member" shall

1 mean the proportion of such member's earnable compensation required to  
2 be deducted from his or her compensation by the applicable provisions of  
3 sections 13-125, 13-154, 13-159 and 13-160 of this chapter as his or her  
4 member contributions, exclusive of any increase in such contributions  
5 pursuant to subdivision d, e, or f of section 13-125 of this chapter, or  
6 any decrease in such contributions on account of any program for  
7 increased-take-home-pay or pursuant to subdivision one of section one  
8 hundred thirty-eight-b of the retirement and social security law (relat-  
9 ing to election to decrease member contributions by contributions due on  
10 account of social security coverage).

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

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

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

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

33 (c) In the case of any contributing uniformed force member who is both  
34 (1) a member of the uniformed correction force (as defined in subdivi-  
35 sion thirty-nine of this section) OR THE UNIFORMED FORCE OF THE DEPART-  
36 MENT OF SANITATION (AS DEFINED IN SUBDIVISION SIXTY-TWO OF THIS SECTION)  
37 and (2) a Tier III member (as defined in subdivision seventy-three of  
38 this section), the term "uniformed force member contributions eligible  
39 for pick up by the employer" shall mean the amount which, in the absence  
40 of a pick up program applicable to such member pursuant to section  
41 13-125.1 of this chapter, would be required to be deducted from the  
42 wages of such member for such payroll period pursuant to subdivision a  
43 of section five hundred seventeen of the retirement and social security  
44 law as his or her required member contributions for such payroll period.

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

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

1 [(i)] (A) one-third of the highest total wages earned by such member  
2 during any continuous period of employment for which the member was  
3 credited with three years of service credit; provided that if the wages  
4 earned during any year of credited service included in the period used  
5 to determine final average salary exceeds the average of the wages of  
6 the previous two years of credited service by more than ten percent, the  
7 amount in excess of ten percent shall be excluded from the computation  
8 of final average salary; or

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

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

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

40 S 80. Notwithstanding any provision of law to the contrary, nothing in  
41 this act shall limit the eligibility of any member of an employee organ-  
42 ization to join a special retirement plan open to him or her pursuant to  
43 a collectively negotiated agreement with any state or local government  
44 employer, where such agreement is in effect on the effective date of  
45 this act and so long as such agreement remains in effect thereafter;  
46 provided, however, that any such eligibility shall not apply upon termi-  
47 nation of such agreement for employees otherwise subject to the  
48 provisions of article 22 of the retirement and social security law,  
49 provided further that this section shall not be construed as authorizing  
50 any member who first joins a public retirement system of the state (as  
51 defined in subdivision 23 of section 501 of the retirement and social  
52 security law) on or after April 1, 2012 to become a participant in any  
53 of the special plans established by section 504-a, 504-b, 504-d, 604-a,  
54 604-c (as added by chapter 96 of the laws of 1995), 604-d or 604-i of  
55 the retirement and social security law or section 13-157.1 or 13-157.4  
56 of the administrative code of the city of New York.

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

3 S 82. Severability clause. If any clause, sentence, paragraph, subdi-  
4 vision, section or part of this act shall be adjudged by any court of  
5 competent jurisdiction to be invalid, such judgment shall not affect,  
6 impair, or invalidate the remainder thereof, but shall be confined in  
7 its operation to the clause, sentence, paragraph, subdivision, section  
8 or part thereof directly involved in the controversy in which such judg-  
9 ment shall have been rendered. It is hereby declared to be the intent of  
10 the legislature that this act would have been enacted even if such  
11 invalid provisions had not been included herein.

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

21 PART I

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

25 S 167-a. Reimbursement for medicare premium charges. Upon exclusion  
26 from the coverage of the health benefit plan of supplementary medical  
27 insurance benefits for which an active or retired employee or a depend-  
28 ent covered by the health benefit plan is or would be eligible under the  
29 federal old-age, survivors and disability insurance program, an amount  
30 equal to the premium charge for such supplementary medical insurance  
31 benefits for such active or retired employee and his or her dependents,  
32 if any, shall be paid monthly or at other intervals to such active or  
33 retired employee from the health insurance fund. Where appropriate, such  
34 amount may be deducted from contributions payable by the employee or  
35 retired employee; or where appropriate in the case of a retired employee  
36 receiving a retirement allowance, such amount may be included with  
37 payments of his or her retirement allowance. All state employer, employ-  
38 ee, retired employee and dependent contributions to the health insurance  
39 fund, INCLUDING CONTRIBUTIONS FROM PUBLIC AUTHORITIES, PUBLIC BENEFIT  
40 CORPORATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE, shall be  
41 adjusted as necessary to cover the cost of reimbursing federal old-age,  
42 survivors and disability insurance program premium charges under this  
43 section. This cost shall be included in the calculation of premium or  
44 subscription charges for health coverage provided to [state] employees  
45 and retired [state] employees OF THE STATE, PUBLIC AUTHORITIES, PUBLIC  
46 BENEFIT CORPORATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE;  
47 provided, however, the state, PUBLIC AUTHORITIES, PUBLIC BENEFIT CORPO-  
48 RATIONS OR OTHER QUASI-PUBLIC ORGANIZATIONS OF THE STATE shall remain  
49 obligated to pay no less than its share of such increased cost consist-  
50 ent with its share of premium or subscription charges provided for by  
51 this article. All other employer contributions to the health insurance  
52 fund shall be adjusted as necessary to provide for such payments.

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

1

## PART J

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

4 S 25. Reappropriation bills. Every appropriation reappropriating  
5 moneys shall set forth clearly the year, chapter and part or section of  
6 the act by which such appropriation was originally made, a brief summary  
7 of the purposes of such original appropriation, and the year, chapter  
8 and part or section of the last act, if any, reappropriating such  
9 original appropriation or any part thereof, and the amount of such reap-  
10 propriation.

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

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

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

23

## PART K

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

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

35 State Fiscal Year

36 Amount

37	2000-2001	\$4,500,000
38	2001-2002	\$4,500,000
39	2002-2003	\$4,500,000
40	2003-2004	\$9,850,000
41	2004-2005	\$16,850,000
42	2005-2006	\$22,850,000
43	2006-2007	\$22,850,000
44	2007-2008	\$22,850,000
45	2008-2009	\$22,850,000
46	2009-2010	\$22,850,000
47	2010-2011	\$22,850,000
48	2011-2012	\$15,000,000
49	2012-2013	[\$15,000,000] \$22,850,000
50	2013-2014	\$15,000,000
51	2014-2015	\$15,000,000
52	2015-2016	\$15,000,000

1	2016-2017	\$15,000,000
2	2017-2018	\$15,000,000
3	2018-2019	\$15,000,000
4	2019-2020	\$15,000,000
5	2020-2021	\$15,000,000
6	2021-2022	\$15,000,000
7	2022-2023	\$15,000,000
8	2023-2024	\$15,000,000
9	2024-2025	\$15,000,000
10	2025-2026	\$15,000,000
11	2026-2027	\$15,000,000
12	2027-2028	\$15,000,000
13	2028-2029	\$15,000,000
14	2029-2030	\$15,000,000
15	2030-2031	\$15,000,000
16	2031-2032	\$15,000,000
17	2032-2033	[\$15,000,000] \$7,150,000

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

19 PART L

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

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

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

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

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

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

53 (iv) The commissioner is authorized to permit [any officer, body or  
54 agency of the state or of a political subdivision or a district therein,

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

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

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

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

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

1 authorized representative may administer oaths. In addition, the commis-  
2 sioner or the duly authorized representative:

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

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

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

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

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

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

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



board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such [office] PUBLIC ENTITY when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

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

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

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

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

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

5. Process for conducting state procurements. The process for conducting state procurements for services and commodities shall be as follows:

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

(i) For commodities, upon such determination of need, state agencies shall ascertain whether the commodity is available in the form, function and utility consistent with their needs from preferred sources and if so, shall purchase said commodity from a preferred source in accordance with the provisions of this article. If not so available, state agencies shall determine whether the commodity is available in the form, function and utility consistent with their needs on a centralized contract and if so, except as provided in subparagraph (v) of paragraph a of subdivision three of this section, shall purchase said commodity using the centralized contract. If a commodity is not available in the form, function and utility consistent with the needs of the state agency from a preferred source or a centralized contract or as provided for in subparagraph (v) of paragraph a of subdivision three of this section, the state agency

1 may procure the commodity independently or in conjunction with another  
2 state agency in accordance with paragraph c of subdivision three of this  
3 section.

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

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

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

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

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

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

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

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

54 8. Public notice. All procurements by state agencies in excess of  
55 [fifteen] FIFTY thousand dollars shall be advertised in the state's

1 procurement opportunities newsletter in accordance with article four-C  
2 of the economic development law.

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

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

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

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

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

1 CIES, STATE AGENCIES MAY PROCURE PRINTING INDEPENDENTLY OR IN CONJUNC-  
2 TION WITH OTHER STATE AGENCIES.

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

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

11 3. It shall be the duty of said commissioner, in accordance with rules  
12 and regulations to be prescribed by him, to let to the lowest responsi-  
13 ble bidder, as hereinafter provided, and as will best promote the public  
14 interest, all contracts for the work embraced in the legislative print-  
15 ing and department printing as those terms are in this chapter defined,  
16 except printing done pursuant to law in the correctional facilities of  
17 the state, in the state charitable and benevolent institutions for the  
18 benefit of such institutions, or by the board or commission having  
19 fiscal control of such institutions, the printing of examination ques-  
20 tion papers or printing done for the education department or the schools  
21 under its jurisdiction in the rooms of the university of the state of  
22 New York by its employees, the stationery used by the legislature,  
23 briefs and cases on appeal and the bulletins issued by the Geneva and  
24 Ithaca experimental stations.] No contract for department printing shall  
25 be let to a bidder who, in the opinion of the commissioner, does not  
26 have satisfactory facilities and equipment which are ample and suffi-  
27 cient to insure proper performance of the contract or who has failed to  
28 give adequate security in an amount which may be required by the commis-  
29 sioner. Provided further, however, that no contract shall be let to a  
30 bidder other than the lowest PRICE OR BEST VALUE responsible bidder  
31 without the written approval of the comptroller.

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

38 5.] 3. Notwithstanding any of the foregoing provisions of this  
39 section, or of any general or special act, the commissioner may contract  
40 for printing to an amount not exceeding [ten] EIGHTY-FIVE thousand  
41 dollars without competitive bidding, and [may by rule prescribing the  
42 amount, not exceeding five thousand dollars, authorize] other state  
43 departments and agencies [to let contracts,] MAY CONTRACT TO AN AMOUNT  
44 NOT EXCEEDING FIFTY THOUSAND DOLLARS without competitive bidding, for  
45 printing required by them. [Such rule shall prescribe the form, manner  
46 and content of the notice to be given to prospective vendors, the form  
47 of specifications and proposals for such printing, and the method used  
48 in making an award, except that as such specifications relate to the  
49 paper required for printing they shall be in accordance with those  
50 established pursuant to section one hundred sixty-four of the state  
51 finance law.

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

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

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

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

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

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

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

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

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

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

51 S 258-a. Purchases by museums, historical societies, zoological  
52 gardens, aquariums, botanical gardens and arboreta through office of  
53 general services. Museums, historical societies, zoological gardens,  
54 aquariums, botanical gardens and arboreta which are chartered or incor-  
55 porated by the regents or otherwise formed pursuant to section two  
56 hundred sixteen of this chapter or otherwise pursuant to the laws of

1 this state and are also non-profit ORGANIZATIONS may make purchases [,  
2 except of printed material,] OF COMMODITIES AND SERVICES through the  
3 [state division of standards and purchase in the] office of general  
4 services subject to such rules as may be established from time to time  
5 pursuant to section one hundred sixty-three of the state finance law;  
6 provided that each such purchase shall have a cost of five hundred  
7 dollars or more and that said museum, historical society, zoological  
8 garden, aquarium, botanical garden or arboreta shall accept sole respon-  
9 sibility for any payment of such cost due the vendor.

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

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

27 S 21. Section 104 of the general municipal law, as amended by chapter  
28 137 of the laws of 2008, is amended to read as follows:

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

1 of this section such groups shall be deemed "fire companies or voluntary  
2 ambulance services."

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

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

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

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

1 necessary by the commissioner of general services in order to protect  
2 the state's own purchasing interests; provided that each such purchase  
3 shall exceed five hundred dollars and that such charitable organization  
4 or federation of charitable organizations shall accept sole responsibil-  
5 ity for any payment due the vendor.

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

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

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

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

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

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



1 be made directly from any contractor pursuant to any contract for  
2 commodities let by the office of general services or any other state  
3 agency;

4 S 26. Subdivision 3 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 3. "Commodity" or "commodities" means[, except with respect to  
7 contracts for state printing,] material goods, supplies, products,  
8 construction items, ELECTRONIC INFORMATION RESOURCES or other standard  
9 articles of commerce [other than technology] which are the subject of  
10 any purchase or other exchange.

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

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

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

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

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

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

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

38

## PART M

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

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

1 SUCH APPOINTMENTS SHALL NOT EXCEED FIVE HUNDRED AT ANY ONE TIME. AT  
2 LEAST FIFTEEN DAYS PRIOR TO MAKING A TERM APPOINTMENT PURSUANT TO THIS  
3 SECTION THE APPOINTING AUTHORITY SHALL PUBLICLY AND CONSPICUOUSLY POST  
4 IN ITS OFFICES INFORMATION ABOUT THE TEMPORARY POSITION AND THE REQUIRED  
5 QUALIFICATIONS AND SHALL ALLOW ANY QUALIFIED EMPLOYEE TO APPLY FOR SAID  
6 POSITION. AN EMPLOYEE APPOINTED PURSUANT TO THIS PROVISION WHO HAS  
7 COMPLETED TWO YEARS OF CONTINUOUS SERVICE UNDER THIS PROVISION SHALL BE  
8 ABLE TO COMPETE IN ONE PROMOTIONAL EXAMINATION THAT IS ALSO OPEN TO  
9 OTHER EMPLOYEES WHO HAVE PERMANENT CIVIL SERVICE APPOINTMENTS AND APPRO-  
10 PRIATE QUALIFICATIONS.

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

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

28 35-382 INFORMATION TECHNOLOGY SPECIALIST 4 G-25  
29 35-383 INFORMATION TECHNOLOGY SPECIALIST 4 (DATA COMMUNICATIONS) G-25  
30 35-384 INFORMATION TECHNOLOGY SPECIALIST 4 (DATABASE) G-25  
31 35-386 INFORMATION TECHNOLOGY SPECIALIST 4 (SYSTEMS PROGRAMMING) G-25  
32 35-387 MANAGER INFORMATION TECHNOLOGY SERVICES 1 G-27  
33 35-388 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATA COMMUNICATIONS)  
34 G-27  
35 35-389 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATABASE) G-27  
36 35-391 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (SYSTEMS PROGRAMMING)  
37 G-27  
38 35-392 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (TECHNICAL) G-27

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

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

47 2. Except where the state civil service department or appropriate  
48 municipal commission finds that there are less than three persons eligi-  
49 ble for promotion in the promotion unit where the vacancy exists, or in  
50 the department, if such vacancy is not in a separate promotion unit,  
51 [and] OR except where the department or municipal commission determines  
52 to conduct an open competitive and a promotion examination simultaneous-  
53 ly, OR EXCEPT WHERE THE STATE CIVIL SERVICE DEPARTMENT DETERMINES TO  
54 CONDUCT AN OPEN PROMOTION EXAMINATION PURSUANT TO SUBDIVISION FOUR OF  
55 THIS SECTION, a notice of intention to conduct such open competitive  
56 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 posted in the offices of both the appointing officer and the state civil service department or appropriate municipal commission and such request shall not be acted upon until said notice has been posted as aforesaid for a period of not less than fifteen days.

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

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

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

4. CERTIFICATION OF ELIGIBLE LISTS FROM AN OPEN PROMOTION EXAMINATION. THE STATE DEPARTMENT OF CIVIL SERVICE SHALL CERTIFY A PROMOTION ELIGIBLE LIST AND AN OPEN COMPETITIVE ELIGIBLE LIST CONTAINING THE NAMES OF ALL SUCCESSFUL CANDIDATES RESULTING FROM AN OPEN PROMOTION EXAMINATION HELD PURSUANT TO SUBDIVISION FOUR OF SECTION FIFTY-ONE OF THIS ARTICLE. THE PROMOTION ELIGIBLE LIST SHALL BE ESTABLISHED IN THE SAME MANNER AND SUBJECT TO THE SAME CONDITIONS AS WOULD OTHERWISE APPLY IF SUCH EXAMINATION HAD BEEN A PROMOTION EXAMINATION; THE RATINGS AND RANKS OF THE CANDIDATES SHALL BE REVISED BY INCLUDING CREDIT FOR SENIORITY AND APPLYING ADDITIONAL CREDITS FOR DISABLED AND NON-DISABLED VETERANS APPLICABLE TO PROMOTION EXAMINATIONS. THE OPEN COMPETITIVE LIST SHALL RANK ALL SUCCESSFUL CANDIDATES IN THE ORDER OF THEIR FINAL RATINGS; THE RATINGS AND RANKS OF THE CANDIDATES SHALL BE REVISED BY INCLUDING ADDITIONAL CREDITS FOR DISABLED AND NON-DISABLED VETERANS APPLICABLE TO EXAMINATIONS FOR ORIGINAL APPOINTMENT. AN APPOINTING OFFICER MAY USE EITHER LIST TO FILL A VACANCY.

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

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

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

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

- 1 5. Clean water/clean air implementation fund (079).
- 2 6. State lottery fund (160):
- 3 a. Education - New (03).
- 4 b. VLT - Sound basic education fund (06).
- 5 7. Medicaid management information system escrow fund (179).
- 6 8. Sewage treatment program management and administration fund (300).
- 7 9. Environmental conservation special revenue fund (301):
- 8 a. Waste cleanup and management account (48).
- 9 b. Hazardous bulk storage account (F7).
- 10 c. Great lakes restoration initiative account (GL).
- 11 d. Low level radioactive waste siting account (K5).
- 12 e. Recreation account (K6).
- 13 f. Public safety recovery account (PS).
- 14 g. Conservationist magazine account (S4).
- 15 h. Environmental regulatory account (S5).
- 16 i. Natural resource account (S6).
- 17 j. Mined land reclamation program account (XB).
- 18 k. Federal grants indirect cost recovery account (IC).
- 19 10. Environmental protection and oil spill compensation fund (303).
- 20 11. Hazardous waste remedial fund (312):
- 21 a. Site investigation and construction account (01).
- 22 b. Hazardous waste remedial clean up account (06).
- 23 12. Mass transportation operating assistance fund (313):
- 24 a. Public transportation systems account (01).
- 25 b. Metropolitan mass transportation (02).
- 26 13. Clean air fund (314):
- 27 a. Operating permit program account (01).
- 28 b. Mobile source account (02).
- 29 14. Centralized services fund (323).
- 30 15. State exposition special fund (325).
- 31 16. Agency enterprise fund (331):
- 32 a. OGS convention center account (55).
- 33 17. Agencies internal service fund (334):
- 34 a. Archives records management account (02).
- 35 b. Federal single audit account (05).
- 36 c. Civil service law: sec 11 admin account (09).
- 37 d. Civil service EHS occupational health program account (10).
- 38 e. Banking services account (12).
- 39 f. Cultural resources survey account (14).
- 40 g. Neighborhood work project (17).
- 41 h. Automation & printing chargeback account (18).
- 42 i. OFT NYT account (20).
- 43 j. Data center account (23).
- 44 k. Human service telecom account (24).
- 45 l. Centralized Technology services account (30).
- 46 m. OPWDD copy center account (26).
- 47 n. Intrusion detection account (27).
- 48 o. Domestic violence grant account (28).
- 49 p. Learning management system account (ZV).
- 50 18. Miscellaneous special revenue fund (339):
- 51 a. Statewide planning and research cooperative system account (03).
- 52 b. OPWDD provider of service account (05).
- 53 c. New York state thruway authority account (08).
- 54 d. Mental hygiene patient income account (13).
- 55 e. Financial control board account (15).
- 56 f. Regulation of racing account (16).

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



1 kkk. Rent revenue other account (RR).  
2 lll. Rent revenue account (S8).  
3 mmm. Tax revenue arrearage account (TR).  
4 nnn. Solid waste management account (W3).  
5 ooo. Occupational health clinics account (W4).  
6 ppp. Capacity contracting (XU).  
7 qqq. Administrative cost recovery -  
8 tax return preparer registration fee account (Y8).  
9 rrr. Sales tax re-registration fee account (YD).  
10 sss. Equitable sharing agreement account (YP).  
11 ttt. Point insurance reduction program account.  
12 uuu. Internet point insurance reduction program account (IC).  
13 vvv. Mental hygiene program fund account (10).  
14 www. Third party debt collection account.  
15 xxx. Regulation of manufactured housing account (CM).  
16 yyy. Business and licensing services account (AG).  
17 zzz. Consumer protection account (F2).  
18 19. State university income fund (345):  
19 a. State university general income offset account (11).  
20 20. State police and motor vehicle law enforcement fund (354):  
21 a. State police motor vehicle law enforcement account (02).  
22 21. Youth facilities improvement fund (357):  
23 a. Youth facilities improvement account (01).  
24 22. Highway safety program fund (362):  
25 a. Highway safety program account (01).  
26 23. Drinking water program management and administration fund (366):  
27 a. EFC drinking water program account (01).  
28 b. DOH drinking water program account (02).  
29 24. New York city county clerks offset fund (368):  
30 a. NYCCC operating offset account (01).  
31 25. Housing assistance fund (374).  
32 26. Housing program fund (376).  
33 27. Department of transportation - engineering services fund (380):  
34 a. Highway facility purpose account (01).  
35 28. Miscellaneous capital projects fund (387):  
36 a. Clean air capital account (08).  
37 b. New York racing account.  
38 29. Mental hygiene facilities capital improvement fund (389).  
39 30. Joint labor/management administration fund (394):  
40 a. Joint labor/management administration fund (01).  
41 31. Audit and control revolving fund (395):  
42 a. Executive direction internal audit account (04).  
43 b. CIO Information technology centralized services account (zz).  
44 32. Health insurance internal service fund (396):  
45 a. Health insurance internal service account (00).  
46 b. Civil service employee benefits div admin (01).  
47 33. Correctional industries revolving fund (397).  
48 34. Correctional facilities capital improvement fund (399).  
49 35. HCRA resources fund (061):  
50 a. EPIC premium account (J6).  
51 b. Hospital based grants program account (AF).  
52 c. Child health plus program account (29).  
53 S 1-a. The state comptroller is hereby authorized and directed to loan  
54 money in accordance with the provisions set forth in subdivision 5 of  
55 section 4 of the state finance law to any account within the following  
56 federal funds, provided the comptroller has made a determination that

1 sufficient federal grant award authority is available to reimburse such  
2 loans:

- 3 1. Federal USDA-food nutrition services fund (261).
- 4 2. Federal health and human services fund (265).
- 5 3. Federal education grants fund (267).
- 6 4. Federal block grant fund (269).
- 7 5. Federal operating grants fund (290).
- 8 6. Federal capital projects fund (291).
- 9 7. Federal unemployment insurance administration fund (480).
- 10 8. Federal unemployment insurance occupational training fund (484).
- 11 9. Federal employment and training grants (486).

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

17 Economic Development and Public Authorities:

- 18 1. \$175,000 from the miscellaneous special revenue fund (339) under-  
19 ground facilities safety training account (US), to the general fund.
- 20 2. An amount up to the unencumbered balance from the miscellaneous  
21 special revenue fund (339), business and licensing services account  
22 (AG), to the general fund.
- 23 3. \$14,810,000 from the miscellaneous special revenue fund (339), code  
24 enforcement account (07), to the general fund.
- 25 4. \$100,000 from the miscellaneous special revenue fund (339), manu-  
26 factured housing account (CM), to the general fund.
- 27 5. An amount up to the unencumbered balance from the miscellaneous  
28 special revenue fund (339), administrative costs account (AB), to the  
29 general fund.

30 Education:

- 31 1. \$2,217,000,000 from the general fund to the state lottery fund  
32 (160), education account (03), as reimbursement for disbursements made  
33 from such fund for supplemental aid to education pursuant to section  
34 92-c of the state finance law that are in excess of the amounts deposit-  
35 ed in such fund for such purposes pursuant to section 1612 of the tax  
36 law.
- 37 2. \$836,000,000 from the general fund to the state lottery fund (160),  
38 VLT education account (06), as reimbursement for disbursements made from  
39 such fund for supplemental aid to education pursuant to section 92-c of  
40 the state finance law that are in excess of the amounts deposited in  
41 such fund for such purposes pursuant to section 1612 of the tax law.
- 42 3. Moneys from the state lottery fund (160) up to an amount deposited  
43 in such fund pursuant to section 1612 of the tax law in excess of the  
44 current year appropriation for supplemental aid to education pursuant to  
45 section 92-c of the state finance law.
- 46 4. \$300,000 from the local government records management improvement  
47 fund (052) to the archives partnership trust fund (024).
- 48 5. \$900,000 from the general fund to the miscellaneous special revenue  
49 fund (339), Batavia school for the blind account (D9).
- 50 6. \$900,000 from the general fund to the miscellaneous special revenue  
51 fund (339), Rome school for the deaf account (E6).
- 52 7. \$80,000,000 from the state university dormitory income fund (330)  
53 to the state university residence hall rehabilitation fund (074).
- 54 8. \$343,400,000 from the state university dormitory income fund (330)  
55 to the miscellaneous special revenue fund (339), state university dormi-  
56 tory income reimbursable account (47).

1 9. \$24,000,000 from any of the state education department special  
2 revenue and internal service funds to the miscellaneous special revenue  
3 fund (339), indirect cost recovery account (AH).

4 10. \$8,318,000 from the general fund to the state university income  
5 fund (345), state university income offset account (11), for the state's  
6 share of repayment of the STIP loan.

7 11. \$45,000,000 from the State University Income Fund (345), State  
8 University Hospitals Income Reimbursable Account (22) to the general  
9 fund for hospital debt service for the period April 1, 2012 through  
10 March 31, 2013.

11 12. \$884,000 from the state university income fund (345), Long Island  
12 Veterans' Home Account (09) to the general fund.

13 Environmental Affairs:

14 1. \$500,000 from the department of transportation's federal capital  
15 projects fund (291) to the office of parks and recreation federal oper-  
16 ating grants fund (290), miscellaneous operating grants account.

17 2. \$16,000,000 from any of the department of environmental conserva-  
18 tion's special revenue federal funds to the special revenue fund (301)  
19 federal grant indirect cost recovery account.

20 3. \$2,000,000 from any of the department of environmental conserva-  
21 tion's special revenue federal funds to the conservation fund (302) as  
22 necessary to avoid diversion of conservation funds.

23 4. \$3,000,000 from any of the office of parks, recreation and historic  
24 preservation capital projects federal funds and special revenue federal  
25 funds to the special revenue fund (339) federal grant indirect cost  
26 recovery account (Z1).

27 5. \$1,000,000 from any of the office of parks, recreation and historic  
28 preservation special revenue federal funds to the special revenue fund  
29 (339), I love NY water account (39).

30 Family Assistance:

31 1. \$10,000,000 from any of the office of children and family services,  
32 office of temporary and disability assistance, or department of health  
33 special revenue federal funds and the general fund, in accordance with  
34 agreements with social services districts, to the miscellaneous special  
35 revenue fund (339), office of human resources development state match  
36 account (2C).

37 2. \$3,000,000 from any of the office of children and family services  
38 or office of temporary and disability assistance special revenue federal  
39 funds to the miscellaneous special revenue fund (339), family preserva-  
40 tion and support services and family violence services account (GC).

41 3. \$6,000,000 from any of the office of children and family services  
42 special revenue federal funds to the general fund for title IV-E  
43 reimbursement of youth facility costs.

44 4. \$28,000,000 from any of the office of children and family services,  
45 office of temporary and disability assistance, or department of health  
46 special revenue federal funds and any other miscellaneous revenues  
47 generated from the operation of office of children and family services  
48 programs to the general fund.

49 5. \$10,000,000 from any of the office of children and family services  
50 or office of temporary and disability assistance special revenue funds  
51 or the general fund to the miscellaneous special revenue fund (339),  
52 connections account (WK).

53 6. \$41,000,000 from any of the office of temporary and disability  
54 assistance accounts within the federal health and human services fund  
55 (265) to the general fund.

1 7. \$155,000,000 from any of the office of temporary and disability  
2 assistance or department of health special revenue funds to the general  
3 fund.

4 8. \$2,500,000 from any of the office of temporary and disability  
5 assistance or office of children and family services special revenue  
6 federal funds to the miscellaneous special revenue fund (339), office of  
7 temporary and disability assistance program account (AL).

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

13 10. \$152,400,000 from the miscellaneous special revenue fund (339),  
14 youth facility per Diem account (YF), to the general fund.

15 11. \$621,850 from the general fund to the combined gifts, grants, and  
16 bequests fund (020), WB Hoyt Memorial account (78).

17 12. \$1,300,000 from any of the office of temporary and disability  
18 assistance and department of health special revenue federal funds to the  
19 miscellaneous special revenue fund (339) welfare inspector general  
20 administrative reimbursement account (WW).

21 13. \$4,822,000 from the miscellaneous special revenue fund (339) state  
22 central registry (CY) to the general fund.

23 General Government:

24 1. \$1,566,000 from the miscellaneous special revenue fund (339), exam-  
25 ination and miscellaneous revenue account (ER) to the general fund.

26 2. \$12,500,000 from the general fund to the health insurance revolving  
27 fund (396).

28 3. \$192,400,000 from the health insurance reserve receipts fund (167)  
29 to the general fund.

30 4. \$150,000 from the general fund to the not-for-profit revolving loan  
31 fund (055).

32 5. \$150,000 from the not-for-profit revolving loan fund (055) to the  
33 general fund.

34 6. \$11,000,000 from the miscellaneous special revenue fund (339), real  
35 property disposition account (BP), to the general fund.

36 7. \$3,000,000 from the miscellaneous special revenue fund (339),  
37 surplus property account (DE), to the general fund.

38 8. \$19,000,000 from the general fund to the miscellaneous special  
39 revenue fund (339), alcoholic beverage control account (DB).

40 9. \$23,000,000 from the miscellaneous special revenue fund (339),  
41 revenue arrearage account (CR), to the general fund.

42 10. \$1,826,000 from the miscellaneous special revenue fund (339)  
43 revenue arrearage account (CR), to the miscellaneous special revenue  
44 fund (339) authority budget office account.

45 11. \$1,000,000 from the miscellaneous special revenue fund (339),  
46 parking services account (BQ), to the general fund, for the purpose of  
47 reimbursing the costs of debt service related to state parking facili-  
48 ties.

49 12. \$55,000,000 from the general fund to the miscellaneous special  
50 revenue fund (339), statewide financial system account (FM).

51 13. \$12,300,000 from the general fund, to the office for technology  
52 internal service fund (334), centralized technology services account  
53 (30), for the purpose of developing a statewide licensing system.

54 14. \$12,000,000 from the general fund to the office for technology  
55 internal service fund (334), central technology services account (30),  
56 for the purpose of enterprise technology projects.

## 1 Health:

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

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

1 4. \$12,000,000 from the general fund to the mass transportation oper-  
2 ating assistance fund (313), public transportation systems operating  
3 assistance account (01).  
4 5. \$597,317,000 from the general fund to the dedicated highway and  
5 bridge trust fund (072).  
6 6. \$606,000 from the miscellaneous special revenue fund (339), inter-  
7 net point insurance reduction program account (IC), to the general fund.  
8 7. \$6,000 from the miscellaneous special revenue fund (339), motorcy-  
9 cle safety account (AE), to the general fund.  
10 8. \$12,000 from the general fund to the miscellaneous special revenue  
11 fund (339), federal seized asset account (GE).  
12 9. \$10,000,000 from the miscellaneous special revenue fund (339),  
13 department of transportation accident damage recovery account (G7), to  
14 the dedicated highway and bridge trust fund (072).  
15 10. \$255,000,000 from the general fund to the MTA financial assistance  
16 fund (225), mobility tax trust account (01).  
17 Miscellaneous:  
18 1. \$150,000,000 from the general fund to any funds or accounts for the  
19 purpose of reimbursing certain outstanding accounts receivable balances.  
20 2. \$500,000,000 from the general fund to the debt reduction reserve  
21 fund (064).  
22 S 3. Notwithstanding any law to the contrary, and in accordance with  
23 section 4 of the state finance law, the comptroller is hereby authorized  
24 and directed to transfer, on or before March 31, 2013:  
25 1. Upon request of the commissioner of environmental conservation, up  
26 to \$10,940,000 from revenues credited to any of the department of envi-  
27 ronmental conservation special revenue funds, including \$3,197,800 from  
28 the environmental protection and oil spill compensation fund (303), and  
29 \$1,751,600 from the conservation fund (302), to the environmental  
30 conservation special revenue fund (301), indirect charges account (BJ).  
31 2. Upon request of the commissioner of agriculture and markets, up to  
32 \$3,000,000 from any special revenue fund or enterprise fund within the  
33 department of agriculture and markets to the general fund, to pay appro-  
34 priate administrative expenses.  
35 3. Upon request of the commissioner of agriculture and markets, up to  
36 \$2,000,000 from the state exposition special fund (325), state fair  
37 receipts account (01) to the miscellaneous capital projects fund (387),  
38 state fair capital improvement account (13).  
39 4. Upon request of the commissioner of the division of housing and  
40 community renewal, up to \$5,500,000 from revenues credited to any divi-  
41 sion of housing and community renewal federal or miscellaneous special  
42 revenue fund to the agency cost recovery account (HI).  
43 5. Upon request of the commissioner of the division of housing and  
44 community renewal, up to \$5,500,000 may be transferred from any miscel-  
45 laneous special revenue fund account (339), to any miscellaneous special  
46 revenue fund (339).  
47 6. Upon request of the commissioner of health up to \$15,000,000 from  
48 revenues credited to any of the department of health's special revenue  
49 funds, to the miscellaneous special revenue fund (339), administration  
50 account (AP).  
51 7. On or about March 31, 2012, the comptroller is authorized to and  
52 directed to transfer all funds from the miscellaneous special revenue  
53 fund (339), commission of investigation seized assets account (EK) to  
54 the miscellaneous special revenue fund (339), state police seized asset  
55 account (E8).

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

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

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

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

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

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

42 S 9. Notwithstanding any law to the contrary, and in accordance with  
43 section 4 of the state finance law, the comptroller is hereby authorized  
44 and directed to transfer, upon request of the director of the budget, up  
45 to \$968,550,300 from the general fund to the state university income  
46 fund (345), state university general revenue offset account (12) during  
47 the period of July 1, 2012 through June 30, 2013 to support operations  
48 at the state university.

49 S 10. Notwithstanding any law to the contrary, and in accordance with  
50 section 4 of the state finance law, the comptroller is hereby authorized  
51 and directed to transfer, upon request of the state university chancel-  
52 lor or her designee, up to \$50,000,000 from the state university income  
53 fund (345), state university hospitals income reimbursable account (22),  
54 for hospital income reimbursable for services and expenses of hospital  
55 operations and capital expenditures at the state university hospitals,  
56 and the state university income fund (345) Long Island veterans' home



1 account (09) to the state university capital projects fund (384) on or  
2 before June 30, 2013.

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

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

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

49 S 14. Notwithstanding any provision of law to the contrary, the power  
50 authority of the state of New York, as deemed feasible and advisable by  
51 its trustees, is authorized and directed to make a contribution to the  
52 state treasury to the credit of the general fund in an amount of up to  
53 \$65,000,000 for the fiscal year commencing April 1, 2012. The power  
54 authority of the state of New York will transfer up to \$25,000,000 by  
55 June 30, 2012 and will transfer the remainder of any such contribution  
56 by January 31, 2013.

1 S 15. In addition to any payment made by a public benefit corporation  
2 pursuant to an assessment imposed under sections 2975, 2975-a, 2976 and  
3 2976-a of the public authorities law, a public benefit corporation is  
4 authorized to make voluntary contributions to the state general fund or  
5 to any other public benefit corporation for any lawful purpose at any  
6 time from any public benefit corporation funds in such amounts as deemed  
7 to be feasible and advisable by such public benefit corporation's  
8 governing board after due consideration of the public benefit corpo-  
9 ration's legal and financial obligations. Notwithstanding any other law,  
10 the payment of a voluntary payment pursuant to this subdivision is  
11 deemed to be a valid and proper purpose for which available funds may be  
12 applied. Voluntary contributions made to the state pursuant to this  
13 subdivision shall be payable to the state treasury to the credit of the  
14 general fund.

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

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

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

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

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

50 6. Notwithstanding any law to the contrary, at the beginning of the  
51 state fiscal year, the state comptroller is hereby authorized and  
52 directed to receive for deposit to the credit of a fund and/or an  
53 account such monies as are identified by the director of the budget as  
54 having been intended for such deposit to support disbursements from such  
55 fund and/or account made in pursuance of an appropriation by law. As  
56 soon as practicable upon enactment of the budget, the director of the

1 budget shall, but not less than three days following preliminary  
2 submission to the [chairpersons] CHAIRS of the senate finance committee  
3 and the assembly ways and means committee, file with the state comp-  
4 troller an identification of specific monies to be so deposited. Any  
5 subsequent change regarding the monies to be so deposited shall be filed  
6 by the director of the budget, as soon as practicable, but not less than  
7 three days following preliminary submission to the [chairpersons] CHAIRS  
8 of the senate finance committee and the assembly ways and means commit-  
9 tee.

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

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

16 S 18-a. The state comptroller is hereby authorized and directed to  
17 abolish or consolidate with the state general fund the associated funds  
18 and/or accounts established pursuant to section 92-a of the state  
19 finance law, subdivision 5 of section 233-a of the education law,  
20 section 94-d of the state finance law, section 97-cc of the state  
21 finance law, section 90-b of the state finance law, section 91-g of the  
22 state finance law, section 92-l of the state finance law, section 92-j  
23 of the state finance law, section 92-m of the state finance law, section  
24 92-w of the state finance law as added by chapter 561 of the laws of  
25 1994, section 94-c of the state finance law, section 96 of the state  
26 finance law, section 97-o of the state finance law, section 97-ff of the  
27 state finance law, section 97-ss of the state finance law, section  
28 97-fff of the state finance law as added by chapter 432 of the laws of  
29 1997, section 97-uuu of the state finance law as added by chapter 294 of  
30 the laws of 2000, section 97-www of the state finance law as added by  
31 chapter 189 of the laws of 2000, section 97-aaaa of the state finance  
32 law, section 97-bbbb of the state finance law, section 99-g of the state  
33 finance law, section 99-i of the state finance law as added by chapter  
34 62 of the laws of 2003, subdivision 3-a of section 378 of the education  
35 law, section 1022 of the private housing finance law, chapter 50 of the  
36 laws of 1993, section 12 of chapter 1040 of the laws of 1981 and section  
37 97-n of the state finance law.

38 S 18-b. Sections 90-b, 91-g, 92-a, 92-l, 92-j, 92-m, 92-w as added by  
39 chapter 561 of the laws of 1994, 94-c, 94-d, 96, 97-n, 97-o, 97-cc,  
40 97-ff, 97-ss, 97-fff as added by chapter 432 of the laws of 1997, 97-uuu  
41 as added by chapter 294 of the laws of 2000, 97-www as added by chapter  
42 189 of the laws of 2000, 97-aaaa, 97-bbbb, 99-g and 99-i as added by  
43 chapter 62 of the laws of 2003 of the state finance law are REPEALED.

44 S 18-c. Subdivision 5 of section 233-a and subdivision 3-a of section  
45 378 of the education law are REPEALED.

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

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

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

52 4. Every appropriation made from a fund or account to a department or  
53 agency shall be available for the payment of prior years' liabilities in  
54 such fund or account for fringe benefits, indirect costs, and telecommu-  
55 nications expenses and expenses for other centralized services fund  
56 programs without limit. Every appropriation shall also be available for

1 the payment of prior years' liabilities other than those indicated  
2 above, but only to the extent of one-half of one percent of the total  
3 amount appropriated to a department or agency in such fund or account.

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

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

44 S 21. 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 dormitory authority of the  
48 state of New York for a capital appropriation for \$215,650,000 author-  
49 ized by chapter 55 of the laws of 2000 to all state agencies for payment  
50 of costs related to the strategic investment program.

51 S 22. Notwithstanding any other law, rule, or regulation to the  
52 contrary, the comptroller is hereby authorized and directed to deposit  
53 to the credit of the capital projects fund, reimbursement from the  
54 proceeds of notes or bonds issued by the environmental facilities corpo-  
55 ration for a capital appropriation of \$30,174,000 authorized by chapter  
56 55 of the laws of 2003 to the department of environmental conservation

1 for payment of a portion of the state's match for federal capitalization  
2 grants for the water pollution control revolving loan fund, reimburse-  
3 ment from the proceeds of notes or bonds issued by the urban development  
4 corporation or other financing source for a capital appropriation of  
5 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office  
6 of general services for payment of capital construction costs for the 51  
7 Elk street parking garage building located in the city of Albany,  
8 reimbursement from the proceeds of notes or bonds issued by the urban  
9 development corporation for disbursements of up to \$10,000,000 from any  
10 capital appropriation or reappropriation authorized by chapter 50 of the  
11 laws of 2003 to the office of general services for various purposes,  
12 reimbursement from the proceeds of notes or bonds issued by the environ-  
13 mental facilities corporation for a capital appropriation of \$13,250,000  
14 authorized by chapter 55 of the laws of 2003 to the energy research and  
15 development authority for the Western New York Nuclear Service Center at  
16 West Valley, reimbursement from the proceeds of notes or bonds issued by  
17 the dormitory authority for disbursements of up to \$16,400,000 from any  
18 capital appropriation or reappropriation authorized by chapter 51 of the  
19 laws of 2003 to the judiciary for courthouse improvements, reimbursement  
20 from the proceeds of notes or bonds issued by the urban development  
21 corporation for disbursements of up to \$10,000,000 from appropriations  
22 or reappropriations authorized by chapter 50 of the laws of 2003 to any  
23 agency for costs related to homeland security, reimbursement from the  
24 proceeds of notes or bonds issued by the environmental facilities corpo-  
25 ration for a capital appropriation of \$10,000,000 authorized by chapter  
26 55 of the laws of 2003 to the department of environmental conservation  
27 for Onondaga lake, reimbursement from the proceeds of notes or bonds  
28 issued by the environmental facilities corporation for disbursements of  
29 up to \$11,000,000 from any capital appropriations or reappropriations  
30 authorized by chapter 55 of the laws of 2003 to the department of envi-  
31 ronmental conservation for environmental purposes, and reimbursement  
32 from the proceeds of notes or bonds issued by the dormitory authority  
33 for disbursements of up to \$100,000,000 from a capital appropriation  
34 authorized by chapter 50 of the laws of 2003 to the department of state  
35 for enhanced 911 wireless service.

36 S 23. 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 capital projects fund, reimbursement from the  
39 proceeds of notes or bonds issued by the environmental facilities corpo-  
40 ration for a capital appropriation for \$28,893,000 authorized by chapter  
41 55 of the laws of 2004 to the department of environmental conservation  
42 for payment of a portion of the state's match for federal capitalization  
43 grants for the water pollution control revolving loan fund, reimburse-  
44 ment from the proceeds of notes or bonds issued by the urban development  
45 corporation for disbursements of up to \$10,000,000 from any capital  
46 appropriation or reappropriation authorized by chapter 50 of the laws of  
47 2004 to the office of general services for various purposes, reimburse-  
48 ment from the proceeds of notes or bonds issued by the environmental  
49 facilities corporation for a capital appropriation of \$11,350,000  
50 authorized by chapter 55 of the laws of 2004 to the energy research and  
51 development authority for the Western New York Nuclear Service Center at  
52 West Valley, reimbursement from the proceeds of notes or bonds issued by  
53 the environmental facilities corporation, for a capital appropriation of  
54 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-  
55 ment of environmental conservation for Onondaga lake, reimbursement from  
56 the proceeds of notes or bonds issued by the environmental facilities

1 corporation for disbursements of up to \$11,000,000 from any capital  
2 appropriations or reappropriations authorized by chapter 55 of the laws  
3 of 2004 to the department of environmental conservation for environ-  
4 mental purposes, reimbursement from the proceeds of notes or bonds  
5 issued by the dormitory authority for a capital appropriation of  
6 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-  
7 tion department for capital transition grants for transportation,  
8 reimbursement from the proceeds of notes or bonds issued by the dormito-  
9 ry authority for a capital appropriation of \$243,325,000 authorized by  
10 chapter 55 of the laws of 2004 for payment of costs related to economic  
11 development projects, reimbursement from the proceeds of bonds or notes  
12 issued by the urban development corporation for a capital appropriation  
13 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended  
14 by chapter 108 of the laws of 2006, for payment of costs related to the  
15 H. H. Richardson complex and the Darwin Martin House, and reimbursement  
16 from the proceeds of notes or bonds issued by the dormitory authority  
17 for a capital appropriation of \$345,750,000 authorized by chapter 3 of  
18 the laws of 2004 for the New York state economic development program.

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

1 appropriation of \$150,000,000 authorized by chapter 62 of the laws of  
2 2005 for the higher education facilities capital matching grants  
3 program, reimbursement from the proceeds of notes or bonds issued by the  
4 dormitory authority or other financing source for a capital appropri-  
5 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the  
6 office of general services for payment of capital construction costs for  
7 the Elk street parking garage building located in the city of Albany,  
8 reimbursement from the proceeds of notes or bonds issued by the urban  
9 development corporation for a capital appropriation of \$15,000,000  
10 authorized by chapter 53 of the laws of 2005 to the state education  
11 department for payment of capital construction costs for public broad-  
12 casting facilities, reimbursement from the proceeds of notes or bonds  
13 issued by the urban development corporation for a capital appropriation  
14 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-  
15 sion of state police for public protection facilities, and reimbursement  
16 from the proceeds of notes or bonds issued by the urban development  
17 corporation for capital disbursements of up to \$3,000,000 from any capi-  
18 tal appropriation or reappropriation authorized by chapter 50 of the  
19 laws of 2005 to the division of military and naval affairs for various  
20 purposes.

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

1 the purchase of equipment, reimbursement from the proceeds of notes or  
2 bonds issued by the dormitory authority or the urban development corpo-  
3 ration for all or a portion of capital appropriations of \$603,050,000  
4 authorized by chapter 108 of the laws of 2006 to the urban development  
5 corporation for economic development/other projects, reimbursement from  
6 the proceeds of notes or bonds issued by the urban development corpo-  
7 ration for a capital appropriation of \$269,500,000 authorized by chapter  
8 108 of the laws of 2006 to the dormitory authority or the urban develop-  
9 ment corporation for economic development projects, reimbursement from  
10 the proceeds of notes or bonds issued by the dormitory authority or the  
11 urban development corporation for a capital appropriation of  
12 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban  
13 development corporation for university development projects, reimburse-  
14 ment from the proceeds of notes or bonds issued by the dormitory author-  
15 ity or for a capital appropriation of \$143,000,000 authorized by chapter  
16 108 of the laws of 2006 to the urban development corporation for  
17 cultural facilities projects, reimbursement from the proceeds of notes  
18 or bonds issued by the dormitory authority or the urban development  
19 corporation for capital appropriations totaling \$60,000,000 authorized  
20 by chapter 108 of the laws of 2006 to the urban development corporation  
21 for energy/environmental projects, reimbursement from the proceeds of  
22 notes or bonds issued by the dormitory authority or the urban develop-  
23 ment corporation for a capital appropriation of \$20,000,000 authorized  
24 by chapter 108 of the laws of 2006 to the urban development corporation  
25 for a competitive solicitation for construction of a pilot cellulosic  
26 ethanol refinery, reimbursement from the proceeds of notes or bonds  
27 issued by the urban development corporation for a capital appropriation  
28 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban  
29 development corporation for services and expenses related to infrastruc-  
30 ture for a new stadium in Queens county, and reimbursement from the  
31 proceeds of notes or bonds issued by the urban development corporation  
32 for a capital appropriation of \$74,700,000 authorized by chapter 55 of  
33 the laws of 2006 to the urban development corporation for services and  
34 expenses related to infrastructure improvements to construct a new park-  
35 ing facility at a new stadium in Bronx county, reimbursement from the  
36 proceeds of notes and bonds issued by the environmental facilities  
37 corporation for a capital appropriation of \$5,000,000 authorized by  
38 chapter 55 of the laws of 2006 to the environmental facilities corpo-  
39 ration for payment for the pipeline for jobs program, reimbursement from  
40 the proceeds of notes or bonds issued by the dormitory authority for  
41 capital disbursements of up to \$14,000,000 from any capital appropri-  
42 ation or reappropriation authorized by chapter 53 of the laws of 2006  
43 for the library construction purpose, 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 \$1,200,000 authorized by chapter  
46 53 of the laws of 2006 for the towns of Bristol and Canandaigua public  
47 water systems, reimbursement from the proceeds of notes or bonds issued  
48 by the urban development corporation or the dormitory authority for an  
49 appropriation of \$5,500,000 authorized by chapter 53 of the laws of 2006  
50 for Belleayre mountain ski center, reimbursement from the proceeds of  
51 notes or bonds issued by the urban development corporation or the dormi-  
52 tory authority for an appropriation of \$25,000,000 authorized by chapter  
53 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric  
54 center rehabilitation, reimbursement from the proceeds of notes or bonds  
55 issued by the urban development corporation or the dormitory authority  
56 for an appropriation of \$5,000,000 authorized by chapter 108 of the laws



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

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

1 issued by the urban development corporation for capital disbursements of  
2 up to \$3,000,000 from any capital appropriation or reappropriation  
3 authorized by chapter 50 of the laws of 2007 to the division of military  
4 and naval affairs for various purposes, reimbursement from the proceeds  
5 of notes or bonds issued by the urban development corporation for  
6 disbursements from a capital appropriation of \$50,000,000 authorized by  
7 chapter 50 of the laws of 2007 to the division of state police for  
8 construction of a Troop G facility, reimbursement from the proceeds of  
9 notes or bonds issued by the urban development corporation for disburse-  
10 ments from a capital appropriation of \$6,000,000 authorized by chapter  
11 50 of the laws of 2007 to the division of state police for construction  
12 of evidence storage facilities, reimbursement from the proceeds of notes  
13 or bonds issued by the dormitory authority or the urban development  
14 corporation for capital appropriations totaling \$77,900,000 authorized  
15 by chapter 51 of the laws of 2007 to the judiciary for court training  
16 facilities and courthouse improvement projects, reimbursement from the  
17 proceeds of notes or bonds issued by the urban development corporation  
18 for a capital appropriation of \$20,000,000 authorized by chapter 50 of  
19 the laws of 2007 to all state departments and agencies for the purchase  
20 of equipment, reimbursement from the proceeds of notes or bonds issued  
21 by the dormitory authority for capital disbursements of up to  
22 \$14,000,000 from any capital appropriation or reappropriation authorized  
23 by chapter 53 of the laws of 2007 for library construction, reimburse-  
24 ment from the proceeds of notes or bonds issued by the dormitory author-  
25 ity for capital disbursements of up to \$60,000,000 from any capital  
26 appropriation or reappropriation authorized by chapter 53 of the laws of  
27 2007 for cultural education storage facilities, reimbursement from the  
28 proceeds of notes or bonds issued by the urban development corporation  
29 for capital disbursements of up to \$15,000,000 from any capital appro-  
30 priation or reappropriation authorized by chapter 55 of the laws of 2007  
31 for Roosevelt Island Operating Corporation aerial tramway, reimbursement  
32 from the proceeds of notes or bonds issued by the urban development  
33 corporation for capital disbursements of up to \$20,000,000 from any  
34 capital appropriation or reappropriation authorized by chapter 55 of the  
35 laws of 2007 for Governor's Island, reimbursement from the proceeds of  
36 notes or bonds issued by the urban development corporation for capital  
37 disbursements of up to \$7,500,000 from any capital appropriation or  
38 reappropriation authorized by chapter 55 of the laws of 2007 for Harri-  
39 man research and technology park, reimbursement from the proceeds of  
40 notes or bonds issued by the urban development corporation for capital  
41 disbursements of up to \$7,950,000 from any capital appropriation or  
42 reappropriation authorized by chapter 55 of the laws of 2007 for USA  
43 Niagara, and reimbursement from the proceeds of notes or bonds issued by  
44 the urban development corporation for capital disbursements of up to  
45 \$1,300,000 from appropriations authorized by chapter 50 of the laws of  
46 2007 made to the office of general services for legislative office  
47 building hearing rooms.

48 S 27. Notwithstanding any other law, rule, or regulation to the  
49 contrary, the comptroller is hereby authorized and directed to deposit  
50 to the credit of the capital projects fund, reimbursement from the  
51 proceeds of notes or bonds issued by the environmental facilities corpo-  
52 ration for a capital appropriation of \$29,600,000 authorized by chapter  
53 55 of the laws of 2008 to the department of environmental conservation  
54 for payment of a portion of the state's match for federal capitalization  
55 grants for the water pollution control revolving loan fund, reimburse-  
56 ment from the proceeds of notes or bonds issued by the urban development

1 corporation for a capital appropriation of \$141,000,000 authorized by  
2 chapter 50 of the laws of 2008 to all state departments and agencies for  
3 the purchase of equipment or systems development, reimbursement from the  
4 proceeds of notes or bonds issued by the urban development corporation  
5 for disbursements of up to \$45,500,000 from any capital appropriation or  
6 reappropriation authorized by chapter 50 of the laws of 2008 to the  
7 office of general services for various purposes, reimbursement from the  
8 proceeds of notes or bonds issued by the environmental facilities corpo-  
9 ration for a capital appropriation of \$13,500,000 authorized by chapter  
10 55 of the laws of 2008 to the energy research and development authority  
11 for the Western New York Nuclear Service Center at West Valley,  
12 reimbursement from the proceeds of notes or bonds issued by the environ-  
13 mental facilities corporation for a capital appropriation of \$10,000,000  
14 authorized by chapter 55 of the laws of 2008 to the department of envi-  
15 ronmental conservation for Onondaga lake, reimbursement from the  
16 proceeds of notes or bonds issued by the environmental facilities corpo-  
17 ration for disbursements of up to \$12,000,000 from any capital appropri-  
18 ations or reappropriations authorized by chapter 55 of the laws of 2008  
19 to the department of environmental conservation for environmental  
20 purposes, reimbursement from the proceeds of notes or bonds issued by  
21 the urban development corporation for capital disbursements of up to  
22 \$3,000,000 from any capital appropriation or reappropriation authorized  
23 by chapter 50 of the laws of 2008 to the division of military and naval  
24 affairs for various purposes, reimbursement from the proceeds of notes  
25 or bonds issued by the urban development corporation for a capital  
26 appropriation of \$2,500,000 authorized by chapter 50 of the laws of 2008  
27 to the office for technology for activities related to broadband  
28 service, reimbursement from the proceeds of notes or bonds issued by the  
29 urban development corporation for a capital appropriation of \$6,000,000  
30 authorized by chapter 50 of the laws of 2008 to the division of state  
31 police for rehabilitation of facilities, reimbursement from the proceeds  
32 of notes or bonds issued by the dormitory authority of the state of New  
33 York or other financing source for a capital appropriation authorized by  
34 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-  
35 ment for library construction, reimbursement from the proceeds of notes  
36 or bonds issued by the dormitory authority of the state of New York or  
37 other financing source for a capital appropriation authorized by chapter  
38 53 of the laws of 2008 of \$15,000,000 to the education department for  
39 museum renewal projects, reimbursement from the proceeds of notes or  
40 bonds issued by the urban development corporation for capital appropri-  
41 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the  
42 urban development corporation for services and expenses related to the  
43 investment opportunity fund, reimbursement from the proceeds of notes or  
44 bonds issued by the urban development corporation for capital appropri-  
45 ation of \$18,000,000 authorized by chapter 53 of the laws of 2008 to the  
46 urban development corporation for services and expenses related to arts  
47 and cultural projects, reimbursement from the proceeds of bonds or notes  
48 issued by the urban development corporation for a capital appropriation  
49 of \$32,148,000 authorized by chapter 53 of the laws of 2008 for economic  
50 and community development projects, reimbursement from the proceeds of  
51 bonds or notes issued by the urban development corporation for a capital  
52 appropriation of \$30,000,000 authorized by chapter 53 of the laws of  
53 2008 for New York city waterfront development projects, reimbursement  
54 from the proceeds of bonds or notes issued by the urban development  
55 corporation for a capital appropriation of \$45,000,000 authorized by  
56 chapter 53 of the laws of 2008 for Luther Forest infrastructure

1 projects, reimbursement from the proceeds of notes or bonds issued by  
2 the urban development corporation for capital appropriation of  
3 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban  
4 development corporation for services and expenses related to downstate  
5 regional projects, reimbursement from the proceeds of notes or bonds  
6 issued by the urban development corporation for capital appropriation of  
7 \$137,037,000 authorized by chapter 53 of the laws of 2008 to the urban  
8 development corporation for services and expenses related to upstate  
9 city-by-city projects, reimbursement from the proceeds of notes or bonds  
10 issued by the urban development corporation for capital appropriation of  
11 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban  
12 development corporation for services and expenses related to the down-  
13 state revitalization projects, reimbursement from the proceeds of notes  
14 or bonds issued by the urban development corporation for capital appro-  
15 priation of \$117,265,000 authorized by chapter 53 of the laws of 2008 to  
16 the urban development corporation for services and expenses related to  
17 the upstate regional blueprint fund, reimbursement from the proceeds of  
18 notes or bonds issued by the urban development corporation for capital  
19 appropriation of \$25,000,000 authorized by chapter 53 of the laws of  
20 2008 to the urban development corporation for services and expenses  
21 related to the upstate agricultural economic development fund,  
22 reimbursement from the proceeds of notes or bonds issued by the urban  
23 development corporation for capital appropriation of \$350,000,000  
24 authorized by chapter 53 of the laws of 2008 to the urban development  
25 corporation for services and expenses related to the New York state  
26 capital assistance program, reimbursement from the proceeds of notes or  
27 bonds issued by the urban development corporation for capital appropri-  
28 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to  
29 the urban development corporation for services and expenses related to  
30 the New York state economic development assistance program, and  
31 reimbursement from the proceeds of notes or bonds issued by the urban  
32 development corporation for capital appropriation of \$20,000,000 author-  
33 ized by chapter 55 of the laws of 2008 to the urban development corpo-  
34 ration for services and expenses related to the empire state economic  
35 development fund.

36 S 28. 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 capital projects fund, reimbursement from the  
39 proceeds of notes or bonds issued by the environmental facilities corpo-  
40 ration for a capital appropriation of \$29,600,000 authorized by chapter  
41 55 of the laws of 2009 to the department of environmental conservation  
42 for payment of a portion of the state's match for federal capitalization  
43 grants for the water pollution control revolving loan fund, reimburse-  
44 ment from the proceeds of notes or bonds issued by the urban development  
45 corporation for a capital appropriation of \$129,800,000 authorized by  
46 chapter 50 of the laws of 2009 to all state departments and agencies for  
47 the purchase of equipment or systems development, reimbursement from the  
48 proceeds of notes or bonds issued by the urban development corporation  
49 for disbursements of up to \$24,000,000 from any capital appropriation or  
50 reappropriation authorized by chapter 50 of the laws of 2009 to the  
51 office of general services for various purposes, reimbursement from the  
52 proceeds of notes or bonds issued by the environmental facilities corpo-  
53 ration for a capital appropriation of \$13,500,000 authorized by chapter  
54 55 of the laws of 2009 to the energy research and development authority  
55 for the Western New York Nuclear Service Center at West Valley,  
56 reimbursement from the proceeds of notes or bonds issued by the environ-

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

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

1 2010 to the division of military and naval affairs for various purposes,  
2 reimbursement from the proceeds of notes or bonds issued by the urban  
3 development corporation for a capital appropriation of \$6,000,000  
4 authorized by chapter 50 of the laws of 2010 to the division of state  
5 police for rehabilitation of facilities, reimbursement from the proceeds  
6 of notes or bonds issued by the dormitory authority of the state of New  
7 York or other financing source for a capital appropriation of  
8 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state  
9 education department for library construction, reimbursements from the  
10 proceeds of notes or bonds issued by the dormitory authority of the  
11 state of New York or other financing source for a capital appropriation  
12 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the  
13 state education department for the longitudinal data system and  
14 reimbursement from the proceeds of notes or bonds issued by the dormito-  
15 ry authority of the state of New York or other financing source for a  
16 capital appropriation of \$42,000,000 for the state preparedness and  
17 training center.

18 S 30. Notwithstanding any other law, rule, or regulation to the  
19 contrary, the comptroller is hereby authorized and directed to deposit  
20 to the credit of the capital projects fund, reimbursement from the  
21 proceeds of notes or bonds issued by the environmental facilities corpo-  
22 ration for a capital appropriation of \$35,000,000 authorized by a chap-  
23 ter of the laws of 2011 to the department of environmental conservation  
24 for payment of a portion of the state's match for federal capitalization  
25 grants for the water pollution control revolving loan fund, reimburse-  
26 ment from the proceeds of notes or bonds issued by the urban development  
27 corporation for a capital appropriation of \$92,751,000 authorized by a  
28 chapter of the laws of 2011 to all state departments and agencies for  
29 the purchase of equipment or systems development, reimbursement from the  
30 proceeds of notes or bonds issued by the urban development corporation  
31 for disbursements of up to \$40,000,000 from any capital appropriation or  
32 reappropriation authorized by a chapter of the laws of 2011 to the  
33 office of general services for various purposes, reimbursement from the  
34 proceeds of notes or bonds issued by the environmental facilities corpo-  
35 ration for disbursements of up to \$12,000,000 from any capital appropri-  
36 ations or reappropriations authorized by a chapter of the laws of 2011  
37 to the department of environmental conservation for environmental  
38 purposes, reimbursement from the proceeds of notes or bonds issued by  
39 the urban development corporation for capital disbursements of up to  
40 \$3,000,000 from any capital appropriation or reappropriation authorized  
41 by a chapter of the laws of 2011 to the division of military and naval  
42 affairs for various purposes, reimbursement from the proceeds of notes  
43 or bonds issued by the urban development corporation for a capital  
44 appropriation of \$6,000,000 authorized by a chapter of the laws of 2011  
45 to the division of state police for rehabilitation of facilities,  
46 reimbursement from the proceeds of notes or bonds issued by the dormito-  
47 ry authority of the state of New York or other financing source for a  
48 capital appropriation of \$14,000,000 authorized by a chapter of the laws  
49 of 2011 to the state education department for library construction,  
50 reimbursement from the proceeds of notes or bonds issued by the urban  
51 development corporation for capital appropriation of \$130,550,000  
52 authorized by a chapter of the laws of 2011 to the urban development  
53 corporation for services and expenses related to the regional economic  
54 development council initiative, reimbursement from the proceeds of notes  
55 or bonds issued by the urban development corporation for capital appro-  
56 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to

1 the urban development corporation for services and expenses related to  
2 the economic transformation program. Reimbursements from the proceeds  
3 of notes or bonds issued by the urban development corporation for  
4 disbursements of up to \$40,000,000 from any capital appropriation or  
5 reappropriation authorized by a chapter of the laws of 2011 to the  
6 office of general services for various purposes.

7 S 31. Notwithstanding any other law, rule, or regulation to the  
8 contrary, the comptroller is hereby authorized and directed to deposit  
9 to the credit of the capital projects fund, reimbursement from the  
10 proceeds of notes or bonds issued by the environmental facilities corpo-  
11 ration for a capital appropriation of \$35,000,000 authorized by a chap-  
12 ter of the laws of 2012 to the department of environmental conservation  
13 for payment of a portion of the state's match for federal capitalization  
14 grants for the water pollution control revolving loan fund, reimburse-  
15 ment from the proceeds of notes or bonds issued by the urban development  
16 corporation for disbursements of up to \$26,000,000 from any capital  
17 appropriation or reappropriation authorized by a chapter of the laws of  
18 2012 to the office of general services for various purposes, reimburse-  
19 ment from the proceeds of notes or bonds issued by the environmental  
20 facilities corporation for disbursements of up to \$12,000,000 from any  
21 capital appropriations or reappropriations authorized by a chapter of  
22 the laws of 2012 to the department of environmental conservation for  
23 environmental purposes, reimbursement from the proceeds of notes or  
24 bonds issued by the urban development corporation for capital disburse-  
25 ments of up to \$3,000,000 from any capital appropriation or reappropri-  
26 ation authorized by a chapter of the laws of 2012 to the division of  
27 military and naval affairs for various purposes, reimbursement from the  
28 proceeds of notes or bonds issued by the urban development corporation  
29 for a capital appropriation of \$6,000,000 authorized by a chapter of the  
30 laws of 2012 to the division of state police for rehabilitation of  
31 facilities, reimbursement from the proceeds of notes or bonds issued by  
32 the dormitory authority of the state of New York or other financing  
33 source for a capital appropriation of \$14,000,000 authorized by a chap-  
34 ter of the laws of 2012 to the state education department for library  
35 construction.

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

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

49 S 33. Notwithstanding any other law, rule, or regulation to the  
50 contrary, the comptroller is hereby authorized and directed to deposit  
51 to the credit of the city university special revenue fund (377),  
52 reimbursement from the proceeds of notes or bonds issued by the Dormito-  
53 ry Authority of the State of New York for capital disbursements of up to  
54 \$20,000,000 from any appropriation or reappropriation authorized by  
55 chapter 53 of the laws of 2009 to the city university of New York for  
56 various purposes.

1 S 34. Notwithstanding any other law, rule, or regulation to the  
2 contrary, the state comptroller is hereby authorized and directed to use  
3 any balance remaining in the mental health services fund debt service  
4 appropriation, after payment by the state comptroller of all obligations  
5 required pursuant to any lease, sublease, or other financing arrangement  
6 between the dormitory authority of the state of New York as successor to  
7 the New York state medical care facilities finance agency, and the  
8 facilities development corporation pursuant to chapter 83 of the laws of  
9 1995 and the department of mental hygiene for the purpose of making  
10 payments to the dormitory authority of the state of New York for the  
11 amount of the earnings for the investment of monies deposited in the  
12 mental health services fund that such agency determines will or may have  
13 to be rebated to the federal government pursuant to the provisions of  
14 the internal revenue code of 1986, as amended, in order to enable such  
15 agency to maintain the exemption from federal income taxation on the  
16 interest paid to the holders of such agency's mental services facilities  
17 improvement revenue bonds. On or before June 30, 2012, such agency shall  
18 certify to the state comptroller its determination of the amounts  
19 received in the mental health services fund as a result of the invest-  
20 ment of monies deposited therein that will or may have to be rebated to  
21 the federal government pursuant to the provisions of the internal reven-  
22 ue code of 1986, as amended.

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

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

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



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

4 2. "Authorized purpose" for purposes of this article and section nine-  
5 ty-two-z of this chapter shall mean any purposes for which state-sup-  
6 ported debt, as defined by section sixty-seven-a of this chapter, may or  
7 has been issued except debt for which the state is constitutionally  
8 obligated thereunder to pay debt service and related expenses, and  
9 except (a) as authorized in paragraph (b) of subdivision one of section  
10 three hundred eighty-five of the public authorities law, (b) as author-  
11 ized for the department of health of the state of New York facilities as  
12 specified in paragraph a of subdivision two of section sixteen hundred  
13 eighty of the public authorities law, (c) state university of New York  
14 dormitory facilities as specified in subdivision eight of section  
15 sixteen hundred seventy-eight of the public authorities law, and (d) as  
16 authorized for mental health services facilities by section nine-a of  
17 section one of chapter three hundred ninety-two of the laws of nineteen  
18 hundred seventy-three constituting the New York state medical care  
19 facilities financing act. Notwithstanding the provisions of clause (d)  
20 of this subdivision, for the period April first, two thousand nine  
21 through March thirty-first, two thousand [twelve] THIRTEEN, mental  
22 health services facilities, as authorized by section nine-a of section  
23 one of chapter three hundred ninety-two of the laws of nineteen hundred  
24 seventy-three constituting the New York state medical care facilities  
25 financing act, shall constitute an authorized purpose.

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

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

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

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

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

4 3. The maximum amount of bonds that may be issued for the purpose of  
5 financing environmental infrastructure projects authorized by this  
6 section shall be [nine hundred fifteen million seven hundred forty-seven  
7 thousand] ONE BILLION ONE HUNDRED EIGHTEEN MILLION SEVEN HUNDRED SIXTY  
8 THOUSAND dollars, exclusive of bonds issued to fund any debt service  
9 reserve funds, pay costs of issuance of such bonds, and bonds or notes  
10 issued to refund or otherwise repay bonds or notes previously issued.  
11 Such bonds and notes of the corporation shall not be a debt of the  
12 state, and the state shall not be liable thereon, nor shall they be  
13 payable out of any funds other than those appropriated by the state to  
14 the corporation for debt service and related expenses pursuant to any  
15 service contracts executed pursuant to subdivision one of this section,  
16 and such bonds and notes shall contain on the face thereof a statement  
17 to such effect.

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

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

43 S 40. Subdivision 1 of section 16 of part D of chapter 389 of the laws  
44 of 1997, relating to the financing of the correctional facilities  
45 improvement fund and the youth facility improvement fund, as amended by  
46 section 42 of part BB of chapter 58 of the laws of 2011, is amended to  
47 read as follows:

48 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
49 notwithstanding the provisions of section 18 of section 1 of chapter 174  
50 of the laws of 1968, the New York state urban development corporation is  
51 hereby authorized to issue bonds, notes and other obligations in an  
52 aggregate principal amount not to exceed six billion [four] EIGHT  
53 hundred [ninety] SIXTEEN million [four] EIGHT hundred sixty-nine thou-  
54 sand dollars [\$6,490,469,000] \$6,816,869,000, and shall include all  
55 bonds, notes and other obligations issued pursuant to chapter 56 of the  
56 laws of 1983, as amended or supplemented. The proceeds of such bonds,

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

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

37 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
38 thousand, in order to enhance and encourage the promotion of housing  
39 programs and thereby achieve the stated purposes and objectives of such  
40 housing programs, the agency shall have the power and is hereby author-  
41 ized from time to time to issue negotiable housing program bonds and  
42 notes in such principal amount as shall be necessary to provide suffi-  
43 cient funds for the repayment of amounts disbursed (and not previously  
44 reimbursed) pursuant to law or any prior year making capital appropri-  
45 ations or reappropriations for the purposes of the housing program;  
46 provided, however, that the agency may issue such bonds and notes in an  
47 aggregate principal amount not exceeding two billion [six] SEVEN hundred  
48 [thirty-six] FORTY million [four] SIX hundred ninety-nine thousand  
49 dollars, plus a principal amount of bonds issued to fund the debt  
50 service reserve fund in accordance with the debt service reserve fund  
51 requirement established by the agency and to fund any other reserves  
52 that the agency reasonably deems necessary for the security or marketa-  
53 bility of such bonds and to provide for the payment of fees and other  
54 charges and expenses, including underwriters' discount, trustee and  
55 rating agency fees, bond insurance, credit enhancement and liquidity  
56 enhancement related to the issuance of such bonds and notes. No reserve

1 fund securing the housing program bonds shall be entitled or eligible to  
2 receive state funds apportioned or appropriated to maintain or restore  
3 such reserve fund at or to a particular level, except to the extent of  
4 any deficiency resulting directly or indirectly from a failure of the  
5 state to appropriate or pay the agreed amount under any of the contracts  
6 provided for in subdivision four of this section.

7 S 42. Subdivision (b) of section 11 of chapter 329 of the laws of  
8 1991, amending the state finance law and other laws relating to the  
9 establishment of the dedicated highway and bridge trust fund, as amended  
10 by section 46 of part BB of chapter 58 of the laws of 2011, is amended  
11 to read as follows:

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

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

26 S 44. 1. Notwithstanding the provisions of any other law to the  
27 contrary, the dormitory authority and the corporation are hereby author-  
28 ized to issue bonds or notes in one or more series for the purpose of  
29 funding project costs for the regional economic development council  
30 initiative, the economic transformation program, STATE UNIVERSITY OF NEW  
31 YORK COLLEGE FOR NANOSCALE AND SCIENCE ENGINEERING, BROADBAND INITI-  
32 ATIVE, INFRASTRUCTURE AND PREVENTIVE MAINTENANCE PROJECTS FOR THE OLYM-  
33 PIC REGIONAL DEVELOPMENT AUTHORITY, PROJECTS WITHIN THE CITY OF BUFFALO  
34 OR SURROUNDING ENVIRONS, AND THE ADVANCE NEW YORK CAPITAL FUND and other  
35 state costs associated with such projects. The aggregate principal  
36 amount of bonds authorized to be issued pursuant to this section shall  
37 not exceed [one] SEVEN hundred [eighty] FIFTEEN million five hundred  
38 fifty thousand dollars, excluding bonds issued to fund one or more debt  
39 service reserve funds, to pay costs of issuance of such bonds, and bonds  
40 or notes issued to refund or otherwise repay such bonds or notes previ-  
41 ously issued. Such bonds and notes of the dormitory authority and the  
42 corporation shall not be a debt of the state, and the state shall not be  
43 liable thereon, nor shall they be payable out of any funds other than  
44 those appropriated by the state to the dormitory authority and the  
45 corporation for principal, interest, and related expenses pursuant to a  
46 service contract and such bonds and notes shall contain on the face  
47 thereof a statement to such effect. Except for purposes of complying  
48 with the internal revenue code, any interest income earned on bond  
49 proceeds shall only be used to pay debt service on such bonds.

50 2. Notwithstanding any other provision of law to the contrary, in  
51 order to assist the dormitory authority and the corporation in undertak-  
52 ing the financing for project costs for the regional economic develop-  
53 ment council initiative, the economic transformation program, STATE  
54 UNIVERSITY OF NEW YORK COLLEGE FOR NANOSCALE AND SCIENCE ENGINEERING,  
55 BROADBAND INITIATIVE, INFRASTRUCTURE AND PREVENTIVE MAINTENANCE PROJECTS  
56 FOR THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, PROJECTS WITHIN THE CITY

1 OF BUFFALO OR SURROUNDING ENVIRONS AND THE ADVANCE NEW YORK CAPITAL FUND  
2 and other state costs associated with such projects, the director of the  
3 budget is hereby authorized to enter into one or more service contracts  
4 with the dormitory authority and the corporation, none of which shall  
5 exceed thirty years in duration, upon such terms and conditions as the  
6 director of the budget and the dormitory authority and the corporation  
7 agree, so as to annually provide to the dormitory authority and the  
8 corporation, in the aggregate, a sum not to exceed the principal, inter-  
9 est, and related expenses required for such bonds and notes. Any service  
10 contract entered into pursuant to this section shall provide that the  
11 obligation of the state to pay the amount therein provided shall not  
12 constitute a debt of the state within the meaning of any constitutional  
13 or statutory provision and shall be deemed executory only to the extent  
14 of monies available and that no liability shall be incurred by the state  
15 beyond the monies available for such purpose, subject to annual appro-  
16 priation by the legislature. Any such contract or any payments made or  
17 to be made thereunder may be assigned and pledged by the dormitory  
18 authority and the corporation as security for its bonds and notes, as  
19 authorized by this section.

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

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

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

48 2. Notwithstanding any other provision of law to the contrary, in  
49 order to assist the authority and the urban development corporation in  
50 undertaking the financing of eligible courthouse improvements[, drug  
51 courts,] and training facilities, the director of the budget is hereby  
52 authorized to enter into one or more service contracts with the authori-  
53 ty and the urban development corporation, none of which shall exceed  
54 thirty years in duration, upon such terms and conditions as the director  
55 of the budget and the authority and the urban development corporation  
56 agree, so as to annually provide to the authority and the urban develop-

1 ment corporation, in the aggregate, a sum not to exceed the principal,  
2 interest, and related expenses required for such bonds and notes. Any  
3 service contract entered into pursuant to this section shall provide  
4 that the obligation of the state to pay the amount therein provided  
5 shall not constitute a debt of the state within the meaning of any  
6 constitutional or statutory provision and shall be deemed executory only  
7 to the extent of monies available and that no liability shall be  
8 incurred by the state beyond the monies available for such purpose,  
9 subject to annual appropriation by the legislature. Any such contract or  
10 any payments made or to be made thereunder may be assigned and pledged  
11 by the authority and the urban development corporation as security for  
12 its bonds and notes, as authorized by this section.

13 S 45. Section 51 of part RR of chapter 57 of the laws of 2008, relat-  
14 ing to providing for the administration of certain funds and accounts  
15 related to the 2008-2009 budget, as amended by chapter 94 of the laws of  
16 2011, is amended to read as follows:

17 S 51. This act shall take effect immediately and shall be deemed to  
18 have been in full force and effect on and after April 1, 2008; provided,  
19 however, that the amendments to subdivision 6 of section 4 and subdivi-  
20 sion 4 of section 40 of the state finance law made by sections fifteen  
21 and sixteen of this act shall expire on the same date such subdivisions  
22 expire; and provided, further, however, that section thirty-four of this  
23 act shall take effect on the same date as the reversion of section 69-c  
24 of the state finance law as provided in section 58 of part T of chapter  
25 57 of the laws of 2007, as amended; [and] provided, further, however,  
26 that sections one, three, four, and eighteen through twenty-seven of  
27 this act shall expire March 31, 2009 when upon such date the provisions  
28 of such sections shall be deemed repealed; and provided further that  
29 section [fourteen of this act shall expire March 31, 2012 when upon such  
30 date the provisions of such section shall be deemed repealed] FORTY OF  
31 THIS ACT SHALL BE DEEMED TO HAVE BEEN IN FULL FORCE AND EFFECT ON AND  
32 AFTER APRIL 1, 2007.

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

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

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

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

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

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

10 (c) the amendments to subdivision 5 of section 97-rrr of the state  
11 finance law made by section fifteen of this act shall not affect the  
12 expiration of such subdivision and shall be deemed to expire there-  
13 with[.]; AND PROVIDED FURTHER THAT SECTION FORTY-SEVEN OF THIS ACT SHALL  
14 BE DEEMED TO HAVE BEEN IN FULL FORCE AND EFFECT ON APRIL 1, 2007.

15 S 46. The public authorities law is amended by adding a new section  
16 386-a to read as follows:

17 S 386-A. FINANCING OF METROPOLITAN TRANSPORTATION AUTHORITY (MTA)  
18 TRANSPORTATION FACILITIES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF  
19 LAW TO THE CONTRARY, THE AUTHORITY, THE DORMITORY AUTHORITY AND THE  
20 URBAN DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR  
21 NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF ASSISTING THE METROPOL-  
22 ITAN TRANSPORTATION AUTHORITY IN THE FINANCING OF TRANSPORTATION FACILI-  
23 TIES AS DEFINED IN SUBDIVISION SEVENTEEN OF SECTION TWELVE HUNDRED  
24 SIXTY-ONE OF THIS CHAPTER. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS  
25 AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED SEVEN  
26 HUNDRED SEVENTY MILLION DOLLARS (\$770,000,000), EXCLUDING BONDS ISSUED  
27 TO FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE  
28 OF SUCH BONDS, AND TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES  
29 PREVIOUSLY ISSUED. SUCH BONDS AND NOTES OF THE AUTHORITY, THE DORMITORY  
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, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-  
34 RATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES PURSUANT TO A  
35 SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON THE FACE  
36 THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING  
37 WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON BOND  
38 PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

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

1 PRIATION BY THE LEGISLATURE. ANY SUCH SERVICE CONTRACT OR ANY PAYMENTS  
2 MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE AUTHOR-  
3 ITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS  
4 SECURITY FOR SUCH BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

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

10 S 47. Subdivisions 2 and 6 of section 34 of part 0 of chapter 61 of  
11 the laws of 2000 amending the public authorities law relating to the  
12 metropolitan transportation authority, the New York city transit author-  
13 ity and the Triborough bridge and tunnel authority, are amended to read  
14 as follows:

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

32 6. Any service contract or contracts for transit and SIRTOA projects  
33 and for commuter projects entered into pursuant to this section shall  
34 provide for state commitments to provide annually to the metropolitan  
35 transportation authority a sum or sums, upon such terms and conditions  
36 as shall be deemed appropriate by the director of the budget, to fund,  
37 or to fund the debt service requirements of any bonds or other obli-  
38 gations of the metropolitan transportation authority issued to fund[,]  
39 such projects [such that the aggregate debt service on all bonds and  
40 notes identified in subdivision three of this section does not exceed  
41 \$165,000,000 annually through and including July 1, 2031].

42 S 48. The public authorities law is amended by adding a new section  
43 386-b to read as follows:

44 S 386-B. FINANCING OF PEACE BRIDGE PROJECTS. 1. NOTWITHSTANDING ANY  
45 OTHER PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY, THE DORMITORY  
46 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO  
47 ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF FINANCING  
48 PEACE BRIDGE PROJECTS. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHOR-  
49 IZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTEEN  
50 MILLION DOLLARS (\$15,000,000), EXCLUDING BONDS ISSUED TO FUND ONE OR  
51 MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS,  
52 AND TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED.  
53 SUCH BONDS AND NOTES OF THE AUTHORITY, THE DORMITORY AUTHORITY AND THE  
54 URBAN DEVELOPMENT CORPORATION SHALL NOT BE A DEBT OF THE STATE, AND THE  
55 STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY  
56 FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO THE AUTHORITY, THE



1 DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION FOR PRINCIPAL,  
2 INTEREST, AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND SUCH  
3 BONDS AND NOTES SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH  
4 EFFECT. EXCEPT FOR PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE CODE,  
5 ANY INTEREST INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO PAY  
6 DEBT SERVICE ON SUCH BONDS.

7 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN  
8 ORDER TO ASSIST THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN  
9 DEVELOPMENT CORPORATION IN UNDERTAKING THE FINANCING OF SUCH TRANSPORTA-  
10 TION FACILITIES PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHOR-  
11 IZED TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE AUTHORITY, THE  
12 DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION, NONE OF WHICH  
13 SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH TERMS AND CONDITIONS AS  
14 THE DIRECTOR OF THE BUDGET AND THE AUTHORITY, THE DORMITORY AUTHORITY  
15 AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE  
16 TO THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT  
17 CORPORATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTER-  
18 EST, AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE  
19 CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE  
20 OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT  
21 CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL  
22 OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT  
23 OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE  
24 BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPRO-  
25 PRIATION BY THE LEGISLATURE. ANY SUCH SERVICE CONTRACT OR ANY PAYMENTS  
26 MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE AUTHOR-  
27 ITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS  
28 SECURITY FOR SUCH BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

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

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

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

1 2. Notwithstanding any other law, rule, or regulation to the contrary,  
2 the comptroller is hereby authorized and directed to deposit to the  
3 credit of the capital projects fund, reimbursement from the proceeds of  
4 notes or bonds issued by the urban development corporation of the state  
5 of New York for capital disbursements [of up to \$80,000,000 from any  
6 appropriation or reappropriation authorized by a chapter of the laws of  
7 2011 for NY-SUNY 2020 challenge grants] ASSOCIATED WITH SUCH PROJECT  
8 COSTS.

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

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

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

21 10-a. Subject to the provisions of chapter fifty-nine of the laws of  
22 two thousand, but notwithstanding any other provision of the law to the  
23 contrary, the maximum amount of bonds and notes to be issued after March  
24 thirty-first, two thousand two, on behalf of the state, in relation to  
25 any locally sponsored community college, shall be [five] SIX hundred  
26 [thirty-six] TWENTY-THREE million dollars. Such amount shall be exclu-  
27 sive of bonds and notes issued to fund any reserve fund or funds, costs  
28 of issuance and to refund any outstanding bonds and notes, issued on  
29 behalf of the state, relating to a locally sponsored community college.

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

33 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
34 thousand, the dormitory authority shall not issue any bonds for state  
35 university educational facilities purposes if the principal amount of  
36 bonds to be issued when added to the aggregate principal amount of bonds  
37 issued by the dormitory authority on and after July first, nineteen  
38 hundred eighty-eight for state university educational facilities will  
39 exceed ten billion [eighty-nine] THREE HUNDRED FOUR million dollars;  
40 provided, however, that bonds issued or to be issued shall be excluded  
41 from such limitation if: (1) such bonds are issued to refund state  
42 university construction bonds and state university construction notes  
43 previously issued by the housing finance agency; or (2) such bonds are  
44 issued to refund bonds of the authority or other obligations issued for  
45 state university educational facilities purposes and the present value  
46 of the aggregate debt service on the refunding bonds does not exceed the  
47 present value of the aggregate debt service on the bonds refunded there-  
48 by; provided, further that upon certification by the director of the  
49 budget that the issuance of refunding bonds or other obligations issued  
50 between April first, nineteen hundred ninety-two and March thirty-first,  
51 nineteen hundred ninety-three will generate long term economic benefits  
52 to the state, as assessed on a present value basis, such issuance will  
53 be deemed to have met the present value test noted above. For purposes  
54 of this subdivision, the present value of the aggregate debt service of  
55 the refunding bonds and the aggregate debt service of the bonds  
56 refunded, shall be calculated by utilizing the true interest cost of the

1 refunding bonds, which shall be that rate arrived at by doubling the  
2 semi-annual interest rate (compounded semi-annually) necessary to  
3 discount the debt service payments on the refunding bonds from the  
4 payment dates thereof to the date of issue of the refunding bonds to the  
5 purchase price of the refunding bonds, including interest accrued there-  
6 on prior to the issuance thereof. The maturity of such bonds, other than  
7 bonds issued to refund outstanding bonds, shall not exceed the weighted  
8 average economic life, as certified by the state university construction  
9 fund, of the facilities in connection with which the bonds are issued,  
10 and in any case not later than the earlier of thirty years or the expi-  
11 ration of the term of any lease, sublease or other agreement relating  
12 thereto; provided that no note, including renewals thereof, shall mature  
13 later than five years after the date of issuance of such note. The  
14 legislature reserves the right to amend or repeal such limit, and the  
15 state of New York, the dormitory authority, the state university of New  
16 York, and the state university construction fund are prohibited from  
17 covenanting or making any other agreements with or for the benefit of  
18 bondholders which might in any way affect such right.

19 S 53. This act shall take effect immediately and shall be deemed to  
20 have been in full force and effect on and after April 1, 2012; provided  
21 that sections one through seven, sections ten through fifteen, and  
22 section seventeen of this act shall expire March 31, 2013, when upon  
23 such date, the provisions of such sections shall be deemed repealed;  
24 provided further that the amendments to subdivisions 1 and 2 of section  
25 45 of section 1 of chapter 174 of the laws of 1968 made by section  
26 forty-nine of this act shall not affect the expiration of such subdivi-  
27 sions and shall be deemed to expire therewith.

28 PART O

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

33 OFFICE [FOR TECHNOLOGY] OF INFORMATION TECHNOLOGY SERVICES

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

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

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

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

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

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

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

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

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

11 15. Promotion eligibility of person transferred to the office [for  
12 technology] OF INFORMATION TECHNOLOGY SERVICES. Notwithstanding any  
13 other provision of this chapter, the names of permanent employees trans-  
14 ferred from a state agency or department to the office [for technology]  
15 OF INFORMATION TECHNOLOGY SERVICES shall remain on any promotion eligi-  
16 ble list for appointment in the agency or department from which such  
17 employees were transferred, for a period of one year or until the expi-  
18 ration of such list, whichever occurs first. Further, where the  
19 promotion eligible list on which such employees' names appear is estab-  
20 lished in the office [for technology] OF INFORMATION TECHNOLOGY  
21 SERVICES, the names of employees so transferred shall be added to such  
22 promotion eligible list.

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

26 1. There is hereby created in the executive department a disaster  
27 preparedness commission consisting of the commissioners of transporta-  
28 tion, health, division of criminal justice services, education, social  
29 services, economic development, agriculture and markets, housing and  
30 community renewal, general services, labor, environmental conservation,  
31 mental health, parks, recreation and historic preservation, corrections  
32 and community supervision and children and family services, the presi-  
33 dent of the New York state energy research and development authority,  
34 the superintendents of state police, [insurance, banking] FINANCIAL  
35 SERVICES, the secretary of state, the state fire administrator, the  
36 chair of the public service commission, the adjutant general, the direc-  
37 tors of the offices within the division of homeland security and emer-  
38 gency services, the office [for technology] OF INFORMATION TECHNOLOGY  
39 SERVICES, and the office of victim services, the chairs of the thruway  
40 authority, the metropolitan transportation authority, the port authority  
41 of New York and New Jersey, the chief professional officer of the state  
42 coordinating chapter of the American Red Cross and three additional  
43 members, to be appointed by the governor, two of whom shall be chief  
44 executives. Each member agency may designate an officer of that agency,  
45 with responsibility for disaster preparedness matters, who may represent  
46 that agency on the commission. The commissioner of the division of home-  
47 land security and emergency services shall serve as chair of the commis-  
48 sion, and the governor shall designate the vice chair of the commission.  
49 The members of the commission, except those who serve ex officio, shall  
50 be allowed their actual and necessary expenses incurred in the perform-  
51 ance of their duties under this article but shall receive no additional  
52 compensation for services rendered pursuant to this article.

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

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

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

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

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

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

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

18 S 171-k. Electronic signature. If any return or report relating to a  
19 tax, fee or other imposition administered by the commissioner is author-  
20 ized by the commissioner to be filed electronically, then such return or  
21 report shall be signed electronically consistent with the provisions of  
22 article three of the state technology law; provided, however, that if  
23 the commissioner determines that electronic signatures that are used by  
24 the federal internal revenue service in tax administration are not  
25 consistent with the provisions of article three of the state technology  
26 law, then the commissioner, after conferring with the office [for tech-  
27 nology] OF INFORMATION TECHNOLOGY SERVICES, may prescribe the manner and  
28 form of electronic signature on any such return or report. Such elec-  
29 tronic signature shall conform, to the extent practicable, with elec-  
30 tronic signatures that are used by the federal internal revenue service.  
31 The use of such an electronic signature shall have the same validity and  
32 effect as the use of a signature affixed by hand.

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

35 4. In this section, the term "agency of the state of New York" shall  
36 include any department, bureau, commission, board, public authority or  
37 other agency of the state of New York; any public benefit corporation  
38 whose board of directors includes any member appointed by the governor;  
39 any subdivision of any department, bureau, commission, board, public  
40 authority or other agency of the state which is easily identifiable and  
41 which for most other purposes is treated as an independent state agency;  
42 and the office [for technology] OF INFORMATION TECHNOLOGY SERVICES.

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

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

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

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

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

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

S 16. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the office for technology, and pertaining to or connected with its functions, 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 to section ninety-two-e of this chapter and chapters one hundred eighty-seven and one hundred eighty-eight of the laws of nineteen hundred ninety-five.

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

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

(ii) To support investments in technology or other efficiency and productivity initiatives that permanently minimize or reduce the municipality's operating expenses;

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

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

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

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

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

S 2. This act shall take effect immediately.

1

## PART Q

2 Section 1. Notwithstanding any other law to the contrary, for the  
3 purpose of promoting access to employment, the state shall pay to the  
4 metropolitan transportation authority the costs associated with estab-  
5 lishment and implementation by the metropolitan transportation authority  
6 of a rebate program for E-ZPass tolls paid by the residents of Broad  
7 Channel and the Rockaway Peninsula who live within zip codes 11691,  
8 11692, 11693, 11694, 11695, and 11697, for travel over the Cross Bay  
9 Veterans Memorial Bridge.

10 S 2. This act shall take effect immediately.

11

## PART R

12 Section 1. Subdivision 3 of section 50-a of the workers' compensation  
13 law, as amended by section 1 of part R of chapter 56 of the laws of  
14 2010, is amended to read as follows:

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

29 S 2. This act shall take effect immediately.

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

39 S 3. This act shall take effect immediately provided, however, that  
40 the applicable effective date of Parts A through R of this act shall be  
41 as specifically set forth in the last section of such Parts.