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

S. 56 A. 156

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

(PREFILED)

January 7, 2009

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

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

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

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

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

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

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

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

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

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

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

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

PART A

Section 1. Subdivision 3 of section 97-bb of the state finance law, as added by chapter 309 of the laws of 1996, is amended to read as follows:

3. Monies of the criminal justice improvement account, following appropriation by the legislature and allocation by the director of the budget shall be made available for local assistance [services] PROGRAMS TO SUPPORT LAW ENFORCEMENT EFFORTS TO PROSECUTE, CONTROL AND REDUCE CRIME and expenses of programs to provide services to crime victims and witnesses, INCLUDING OPERATIONS OF THE CRIME VICTIMS BOARD, and for payments to victims in accordance with the federal crime control act of 1984, as administered pursuant to article twenty-two of the executive law.

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

PART B

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

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

8. Enhanced emergency telephone system surcharge fee AND PUBLIC SAFETY COMMUNICATIONS SURCHARGE. Notwithstanding any other provision contained in this chapter or any other law, any surcharge collected or any administrative fee retained by any provider of telecommunication services acting as collection agent for a municipality pursuant to the provisions of article six of the county law [shall] OR ACTING AS A COLLECTION AGENT FOR THE STATE PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED EIGHTY-SIX-F OF THIS ARTICLE WILL not be considered as, nor included in the determination of gross receipts of the provider.

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

S 186-F. PUBLIC SAFETY COMMUNICATIONS SURCHARGE. 1. DEFINITIONS. AS USED IN THIS SECTION, WHERE NOT OTHERWISE SPECIFICALLY DEFINED AND UNLESS A DIFFERENT MEANING IS CLEARLY REQUIRED:

(A) "PLACE OF PRIMARY USE" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN PARAGRAPH TWENTY-SIX OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THIS CHAPTER.

(B) "WIRELESS COMMUNICATIONS CUSTOMER" MEANS MOBILE TELECOMMUNICATIONS CUSTOMER AS DEFINED IN SUBPARAGRAPH (I) OF PARAGRAPH TWENTY-SEVEN OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THIS CHAPTER, WHO CONTRACTS FOR OR IS THE END USER OF WIRELESS COMMUNICATIONS SERVICE.

(C) "WIRELESS COMMUNICATIONS DEVICE" MEANS ANY EQUIPMENT USED TO ACCESS A WIRELESS COMMUNICATIONS SERVICE.

(D) "WIRELESS COMMUNICATIONS SERVICE" MEANS ALL COMMERCIAL MOBILE SERVICES, AS THAT TERM IS DEFINED IN SECTION 332(D) OF TITLE 47 OF THE UNITED STATES CODE, AS AMENDED FROM TIME TO TIME, INCLUDING, BUT NOT LIMITED TO, ALL BROADBAND PERSONAL COMMUNICATIONS SERVICES, WIRELESS RADIO TELEPHONE SERVICES, GEOGRAPHIC AREA SPECIALIZED AND ENHANCED SPECIALIZED MOBILE RADIO SERVICES, AND INCUMBENT-WIDE AREA SPECIALIZED MOBILE RADIO LICENSEES, WHICH OFFER REAL TIME, TWO-WAY VOICE OR DATA SERVICE THAT IS INTERCONNECTED WITH THE PUBLIC SWITCHED TELEPHONE NETWORK OR OTHERWISE PROVIDES ACCESS TO EMERGENCY COMMUNICATIONS SERVICES.

(E) "WIRELESS COMMUNICATIONS SERVICE SUPPLIER" MEANS A HOME SERVICE PROVIDER AS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH TWENTY-SEVEN OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THIS CHAPTER, PROVIDED THAT THE HOME SERVICE PROVIDER PROVIDES WIRELESS COMMUNICATIONS SERVICE AND HAS ONE OR MORE WIRELESS COMMUNICATIONS CUSTOMERS IN NEW YORK STATE.

2. PUBLIC SAFETY COMMUNICATIONS SURCHARGE. (A) A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE PROVIDED TO A WIRELESS COMMUNICATIONS CUSTOMER WITH A PLACE OF PRIMARY USE IN THIS STATE IS IMPOSED AT THE RATE OF ONE DOLLAR AND TWENTY CENTS PER MONTH ON EACH WIRELESS COMMUNICATIONS DEVICE IN SERVICE DURING ANY PART OF EACH MONTH. THE SURCHARGE MUST BE REFLECTED AND MADE PAYABLE ON BILLS RENDERED TO THE WIRELESS COMMUNICATIONS CUSTOMER FOR WIRELESS COMMUNICATION SERVICE.

(B) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER PROVIDING WIRELESS COMMUNICATIONS SERVICE IN NEW YORK STATE MUST ACT AS A COLLECTION AGENT FOR THE STATE FOR THE COLLECTION OF THE SURCHARGE. THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER HAS NO LEGAL OBLIGATION TO ENFORCE THE COLLECTION OF THE SURCHARGE FROM ITS CUSTOMERS. HOWEVER, EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER MUST COLLECT AND RETAIN THE NAME AND ADDRESS OF ANY WIRELESS COMMUNICATIONS CUSTOMER WITH A PLACE OF PRIMARY USE IN THIS STATE THAT REFUSES OR FAILS TO PAY THE SURCHARGE, AS WELL AS THE CUMULATIVE AMOUNT OF THE SURCHARGE REMAINING UNPAID, AND MUST

PROVIDE THIS INFORMATION TO THE COMMISSIONER AT THE TIME AND ACCORDING TO THE PROCEDURES THE COMMISSIONER MAY PROVIDE. THE SURCHARGE MUST BE REPORTED AND PAID TO THE COMMISSIONER ON A QUARTERLY BASIS ON OR BEFORE THE FIFTEENTH DAY OF THE MONTH FOLLOWING EACH QUARTERLY PERIOD ENDING ON THE LAST DAY OF FEBRUARY, MAY, AUGUST AND NOVEMBER, RESPECTIVELY. THE PAYMENTS MUST BE ACCOMPANIED BY A RETURN IN THE FORM AND CONTAINING THE INFORMATION THE COMMISSIONER MAY PRESCRIBE.

(C) THE SURCHARGE MUST BE ADDED AS A SEPARATE LINE ITEM TO BILLS FURNISHED BY A WIRELESS COMMUNICATIONS SERVICE SUPPLIER TO ITS CUSTOMERS, AND MUST BE IDENTIFIED AS THE "PUBLIC SAFETY COMMUNICATIONS SURCHARGE". EACH WIRELESS COMMUNICATIONS CUSTOMER WHO IS SUBJECT TO THE PROVISIONS OF THIS SECTION REMAINS LIABLE TO THE STATE FOR THE SURCHARGE DUE UNDER THIS SECTION UNTIL IT HAS BEEN PAID TO THE STATE, EXCEPT THAT PAYMENT TO A WIRELESS COMMUNICATIONS SERVICE SUPPLIER IS SUFFICIENT TO RELIEVE THE CUSTOMER FROM FURTHER LIABILITY FOR THE SURCHARGE.

(D) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER IS ENTITLED TO RETAIN, AS AN ADMINISTRATIVE FEE, AN AMOUNT EQUAL TO TWO PERCENT OF FIFTY-EIGHT AND THREE-TENTHS PERCENT OF THE TOTAL COLLECTIONS OF THE SURCHARGE IMPOSED BY THIS SECTION, PROVIDED THAT THE SUPPLIER FILES ANY REQUIRED RETURN AND REMITS THE SURCHARGE DUE TO THE COMMISSIONER ON OR BEFORE ITS DUE DATE.

3. APPLICABILITY OF ARTICLE TWENTY-SEVEN. FOR PURPOSES OF ARTICLE TWENTY-SEVEN OF THIS CHAPTER AS APPLIED TO THIS SECTION BY SECTION TWO HUNDRED SEVEN-B OF THIS ARTICLE, THE TERM "TAXPAYER" IN ARTICLE TWENTY-SEVEN REFERS TO A WIRELESS COMMUNICATIONS SERVICE SUPPLIER SUBJECT TO THIS SECTION OR A WIRELESS COMMUNICATIONS CUSTOMER SUBJECT TO THIS SECTION, AS THE CASE MAY BE, AND THE TERM "TAX" IN ARTICLE TWENTY-SEVEN REFERS TO THE SURCHARGE IMPOSED BY THIS SECTION.

4. EXEMPTIONS. THE STATE OF NEW YORK AND ANY OF ITS AGENCIES, INSTRUMENTALITIES AND POLITICAL SUBDIVISIONS ARE EXEMPT FROM THE SURCHARGE IMPOSED BY THIS SECTION.

5. DEPOSITS OF SURCHARGE MONIES COLLECTED AND RECEIVED. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL SURCHARGE MONIES COLLECTED AND RECEIVED BY THE COMMISSIONER UNDER THIS SECTION MUST BE DEPOSITED DAILY TO THE CREDIT OF THE COMPTROLLER WITH THOSE RESPONSIBLE BANKS, BANKING HOUSES OR TRUST COMPANIES THE COMPTROLLER MAY DESIGNATE. THOSE DEPOSITS MUST BE KEPT SEPARATE AND APART FROM ALL OTHER MONIES IN THE POSSESSION OF THE COMPTROLLER. THE COMPTROLLER MUST REQUIRE ADEQUATE SECURITY FROM ALL SUCH DEPOSITORIES. OF THE TOTAL REVENUE COLLECTED OR RECEIVED UNDER THIS SECTION, THE COMPTROLLER MUST RETAIN IN THE COMPTROLLER'S HANDS AN AMOUNT DETERMINED BY THE COMMISSIONER TO BE NECESSARY FOR REFUNDS UNDER THIS SECTION, OUT OF WHICH THE COMPTROLLER WILL PAY ANY REFUNDS TO WHICH TAXPAYERS ARE ENTITLED UNDER THE PROVISIONS OF THIS SECTION. THE COMPTROLLER, AFTER RESERVING THE AMOUNT TO PAY REFUNDS, MUST, ON OR BEFORE THE TENTH DAY OF EACH MONTH, PAY ALL SURCHARGE MONIES COLLECTED AND RECEIVED UNDER THIS SECTION AND REMAINING TO THE COMPTROLLER'S CREDIT AS FOLLOWS:

(A) FORTY-ONE AND SEVEN-TENTHS OF THE REVENUES COLLECTED AND RECEIVED UNDER THIS SECTION INTO THE STATE GENERAL FUND; AND

(B) AFTER DEDUCTING THE AMOUNT PAID UNDER PARAGRAPH (A) OF THIS SUBDIVISION AND THE AMOUNT RETAINED BY WIRELESS COMMUNICATIONS SUPPLIERS PURSUANT TO PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION, THE BALANCE OF THE REVENUES COLLECTED UNDER THIS SECTION INTO THE NEW YORK STATE WIRELESS TELEPHONE EMERGENCY SERVICE ACCOUNT OF THE MISCELLANEOUS SPECIAL REVENUE FUND, CREATED PURSUANT TO SECTION NINETY-SEVEN-QQ OF THE STATE FINANCE LAW.

6. DISTRIBUTION. THE MONIES COLLECTED FROM THE SURCHARGE IMPOSED BY THIS SECTION MUST BE DISTRIBUTED TO INCLUDE THE FOLLOWING:

(A) THE SUM OF TWENTY-FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS MUST BE ALLOCATED TO THE STATE POLICE PURSUANT TO APPROPRIATION BY THE LEGISLATURE ANNUALLY;

(B) THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS MUST BE DEPOSITED INTO THE NEW YORK STATE EMERGENCY SERVICES REVOLVING LOAN FUND ANNUALLY;

(C) TO FUND COSTS ASSOCIATED WITH THE DESIGN, CONSTRUCTION, AND OPERATION OF THE STATEWIDE WIRELESS NETWORK ANNUALLY PURSUANT TO APPROPRIATION BY THE LEGISLATURE;

(D) NOT LESS THAN THE SUM OF TEN MILLION DOLLARS ANNUALLY MUST BE DISBURSED PURSUANT TO ARTICLE SIX-A OF THE COUNTY LAW AND APPROPRIATED BY THE LEGISLATURE; AND

(E) TO PROVIDE THE COSTS OF DEBT SERVICE FOR BONDS AND NOTES ISSUED TO FINANCE EXPEDITED DEPLOYMENT FUNDING PURSUANT TO THE PROVISIONS OF SECTION THREE HUNDRED THIRTY-THREE OF THE COUNTY LAW AND SECTION SIXTEEN HUNDRED EIGHTY-NINE-H OF THE PUBLIC AUTHORITIES LAW.

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

PART C

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

9. THE STATE CIVIL SERVICE COMMISSION SHALL CHARGE A TWO HUNDRED DOLLAR PROCESSING FEE FOR ADMINISTRATIVE COSTS PURSUANT TO THIS SECTION. THIS FEE SHALL BE CHARGED TO ANY COUNTY, TOWN, VILLAGE, SCHOOL DISTRICT, SPECIAL DISTRICT OR ANY OTHER LOCAL GOVERNMENT EMPLOYER REQUESTING A WAIVER FROM THE STATE CIVIL SERVICE COMMISSION TO EMPLOY A RETIREE UNDER THE PROVISIONS OF THIS SECTION. ALL FEES COLLECTED PURSUANT TO THIS SUBDIVISION SHALL BE DEPOSITED INTO THE EXAMINATION AND MISCELLANEOUS REVENUE ACCOUNT.

S 2. This act shall take effect immediately.

PART D

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

ARTICLE 16
CYBER SECURITY OPERATIONS AND
INTEGRATION SERVICES

SECTION 1601. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSES.
1602. CYBER SECURITY OPERATIONS AND INTEGRATION SERVICES.
1603. TRANSFER OF FUNCTIONS, POWERS, AND ASSETS.
1604. AGREEMENTS OR CONTRACTS.
1605. BACKGROUND INVESTIGATIONS.
1606. CONFIDENTIALITY.

S 1601. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSES.

IT IS HEREBY FOUND AND DECLARED THAT, IN ORDER TO MORE EFFECTIVELY AND EFFICIENTLY PROVIDE THE CYBER SECURITY AND GEOGRAPHIC INFORMATION SYSTEMS SERVICES REQUIRED TO PROTECT THE STATE'S CRITICAL INFRASTRUCTURES, IT IS NECESSARY TO PROMOTE INNOVATIVE AND IMPROVED APPROACHES THAT WILL ENHANCE THE STATE'S CAPACITY TO PREPARE FOR AND RESPOND TO

RAPIDLY EVOLVING CYBER SECURITY THREATS AND TO COORDINATE CRITICAL INFRASTRUCTURE INFORMATION. IN ORDER TO ACHIEVE LONG-TERM IMPROVEMENT IN THE STATE'S CYBER SECURITY POSTURE, SUCH APPROACHES MUST INCLUDE A FUNCTIONAL AND SUSTAINABLE PUBLIC-PRIVATE PARTNERSHIP THAT ENABLES OPERATIONAL COLLABORATION AND COOPERATION IN A TRUSTED ENVIRONMENT. THE CREATION OF A NOT-FOR-PROFIT CORPORATION WILL FACILITATE THE DEVELOPMENT OF CRITICAL AND STRATEGIC PARTNERSHIPS WITH, BETWEEN, AND AMONG THE FEDERAL, STATE, AND LOCAL GOVERNMENTS AND PRIVATE INDUSTRY. GIVEN THAT THE MAJORITY OF CRITICAL INFRASTRUCTURE IS OWNED OR OPERATED BY THE PRIVATE SECTOR, THE ESTABLISHMENT OF STRONG PUBLIC-PRIVATE PARTNERSHIPS WILL ENHANCE THE STATE'S ABILITY TO PROTECT THAT CRITICAL INFRASTRUCTURE. SUCH A JOINT VENTURE BETWEEN NEW YORK STATE AND THE NOT-FOR-PROFIT CORPORATION WILL SIGNIFICANTLY IMPROVE THE CYBER SECURITY POSTURE OF THE STATE AS WELL AS BOOST THE NEW YORK ECONOMY. IT IS WELL DOCUMENTED THAT THE DYNAMIC NATURE OF CYBER SECURITY THREATS AND ATTACKS NECESSITATES A PROACTIVE STRATEGY THAT INCLUDES FLEXIBLE AND RAPID RESPONSE CAPABILITIES. CONSEQUENTLY, THE LEGISLATURE CONCLUDES THAT THE INTEREST OF THE STATE OF NEW YORK IN PROVIDING THE MOST EFFECTIVE CYBER SECURITY DEFENSE POSSIBLE IS BEST SERVED BY THE ESTABLISHMENT OF A NOT-FOR-PROFIT CORPORATION THAT WILL PROVIDE THE LEGAL, FINANCIAL, MARKET, AND MANAGERIAL FLEXIBILITY NECESSARY TO MEET THE NEEDS AND CHALLENGES NOW PRESENT IN CYBERSPACE. THE NOT-FOR-PROFIT CORPORATION WOULD BE UNIQUE AND BRING TREMENDOUS NATIONAL AND INTERNATIONAL RECOGNITION FOR NEW YORK STATE.

S 1602. CYBER SECURITY OPERATIONS AND INTEGRATION SERVICES.

THERE IS HEREBY CREATED A NOT-FOR-PROFIT CORPORATION, HEREINAFTER REFERRED TO AS THE "CORPORATION", TO PROVIDE CYBER SECURITY OPERATIONS, INTEGRATION, AND GEOGRAPHIC INFORMATION SYSTEMS SERVICES. TO THE EXTENT THAT THE PROVISIONS OF THIS CHAPTER DO NOT CONFLICT WITH THE PROVISIONS OF THIS ARTICLE, THIS CHAPTER SHALL APPLY TO THE CORPORATION, WHICH SHALL BE A TYPE C CORPORATION PURSUANT TO THIS CHAPTER. IF AN APPLICABLE PROVISION OF THIS ARTICLE RELATES TO A MATTER EMBRACED IN A PROVISION OF THIS CHAPTER BUT IS NOT IN CONFLICT THEREWITH, BOTH PROVISIONS SHALL APPLY.

S 1603. TRANSFER OF FUNCTIONS, POWERS, AND ASSETS.

(A) THE FUNCTIONS, POWERS, AND ASSETS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE OFFICE OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW SHALL BE TRANSFERRED, ASSIGNED TO, ASSUMED BY, AND DEVOLVED UPON THE CORPORATION. THE CORPORATION SHALL HAVE THE AUTHORITY TO PERFORM ALL FUNCTIONS AND ACTIVITIES NECESSARY AND CONVENIENT TO CARRY OUT ITS MISSION, INCLUDING THE AUTHORITY TO ENTER INTO CONTRACTS AND AGREEMENTS WITH ANY PUBLIC OR PRIVATE ENTITY OR INDIVIDUAL.

(B) EMPLOYEES OF THE OFFICE OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION SHALL BE TRANSFERRED TO THE CORPORATION ON THE EFFECTIVE DATE OF THIS ARTICLE. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT AND PROTECTION UNDER THE CIVIL SERVICE LAW SHALL APPLY TO EMPLOYEES TRANSFERRED TO THE CORPORATION, AND TO ANY PERSON HIRED BY THE CORPORATION WHO HAS BEEN EMPLOYED BY THE STATE OF NEW YORK FOR AT LEAST ONE YEAR PRIOR TO EMPLOYMENT BY THE CORPORATION. SUCH EMPLOYEES SHALL BE CONSIDERED FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW TO BE PUBLIC EMPLOYEES IN THE CIVIL SERVICE OF THE STATE AND SHALL REMAIN IN THE COLLECTIVE BARGAINING UNIT TO WHICH THEY WERE ASSIGNED BEFORE BECOMING AN EMPLOYEE OF THE CORPORATION.

S 1604. AGREEMENTS OR CONTRACTS.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ANY OFFICER, BODY, OR AGENCY OF THE STATE AND ANY PUBLIC CORPORATION SHALL BE AUTHORIZED TO ENTER INDIVIDUALLY OR COLLECTIVELY INTO AGREEMENTS OR CONTRACTS WITH THE CORPORATION FOR THE PROVISION OF GOODS AND SERVICES RELATED TO CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION INCLUDING, BUT NOT LIMITED TO, MONITORING, DETECTING, AND RESPONDING TO CYBER INCIDENTS AND THE PROVISION OF ADVANCED GEOGRAPHIC INFORMATION SYSTEMS AND RELATED ANALYTICAL TOOLS, OR FOR OTHER PURPOSES IN SUPPORT OF THE OPERATIONS OF THE CORPORATION. SUCH OFFICERS, BODIES, OR AGENCIES OF THE STATE AND SUCH PUBLIC CORPORATIONS SHALL PAY SUCH FEES OR OTHER AMOUNTS IN CONSIDERATION OF THE SERVICES RENDERED PURSUANT TO SUCH AGREEMENTS OR CONTRACTS.

S 1605. BACKGROUND INVESTIGATIONS.

THE CORPORATION IS HEREBY AUTHORIZED TO CONDUCT BACKGROUND INVESTIGATIONS ON ALL EMPLOYEES OF AND CONTRACTORS TO THE CORPORATION TO DETERMINE THEIR SUITABILITY FOR EMPLOYMENT. EVERY SUCH EMPLOYEE, AS A CONDITION OF EMPLOYMENT, OR CONTRACTOR SHALL BE FINGERPRINTED AND COMPLETE A BACKGROUND QUESTIONNAIRE. THE CORPORATION SHALL PROMPTLY TRANSMIT SUCH FINGERPRINTS AND FEES TO THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR ITS FULL SEARCH AND RETAIN PROCESSING. THE DIVISION OF CRIMINAL JUSTICE SERVICES IS AUTHORIZED TO SUBMIT THE FINGERPRINTS AND THE APPROPRIATE FEE TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK. THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE FEDERAL BUREAU OF INVESTIGATION SHALL FORWARD SUCH CRIMINAL HISTORY RECORD TO THE CORPORATION IN A TIMELY MANNER. SUCH BACKGROUND INVESTIGATIONS SHALL REMAIN CONFIDENTIAL AND SHALL BE CONDUCTED IN ACCORDANCE WITH APPLICABLE RULES AND REGULATIONS PROMULGATED BY SUCH ENTITIES.

S 1606. CONFIDENTIALITY.

ANY TRADE SECRETS, CRITICAL INFRASTRUCTURE INFORMATION, INFORMATION COMPILED FOR LAW ENFORCEMENT PURPOSES, INFORMATION THAT COULD JEOPARDIZE THE CAPACITY TO GUARANTEE THE SECURITY OF INFORMATION TECHNOLOGY ASSETS, OR OTHER PROPRIETARY DATA MAINTAINED BY OR SHARED WITH THE CORPORATION SHALL BE DEEMED CONFIDENTIAL AND SHALL BE EXEMPT FROM DISCLOSURE.

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

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

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

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

S 716. THE NEW YORK STATE OFFICE OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION. THE NEW YORK STATE OFFICE OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION, HEREINAFTER THE OFFICE, IS RESPONSIBLE FOR STATEWIDE POLICIES, PROGRAMS, AND SERVICES RELATING TO CYBER SECURITY AND THE COORDINATION OF CRITICAL INFRASTRUCTURE INFORMATION. THE OFFICE SHALL CONTRACT WITH THE CORPORATION ESTABLISHED PURSUANT TO SECTION SIXTEEN HUNDRED TWO OF THE NOT-FOR-PROFIT CORPORATION LAW TO PERFORM ANY AND ALL OF ITS FUNCTIONS, POWERS, AND DUTIES. THE DIRECTOR OF THE OFFICE SHALL BE THE CHIEF CYBER SECURITY OFFICER OF NEW YORK STATE AND SHALL ALSO BE THE HEAD OF THE CORPORATION. IN FURTHERANCE OF

THE PURPOSES OF THIS SECTION, THE DIRECTOR OF THE OFFICE MAY, ON BEHALF OF THE OFFICE OR THE CORPORATION, REQUEST AND RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION, AND DATA AS WILL ENABLE THE OFFICE AND THE CORPORATION TO PROPERLY CARRY OUT THEIR FUNCTIONS, POWERS AND DUTIES.

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

PART E

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

13. Notwithstanding any other provision of law, rule, or regulation to the contrary, when any New York state accredited hospital, accredited sexual assault examiner program, or licensed health care provider furnishes services to any sexual assault survivor, including but not limited to a health care forensic examination in accordance with the sex offense evidence collection protocol and standards established by the department of health, such hospital, sexual assault examiner program, or licensed healthcare provider shall provide such services to the person without charge and shall bill the board directly. The board, in consultation with the department of health, shall define the specific services to be covered by the sexual assault forensic exam reimbursement fee, which must include at a minimum forensic examiner services, hospital or healthcare facility services related to the exam, and related laboratory tests and pharmaceuticals. Follow-up HIV post-exposure prophylaxis costs shall continue to be reimbursed according to established board procedure. The board, in consultation with the department of health, shall also generate the necessary regulations and forms for the direct reimbursement procedure. The rate for reimbursement shall be THE AMOUNT OF ITEMIZED CHARGES NOT EXCEEDING eight hundred dollars, to be reviewed and adjusted annually by the board in consultation with the department of health. The hospital, sexual assault examiner program, or licensed health care provider must accept this fee as payment in full for these specified services. No additional billing of the survivor for said services is permissible. A sexual assault survivor may voluntarily assign any private insurance benefits to which she or he is entitled for the healthcare forensic examination, in which case the hospital or healthcare provider may not charge the board. A hospital, sexual assault examiner program or licensed health care provider shall, at the time of the initial visit, request assignment of any private health insurance benefits to which the sexual assault survivor is entitled on a form prescribed by the board; provided, however, such sexual assault survivor shall be advised orally and in writing that he or she may decline to provide such information regarding private health insurance benefits if he or she believes that the provision of such information would substantially interfere with his or her personal privacy or safety and in such event, the sexual assault forensic exam fee shall be paid by the board. Such sexual assault survivor shall also be advised that providing such information may provide additional resources to pay for services to other sexual assault victims. If he or she declines to provide such health insurance information, he or she shall indicate such decision on the form provided by the hospital, sexual assault examiner program or licensed health care provider, which form shall be prescribed by the board.

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

4. OUT-OF-POCKET LOSSES RELATING TO MEDICAL CARE AND/OR COUNSELING AS DEFINED IN SUBDIVISIONS ONE, TWO AND THREE OF THIS SECTION WHICH ARE INCURRED AFTER A POSITIVE AWARD HAS BEEN DETERMINED BY THE BOARD, MAY BE REIMBURSED BY THE BOARD ONLY WHEN SUCH LOSSES ARE SUBMITTED WITHIN ONE YEAR OF THE DATE THEY ARE INCURRED.

S 3. Section 420.05 of the criminal procedure law, as amended by chapter 457 of the laws of 2005, is amended to read as follows:

S 420.05 Payment of fines, RESTITUTION, mandatory surcharges and fees by credit card.

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

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

(j) Notwithstanding any provision of law, rule or regulation to the contrary, establish a system for the posting of bail and the payment of fines, RESTITUTION, mandatory surcharges, court fees, and other monies payable to a court, county clerk in his or her capacity as clerk of court, or the office of court administration, or to a sheriff upon enforcing a court order or delivering a court mandate pursuant to article eighty of the civil practice law and rules, by means of a credit card or similar device. Notwithstanding any provision of law to the contrary, the chief administrator may require a party making a payment in such manner also to pay a reasonable administrative fee. In establishing such system, the chief administrator shall seek the assistance of the state comptroller who shall assist in developing such system so as to ensure that such funds shall be returned to any jurisdiction which, by law, may be entitled to them. The chief administrator shall periodically accord the head of each police department or police force and of any state department, agency, board, commission or public authority having police officers who fix pre-arraignment bail pursuant to section 150.30 of the criminal procedure law an opportunity to have the system established pursuant to this paragraph apply to the posting of pre-arraignment bail with police officers under his or her jurisdiction.

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

PART F

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

S 2113. FINGERPRINT REQUIREMENT. THE SUPERINTENDENT SHALL REQUIRE AN APPLICANT FOR A LICENSE TO ACT AS AN INSURANCE AGENT, BROKER, ADJUSTER, CONSULTANT OR INTERMEDIARY, UNDER THIS ARTICLE, TO SUBMIT HIS OR HER FINGERPRINTS IN A MANNER AND FORMAT AS PRESCRIBED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES AT THE TIME OF APPLICATION. BEFORE APPROVING AN APPLICATION, IT SHALL BE THE DUTY OF THE SUPERINTENDENT OR THE SUPERINTENDENT'S AUTHORIZED REPRESENTATIVE TO SUBMIT SUCH FINGERPRINTS TO THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR ITS FULL SEARCH AND RETAIN PROCESSING. SUCH FINGERPRINTS ALSO MAY BE SUBMITTED TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK. THIS SECTION SHALL APPLY TO CURRENTLY UNLICENSED APPLICANTS AND ALSO TO APPLICANTS FOR LICENSE RENEWAL WHOSE FINGERPRINTS HAVE NOT PREVIOUSLY BEEN SUBMITTED UNDER THIS SECTION.

ANY COST ASSOCIATED WITH THE CAPTURE AND PROCESSING OF FINGERPRINTS AND ANY CRIMINAL HISTORY RECORD CHECKS SHALL BE BORNE BY THE APPLICANT, AND SHALL BE IN ADDITION TO ANY FEE IMPOSED IN RELATION TO THE PROCESSING OF SUCH APPLICATION.

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

PART G

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

8-b. Notwithstanding any other provision of law to the contrary, charge a fee for the provision of agency materials and publications, conferences, criminal history record reviews, legal services, the provision of services to analyze or prepare data that is not prepared in the ordinary course of business, the provision of information in a computerized format, THE APPLICATION FOR APPROVAL AND RENEWAL OF SECURITY GUARD TRAINING SCHOOLS AND THE CERTIFICATION AND RENEWAL CERTIFICATION OF SECURITY GUARD INSTRUCTORS, the service and repair of municipal law enforcement agency equipment and collect reimbursement and other moneys. Such fees shall be reasonably related to the actual costs incurred, including the costs of salaries, computer time, shipping and handling, as appropriate. The comptroller is hereby authorized to deposit such fees into the general fund effective August thirty-first, nineteen hundred ninety-six.

S 2. This act shall take effect immediately.

PART H

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

S 79-a. Closure of correctional facilities; notice. [Before] EXCEPT AS PROVIDED IN SECTION SEVENTY-NINE-C OF THIS ARTICLE, BEFORE the closure of any correctional facility, [which for purposes of this section shall include a correctional facility annex, or any special housing unit established to confine inmates in accordance with the provisions of subdivision six of section one hundred thirty-seven of this chapter],

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

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

2. consult with the department of economic development and any other appropriate state agencies to develop strategies which attempt to minimize the impact of such closures on the local and regional economies; and

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

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

S 79-C. ACCELERATED PROCEDURE FOR CLOSURE OF CORRECTIONAL FACILITIES. 1. NOTWITHSTANDING THE REQUIREMENTS OF SECTIONS SEVENTY-NINE-A AND SEVENTY-NINE-B OF THIS ARTICLE, IN THE EVENT THAT AN ECONOMIC DOWNTURN HAS OCCURRED, AS DEFINED BY TWO CONSECUTIVE QUARTERS OF DECLINE IN GROSS DOMESTIC PRODUCT AS REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS UNITED STATES DEPARTMENT OF COMMERCE, THEN UPON NINETY DAYS NOTICE TO THE INDIVIDUALS AND ENTITIES DESCRIBED IN SECTION SEVENTY-NINE-A OF THIS ARTICLE, THE COMMISSIONER MAY CONSIDER THE PROMPT CLOSURE OF ONE OR MORE CORRECTIONAL FACILITIES, SUBJECT TO THE REQUIREMENTS THAT ARE SET FORTH IN SUBDIVISIONS TWO, THREE AND FOUR OF THIS SECTION.

2. THE COMMISSIONER MAY INVOKE THE ACCELERATED CLOSURE PROCEDURE AUTHORIZED BY THIS SECTION ONLY WHEN THE FOLLOWING TERMS AND CONDITIONS ARE MET: (I) THERE IS WITHIN THE CORRECTIONAL SYSTEM AS A WHOLE MORE THAN THREE HUNDRED VACANT GENERAL CONFINEMENT BEDS WITHIN EXISTING HOUSING UNITS OR CELL BLOCKS THAT ARE OPERATIONAL; (II) THE DEPARTMENT IS IN SUBSTANTIAL COMPLIANCE WITH ALL COURT ORDERS GOVERNING THE TIMELY ACCEPTANCE OF STATE-READY INMATES PURSUANT TO SUBDIVISION ONE OF SECTION 430.20 OF THE CRIMINAL PROCEDURE LAW; (III) ONCE THE SELECTED FACILITY OR FACILITIES ARE CLOSED, IT IS PROJECTED THAT THE DEPARTMENT WILL CONTINUE TO HAVE AT LEAST THREE HUNDRED VACANT GENERAL CONFINEMENT BEDS WITHIN EXISTING HOUSING UNITS OR CELL BLOCKS THAT ARE OPERATIONAL; AND (IV) THE CLOSURE OF ANY CORRECTIONAL FACILITY WILL NOT REQUIRE THE DEPARTMENT TO REQUEST AUTHORIZATION FROM THE STATE COMMISSION OF CORRECTION FOR AN INCREASE IN THE NUMBER OF VARIANCE BEDS IT OPERATES.

3. IN DETERMINING WHICH CORRECTIONAL FACILITY OR FACILITIES SHOULD BE CLOSED, THE COMMISSIONER SHALL TAKE INTO CONSIDERATION THE FOLLOWING FACTORS, AND ANY OTHER FACTORS HE OR SHE DEEMS APPROPRIATE: (I) THE BED NEEDS OF THE DEPARTMENT IN RELATION TO THE OVERALL DEMANDS FOR PRISON CAPACITY; (II) THE SPECIFIC USE OF THE FACILITY IN RELATION TO THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION SEVENTY OF THIS ARTICLE; (III) THE AGE AND CONDITION OF THE FACILITY INFRASTRUCTURE, INCLUDING THE COSTS OF ANY NEEDED CAPITAL REPAIRS AND IMPROVEMENTS; AND (IV) THE DEGREE TO WHICH AFFECTED FACILITY STAFF CAN BE OFFERED ALTERNATE POSITIONS WITHIN THE DEPARTMENT.

4. THE AUTHORIZATION GRANTED UNDER THIS SECTION SHALL REMAIN IN EFFECT UNTIL THE CLOSE OF THE THIRD FISCAL YEAR IMMEDIATELY FOLLOWING THE FISCAL YEAR IN WHICH THE ECONOMIC DOWNTURN OCCURRED.

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

(a) The commissioner may continue to maintain, as a correctional facility, any institution operated by the department prior to May eighth, nineteen hundred seventy, and may add to or close any such place, and may establish and maintain new correctional facilities, in accordance with the needs of the department and provided expenditures for such purposes are within amounts made available therefor by appropriation; provided, however, that before the closure of any correctional facility, [correctional facility annex, or any special housing unit established to confine inmates in accordance with the provisions of subdivision six of section one hundred thirty-seven of this chapter,] for reasons other than those set forth in paragraph (a) of subdivision eight of section forty-five of this chapter, the provisions of section seventy-nine-a OR SECTION SEVENTY-NINE-C of this article shall be adhered to.

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

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

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

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

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

3. An agreement made under this section shall [not] require the locality to pay the cost of treatment, maintenance and custody furnished by the [state] department [of correction], AND THE COSTS INCURRED UNDER SUBDIVISION TWO OR THREE OF SECTION ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER RELATING TO THE PROVISION OF CLOTHING, MONEY AND TRANSPORTATION UPON RELEASE OR DISCHARGE OF INMATES DELIVERED TO THE DEPARTMENT PURSUANT TO THE AGREEMENT, and shall contain at least the following provisions:

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

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

(c) [A provision that no charge shall be made to or shall be payable by the state during the pendency of such agreement for the expense of maintaining parole violators pursuant to section two hundred sixteen of this chapter, for the expense of maintaining coram nobis prisoners pursuant to section six hundred one-b of this chapter, for the expense of maintaining felony prisoners pursuant to section six hundred one-c of this chapter, or for the expense of maintaining alternative local reformatory inmates pursuant to section eight hundred thirty-five in institutions maintained by the locality;

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

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

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

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

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL BE AUTHORIZED TO GRANT, WITHHOLD, CAUSE TO BE FORFEITED, OR CANCEL TIME ALLOWANCES AS PROVIDED IN AND IN COMPLIANCE WITH SECTION EIGHT HUNDRED FOUR OF THIS CHAPTER.

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

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

S 92. Effect of agreement for custody of definite sentence inmates. 1. After a copy of an agreement made under section ninety-one of this article is filed with the secretary of state, all commitments under sentences covered by the agreement by courts in the county or city to which it applies shall be deemed to be to the custody of the [state] department [of correction] and shall be so construed and interpreted irrespective of the institution or agency to which the commitments are made.

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

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

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

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

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

S 612. United States prisoners. 1. A sheriff must receive into his OR HER jail and keep a prisoner, committed to the same, by virtue of civil process issued by a court of record, instituted under the authority of the United States, until he OR SHE is discharged by the due course of the laws of the United States, in the same manner as if he was committed by virtue of a mandate in a civil action, issued from a court of the state. A sheriff or jailer, to whose jail a civil prisoner is committed, as prescribed herein, is answerable for his OR HER safe keeping in the courts of the United States, according to the laws thereof.

2. THE COMMISSIONER MAY ENTER INTO AN AGREEMENT TO PROVIDE FOR CUSTODY BY THE DEPARTMENT OF PERSONS WHO ARE BEING DETAINED BY VIRTUE OF AN ORDER ISSUED BY A COURT OF THE UNITED STATES. AN AGREEMENT MADE UNDER THIS SECTION SHALL REQUIRE THE UNITED STATES TO PAY THE COST OF TREATMENT, MAINTENANCE AND CUSTODY FURNISHED BY THE DEPARTMENT.

S 8. This act shall take effect immediately.

PART I

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

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

(d) (i) Except as set forth in clause [(E)] (D) of subparagraph (ii) of this paragraph, the department, in consultation with mental health clinicians, shall divert or remove inmates with serious mental illness, as defined in paragraph (e) of this subdivision, from segregated confinement IN A LEVEL ONE OR LEVEL TWO FACILITY, where such confinement could potentially be for a period in excess of thirty days, to a residential mental health treatment unit. Nothing in this paragraph shall be deemed to prevent the disciplinary process from proceeding in accordance with department rules and regulations for disciplinary hearings.

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

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

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

[(D)] (C) If an inmate with a serious mental illness is not diverted or removed to a residential mental health treatment unit PURSUANT TO THIS SUBPARAGRAPH, such inmate shall be reassessed by a mental health clinician within fourteen days of the initial assessment and at least once every fourteen days thereafter. After each such additional assessment, a recommendation as to whether such inmate should be removed from segregated confinement shall be made and reviewed according to the process set forth in clause [(C)] (B) of this subparagraph.

[(E)] (D) A recommendation or determination whether to remove an inmate from segregated confinement PURSUANT TO THIS SUBPARAGRAPH shall take into account the assessing mental health clinicians' opinions as to the inmate's mental condition and treatment needs, and shall also take into account any safety and security concerns that would be posed by the inmate's removal, even if additional restrictions were placed on the inmate's access to treatment, property, services or privileges in a residential mental health treatment unit. A recommendation or determination shall direct the inmate's removal from segregated confinement AT A LEVEL ONE OR LEVEL TWO FACILITY except in the following exceptional circumstances: (1) when the reviewer finds that removal would pose a substantial risk to the safety of the inmate or other persons, or a substantial threat to the security of the facility, even if additional restrictions were placed on the inmate's access to treatment, property, services or privileges in a residential mental health treatment unit; or (2) when the assessing mental health clinician determines that such placement is in the inmate's best interests based on his or her mental condition and that removing such inmate to a residential mental health treatment unit would be detrimental to his or her mental condition. Any determination not to remove an inmate with serious mental illness from segregated confinement AT A LEVEL ONE OR LEVEL TWO FACILITY shall be documented in writing and include the reasons for the determination.

(iii) Inmates with serious mental illness who are not diverted or removed from segregated confinement AT A LEVEL ONE OR LEVEL TWO FACILITY shall be offered a heightened level of care, involving a minimum of two hours each day, five days a week, of out-of-cell therapeutic treatment and programming. This heightened level of care shall not be offered only in the following circumstances:

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

(B) The heightened level of care shall not apply in exceptional circumstances when providing such care would create an unacceptable risk to the safety and security of inmates or staff. Such determination shall be documented by security personnel together with the basis of such determination and shall be reviewed by the facility superintendent, in consultation with a mental health clinician, not less than every seven days for as long as the inmate remains in segregated confinement AT A LEVEL ONE OR LEVEL TWO FACILITY. The facility shall attempt to resolve such exceptional circumstances so that the heightened level of care may be provided. If such exceptional circumstances remain unresolved for thirty days, the matter shall be referred to the joint central office review committee for review.

(iv) Inmates with serious mental illness who are not diverted or removed from segregated confinement AT A LEVEL ONE OR LEVEL TWO FACILITY shall not be placed on a restricted diet, unless there has been a written determination that the restricted diet is necessary for reasons of safety and security. If a restricted diet is imposed, it shall be limited to seven days, except in the exceptional circumstances where the joint case management committee determines that limiting the restricted diet to seven days would pose an unacceptable risk to the safety and security of inmates or staff. In such case, the need for a restricted diet shall be reassessed by the joint case management committee every seven days.

(v) All inmates in segregated confinement in a level one or level two facility who are not assessed with a serious mental illness at the initial assessment shall be offered at least one interview with a mental health clinician within fourteen days of their initial mental health assessment, and additional interviews at least every thirty days thereafter, unless the mental health clinician at the most recent interview recommends an earlier interview or assessment. [All inmates in segregated confinement in a level three or level four facility who are not assessed with a serious mental illness at the initial assessment shall be offered at least one interview with a mental health clinician within thirty days of their initial mental health assessment, and additional interviews at least every ninety days thereafter, unless the mental health clinician at the most recent interview recommends an earlier interview or assessment.]

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

6. The department shall ensure that the curriculum for new correction officers, and other new department staff who will regularly work in programs providing mental health treatment for inmates, shall include at least eight hours of training about the types and symptoms of mental illnesses, the goals of mental health treatment, the prevention of suicide and training in how to effectively and safely manage inmates with mental illness. Such training may be provided by the office of mental health or the New York state commission on quality of care and advocacy for persons with disabilities. All department staff who are transferring into a residential mental health treatment unit shall [receive a minimum of eight additional hours of such training, and eight hours of annual training as long as they work in such a unit] BE PROVIDED WITH AN APPROPRIATE ORIENTATION PROGRAM. IN ADDITION, THE DEPARTMENT SHALL ANNUALLY ARRANGE FOR TWO FOUR-HOUR TRAINING SESSIONS TO BE CONDUCTED FOR ALL SUCH STAFF ASSIGNED TO A RESIDENTIAL MENTAL HEALTH TREATMENT UNIT. DURING SUCH TRAINING SESSIONS, THE REGULAR OUT-OF-CELL THERAPEUTIC PROGRAMMING AND TREATMENT TO BE AFFORDED TO THE INMATES IN THE RESIDENTIAL MENTAL HEALTH TREATMENT UNIT MAY BE DECREASED OR SUSPENDED. The department shall provide additional training on these topics on an ongoing basis as it deems appropriate.

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

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

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

PART J

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

Release on medical parole FOR TERMINALLY ILL INMATES.

(a) The board shall have the power to release on medical parole any inmate serving an indeterminate or determinate sentence of imprisonment who, pursuant to subdivision two of this section, has been certified to be suffering from a terminal condition, disease or syndrome and to be so debilitated or incapacitated as to create a reasonable probability that he or she is physically OR COGNITIVELY incapable of presenting any danger to society, provided, however, that no inmate serving a sentence imposed upon a conviction for MURDER IN THE FIRST DEGREE OR AN ATTEMPT OR CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE SHALL BE ELIGIBLE FOR SUCH RELEASE, AND PROVIDED FURTHER THAT NO INMATE SERVING A SENTENCE IMPOSED UPON A CONVICTION FOR any of the following offenses shall be

eligible for such release UNLESS IN THE CASE OF AN INDETERMINATE SENTENCE HE OR SHE HAS SERVED AT LEAST ONE-HALF OF THE MINIMUM PERIOD OF THE SENTENCE AND IN THE CASE OF A DETERMINATE SENTENCE HE OR SHE HAS SERVED AT LEAST ONE-HALF OF HIS OR HER SENTENCE: [murder in the first degree,] murder in the second degree, manslaughter in the first degree, any offense defined in article one hundred thirty of the penal law or an attempt to commit any of these offenses.

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

(a) The board shall have the power to release on medical parole any inmate serving an indeterminate OR DETERMINATE sentence of imprisonment who, pursuant to subdivision two of this section, has been certified to be suffering from a terminal condition, disease or syndrome and to be so debilitated or incapacitated as to create a reasonable probability that he or she is physically OR COGNITIVELY incapable of presenting any danger to society, provided, however, that no inmate serving a sentence imposed upon a conviction for MURDER IN THE FIRST DEGREE OR AN ATTEMPT OR CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE SHALL BE ELIGIBLE FOR SUCH RELEASE, AND PROVIDED FURTHER THAT NO INMATE SERVING A SENTENCE IMPOSED UPON A CONVICTION FOR any of the following offenses shall be eligible for such release UNLESS IN THE CASE OF AN INDETERMINATE SENTENCE HE OR SHE HAS SERVED AT LEAST ONE-HALF OF THE MINIMUM PERIOD OF THE SENTENCE AND IN THE CASE OF A DETERMINATE SENTENCE HE OR SHE HAS SERVED AT LEAST ONE-HALF OF HIS OR HER SENTENCE: [murder in the first degree,] murder in the second degree, manslaughter in the first degree, any offense defined in article one hundred thirty of the penal law or an attempt to commit any of these offenses.

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

(b) Such release shall be granted only after the board considers whether, in light of the inmate's medical condition, there is a reasonable probability that the inmate, if released, will live and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society and will not so deprecate the seriousness of the crime as to undermine respect for the law, and shall be subject to the limits and conditions specified in subdivision four of this section. [Such] EXCEPT AS SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION, SUCH release may be granted at any time during the term of an inmate's sentence, notwithstanding any other provision of law.

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

2. (a) The commissioner of correctional services, on the commissioner's own initiative or at the request of an inmate, OR AN INMATE'S SPOUSE, RELATIVE OR ATTORNEY, may, in the exercise of the commissioner's discretion, direct that AN INVESTIGATION BE UNDERTAKEN TO DETERMINE WHETHER a diagnosis SHOULD be made of an inmate who appears to be suffering from a terminal condition, disease or syndrome. Any such medical diagnosis shall be made by a physician licensed to practice medicine in this state pursuant to section sixty-five hundred twenty-four of the education law. Such physician shall either be employed by the department of correctional services, shall render professional services at the request of the department of correctional services, or shall be employed by a hospital or medical facility used by the department of correctional services for the medical treatment of inmates. The

diagnosis shall be reported to the commissioner of correctional services and shall include but shall not be limited to a description of the terminal condition, disease or syndrome suffered by the inmate, a prognosis concerning the likelihood that the inmate will not recover from such terminal condition, disease or syndrome, a description of the inmate's physical OR COGNITIVE incapacity which shall include a prediction respecting the likely duration of the incapacity, and a statement by the physician of whether the inmate is so debilitated or incapacitated as to be severely restricted in his or her ability to self-ambulate [and to care for him or herself] OR TO PERFORM SIGNIFICANT NORMAL ACTIVITIES OF DAILY LIVING. THIS REPORT ALSO SHALL INCLUDE A RECOMMENDATION OF THE TYPE AND LEVEL OF SERVICES AND TREATMENT THE INMATE WOULD REQUIRE IF GRANTED MEDICAL PAROLE AND A RECOMMENDATION FOR THE TYPES OF SETTINGS IN WHICH THE SERVICES AND TREATMENT SHOULD BE GIVEN.

(b) The commissioner, or the commissioner's designee, shall review the diagnosis and may certify that the inmate is suffering from such terminal condition, disease or syndrome and that the inmate is so debilitated or incapacitated as to create a reasonable probability that he or she is physically OR COGNITIVELY incapable of presenting any danger to society. If the commissioner does not so certify then the inmate shall not be referred to the board of parole for consideration for release on medical parole. If the commissioner does so certify, then the commissioner shall, WITHIN SEVEN WORKING DAYS OF RECEIPT OF SUCH DIAGNOSIS, refer the inmate to the board of parole for consideration for release on medical parole. However, no such referral of an inmate to the board of parole shall be made unless the inmate has been examined by a physician and diagnosed as having a terminal condition, disease or syndrome as previously described herein at some time subsequent to such inmate's admission to a facility operated by the department of correctional services.

(c) When the commissioner refers an inmate to the board, the commissioner shall provide an appropriate medical discharge plan JOINTLY established by the department of correctional services AND THE DIVISION OF PAROLE. THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE DIVISION OF PAROLE ARE AUTHORIZED TO REQUEST ASSISTANCE FROM THE DEPARTMENT OF HEALTH AND FROM THE COUNTY IN WHICH THE INMATE RESIDED AND COMMITTED HIS OR HER CRIME, WHICH SHALL PROVIDE ASSISTANCE WITH RESPECT TO THE DEVELOPMENT AND IMPLEMENTATION OF A DISCHARGE PLAN, INCLUDING POTENTIAL PLACEMENTS OF A RELEASEE. THE DEPARTMENT OF CORRECTIONAL SERVICES, THE DIVISION OF PAROLE AND THE DEPARTMENT OF HEALTH SHALL JOINTLY DEVELOP STANDARDS FOR THE MEDICAL DISCHARGE PLAN THAT ARE APPROPRIATELY ADAPTED TO THE CRIMINAL JUSTICE SETTING, BASED ON STANDARDS ESTABLISHED BY THE DEPARTMENT OF HEALTH FOR HOSPITAL MEDICAL DISCHARGE PLANNING. The board may [reject all or part of the discharge plan submitted by the department of correctional services, and may] postpone its decision pending [submission of a new] COMPLETION OF AN ADEQUATE discharge plan, or may deny release based on inadequacy of the discharge plan. [The department of correctional services and the division of parole shall jointly develop standards for the medical discharge plan that are appropriately adapted to the criminal justice setting, based on standards established by the department of health for hospital medical discharge planning.]

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

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

(b) The board shall require as a condition of release on medical parole that the releasee agree to remain under the care of a physician while on medical parole and in a hospital established pursuant to article twenty-eight of the public health law, a hospice established pursuant to article forty of the public health law or any other placement that can provide appropriate medical care as specified in the medical discharge plan required by subdivision two of this section. The medical discharge plan shall state that the availability of the placement has been confirmed, and by whom. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN AN INMATE WHO QUALIFIES FOR RELEASE UNDER THIS SECTION IS COGNITIVELY INCAPABLE OF SIGNING THE REQUISITE DOCUMENTATION TO EFFECTUATE THE MEDICAL DISCHARGE PLAN AND, AFTER A DILIGENT SEARCH NO PERSON HAS BEEN IDENTIFIED WHO COULD OTHERWISE BE APPOINTED AS THE INMATE'S GUARDIAN BY A COURT OF COMPETENT JURISDICTION, THEN, SOLELY FOR THE PURPOSE OF IMPLEMENTING THE MEDICAL DISCHARGE PLAN, THE FACILITY HEALTH SERVICES DIRECTOR AT THE FACILITY WHERE THE INMATE IS CURRENTLY INCARCERATED SHALL BE LAWFULLY EMPOWERED TO ACT AS THE INMATE'S GUARDIAN FOR THE PURPOSE OF EFFECTUATING THE MEDICAL DISCHARGE.

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

(d) The board shall require as a condition of release on medical parole that the releasee undergo periodic medical examinations and a medical examination at least one month prior to the expiration of the period of medical parole and, for the purposes of making a decision pursuant to paragraph (e) of this subdivision, that the releasee provide the board with a report, prepared by the treating physician, of the results of such examination. Such report shall specifically state whether or not the parolee continues to suffer from a terminal condition, disease, or syndrome, and to be so debilitated or incapacitated as to be severely restricted in his or her ability to self-ambulate [and to care for him or herself] OR TO PERFORM SIGNIFICANT NORMAL ACTIVITIES OF DAILY LIVING.

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

(f) If the updated medical report presented to the board states that a parolee released pursuant to this section is no longer so debilitated or incapacitated as to create a reasonable probability that he or she is physically OR COGNITIVELY incapable of presenting any danger to society or if the releasee fails to submit the updated medical report then the board may not make a new grant of medical parole pursuant to paragraph (e) of this subdivision. Where the board has not granted medical parole pursuant to such paragraph (e) the board shall promptly conduct through one of its members, or cause to be conducted by a hearing officer designated by the board, a hearing to determine whether the releasee is suffering from a terminal condition, disease or syndrome and is so debilitated or incapacitated as to create a reasonable probability that he or she is physically incapable of presenting any danger to society and does not present a danger to society. If the board makes such a determination then it may make a new grant of medical parole pursuant to the standards of paragraph (b) of subdivision one of this section. At

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

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

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

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

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

S 259-S. RELEASE ON MEDICAL PAROLE FOR INMATES SUFFERING SIGNIFICANT DEBILITATING ILLNESSES. 1. (A) THE BOARD SHALL HAVE THE POWER TO RELEASE ON MEDICAL PAROLE ANY INMATE SERVING AN INDETERMINATE OR DETERMINATE SENTENCE OF IMPRISONMENT WHO, PURSUANT TO SUBDIVISION TWO OF THIS SECTION, HAS BEEN CERTIFIED TO BE SUFFERING FROM A SIGNIFICANT AND PERMANENT NON-TERMINAL CONDITION, DISEASE OR SYNDROME THAT HAS RENDERED THE INMATE SO PHYSICALLY OR COGNITIVELY DEBILITATED OR INCAPACITATED AS TO CREATE A REASONABLE PROBABILITY THAT HE OR SHE DOES NOT PRESENT ANY DANGER TO SOCIETY, PROVIDED, HOWEVER, THAT NO INMATE SERVING A SENTENCE IMPOSED UPON A CONVICTION FOR MURDER IN THE FIRST DEGREE OR AN ATTEMPT OR CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE SHALL BE ELIGIBLE FOR SUCH RELEASE, AND PROVIDED FURTHER THAT NO INMATE SERVING A SENTENCE IMPOSED UPON A CONVICTION FOR ANY OF THE FOLLOWING OFFENSES SHALL BE ELIGIBLE FOR SUCH RELEASE UNLESS IN THE CASE OF AN INDETERMINATE SENTENCE HE OR SHE HAS SERVED AT LEAST ONE-HALF OF THE MINIMUM PERIOD OF THE SENTENCE AND IN THE CASE OF A DETERMINATE SENTENCE HE OR SHE HAS SERVED AT LEAST ONE-HALF OF HIS OR HER SENTENCE: MURDER IN THE SECOND DEGREE, MANSLAUGHTER IN THE FIRST DEGREE, ANY OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW OR AN ATTEMPT TO COMMIT ANY OF THESE OFFENSES.

(B) SUCH RELEASE SHALL BE GRANTED ONLY AFTER THE BOARD CONSIDERS WHETHER, IN LIGHT OF THE INMATE'S MEDICAL CONDITION, THERE IS A REASONABLE PROBABILITY THAT THE INMATE, IF RELEASED, WILL LIVE AND REMAIN AT LIBERTY WITHOUT VIOLATING THE LAW, AND THAT SUCH RELEASE IS NOT INCOMPATIBLE WITH THE WELFARE OF SOCIETY AND WILL NOT SO DEPRECATE THE SERIOUSNESS OF THE CRIME AS TO UNDERMINE RESPECT FOR THE LAW, AND SHALL BE SUBJECT TO THE LIMITS AND CONDITIONS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION. IN MAKING THIS DETERMINATION, THE BOARD SHALL CONSIDER: (I) THE NATURE AND SERIOUSNESS OF THE INMATE'S CRIME; (II) THE INMATE'S PRIOR CRIMINAL RECORD; (III) THE INMATE'S DISCIPLINARY, BEHAVIORAL AND REHABILITATIVE RECORD DURING THE TERM OF HIS OR HER INCARCERATION; (IV) THE AMOUNT OF TIME THE INMATE MUST SERVE BEFORE BECOMING ELIGIBLE FOR RELEASE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE; (V) THE CURRENT AGE OF THE INMATE AND HIS OR HER AGE AT THE TIME OF THE

CRIME; (VI) THE RECOMMENDATIONS OF THE SENTENCING COURT, THE DISTRICT ATTORNEY AND THE VICTIM OR THE VICTIM'S REPRESENTATIVE; (VII) THE NATURE OF THE INMATE'S MEDICAL CONDITION, DISEASE OR SYNDROME AND THE EXTENT OF MEDICAL TREATMENT OR CARE THAT THE INMATE WILL REQUIRE AS A RESULT OF THAT CONDITION, DISEASE OR SYNDROME; AND (VIII) ANY OTHER RELEVANT FACTOR. EXCEPT AS SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION, SUCH RELEASE MAY BE GRANTED AT ANY TIME DURING THE TERM OF AN INMATE'S SENTENCE, NOTWITHSTANDING ANY OTHER PROVISION OF LAW.

(C) THE BOARD SHALL AFFORD NOTICE TO THE SENTENCING COURT, THE DISTRICT ATTORNEY, THE ATTORNEY FOR THE INMATE AND, WHERE NECESSARY PURSUANT TO SUBDIVISION TWO OF SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE, THE CRIME VICTIM, THAT THE INMATE IS BEING CONSIDERED FOR RELEASE PURSUANT TO THIS SECTION AND THE PARTIES RECEIVING NOTICE SHALL HAVE THIRTY DAYS TO COMMENT ON THE RELEASE OF THE INMATE. RELEASE ON MEDICAL PAROLE SHALL NOT BE GRANTED UNTIL THE EXPIRATION OF THE COMMENT PERIOD PROVIDED FOR IN THIS PARAGRAPH.

2. (A) THE COMMISSIONER OF CORRECTIONAL SERVICES, ON THE COMMISSIONER'S OWN INITIATIVE OR AT THE REQUEST OF AN INMATE, OR AN INMATE'S SPOUSE, RELATIVE OR ATTORNEY, MAY, IN THE EXERCISE OF THE COMMISSIONER'S DISCRETION, DIRECT THAT AN INVESTIGATION BE UNDERTAKEN TO DETERMINE WHETHER A DIAGNOSIS SHOULD BE MADE OF AN INMATE WHO APPEARS TO BE SUFFERING FROM A SIGNIFICANT AND PERMANENT NON-TERMINAL AND INCAPACITATING CONDITION, DISEASE OR SYNDROME. ANY SUCH MEDICAL DIAGNOSIS SHALL BE MADE BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE PURSUANT TO SECTION SIXTY-FIVE HUNDRED TWENTY-FOUR OF THE EDUCATION LAW. SUCH PHYSICIAN SHALL EITHER BE EMPLOYED BY THE DEPARTMENT OF CORRECTIONAL SERVICES, SHALL RENDER PROFESSIONAL SERVICES AT THE REQUEST OF THE DEPARTMENT OF CORRECTIONAL SERVICES, OR SHALL BE EMPLOYED BY A HOSPITAL OR MEDICAL FACILITY USED BY THE DEPARTMENT OF CORRECTIONAL SERVICES FOR THE MEDICAL TREATMENT OF INMATES. THE DIAGNOSIS SHALL BE REPORTED TO THE COMMISSIONER OF CORRECTIONAL SERVICES AND SHALL INCLUDE BUT SHALL NOT BE LIMITED TO A DESCRIPTION OF THE CONDITION, DISEASE OR SYNDROME SUFFERED BY THE INMATE, A PROGNOSIS CONCERNING THE LIKELIHOOD THAT THE INMATE WILL NOT RECOVER FROM SUCH CONDITION, DISEASE OR SYNDROME, A DESCRIPTION OF THE INMATE'S PHYSICAL OR COGNITIVE INCAPACITY WHICH SHALL INCLUDE A PREDICTION RESPECTING THE LIKELY DURATION OF THE INCAPACITY, AND A STATEMENT BY THE PHYSICIAN OF WHETHER THE INMATE IS SO DEBILITATED OR INCAPACITATED AS TO BE SEVERELY RESTRICTED IN HIS OR HER ABILITY TO SELF-AMBULATE OR TO PERFORM SIGNIFICANT NORMAL ACTIVITIES OF DAILY LIVING. THIS REPORT ALSO SHALL INCLUDE A RECOMMENDATION OF THE TYPE AND LEVEL OF SERVICES AND TREATMENT THE INMATE WOULD REQUIRE IF GRANTED MEDICAL PAROLE AND A RECOMMENDATION FOR THE TYPES OF SETTINGS IN WHICH THE SERVICES AND TREATMENT SHOULD BE GIVEN.

(B) THE COMMISSIONER, OR THE COMMISSIONER'S DESIGNEE, SHALL REVIEW THE DIAGNOSIS AND MAY CERTIFY THAT THE INMATE IS SUFFERING FROM SUCH CONDITION, DISEASE OR SYNDROME AND THAT THE INMATE IS SO DEBILITATED OR INCAPACITATED AS TO CREATE A REASONABLE PROBABILITY THAT HE OR SHE IS PHYSICALLY OR COGNITIVELY INCAPABLE OF PRESENTING ANY DANGER TO SOCIETY. IF THE COMMISSIONER DOES NOT SO CERTIFY THEN THE INMATE SHALL NOT BE REFERRED TO THE BOARD OF PAROLE FOR CONSIDERATION FOR RELEASE ON MEDICAL PAROLE. IF THE COMMISSIONER DOES SO CERTIFY, THEN THE COMMISSIONER SHALL, WITHIN SEVEN WORKING DAYS OF RECEIPT OF SUCH DIAGNOSIS, REFER THE INMATE TO THE BOARD OF PAROLE FOR CONSIDERATION FOR RELEASE ON MEDICAL PAROLE. HOWEVER, NO SUCH REFERRAL OF AN INMATE TO THE BOARD OF PAROLE SHALL BE MADE UNLESS THE INMATE HAS BEEN EXAMINED BY A PHYSICIAN AND DIAGNOSED AS HAVING A CONDITION, DISEASE OR SYNDROME AS PREVIOUSLY

DESCRIBED HEREIN AT SOME TIME SUBSEQUENT TO SUCH INMATE'S ADMISSION TO A FACILITY OPERATED BY THE DEPARTMENT OF CORRECTIONAL SERVICES.

(C) WHEN THE COMMISSIONER REFERS AN INMATE TO THE BOARD, THE COMMISSIONER SHALL PROVIDE AN APPROPRIATE MEDICAL DISCHARGE PLAN JOINTLY ESTABLISHED BY THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE DIVISION OF PAROLE. THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE DIVISION OF PAROLE ARE AUTHORIZED TO REQUEST ASSISTANCE FROM THE DEPARTMENT OF HEALTH AND FROM THE COUNTY IN WHICH THE INMATE RESIDED AND COMMITTED HIS OR HER CRIME, WHICH SHALL PROVIDE ASSISTANCE WITH RESPECT TO THE DEVELOPMENT AND IMPLEMENTATION OF A DISCHARGE PLAN, INCLUDING POTENTIAL PLACEMENTS OF A RELEASEE. THE DEPARTMENT OF CORRECTIONAL SERVICES, THE DIVISION OF PAROLE AND THE DEPARTMENT OF HEALTH SHALL JOINTLY DEVELOP STANDARDS FOR THE MEDICAL DISCHARGE PLAN THAT ARE APPROPRIATELY ADAPTED TO THE CRIMINAL JUSTICE SETTING, BASED ON STANDARDS ESTABLISHED BY THE DEPARTMENT OF HEALTH FOR HOSPITAL MEDICAL DISCHARGE PLANNING. THE BOARD MAY POSTPONE ITS DECISION PENDING COMPLETION OF AN ADEQUATE DISCHARGE PLAN, OR MAY DENY RELEASE BASED ON INADEQUACY OF THE DISCHARGE PLAN.

3. ANY CERTIFICATION BY THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE PURSUANT TO THIS SECTION SHALL BE DEEMED A JUDICIAL FUNCTION AND SHALL NOT BE REVIEWABLE IF DONE IN ACCORDANCE WITH LAW.

4. (A) MEDICAL PAROLE GRANTED PURSUANT TO THIS SECTION SHALL BE FOR A PERIOD OF SIX MONTHS.

(B) THE BOARD SHALL REQUIRE AS A CONDITION OF RELEASE ON MEDICAL PAROLE THAT THE RELEASEE AGREE TO REMAIN UNDER THE CARE OF A PHYSICIAN WHILE ON MEDICAL PAROLE AND IN A HOSPITAL ESTABLISHED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, A HOSPICE ESTABLISHED PURSUANT TO ARTICLE FORTY OF THE PUBLIC HEALTH LAW OR ANY OTHER PLACEMENT, INCLUDING A RESIDENCE WITH FAMILY OR OTHERS, THAT CAN PROVIDE APPROPRIATE MEDICAL CARE AS SPECIFIED IN THE MEDICAL DISCHARGE PLAN REQUIRED BY SUBDIVISION TWO OF THIS SECTION. THE MEDICAL DISCHARGE PLAN SHALL STATE THAT THE AVAILABILITY OF THE PLACEMENT HAS BEEN CONFIRMED, AND BY WHOM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN AN INMATE WHO QUALIFIES FOR RELEASE UNDER THIS SECTION IS COGNITIVELY INCAPABLE OF SIGNING THE REQUISITE DOCUMENTATION TO EFFECTUATE THE MEDICAL DISCHARGE PLAN AND, AFTER A DILIGENT SEARCH NO PERSON HAS BEEN IDENTIFIED WHO COULD OTHERWISE BE APPOINTED AS THE INMATE'S GUARDIAN BY A COURT OF COMPETENT JURISDICTION, THEN, SOLELY FOR THE PURPOSE OF IMPLEMENTING THE MEDICAL DISCHARGE PLAN, THE FACILITY HEALTH SERVICES DIRECTOR AT THE FACILITY WHERE THE INMATE IS CURRENTLY INCARCERATED SHALL BE LAWFULLY EMPOWERED TO ACT AS THE INMATE'S GUARDIAN FOR THE PURPOSE OF EFFECTUATING THE MEDICAL DISCHARGE.

(C) WHERE APPROPRIATE, THE BOARD SHALL REQUIRE AS A CONDITION OF RELEASE THAT MEDICAL PAROLEES BE SUPERVISED ON INTENSIVE CASELOADS AT REDUCED SUPERVISION RATIOS.

(D) THE BOARD SHALL REQUIRE AS A CONDITION OF RELEASE ON MEDICAL PAROLE THAT THE RELEASEE UNDERGO PERIODIC MEDICAL EXAMINATIONS AND A MEDICAL EXAMINATION AT LEAST ONE MONTH PRIOR TO THE EXPIRATION OF THE PERIOD OF MEDICAL PAROLE AND, FOR THE PURPOSES OF MAKING A DECISION PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION, THAT THE RELEASEE PROVIDE THE BOARD WITH A REPORT, PREPARED BY THE TREATING PHYSICIAN, OF THE RESULTS OF SUCH EXAMINATION. SUCH REPORT SHALL SPECIFICALLY STATE WHETHER OR NOT THE PAROLEE CONTINUES TO SUFFER FROM A SIGNIFICANT AND PERMANENT NON-TERMINAL AND DEBILITATING CONDITION, DISEASE, OR SYNDROME, AND TO BE SO DEBILITATED OR INCAPACITATED AS TO BE SEVERELY RESTRICTED IN HIS OR HER ABILITY TO SELF-AMBULATE OR TO PERFORM SIGNIFICANT NORMAL ACTIVITIES OF DAILY LIVING.

(E) PRIOR TO THE EXPIRATION OF THE PERIOD OF MEDICAL PAROLE THE BOARD SHALL REVIEW THE MEDICAL EXAMINATION REPORT REQUIRED BY PARAGRAPH (D) OF THIS SUBDIVISION AND MAY AGAIN GRANT MEDICAL PAROLE PURSUANT TO THIS SECTION; PROVIDED, HOWEVER, THAT THE PROVISIONS OF PARAGRAPH (C) OF SUBDIVISION ONE AND SUBDIVISION TWO OF THIS SECTION SHALL NOT APPLY.

(F) IF THE UPDATED MEDICAL REPORT PRESENTED TO THE BOARD STATES THAT A PAROLEE RELEASED PURSUANT TO THIS SECTION IS NO LONGER SO DEBILITATED OR INCAPACITATED AS TO CREATE A REASONABLE PROBABILITY THAT HE OR SHE IS PHYSICALLY OR COGNITIVELY INCAPABLE OF PRESENTING ANY DANGER TO SOCIETY OR IF THE RELEASEE FAILS TO SUBMIT THE UPDATED MEDICAL REPORT THEN THE BOARD MAY NOT MAKE A NEW GRANT OF MEDICAL PAROLE PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION. WHERE THE BOARD HAS NOT GRANTED MEDICAL PAROLE PURSUANT TO SUCH PARAGRAPH (E) THE BOARD SHALL PROMPTLY CONDUCT THROUGH ONE OF ITS MEMBERS, OR CAUSE TO BE CONDUCTED BY A HEARING OFFICER DESIGNATED BY THE BOARD, A HEARING TO DETERMINE WHETHER THE RELEASEE IS SUFFERING FROM A SIGNIFICANT AND PERMANENT NON-TERMINAL AND INCAPACITATING CONDITION, DISEASE OR SYNDROME AND IS SO DEBILITATED OR INCAPACITATED AS TO CREATE A REASONABLE PROBABILITY THAT HE OR SHE IS PHYSICALLY OR COGNITIVELY INCAPABLE OF PRESENTING ANY DANGER TO SOCIETY AND DOES NOT PRESENT A DANGER TO SOCIETY. IF THE BOARD MAKES SUCH A DETERMINATION THEN IT MAY MAKE A NEW GRANT OF MEDICAL PAROLE PURSUANT TO THE STANDARDS OF PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION. AT THE HEARING, THE RELEASEE SHALL HAVE THE RIGHT TO REPRESENTATION BY COUNSEL, INCLUDING THE RIGHT, IF THE RELEASEE IS FINANCIALLY UNABLE TO RETAIN COUNSEL, TO HAVE THE APPROPRIATE COURT ASSIGN COUNSEL IN ACCORDANCE WITH THE COUNTY OR CITY PLAN FOR REPRESENTATION PLACED IN OPERATION PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

(G) THE HEARING AND DETERMINATION PROVIDED FOR BY PARAGRAPH (F) OF THIS SUBDIVISION SHALL BE CONCLUDED WITHIN THE SIX MONTH PERIOD OF MEDICAL PAROLE. IF THE BOARD DOES NOT RENEW THE GRANT OF MEDICAL PAROLE, IT SHALL ORDER THAT THE RELEASEE BE RETURNED IMMEDIATELY TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONAL SERVICES.

(H) IN ADDITION TO THE PROCEDURES SET FORTH IN PARAGRAPH (F) OF THIS SUBDIVISION, MEDICAL PAROLE MAY BE REVOKED AT ANY TIME UPON ANY OF THE GROUNDS SPECIFIED IN PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE, AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SUBDIVISION THREE OF SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE.

(I) A RELEASEE WHO IS ON MEDICAL PAROLE AND WHO BECOMES ELIGIBLE FOR PAROLE PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE SHALL BE ELIGIBLE FOR PAROLE CONSIDERATION PURSUANT TO SUCH SUBDIVISION.

5. A DENIAL OF RELEASE ON MEDICAL PAROLE OR EXPIRATION OF MEDICAL PAROLE IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (F) OF SUBDIVISION FOUR OF THIS SECTION SHALL NOT PRECLUDE THE INMATE FROM REAPPLYING FOR MEDICAL PAROLE OR OTHERWISE AFFECT AN INMATE'S ELIGIBILITY FOR ANY OTHER FORM OF RELEASE PROVIDED FOR BY LAW.

6. TO THE EXTENT THAT ANY PROVISION OF THIS SECTION REQUIRES DISCLOSURE OF MEDICAL INFORMATION FOR THE PURPOSE OF PROCESSING AN APPLICATION OR MAKING A DECISION, REGARDING RELEASE ON MEDICAL PAROLE OR RENEWAL OF MEDICAL PAROLE, OR FOR THE PURPOSE OF APPROPRIATELY SUPERVISING A PERSON RELEASED ON MEDICAL PAROLE, AND THAT SUCH DISCLOSURE WOULD OTHERWISE BE PROHIBITED BY ARTICLE TWENTY-SEVEN-F OF THE PUBLIC HEALTH LAW, THE PROVISIONS OF THIS SECTION SHALL BE CONTROLLING.

7. THE COMMISSIONER OF CORRECTIONAL SERVICES AND THE CHAIR OF THE BOARD OF PAROLE SHALL BE AUTHORIZED TO PROMULGATE RULES AND REGULATIONS

FOR THEIR RESPECTIVE AGENCIES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

8. ANY DECISION MADE BY THE BOARD PURSUANT TO THIS SECTION MAY BE APPEALED PURSUANT TO SUBDIVISION FOUR OF SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE.

9. THE CHAIR OF THE BOARD SHALL REPORT ANNUALLY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, THE CHAIRPERSONS OF THE ASSEMBLY AND SENATE CODES COMMITTEES, THE CHAIRPERSON OF THE SENATE CRIME AND CORRECTIONS COMMITTEE, AND THE CHAIRPERSON OF THE ASSEMBLY CORRECTIONS COMMITTEE THE NUMBER OF INMATES WHO HAVE APPLIED FOR MEDICAL PAROLE UNDER THIS SECTION; THE NUMBER WHO HAVE BEEN GRANTED MEDICAL PAROLE; THE NATURE OF THE ILLNESS OF THE APPLICANTS, THE COUNTIES TO WHICH THEY HAVE BEEN RELEASED AND THE NATURE OF THE PLACEMENT PURSUANT TO THE MEDICAL DISCHARGE PLAN; THE CATEGORIES OF REASONS FOR DENIAL FOR THOSE WHO HAVE BEEN DENIED; THE NUMBER OF RELEASEES WHO HAVE BEEN GRANTED AN ADDITIONAL PERIOD OR PERIODS OF MEDICAL PAROLE AND THE NUMBER OF SUCH GRANTS; THE NUMBER OF RELEASEES ON MEDICAL PAROLE WHO HAVE BEEN RETURNED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE REASONS FOR RETURN.

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

(v) Notwithstanding any other subparagraph of this paragraph, a person may be paroled from the institution in which he is confined at any time on medical parole pursuant to section two hundred fifty-nine-r OR SECTION TWO HUNDRED FIFTY-NINE-S of the executive law or for deportation pursuant to paragraph (d) of subdivision two of section two hundred fifty-nine-i of the executive law or after the successful completion of a shock incarceration program pursuant to article twenty-six-A of the correction law.

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

1. have the power and duty of determining which inmates serving an indeterminate or determinate sentence of imprisonment may be released on parole, or on medical parole pursuant to section two hundred fifty-nine-r OR SECTION TWO HUNDRED FIFTY-NINE-S of this article, and when and under what conditions;

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

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

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

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

PART K

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

5. THE COMMISSIONER SHALL BE AUTHORIZED TO ENTER INTO AGREEMENTS TO SELL FOOD AND DRINK PRODUCTS MADE AT THE FOOD PRODUCTION CENTER OF THE DEPARTMENT TO FOOD KITCHENS, HOMELESS SHELTERS AND OTHER ELEEMOSYNARY ORGANIZATIONS FUNDED IN WHOLE OR IN PART BY FEDERAL, STATE OR LOCAL FUNDS. ALL PROCEEDS FROM SUCH SALES SHALL BE DEPOSITED INTO AN ACCOUNT WHICH SHALL ONLY BE USED FOR THE CONTINUED OPERATION OF THE FOOD PRODUCTION CENTER. THE CHARGE FOR THESE PRODUCTS, INCLUDED IN THE AGREEMENTS BETWEEN THE COMMISSIONER AND THESE ELEEMOSYNARY ORGANIZATIONS, SHALL NOT EXCEED THE COSTS ASSOCIATED WITH THE PRODUCTION AND TRANSPORTATION OF THE PRODUCTS FOR SALE. THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, AND BY WHATEVER MEANS HE OR SHE DEEMS APPROPRIATE, NOTIFY SUCH ORGANIZATIONS OF THE AVAILABILITY OF SUCH PRODUCTS FOR SALE.

S 2. This act shall take effect immediately.

PART L

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

1. "Eligible inmate" means a person sentenced to an indeterminate term of imprisonment who will become eligible for release on parole within three years or sentenced to a determinate term of imprisonment who will become eligible for conditional release within three years, who has not reached the age of [forty] FIFTY years, who has not previously been convicted of a felony upon which an indeterminate or determinate term of imprisonment was imposed and who was between the ages of sixteen and [forty] FIFTY years at the time of commission of the crime upon which his or her present sentence was based except, however, an eligible inmate shall not include a person sentenced to a determinate sentence of three and one-half years or more as a second felony drug offender pursuant to subdivision three of section 70.70 of the penal law for a conviction of a class B felony offense defined in article two hundred twenty of the penal law. Notwithstanding the foregoing, no person who is convicted of any of the following crimes shall be deemed eligible to participate in this program: (a) a violent felony offense as defined in article seventy of the penal law, (b) an A-I felony offense, (c) [manslaughter in the second degree, vehicular manslaughter in the second degree, vehicular manslaughter in the first degree, and criminally negligent] ANY homicide OFFENSE as defined in article one hundred twenty-five of the penal law, (d) [rape in the second degree, rape in the third degree, criminal sexual act in the second degree, criminal sexual act in the third degree, attempted sexual abuse in the first degree, attempted rape in the second degree and attempted criminal sexual act in the second degree] ANY SEX OFFENSE as defined in [articles one hundred ten and] ARTICLE one hundred thirty of the penal law and (e) any escape or absconding offense as defined in article two hundred five of the penal law.

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

2. "Shock incarceration program" means a program pursuant to which eligible inmates are selected [directly at reception centers] to participate in the program and serve a period of six months in a shock incarceration facility, which shall provide rigorous physical activity,

intensive regimentation and discipline and rehabilitation therapy and programming. SUCH INMATES MAY BE SELECTED EITHER: (I) AT A RECEPTION CENTER; OR (II) AT A GENERAL CONFINEMENT FACILITY WHEN THE OTHERWISE ELIGIBLE INMATE THEN BECOMES ELIGIBLE FOR RELEASE ON PAROLE WITHIN THREE YEARS IN THE CASE OF AN INDETERMINATE TERM OF IMPRISONMENT, OR THEN BECOMES ELIGIBLE FOR CONDITIONAL RELEASE WITHIN THREE YEARS IN THE CASE OF A DETERMINATE TERM OF IMPRISONMENT.

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

2. [For each reception center the] THE commissioner shall appoint or cause to be appointed a shock incarceration selection committee AT ONE OR MORE DESIGNATED CORRECTIONAL FACILITIES, which shall meet on a regularly scheduled basis to review ALL ELIGIBLE INMATES TRANSFERRED TO SUCH FACILITY FOR SCREENING AND all applications for the shock incarceration program.

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

S 803-B. LIMITED CREDIT TIME ALLOWANCES FOR INMATES SERVING INDETERMINATE OR DETERMINATE SENTENCES IMPOSED FOR SPECIFIED OFFENSES. 1. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ELIGIBLE OFFENDER" MEANS A PERSON UNDER THE CUSTODY OF THE DEPARTMENT OR CONFINED IN A FACILITY IN THE DEPARTMENT OF MENTAL HYGIENE, OTHER THAN A PERSON WHO IS SUBJECT TO A SENTENCE IMPOSED FOR MURDER IN THE FIRST DEGREE AS DEFINED IN SECTION 125.27 OF THE PENAL LAW, AN OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY OF SUCH LAW, OR AN ATTEMPT OR A CONSPIRACY TO COMMIT ANY SUCH OFFENSE, WHO IS OTHERWISE SUBJECT TO:

(I) AN INDETERMINATE SENTENCE IMPOSED FOR ANY CLASS A-I FELONY OFFENSE OTHER THAN CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE AS DEFINED IN SECTION 220.21 OF THE PENAL LAW OR CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE AS DEFINED IN SECTION 220.43 OF SUCH LAW OR AN ATTEMPT OR A CONSPIRACY TO COMMIT SUCH CONTROLLED SUBSTANCE OFFENSE; OR

(II) AN INDETERMINATE OR DETERMINATE SENTENCE IMPOSED FOR AN OFFENSE LISTED IN SUBDIVISION ONE OF SECTION 70.02 OF THE PENAL LAW; OR

(III) AN INDETERMINATE OR DETERMINATE SENTENCE IMPOSED FOR AN OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW.

(B) "LIMITED CREDIT TIME BENEFIT" MEANS:

(I) IN THE CASE OF AN ELIGIBLE OFFENDER WHO IS SUBJECT TO AN INDETERMINATE SENTENCE WITH A MAXIMUM TERM OF LIFE IMPRISONMENT, SUCH OFFENDER SHALL BE ELIGIBLE FOR RELEASE SIX MONTHS BEFORE THE COMPLETION OF THE CONTROLLING MINIMUM PERIOD OF IMPRISONMENT AS DEFINED BY SUBDIVISION ONE OF SECTION 70.40 OF THE PENAL LAW; OR

(II) (A) IN THE CASE OF AN ELIGIBLE OFFENDER WHO IS NOT SUBJECT TO AN INDETERMINATE SENTENCE WITH A MAXIMUM TERM OF LIFE IMPRISONMENT, SUCH OFFENDER SHALL BE ELIGIBLE FOR CONDITIONAL RELEASE SIX MONTHS EARLIER THAN AS PROVIDED BY PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 70.40 OF THE PENAL LAW, PROVIDED THAT THE DEPARTMENT DETERMINES SUCH OFFENDER HAS EARNED THE FULL AMOUNT OF GOOD TIME AUTHORIZED BY SECTION EIGHT HUNDRED THREE OF THIS ARTICLE; THE WITHHOLDING OF ANY GOOD BEHAVIOR TIME CREDIT BY THE DEPARTMENT SHALL RENDER AN INMATE INELIGIBLE FOR THE CREDIT DEFINED HEREIN;

(B) IN THE EVENT THE LIMITED CREDIT TIME BENEFIT DEFINED HEREIN CAUSES SUCH CONDITIONAL RELEASE DATE TO PRECEDE THE PAROLE ELIGIBILITY DATE AS CALCULATED PURSUANT TO SUBDIVISION ONE OF SECTION 70.40 OF THE PENAL

LAW, A LIMITED CREDIT TIME BENEFIT SHALL ALSO BE APPLIED TO THE PAROLE ELIGIBILITY DATE, BUT ONLY TO THE EXTENT NECESSARY TO CAUSE SUCH PAROLE ELIGIBILITY DATE TO BE THE SAME DATE AS THE CONDITIONAL RELEASE DATE;

(C) AN INMATE SHALL NOT BE ELIGIBLE FOR THE CREDIT DEFINED HEREIN IF HE OR SHE IS RETURNED TO THE DEPARTMENT PURSUANT TO A REVOCATION OF PRESUMPTIVE RELEASE, PAROLE, CONDITIONAL RELEASE, OR POST-RELEASE SUPERVISION AND HAS NOT BEEN SENTENCED TO AN ADDITIONAL INDETERMINATE OR DETERMINATE TERM OF IMPRISONMENT.

(III) REGARDLESS OF THE NUMBER OF SENTENCES TO WHICH AN ELIGIBLE OFFENDER IS SUBJECT, THE LIMITED CREDIT TIME BENEFIT AUTHORIZED PURSUANT TO THIS SECTION SHALL BE LIMITED TO A SINGLE SIX-MONTH CREDIT APPLIED TO SUCH PERSON'S PAROLE ELIGIBILITY DATE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH OR TO SUCH PERSON'S CONDITIONAL RELEASE DATE PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH. EXCEPT AS PROVIDED IN CLAUSE (B) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LIMITED CREDIT TIME BENEFIT AUTHORIZED PURSUANT TO THIS SECTION SHALL NOT BE APPLIED TO AN ELIGIBLE OFFENDER'S PAROLE ELIGIBILITY DATE AND CONDITIONAL RELEASE DATE.

(C) "SIGNIFICANT PROGRAMMATIC ACCOMPLISHMENT" MEANS THAT THE INMATE:

(I) PARTICIPATES IN NO LESS THAN TWO YEARS OF COLLEGE PROGRAMMING; OR

(II) OBTAINS A MASTERS OF PROFESSIONAL STUDIES DEGREE; OR

(III) SUCCESSFULLY PARTICIPATES AS AN INMATE PROGRAM ASSOCIATE FOR NO LESS THAN TWO YEARS; OR

(IV) RECEIVES A CERTIFICATION FROM THE STATE DEPARTMENT OF LABOR FOR HIS OR HER SUCCESSFUL PARTICIPATION IN AN APPRENTICESHIP PROGRAM; OR

(V) SUCCESSFULLY WORKS AS AN INMATE HOSPICE AID FOR A PERIOD OF NO LESS THAN TWO YEARS.

(D) "SERIOUS DISCIPLINARY INFRACTION" OR "OVERALL POOR INSTITUTIONAL RECORD" SHALL BE DEFINED IN REGULATIONS PROMULGATED BY THE COMMISSIONER AND NEED NOT BE THE SAME AS THE REGULATIONS PROMULGATED FOR THE MEANING OF SERIOUS DISCIPLINARY INFRACTION PURSUANT TO PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED THREE OF THIS ARTICLE.

(E) "DISQUALIFYING JUDICIAL DETERMINATION" MEANS A JUDICIAL DETERMINATION THAT THE PERSON, WHILE AN INMATE, COMMENCED OR CONTINUED A CIVIL ACTION OR PROCEEDING OR CLAIM THAT WAS FOUND TO BE FRIVOLOUS AS DEFINED IN SUBDIVISION (C) OF SECTION EIGHT THOUSAND THREE HUNDRED THREE-A OF THE CIVIL PRACTICE LAW AND RULES, OR AN ORDER OF A FEDERAL COURT PURSUANT TO RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE IMPOSING SANCTIONS IN AN ACTION COMMENCED BY A PERSON WHILE AN INMATE AGAINST A STATE AGENCY, OFFICER OR EMPLOYEE.

2. EVERY ELIGIBLE OFFENDER UNDER THE CUSTODY OF THE DEPARTMENT OR CONFINED IN A FACILITY IN THE DEPARTMENT OF MENTAL HYGIENE MAY EARN A LIMITED CREDIT TIME ALLOWANCE IF SUCH OFFENDER SUCCESSFULLY PARTICIPATES IN THE WORK AND TREATMENT PROGRAM ASSIGNED PURSUANT TO SECTION EIGHT HUNDRED FIVE OF THIS ARTICLE AND:

(A) SUCCESSFULLY COMPLETES ONE OR MORE SIGNIFICANT PROGRAMMATIC ACCOMPLISHMENTS; AND

(B) HAS NOT COMMITTED A SERIOUS DISCIPLINARY INFRACTION OR MAINTAINED AN OVERALL NEGATIVE INSTITUTIONAL RECORD AS DEFINED IN RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER; AND

(C) HAS NOT RECEIVED A DISQUALIFYING JUDICIAL DETERMINATION.

3. NO PERSON SHALL HAVE THE RIGHT TO DEMAND OR REQUIRE THE CREDIT AUTHORIZED BY THIS SECTION. THE COMMISSIONER MAY REVOKE AT ANY TIME SUCH CREDIT FOR ANY DISCIPLINARY INFRACTION COMMITTED BY THE INMATE OR FOR ANY FAILURE TO CONTINUE TO PARTICIPATE SUCCESSFULLY IN ANY ASSIGNED WORK AND TREATMENT PROGRAM AFTER THE CERTIFICATE OF EARNED ELIGIBILITY HAS BEEN AWARDED. ANY ACTION BY THE COMMISSIONER PURSUANT TO THIS SECTION

SHALL BE DEEMED A JUDICIAL FUNCTION AND SHALL NOT BE REVIEWABLE IF DONE IN ACCORDANCE WITH LAW.

S 5. This act shall take effect immediately.

PART M

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

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

S 601-C. FELONY PRISONERS; REIMBURSEMENT FOR COSTS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ANY CASE WHERE A PERSON HAS BEEN CONVICTED OF A FELONY AND A SENTENCE HAS BEEN PRONOUNCED WHICH REQUIRES THAT HE OR SHE BE COMMITTED TO THE CUSTODY OF THE COMMISSIONER, IF SUCH PERSON HAS NOT BEEN ACCEPTED FOR CUSTODY BY THE COMMISSIONER WITHIN TEN BUSINESS DAYS OF RECEIPT OF A WRITTEN NOTIFICATION BY THE DEPARTMENT FROM THE APPROPRIATE LOCAL OFFICIAL THAT HE OR SHE IS PREPARED TO TRANSPORT SUCH PERSON TO THE FACILITY DESIGNATED BY THE DEPARTMENT, PROVIDED THAT THERE HAS BEEN COMPLIANCE WITH SUBDIVISION (A) OF SECTION SIX HUNDRED ONE OF THIS ARTICLE, AND PROVIDED FURTHER THAT SUCH PERSON IS NOT IN NEED OF IMMEDIATE MEDICAL CARE REQUIRING THE AVAILABILITY OF A HOSPITAL OR INFIRMARY BED, THEN THE EXPENSE OF MAINTAINING SUCH PERSON SHALL BE PAID BY THE STATE AT THE RATE OF ONE HUNDRED DOLLARS PER DAY PER CAPITA, OR THE ACTUAL PER DAY PER CAPITA COST AS CERTIFIED BY THE APPROPRIATE LOCAL OFFICIAL, WHICHEVER IS LESS, BEGINNING WITH THE FIRST DAY OF RECEIPT OF WRITTEN NOTIFICATION BY THE DEPARTMENT.

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

PART N

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

4-A. TO FACILITATE THE SUPERVISION OF ALL INMATES RELEASED ON PAROLE OR CONDITIONAL RELEASE, OR TO POST-RELEASE SUPERVISION, THE CHAIRMAN OF THE STATE BOARD OF PAROLE SHALL CONSIDER THE IMPLEMENTATION OF A PROGRAM OF GRADUATED SANCTIONS, INCLUDING BUT NOT LIMITED TO THE UTILIZATION OF A RISK AND NEEDS ASSESSMENT INSTRUMENT THAT WOULD BE ADMINISTERED TO ALL INMATES ELIGIBLE FOR PAROLE SUPERVISION. SUCH A PROGRAM WOULD INCLUDE VARIOUS COMPONENTS INCLUDING APPROACHES THAT CONCENTRATE SUPERVISION ON NEW RELEASES, ALTERNATIVES TO INCARCERATION FOR TECHNICAL PAROLE VIOLATORS AND THE USE OF ENHANCED TECHNOLOGIES.

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

4. establish written guidelines for its use in making parole decisions as required by law, including the fixing of minimum periods of imprisonment or ranges thereof for different categories of offenders. SUCH WRITTEN GUIDELINES MAY CONSIDER THE USE OF A RISK AND NEEDS ASSESSMENT INSTRUMENT TO ASSIST MEMBERS OF THE STATE BOARD OF PAROLE IN DETERMINING WHICH INMATES MAY BE RELEASED TO PAROLE SUPERVISION;

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

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

vision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law in connection with the licensing, employment or providing of credit or insurance to such individual; provided, [however, that the] FURTHER, NO PERSON SHALL BE REQUIRED TO DIVULGE INFORMATION PERTAINING TO ANY ARREST OR CRIMINAL ACCUSATION OF SUCH INDIVIDUAL NOT THEN PENDING AGAINST THAT INDIVIDUAL WHICH WAS FOLLOWED BY A TERMINATION OF THAT CRIMINAL ACTION OR PROCEEDING IN FAVOR OF SUCH INDIVIDUAL, AS DEFINED IN SUBDIVISION TWO OF SECTION 160.50 OF THE CRIMINAL PROCEDURE LAW, OR BY A YOUTHFUL OFFENDER ADJUDICATION, AS DEFINED IN SUBDIVISION ONE OF SECTION 720.35 OF THE CRIMINAL PROCEDURE LAW, OR BY A CONVICTION FOR A VIOLATION SEALED PURSUANT TO SECTION 160.55 OF THE CRIMINAL PROCEDURE LAW. THE provisions [hereof] OF THIS SUBDIVISION shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law.

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

PART O

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

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

prepared pursuant to this section, and the court must consider such record and information when pronouncing sentence. IF A DEFENDANT SATISFACTORILY COMPLETES A TERM OF INTERIM PROBATION SUPERVISION, HE OR SHE SHALL RECEIVE CREDIT FOR THE TIME SERVED UNDER THE PERIOD OF INTERIM PROBATION SUPERVISION TOWARD ANY PROBATION SENTENCE THAT IS SUBSEQUENTLY IMPOSED IN THAT CASE.

(B) IN ITS DISCRETION, THE SUPERVISING PROBATION DEPARTMENT MAY UTILIZE THE PROVISIONS OF SECTIONS 410.20, 410.30, 410.40, 410.50, 410.60 AND 410.92 OF THIS TITLE, WHERE APPLICABLE.

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

S 257-B. PROBATION REGISTRATION FEE. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY INDIVIDUAL SENTENCED TO PROBATION OR RELEASED UNDER INTERIM PROBATION SUPERVISION SHALL BE SUBJECT TO A NON-REFUNDABLE PROBATION REGISTRATION FEE OF TWENTY-FIVE DOLLARS, PAYABLE TO THE SUPERVISING PROBATION DEPARTMENT RESPONSIBLE FOR REGISTERING THE INDIVIDUAL ON THE STATEWIDE INTEGRATED PROBATION REGISTRANT SYSTEM.

2. MONIES COLLECTED PURSUANT TO THIS SECTION SHALL SUPPORT THE LOCAL PROBATION DEPARTMENT FOR ITS PROBATION SERVICES.

3. THE PROBATION REGISTRATION FEE MANDATED BY THIS SECTION SHALL NOT CONSTITUTE NOR BE IMPOSED AS A CONDITION OF PROBATION. FAILURE TO PAY SUCH FEE MAY RESULT IN LEGAL ACTION AGAINST THE INDIVIDUAL UNDER PROBATION SUPERVISION, REGARDLESS OF WHETHER PROBATION SUPERVISION HAS BEEN TERMINATED OR OTHERWISE EXPIRED. IN THE EVENT OF NON-PAYMENT OF ANY FEE, THE COUNTY OR THE CITY OF NEW YORK MAY ENFORCE PAYMENT IN ANY MANNER PERMITTED BY LAW FOR ENFORCEMENT OF A DEBT.

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

2. Supervision. The probation department serving the court that imposed a sentence of probation has the duty of supervising the defendant during the period of such legal custody. SUCH DEPARTMENT ALSO HAS A DUTY TO COLLECT A PROBATION REGISTRATION FEE, AS SET FORTH IN SECTION TWO HUNDRED FIFTY-SEVEN-B OF THE EXECUTIVE LAW, WHICH FEE SHALL NOT CONSTITUTE NOR BE IMPOSED AS A CONDITION OF PROBATION.

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

PART P

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

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

PART Q

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

3. Visit, inspect and appraise the management of correctional facilities with specific attention to matters such as safety, security, health of inmates, sanitary conditions, rehabilitative programs, disturbance and fire prevention and control preparedness, and adherence to laws and regulations governing the rights of inmates; PROVIDED, HOWEVER, THAT THE COMMISSION NEED NOT VISIT, INSPECT AND APPRAISE THE MANAGEMENT OF A CORRECTIONAL FACILITY OPERATED BY THE STATE DEPARTMENT OF CORRECTIONAL SERVICES OR A LOCAL CORRECTIONAL FACILITY WHEN THAT FACILITY IS ACCREDITED BY THE AMERICAN CORRECTIONAL ASSOCIATION UNLESS THE COMMISSION HAS REASON TO BELIEVE THE FACILITY IS NOT MEETING ACCREDITATION STANDARDS OR OTHERWISE DETERMINES SUCH VISITATION, INSPECTION OR APPRAISAL IS NECESSARY OR APPROPRIATE TO MAINTAIN THE HEALTH, SAFETY OR SECURITY OF INMATES AND EMPLOYEES OF THE FACILITY OR THE GENERAL PUBLIC. NOTHING IN THIS SUBDIVISION SHALL LIMIT THE COMMISSION'S DISCRETION TO VISIT, INSPECT AND APPRAISE ANY SUCH FACILITY AT ANY TIME.

S 2. Subdivisions 9 and 9-a of section 45 of the correction law are REPEALED.

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

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

9. IN CONSULTATION WITH THE STATE COMMISSION OF CORRECTION AND THE MUNICIPAL POLICE TRAINING COUNCIL, ESTABLISH AND MAINTAIN BASIC AND OTHER CORRECTIONAL TRAINING PROGRAMS FOR SUCH PERSONNEL EMPLOYED BY CORRECTIONAL FACILITIES AS THE COMMISSIONER SHALL DEEM NECESSARY. SUCH BASIC CORRECTIONAL TRAINING PROGRAM SHALL BE SATISFACTORILY COMPLETED BY SUCH PERSONNEL PRIOR TO THEIR UNDERTAKING THEIR DUTIES OR WITHIN ONE YEAR FOLLOWING THE DATE OF THEIR APPOINTMENT OR AT SUCH TIMES AS THE COMMISSIONER MAY PRESCRIBE. PROVIDED, HOWEVER, THE COMMISSIONER MAY, AFTER CONSULTATION WITH THE STATE COMMISSION OF CORRECTION, EXEMPT FROM SUCH REQUIREMENT PERSONNEL EMPLOYED BY ANY CORRECTIONAL FACILITY WHICH, IN THE OPINION OF THE COMMISSIONER, MAINTAINS A BASIC CORRECTIONAL TRAINING PROGRAM OF A STANDARD EQUAL TO OR HIGHER THAN THAT ESTABLISHED AND MAINTAINED BY THE DIVISION; OR REVOKE IN WHOLE OR IN PART SUCH EXEMPTION, IF IN HIS OR HER OPINION THE STANDARDS OF THE BASIC CORRECTIONAL TRAINING PROGRAM MAINTAINED BY SUCH FACILITY ARE LOWER THAN THOSE ESTABLISHED PURSUANT TO THIS ARTICLE.

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

2-A. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS WITH RESPECT TO:

(A) THE APPROVAL, OR REVOCATION THEREOF, OF BASIC AND OTHER CORRECTIONAL TRAINING PROGRAMS ADMINISTERED BY MUNICIPALITIES;

(B) MINIMUM COURSES OF STUDY, ATTENDANCE REQUIREMENTS, AND EQUIPMENT AND FACILITIES TO BE REQUIRED AT APPROVED BASIC AND OTHER CORRECTIONAL TRAINING PROGRAMS;

(C) MINIMUM QUALIFICATIONS FOR INSTRUCTORS AT APPROVED BASIC AND OTHER CORRECTIONAL TRAINING PROGRAMS; AND

(D) THE REQUIREMENTS OF A MINIMUM BASIC CORRECTIONAL TRAINING PROGRAM REQUIRED BY SUBDIVISION NINE OF SECTION EIGHT HUNDRED THIRTY-SEVEN-A OF THIS ARTICLE.

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

OR HER functions, powers and duties as set forth in section eight hundred forty-one of this article;

(b) Recommend studies, surveys and reports to be made by the commissioner regarding the carrying out of the objectives and purposes of this section;

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

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

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

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

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

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

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

(H) CONSULT WITH THE STATE COMMISSION OF CORRECTION REGARDING CORRECTIONAL TRAINING PROGRAMS.

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

S 841. Functions, powers and duties of the commissioner with respect to the council. In addition to the functions, powers and duties otherwise provided by this article, the commissioner shall, with the general advice of the council, and, in the case of subdivisions one, two and three OF THIS SECTION, only in accordance with rules and regulations promulgated by the governor pursuant to section eight hundred forty-two:

1. Approve police training schools administered by municipalities and issue certificates of approval to such schools, and revoke such approval or certificate;

1-A. APPROVE CORRECTIONAL TRAINING PROGRAMS ADMINISTERED BY MUNICIPALITIES AND ISSUE CERTIFICATES OF APPROVAL TO SUCH PROGRAMS, AND REVOKE SUCH APPROVAL OR CERTIFICATE;

2. Certify, as qualified, instructors at approved police training schools and issue appropriate certificates to such instructors;

2-A. CERTIFY, AS QUALIFIED, INSTRUCTORS AT APPROVED CORRECTIONAL TRAINING PROGRAMS AND ISSUE APPROPRIATE CERTIFICATES TO SUCH INSTRUCTORS;

3. Certify police officers and peace officers who have satisfactorily completed basic training programs and issue certificates to such police officers and peace officers, including the issuance of equivalency certificates for basic training certificates issued to peace officers, where such officers received a certificate for successful completion of a basic training for police officers program or an approved course for state university of New York public safety officers during a period in which such peace officer was not employed as a police officer, upon demonstration of adequate equivalent training, the completion of supervised field training, requisite job-related law enforcement experience as determined by the commissioner, and if deemed necessary, the successful completion of relevant police officer training courses pursuant to section two hundred nine-q of the general municipal law;

3-A. CERTIFY CORRECTION OFFICERS WHO HAVE SATISFACTORILY COMPLETED BASIC CORRECTIONAL TRAINING PROGRAMS AND ISSUE CERTIFICATES TO SUCH CORRECTION OFFICERS;

4. Cause studies and surveys to be made relating to the establishment, operation and approval of municipal police training schools AND CORRECTIONAL TRAINING PROGRAMS;

5. Consult with and cooperate with municipal police training schools for the development of advanced in-service training programs for police officers [and], peace officers, AND CORRECTION OFFICERS and issue appropriate certificates to police officers [and], peace officers, AND CORRECTION OFFICERS, attesting to their satisfactory completion of such advanced training programs;

6. Consult with and cooperate with universities, colleges and institutes in the state for the development of specialized courses of study for police officers [and], peace officers, AND CORRECTION OFFICERS in police science [and], police administration, AND CRIMINAL JUSTICE;

7. Consult with and cooperate with other departments and agencies of the state concerned with police officer and peace officer training;

7-A. CONSULT WITH AND COOPERATE WITH THE STATE COMMISSION OF CORRECTION AND OTHER DEPARTMENTS AND AGENCIES OF THE STATE CONCERNED WITH CORRECTION OFFICER TRAINING;

8. Report to the council at each regular meeting of the council and at such other times as may be appropriate[.]; AND

9. Prepare, update and distribute to appropriate law enforcement officials the form and content of the written notice required to be given to victims of family offenses pursuant to subdivision five of section eight hundred twelve of the family court act and subdivision six of section 530.11 of the criminal procedure law.

S 7. Subdivisions 6 and 10 of section 45 of the correction law, as added by chapter 865 of the laws of 1975, are amended to read as follows:

6. Promulgate rules and regulations establishing minimum standards for THE REVIEW OF THE CONSTRUCTION OR IMPROVEMENT OF CORRECTIONAL FACILITIES AND the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in correctional facilities. Such rules and regulations shall be forwarded to the governor, the temporary president of the senate and the speaker of the assembly no later than January first, nineteen hundred seventy-six and annually thereafter.

10. Approve or reject plans and specifications for the construction or improvement of correctional facilities THAT DIRECTLY AFFECT THE HEALTH OF INMATES AND STAFF, SAFETY, OR SECURITY.

S 8. Subdivisions 1 and 2 of section 182.20 of the criminal procedure law, subdivision 1 as amended by chapter 317 of the laws of 2008, subdivision 2 as added by chapter 689 of the laws of 1993, are amended to read as follows:

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

2. If, for any reason, the court determines on its own motion or on the motion of any party that the conduct of an electronic appearance may impair the legal rights of the defendant, it shall not permit the electronic appearance to proceed. If[, for any other articulated reason, either party requests at any time during the electronic appearance that such appearance be terminated] THE COURT COMMENCES AND THEN TERMINATES AN ELECTRONIC APPEARANCE, the court shall [grant such request and] adjourn the proceeding to a date certain. Upon the adjourned date the proceeding shall be recommenced from the point at which [the request for termination of] the electronic appearance [had been granted] WAS TERMINATED.

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

2. Where the jail in a county becomes unfit or unsafe for the confinement of some or all of the inmates due to an inmate disturbance [or a natural disaster including but not limited to flood, earthquake, hurricane, landslide or fire,] or other extraordinary circumstances, INCLUDING BUT NOT LIMITED TO A NATURAL DISASTER, UNANTICIPATED DEFICIENCIES IN THE STRUCTURAL INTEGRITY OF A FACILITY OR THE INABILITY TO PROVIDE ONE OR MORE INMATES WITH ESSENTIAL SERVICES SUCH AS MEDICAL CARE, upon the request of the municipal official as defined in subdivision four of section forty of this chapter and no other suitable place within the county nor the jail of any other county is immediately available to house some or all of the inmates, the commissioner of correctional services [is hereby authorized and empowered to] MAY, IN HIS OR HER SOLE DISCRETION, make available, upon such terms and conditions as he may deem appropriate, all or any part of a state correctional institution for the confinement of some or all of such inmates as an adjunct to the

county jail for a period not to exceed thirty days. However, if the county jail remains unfit or unsafe for the confinement of some or all of such inmates beyond thirty days, the state commission of correction, with the consent of the commissioner of correctional services, may extend the availability of a state correctional institution for one or more additional thirty day periods. The state commission of correction shall promulgate rules and regulations governing the temporary transfer of inmates to state correctional institutions from county jails including but not limited to provisions for confinement of such inmates in the nearest correctional facility, to the maximum extent practicable, taking into account necessary security. The COMMISSIONER OF CORRECTIONAL SERVICES MAY, IN HIS OR HER SOLE DISCRETION, BASED ON STANDARDS PROMULGATED BY THE DEPARTMENT, DETERMINE WHETHER A county shall reimburse the state for ANY OR ALL OF the actual costs of confinement as approved by the director of the division of the budget. On or before the expiration of each thirty day period, the state commission of correction must make an appropriate designation pursuant to subdivision one if the county jail remains unfit or unsafe for the confinement of some or all of the inmates and consent to the continued availability of a state correctional institution as required for herein. The superintendence, management and control of a state correctional institution or part thereof made available pursuant hereto and the inmates housed therein shall be as directed by the commissioner of correctional services.

S 10. This act shall take effect immediately; provided, however, that sections two, four, five and six of this act shall take effect on the one hundred eightieth day after they shall have become a law; and provided further that the amendments to section 182.20 of the criminal procedure law made by section eight of this act shall not affect the expiration of such section and shall expire and be deemed repealed therewith.

PART R

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

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

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

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

PART S

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

5-B. DENIAL OF REGISTRATION OR RENEWAL FOR CERTAIN VIOLATIONS. IF AT THE TIME OF APPLICATION FOR A REGISTRATION OR RENEWAL THEREOF THERE IS A NOTIFICATION FROM OR ON BEHALF OF THE DIVISION OF CRIMINAL JUSTICE

SERVICES, OR ANY AGENCY, DIVISION OR AUTHORITY SO DESIGNATED BY SUCH DIVISION, THAT THE REGISTRANT OR HIS REPRESENTATIVE HAS FAILED TO ANSWER OR HAS FAILED TO PAY ANY PENALTY IMPOSED BY SUCH DIVISION, AGENCY OR AUTHORITY FOLLOWING THE ENTRY OF A FINAL DECISION OF LIABILITY IN RESPONSE TO A TOTAL OF THREE OR MORE NOTICES OF LIABILITY CHARGING THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-ONE-A OF THIS CHAPTER FOR A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, THE COMMISSIONER, OR HIS AGENT, SHALL DENY THE REGISTRATION OR RENEWAL APPLICATION UNTIL THE APPLICANT PROVIDES PROOF FROM THE DIVISION THAT IN EACH SUCH INSTANCE, THE REGISTRANT HAS APPEARED IN RESPONSE TO SUCH NOTICE OF LIABILITY OR HAS PAID SUCH PENALTY. WHERE AN APPLICATION IS DENIED PURSUANT TO THIS SECTION, THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, DENY A REGISTRATION OR RENEWAL APPLICATION TO ANY OTHER PERSON FOR THE SAME VEHICLE AND MAY DENY A REGISTRATION OR RENEWAL APPLICATION FOR ANY OTHER MOTOR VEHICLE REGISTERED IN THE NAME OF THE APPLICANT WHERE THE COMMISSIONER HAS DETERMINED THAT SUCH REGISTRANT'S INTENT HAS BEEN TO EVADE THE PURPOSES OF THIS SUBDIVISION AND WHERE THE COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH REGISTRATION OR RENEWAL WILL HAVE THE EFFECT OF DEFEATING THE PURPOSES OF THIS SUBDIVISION. SUCH DENIAL SHALL ONLY REMAIN IN EFFECT AS LONG AS THE NOTICES OF LIABILITY REMAIN UNANSWERED OR THE PENALTIES UNPAID. TERMS DEFINED IN SECTION ELEVEN HUNDRED EIGHTY-ONE-A OF THIS CHAPTER SHALL BE DEFINED IN THE SAME WAY FOR PURPOSES OF THIS SECTION.

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

4-F. SUSPENSION OF REGISTRATION FOR FAILURE TO ANSWER OR PAY PENALTIES WITH RESPECT TO CERTAIN VIOLATIONS. UPON THE RECEIPT OF A NOTIFICATION BY OR ON BEHALF OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, OR ANY AGENCY, DIVISION OR AUTHORITY SO DESIGNATED BY SUCH DIVISION, THAT AN OWNER OF A MOTOR VEHICLE HAS FAILED TO ANSWER WITHIN THE REQUIRED TIME OR HAS FAILED TO PAY ANY PENALTY IMPOSED FOLLOWING THE ENTRY OF A FINAL DECISION OF LIABILITY BY SUCH DIVISION, AGENCY OR AUTHORITY IN RESPONSE TO A TOTAL OF SIX OR MORE NOTICES OF LIABILITY CHARGING SUCH OWNER WITH A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-ONE-A OF THIS CHAPTER, THE COMMISSIONER, OR HIS OR HER AGENT, SHALL SUSPEND THE REGISTRATION OF THE VEHICLE OR VEHICLES INVOLVED IN THE VIOLATIONS OR THE PRIVILEGE OF OPERATION OF ANY MOTOR VEHICLE OWNED BY THE REGISTRANT. SUCH SUSPENSION SHALL TAKE EFFECT NO LESS THAN THIRTY DAYS FROM THE DATE ON WHICH NOTICE THEREOF IS SENT BY THE COMMISSIONER TO THE PERSON WHOSE REGISTRATION OR PRIVILEGE IS SUSPENDED, AND SHALL REMAIN IN EFFECT UNTIL SUCH REGISTRANT HAS APPEARED IN RESPONSE TO SUCH NOTICE OF LIABILITY OR HAS PAID SUCH PENALTY IN EACH SUCH INSTANCE. TERMS DEFINED IN SECTION ELEVEN HUNDRED EIGHTY-ONE-A OF THIS CHAPTER SHALL BE DEFINED IN THE SAME WAY FOR PURPOSES OF THIS SECTION.

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

S 1181-A. OWNER LIABILITY FOR OPERATION IN EXCESS OF CERTAIN POSTED SPEED LIMITS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND IN ACCORDANCE WITH THIS SECTION, RULES AND REGULATIONS MAY BE PROMULGATED BY THE DIVISION OF STATE POLICE, THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND ANY AGENCY, DIVISION OR AUTHORITY SO DESIGNATED BY THE DIVISION OF STATE POLICE, TO ESTABLISH A PHOTO-MONITORING PROGRAM AND TO IMPOSE MONETARY LIABILITY ON THE OWNER OF A VEHICLE THAT IS OPERATED IN

EXCESS OF A MAXIMUM SPEED LIMIT IN VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE FOR FAILING TO OBEY POSTED SPEED LIMITS IN WORK ZONES AND DESIGNATED STRETCHES OF HIGHWAY. THE SUPERINTENDENT OF STATE POLICE SHALL DETERMINE THE LOCATIONS IN WHICH THE PHOTO-MONITORING PROGRAM SHALL BE ESTABLISHED IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION. NO MORE THAN SIXTY OPERATING PHOTO-MONITORING SYSTEMS SHALL BE IN PLACE AT ANY GIVEN TIME. SIGNS ALERTING MOTORISTS TO THE PRESENCE OF PHOTO-MONITORING DEVICES SHALL BE PLACED APPROXIMATELY THREE HUNDRED YARDS IN ADVANCE OF THE LOCATION OF SUCH DEVICE.

2. THE OWNER OF A VEHICLE SHALL BE LIABLE FOR A CIVIL PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE WAS USED OR OPERATED BY THE OWNER OR WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, AND OPERATED IN EXCESS OF A MAXIMUM SPEED LIMIT IN VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE AND SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A PHOTO-MONITORING SYSTEM, PROVIDED, HOWEVER, THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CHARGED WITH A VIOLATION OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE FOR THE SAME INCIDENT.

3. FOR PURPOSES OF THIS SECTION, THE TERM "OWNER" SHALL MEAN ANY PERSON, CORPORATION, PARTNERSHIP, FIRM, AGENCY, ASSOCIATION, LESSOR OR ORGANIZATION WHO, AT THE TIME OF THE VIOLATION AND WITH RESPECT TO THE VEHICLE IDENTIFIED IN THE NOTICE OF LIABILITY: (A) IS THE BENEFICIAL OR EQUITABLE OWNER OF SUCH VEHICLE; OR (B) HAS TITLE TO SUCH VEHICLE; OR (C) IS THE REGISTRANT OR CO-REGISTRANT OF SUCH VEHICLE WHICH IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES OF THIS STATE OR ANY OTHER STATE, TERRITORY, DISTRICT, PROVINCE, NATION OR OTHER JURISDICTION; OR (D) SUBJECT TO THE LIMITATIONS SET FORTH IN SUBDIVISION TEN OF THIS SECTION, USES SUCH VEHICLE IN ITS VEHICLE RENTING AND/OR LEASING BUSINESS; AND INCLUDES (E) A PERSON ENTITLED TO THE USE AND POSSESSION OF A VEHICLE SUBJECT TO A SECURITY INTEREST IN ANOTHER PERSON. FOR PURPOSES OF THIS SECTION, THE TERM "PHOTO-MONITORING SYSTEM" SHALL MEAN A VEHICLE SPEED SENSOR THAT AUTOMATICALLY PRODUCES ONE OR MORE PHOTOGRAPHS, ONE OR MORE MICROPHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF VEHICLES TRAVELING AT THE LOCATION OF SUCH DEVICE. FOR PURPOSES OF THIS SECTION, THE TERM "VEHICLE" SHALL MEAN EVERY DEVICE IN, UPON OR BY WHICH A PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A HIGHWAY.

4. A CERTIFICATE, SWORN TO OR AFFIRMED BY AN AGENT OF THE DIVISION, AGENCY OR AUTHORITY WHICH CHARGED THAT THE VIOLATION OCCURRED, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A PHOTO-MONITORING SYSTEM SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN AND SHALL BE ADMISSIBLE INTO EVIDENCE IN ANY REVIEW OF THE LIABILITY FOR SUCH VIOLATION.

5. AN OWNER FOUND LIABLE FOR A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION SHALL BE LIABLE FOR A MONETARY PENALTY OF FIFTY DOLLARS. AN OWNER FOUND LIABLE FOR A VIOLATION OF SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION SHALL BE LIABLE FOR A MONETARY PENALTY OF ONE HUNDRED DOLLARS.

6. AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL BE BASED UPON A PREPONDERANCE OF EVIDENCE AS SUBMITTED. AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE MOTOR VEHICLE OPERATING

RECORD, FURNISHED PURSUANT TO SECTION THREE HUNDRED FIFTY-FOUR OF THIS CHAPTER, OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

7. (A) A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH PERSON ALLEGED TO BE LIABLE, PURSUANT TO THIS SECTION, AS AN OWNER FOR A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE. SUCH NOTICE SHALL BE MAILED NO LATER THAN FORTY-FIVE DAYS AFTER THE ALLEGED VIOLATION EXCEPT AS PROVIDED IN SUBDIVISION TEN OF THIS SECTION. PERSONAL DELIVERY ON THE OWNER SHALL NOT BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE MAILING OF THE NOTICE.

(B) A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND TIME OF SUCH VIOLATION, THE IDENTIFICATION NUMBER OF THE PHOTO-MONITORING SYSTEM THAT RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

(C) THE NOTICE OF LIABILITY SHALL ALSO CONTAIN INFORMATION ADVISING THE PERSON CHARGED OF THE MANNER AND TIME IN WHICH SUCH PERSON MAY REQUEST A COPY OF THE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A PHOTO-MONITORING SYSTEM AND THE CERTIFICATE THAT CHARGED THAT THE VIOLATION OCCURRED. SUCH REQUEST SHALL BE SUBMITTED WITHIN FORTY-FIVE DAYS OF MAILING OF THE NOTICE OF LIABILITY.

(D) THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH SUCH PERSON MAY CHALLENGE THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO CONTAIN A WARNING TO ADVISE THE PERSON CHARGED THAT FAILURE TO ANSWER OR CHALLENGE IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABILITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED AS A FINAL DECISION OF LIABILITY THEREON.

(E) FAILURE TO ANSWER A NOTICE OF LIABILITY WITHIN FORTY-FIVE DAYS OF MAILING OF THE NOTICE SHALL RESULT IN THE ENTRY OF A DEFAULT JUDGMENT AND THE IMMEDIATE CONVERSION OF THE NOTICE OF LIABILITY INTO A FINAL DECISION OF LIABILITY AGAINST THE OWNER.

8. REVIEW OF A CHALLENGE TO THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION SHALL BE CONDUCTED BY A LIABILITY REVIEW EXAMINER. LIABILITY REVIEW EXAMINERS SHALL BE APPOINTED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND SHALL BE EMPLOYEES OF THE DIVISION OF CRIMINAL JUSTICE SERVICES. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES MAY APPOINT AS MANY LIABILITY REVIEW EXAMINERS AS ARE NEEDED FOR REVIEW OF CHALLENGES TO LIABILITY PURSUANT TO THIS SECTION, WITHIN AMOUNTS APPROPRIATED THEREFOR. WRITTEN CHALLENGES TO LIABILITY SHALL BE SUBMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES BY OWNERS WITHIN FORTY-FIVE DAYS OF MAILING OF THE NOTICE OF LIABILITY OR WITHIN FORTY-FIVE DAYS OF MAILING OF THE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES AND THE CERTIFICATE, WHICHEVER IS LATER. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE REVIEW OF CHALLENGES TO LIABILITY IMPOSED UPON OWNERS PURSUANT TO THIS SECTION WHICH SHALL, AT A MINIMUM, REQUIRE A LIABILITY REVIEW EXAMINER TO INSPECT THE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A PHOTO-MONITORING SYSTEM AND THE CERTIFICATE, OR ANY OTHER WRITTEN INFORMATION THE EXAMINER DEEMS RELEVANT, REVIEW THE OWNER'S

WRITTEN CHALLENGE TO LIABILITY AND THE ACCURACY OF THE INFORMATION ALLEGED IN THE NOTICE OF LIABILITY, AND ISSUE A FINAL DECISION OF LIABILITY WITHIN THIRTY DAYS OF RECEIPT OF THE CHALLENGE.

9. IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE THAT PRIOR TO THE TIME OF THE VIOLATION, THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN, AND THAT IT HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE DIVISION HAVING JURISDICTION.

10. AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION SHALL NOT BE LIABLE FOR THE VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PROVIDED THAT HE OR SHE SENDS TO THE DIVISION SERVING THE NOTICE OF LIABILITY A COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT DOCUMENT COVERING SUCH VEHICLE ON THE DATE OF THE VIOLATION, WITH THE NAME AND ADDRESS OF THE LESSEE CLEARLY LEGIBLE, WITHIN THIRTY DAYS AFTER RECEIVING THE ORIGINAL NOTICE OF LIABILITY. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIRTY DAY TIME PERIOD SHALL RENDER THE LESSOR LIABLE FOR THE PENALTY PRESCRIBED BY THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION AND SHALL BE SUBJECT TO LIABILITY FOR THE VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, PROVIDED THAT THE DIVISION MAILS A NOTICE OF LIABILITY TO THE LESSEE WITHIN THIRTY DAYS AFTER RECEIVING SUCH NOTICE FROM THE LESSOR. FOR PURPOSES OF THIS SUBDIVISION THE TERM "LESSOR" SHALL MEAN ANY PERSON, CORPORATION, FIRM, PARTNERSHIP, AGENCY, ASSOCIATION OR ORGANIZATION ENGAGED IN THE BUSINESS OF RENTING OR LEASING VEHICLES TO ANY LESSEE UNDER A RENTAL AGREEMENT, LEASE OR OTHERWISE WHEREIN THE SAID LESSEE HAS THE USE OF SAID VEHICLE FOR ANY PERIOD OF TIME. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "LESSEE" SHALL MEAN ANY PERSON, CORPORATION, FIRM, PARTNERSHIP, AGENCY, ASSOCIATION OR ORGANIZATION THAT RENTS, LEASES OR CONTRACTS FOR THE USE OF ONE OR MORE VEHICLES AND HAS USE THEREOF FOR ANY PERIOD OF TIME.

11. EXCEPT AS PROVIDED IN SUBDIVISION TEN OF THIS SECTION, IF A PERSON RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS SECTION IT SHALL BE A VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE THAT THE INDIVIDUAL WHO RECEIVED THE NOTICE OF LIABILITY PURSUANT TO THIS SECTION WAS NOT AN OWNER OF THE VEHICLE AT THE TIME THE VIOLATION OCCURRED. IF THE OWNER LIABLE FOR A VIOLATION OF PARAGRAPH TWO OF SUBDIVISION (D) OR SUBDIVISION (F) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

12. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF ANY PROVISION OF LAW.

13. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PREPARED PURSUANT TO THIS SECTION SHALL BE FOR THE USE OF GOVERNMENTAL AGENCIES OR AUTHOR-

ITIES IN THE DISCHARGE OF THEIR DUTIES AND SHALL NOT BE MADE AVAILABLE TO THE PUBLIC EXCEPT AS EXPRESSLY PROVIDED FOR IN THIS SECTION.

S 4. This act shall take effect immediately.

PART T

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

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

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

(e) All moneys received by the superintendent which are collected from policyholders of insurance on [passenger] motor vehicles [subject to the provisions of paragraph a of subdivision six of section four hundred one of the vehicle and traffic law] shall be paid [to the state police motor vehicle law enforcement account established pursuant to section ninety-seven-mm of the state finance law] by the tenth day of the month following receipt of such collections[. By the end of each fiscal year, any moneys paid to the state police motor vehicle law enforcement account established pursuant to section ninety-seven-mm of the state finance law which exceed sixty million four hundred thousand dollars shall be paid to the motor vehicle theft and insurance fraud prevention fund established pursuant to section eighty-nine-d of the state finance law.] IN THE FOLLOWING MANNER:

(1) EACH FISCAL YEAR, THE FIRST FOUR MILLION SEVEN HUNDRED THOUSAND DOLLARS SHALL BE PAID TO THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-D OF THE STATE FINANCE LAW.

(2) ALL REMAINING MONEYS SHALL BE PAID TO THE STATE POLICE MOTOR VEHICLE LAW ENFORCEMENT ACCOUNT ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW.

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

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

2. Such fund shall consist of all moneys received by the state pursuant to subsection [(f)] (B) of section nine thousand one hundred ten of the insurance law [including any moneys received by the state] THAT ARE TRANSFERRED TO THE FUND pursuant to PARAGRAPH ONE OF subsection (e) of section nine thousand one hundred ten of the insurance law [that are transfered to the fund] and all other grants, bequests or other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law.

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

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

any moneys received by the state pursuant to subsection (f) of section nine thousand one hundred ten of the insurance law] that are transferred to the account PURSUANT TO PARAGRAPH TWO OF SUBSECTION (E) OF SECTION NINE THOUSAND ONE HUNDRED TEN OF THE INSURANCE LAW and all other grants, bequests or other moneys credited, appropriated, or transferred thereto from any other fund or source.

3. Nine million one hundred thousand dollars annually of the state police motor vehicle law enforcement account, following appropriation by the legislature and allocation by the director of the budget, shall be made available for the state operation expenses of the division of state police including but not limited to the costs of activities relating to the detection, prosecution or reduction of automobile theft and related purposes. [Fifty-one million three hundred thousand dollars] ALL OTHER FUNDS of the state police motor vehicle law enforcement account, following appropriation by the legislature and allocation by the director of the budget, shall be made available for the state operation expenses of the division of state police including but not limited to the costs of activities relating to highway safety and public security.

S 6. Section 7 of part Q of chapter 62 of the laws of 2003, amending the insurance law and other laws relating to motor vehicle law enforcement fees, as amended by section 1 of part M of chapter 56 of the laws of 2008, is amended to read as follows:

S 7. This act shall take effect immediately, provided that sections one, two and three of this act shall take effect June 1, 2003; [and provided further that the amendments made to subsection (b) of section 9110 of the insurance law made by section one of this act shall expire and be deemed repealed on July 1, 2009 and the provisions of such subsection shall be read as such provisions existed on the date immediately preceding the effective date of this act;] and provided further that the amendments made to subsection (e) of section 9110 of the insurance law made by section two of this act and the amendments made to subdivision 3 of section 97-mm of the state finance law made by section three of this act shall expire and be deemed repealed on March 31, 2004 and the provisions of such subsection and such subdivision shall be read as such provisions existed on the date immediately preceding the effective date of this act.

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

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

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

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

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

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

3. This article shall expire on July first, two thousand nine] OF EACH YEAR.

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

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

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

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

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

PART U

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

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

S 2. Section 3 of chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the

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

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

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

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

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

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

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

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

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

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

leave, and the number of such inmates who have been approved for participation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [2009] 2014, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [2009] 2014 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall

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

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

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [nine] FOURTEEN.

S 15. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by section 16 of part C of chapter 56 of the laws of 2007, is amended to read as follows:

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

S 16. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 17 of part C of chapter 56 of the laws of 2007, is amended to read as follows:

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

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

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

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

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

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

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

S 20. Section 3 of chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, as amended by section 27 of part C of chapter 56 of the laws of 2007, is amended to read as follows:

S 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [2009] 2014, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

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

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

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

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

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

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

S 4. This act shall take effect immediately and shall expire and be deemed repealed [March 31, 2010] SEPTEMBER 30, 2012.

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

S 25. Section 2 of chapter 894 of the laws of 1990, amending the criminal procedure law relating to electronic court appearances, is amended to read as follows:

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

S 26. This act shall take effect immediately.

PART V

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

(M) TO ADMINISTER THE PROVISIONS OF ARTICLE TWENTY OF THE LABOR LAW TO THE EXTENT PROVIDED FOR IN SUCH ARTICLE, AND TO SERVE ALL THE FUNCTIONS OF THE BOARD AS DEFINED IN SECTION SEVEN HUNDRED ONE OF THE LABOR LAW, INCLUDING TO MAKE, AMEND AND RESCIND SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF SUCH ARTICLE.

S 2. Subdivisions 1, 2, 3 and 4 of section 205 of the civil service law, subdivision 1 as amended by chapter 391 of the laws of 1969, subdivision 2 as added by chapter 392 of the laws of 1967, subdivision 3 as amended by chapter 307 of the laws of 1979 and subdivision 4 as amended by chapter 503 of the laws of 1971, are amended to read as follows:

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

public. Not more than two members of the board shall be members of the same political party. Each member shall be appointed for a term of six years, except that of the members first appointed, one shall be appointed for a term to expire on May thirty-first, nineteen hundred sixty-nine, one for a term to expire on May thirty-first, nineteen hundred seventy-one, and one for a term to expire on May thirty-first, nineteen hundred seventy-three. The governor shall designate one member who shall serve as [chairman] CHAIRPERSON of the board until the expiration of his OR HER term. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member whom he OR SHE is to succeed.

2. Members of the board shall hold no other public office or public employment in the state. The [chairman] CHAIRPERSON shall give his OR HER whole time to his OR HER duties.

3. Members of the board other than the [chairman] CHAIRPERSON shall, when performing the work of the board, be compensated at the rate of two hundred [and] fifty dollars per day, together with an allowance for actual and necessary expenses incurred in the discharge of their duties hereunder. The [chairman] CHAIRPERSON shall receive an annual salary to be fixed within the amount available therefor by appropriation, in addition to an allowance for expenses actually and necessarily incurred by him OR HER in the performance of his OR HER duties.

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

(b) No member of the board or its appointees pursuant to this subdivision, including without limitation any mediator or fact-finder employed or retained by the board, shall, except as required by this article, be compelled to nor shall he OR SHE voluntarily disclose to any administrative or judicial tribunal or at the legislative hearing, held pursuant to subparagraph (iii) of paragraph (e) of subdivision three of section two hundred nine OF THIS ARTICLE, any information relating to the resolution of a particular dispute in the course of collective negotiations acquired in the course of his OR HER official activities under this article, nor shall any reports, minutes, written communications, or other documents pertaining to such information and acquired in the course of his OR HER official activities under this article be subject to subpoena or voluntarily disclosed; except that where the information so required indicates that the person appearing or who has appeared before the board has been the victim of, or otherwise involved in, a crime, other than a criminal contempt in a case involving or growing out of a violation of this article, said members of the board and its appointees may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is the subject of inquiry.

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

9. The term "board" means the PUBLIC employment relations board created by section [seven hundred two of this article] TWO HUNDRED FIVE

OF THE CIVIL SERVICE LAW, IN CARRYING OUT ITS FUNCTIONS UNDER THIS ARTICLE.

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

S 702. SPECIAL MEDIATORS. THE BOARD MAY, WHEN NECESSARY, APPOINT OR DESIGNATE SPECIAL MEDIATORS WHO SHALL HAVE THE AUTHORITY AND POWER OF MEMBERS OF THE BOARD WITH REGARD TO SUCH MATTER, PROVIDED THAT THEIR AUTHORITY AND POWER TO ACT FOR THE BOARD SHALL CEASE UPON THE CONCLUSION OF THE SPECIFIC MATTER SO ASSIGNED TO THEM OR BY REVOCATION BY THE BOARD OF THEIR APPOINTMENT OR DESIGNATION. SUCH SPECIAL MEDIATORS SHALL, WHEN PERFORMING THE WORK OF THE BOARD AS AFORESAID, BE COMPENSATED AT A RATE TO BE DETERMINED BY THE BOARD SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, TOGETHER WITH AN ALLOWANCE FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES HEREUNDER.

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

3. The jurisdiction of the supreme court shall be exclusive and its judgment and decree shall be final, except that appeals shall lie to the appellate division of said court and to the court of appeals, in the manner and subject to the limitations provided in the civil practice [act] LAW AND RULES irrespective of the nature of the decree or judgment or the amount involved.

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

S 6. Subdivision 1 of section 708 of the labor law, as added by chapter 443 of the laws of 1937, is amended to read as follows:

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

conducting the hearing or investigation. Any member of the board, or any agent or agency designated by the board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence.

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

S 710. Public records and proceedings. Subject to rules and regulations to be made by the board CONSISTENT WITH ARTICLE SIX OF THE PUBLIC OFFICERS LAW, the complaints, orders and testimony relating to a proceeding instituted by the board under section seven hundred six OF THIS ARTICLE may be made public records and be made available for inspection or copying. All proceedings pursuant to section seven hundred [and] six OF THIS ARTICLE shall be open to the public.

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

S 717. State mediation board [and], state labor relations board, AND STATE EMPLOYMENT RELATIONS BOARD abolished. The state mediation board created by chapter five hundred sixty-nine of the laws of nineteen hundred sixty-eight [and], the New York state labor relations board created by chapter four hundred forty-three of the laws of nineteen hundred thirty-seven, AND THE STATE EMPLOYMENT RELATIONS BOARD CREATED BY CHAPTER ONE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-ONE are hereby abolished. All the functions, powers and duties of such boards are hereby assigned to and shall hereafter be exercised and performed by and through the board. Any controversy, proceeding or other matter pending before the New York state board of mediation [or], the state labor relations board OR THE STATE EMPLOYMENT RELATIONS BOARD at the time this section takes effect, may be conducted and completed by the board and for such purposes the board shall be deemed to be a continuation of the functions, powers and duties of the New York state board of mediation [or], the state labor relations board OR THE STATE EMPLOYMENT RELATIONS BOARD, respectively, and not a new entity. Upon the transfer of functions to the board pursuant to this section, all appropriations and reappropriations heretofore or hereafter made to the department of labor relating to the state board of mediation or the state labor relations board or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated are hereby made available for use and expenditure by the board for the same purposes for which originally appropriated or reappropriated. Whenever the state board of mediation or the state labor relations board or the chairman of the state board of mediation or of the state labor relations board OR THE STATE EMPLOYMENT RELATIONS BOARD is referred to or designated in any general, special or local law or in any rule, regulation, contract OR other document, such reference or designation shall be deemed to refer to the board and the chairman thereof, respectively.

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

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

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

(b) Notwithstanding any other law, the state, through the governor, may execute tribal-state compacts pursuant to the Indian Gaming Regulatory Act of 1988 (P.L. 100-497; 25 U.S.C. [SS]SS 2701-2721 and 18 U.S.C. [SS]SS 1166-1168) authorizing up to three Class III gaming facilities in the counties of Sullivan and Ulster. Such tribal-state compact shall be deemed ratified by the legislature upon the governor's certification to the temporary president of the senate, the speaker of the assembly and the secretary of state, that such compact, through its terms, by a memorandum of understanding or other agreement between the state and Nation, by a Nation's ordinance or resolution, by statute, by executive order, or by the terms of any other agreement entered into by or on behalf of the Nation, provides: (i) assurances that the Nation will provide (1) reasonable access to the gaming and related facilities to labor union organizers for purposes of a campaign to solicit employee support for labor union representation; (2) permission for labor union organizers to distribute labor union authorization cards on site for the purpose of soliciting employee support for labor union representation; (3) provision of employees' names and addresses to labor union representatives and tribal/employer/management neutrality in labor union organizing campaigns; (4) recognition of labor unions as the exclusive collective bargaining representatives of employees in appropriate bargaining units based upon a demonstration of majority employee support of such labor unions by union authorization card check as verified, if necessary, by an independent arbitrator appointed by the [State] PUBLIC Employment Relations Board in consultation with the Nation and the labor union; and (5) final and binding arbitration of organized labor matters or disputes including negotiations for collective bargaining agreements with arbitrators' awards enforceable in a state or federal court of competent jurisdiction; (ii) assurances that the Nation has an adequate civil recovery system which guarantees fundamental due process to visitors and guests of the facility and related facilities; and (iii) assurances that the Nation will maintain during the term of the compact

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

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

(e) chairman of state athletic commission, chairman and executive director of consumer protection board, member-chairman of crime victims board, chairman of human rights appeal board, chairman of the industrial board of appeals, [chairman of the employment relations board,] chairman of the state commission of correction, members of the board of parole, members of the state racing and wagering board, member-chairman of unemployment insurance appeal board, director of veterans' affairs, and vice-chairman of the workers' compensation board;

(f) executive director of adirondack park agency, commissioners of the state liquor authority, commissioners of the state civil service commission, members of state commission of correction, [members of the employment relations board,] members of crime victims board, members of unemployment insurance appeal board, and members of the workers' compensation board.

S 11. This act shall not revoke or rescind any regulations or opinions issued by the state employment relations board in effect upon the effective date of this act, to the extent that such regulations or opinions are not inconsistent with any law of the state of New York. The public employment relations board shall undertake a comprehensive review of all such regulations and opinions, which will address the consistency of such regulations and opinions among each other and will propose any regulatory changes necessitated by such review.

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

PART W

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

ARTICLE 4-B
OFFICE FOR PROCUREMENT SERVICES

SECTION 57. OFFICE FOR PROCUREMENT SERVICES; CHIEF PROCUREMENT OFFICER, ORGANIZATION AND EMPLOYEES.
57-A. FUNCTIONS, POWERS AND DUTIES OF THE OFFICE FOR PROCUREMENT SERVICES.
57-B. TRANSFER OF EMPLOYEES.

S 57. OFFICE FOR PROCUREMENT SERVICES; CHIEF PROCUREMENT OFFICER, ORGANIZATION AND EMPLOYEES.

1. THE OFFICE FOR PROCUREMENT SERVICES IS HEREBY CREATED WITHIN THE EXECUTIVE DEPARTMENT TO HAVE AND EXERCISE THE FUNCTIONS, POWERS AND DUTIES PROVIDED BY THE PROVISIONS OF THIS ARTICLE AND ANY OTHER PROVISIONS OF LAW.

2. THE HEAD OF THE OFFICE FOR PROCUREMENT SERVICES SHALL BE THE CHIEF PROCUREMENT OFFICER, WHO SHALL SERVE AS THE CHIEF PROCUREMENT OFFICER FOR THE STATE OF NEW YORK AND SHALL BE DESIGNATED MANAGEMENT CONFIDENTIAL IN THE NONCOMPETITIVE CLASS IN ACCORDANCE WITH THE CIVIL SERVICE

LAW. THE CHIEF PROCUREMENT OFFICER SHALL BE THE CHIEF EXECUTIVE OFFICER OF AND IN SOLE CHARGE OF THE ADMINISTRATION OF THE OFFICE FOR PROCUREMENT SERVICES. THE CHIEF PROCUREMENT OFFICER SHALL BE ENTITLED TO RECEIVE REIMBURSEMENT FOR EXPENSES ACTUALLY AND NECESSARILY INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR HER DUTIES.

3. THE CHIEF PROCUREMENT OFFICER MAY, FROM TIME TO TIME, CREATE, ABOLISH, TRANSFER AND CONSOLIDATE BUREAUS AND OTHER UNITS WITHIN THE OFFICE FOR PROCUREMENT SERVICES NOT EXPRESSLY ESTABLISHED BY LAW AS HE OR SHE MAY DETERMINE NECESSARY FOR THE EFFICIENT OPERATION OF THE OFFICE FOR PROCUREMENT SERVICES, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

4. THE CHIEF PROCUREMENT OFFICER MAY APPOINT, IN ACCORDANCE WITH THE CIVIL SERVICE LAW, SUCH DEPUTIES, ASSISTANTS, AND OTHER OFFICERS AND EMPLOYEES, COMMITTEES AND CONSULTANTS AS HE OR SHE MAY DEEM NECESSARY, PRESCRIBE THEIR POWERS AND DUTIES, FIX THEIR COMPENSATION, AND PROVIDE FOR REIMBURSEMENT OF THEIR EXPENSES WITHIN THE AMOUNTS APPROPRIATED THEREFOR.

5. THE CHIEF PROCUREMENT OFFICER MAY REQUEST AND RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY, STAFF AND OTHER ASSISTANCE, INFORMATION, AND RESOURCES AS WILL ENABLE THE OFFICE FOR PROCUREMENT SERVICES TO PROPERLY CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES.

S 57-A. FUNCTIONS, POWERS AND DUTIES OF THE OFFICE FOR PROCUREMENT SERVICES. THE OFFICE FOR PROCUREMENT SERVICES SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

1. TO ACT AS THE OFFICIAL PROCUREMENT OFFICE FOR THE STATE OF NEW YORK;

2. TO ENSURE THAT THE STATE IS UNDERTAKING PURCHASING CONSISTENT WITH BEST PRACTICES;

3. TO LEVERAGE THE PURCHASING VOLUME OF THE STATE AND ITS LOCAL GOVERNMENTS TO OBTAIN THE BEST PRICES AND VALUE FOR GOODS AND SERVICES;

4. TO ASSIST IN STANDARDIZING THE STATE'S PURCHASING PROCESS TO ENSURE IT IS BOTH EFFICIENT AND EFFECTIVE;

5. TO MAXIMIZE THE USE OF INFORMATION TECHNOLOGY TO REDUCE PROCUREMENT PROCESSING TIME AND TO IMPLEMENT NEW APPROACHES TO PROCUREMENT;

6. TO SET POLICIES REGARDING THE DIVERSITY OF THE VENDOR POOL AND STATE PREFERRED SOURCING GOALS;

7. TO COORDINATE OR CONDUCT EVALUATIONS OF PROCUREMENT ACTIVITIES IN STATE AGENCIES AND RECOMMEND CHANGES AND IMPROVEMENTS;

8. TO ADOPT, AMEND, OR RESCIND RULES AND REGULATIONS NECESSARY OR CONVENIENT TO THE PERFORMANCE OF THE FUNCTIONS, POWERS AND DUTIES OF THE OFFICE FOR PROCUREMENT SERVICES PURSUANT TO THE STATE ADMINISTRATIVE PROCEDURE ACT; AND

9. TO PERFORM SUCH ACTS, DIRECTLY OR BY OTHER MEANS, AS ARE NECESSARY OR CONVENIENT TO CARRY OUT THE OFFICE'S FUNCTIONS, POWERS AND DUTIES.

S 57-B. TRANSFER OF EMPLOYEES. UPON THE TRANSFER OF EMPLOYEES FROM THE OFFICE OF GENERAL SERVICES TO THE OFFICE FOR PROCUREMENT SERVICES PROVISION SHALL BE MADE FOR THE TRANSFER OF NECESSARY OFFICERS AND EMPLOYEES FROM THE OFFICE OF GENERAL SERVICES TO THE OFFICE FOR PROCUREMENT SERVICES WHO ARE SUBSTANTIALLY ENGAGED IN THE PERFORMANCE OF THE PROCUREMENT FUNCTIONS TO BE TRANSFERRED, AND ANY DOCUMENTS AND RECORDS NECESSARY AND RELATED TO THE TRANSFER OF SUCH FUNCTIONS. THE COMMISSIONER OF GENERAL SERVICES AND THE CHIEF PROCUREMENT OFFICER SHALL CONFER TO DETERMINE THE OFFICERS AND EMPLOYEES WHO ARE SUBSTANTIALLY ENGAGED IN THE PROCUREMENT FUNCTIONS TO BE TRANSFERRED. IN ACCORDANCE WITH SUBDIVI-

SION TWO OF SECTION SEVENTY OF THE CIVIL SERVICE LAW, OFFICERS AND EMPLOYEES SO TRANSFERRED SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATION TO THE SAME OR SIMILAR TITLES AND SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING UNIT AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATION, STATUS, AND RIGHTS PURSUANT TO THEIR COLLECTIVE BARGAINING UNIT AND COLLECTIVE BARGAINING AGREEMENT. ALL OFFICE FOR PROCUREMENT SERVICES EMPLOYEES SHALL BE CO-LOCATED TO THE GREATEST EXTENT PRACTICABLE. THE CHIEF PROCUREMENT OFFICER SHALL HAVE SOLE RESPONSIBILITY FOR ESTABLISHING METHODS OF ADMINISTRATION FOR THE OFFICE FOR PROCUREMENT SERVICES.

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

1. "Centralized contract" means any contract for the purchase of commodities or services, established or approved by the [commissioner of general services] CHIEF PROCUREMENT OFFICER as meeting the state's requirements including, but not limited to, any contract let by the federal government, other state or local governments or purchasing consortia.

2-A. "CHIEF PROCUREMENT OFFICER" MEANS THE HEAD OF THE OFFICE FOR PROCUREMENT SERVICES.

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

S 161. State procurement council. 1. a. The state procurement council shall continuously strive to improve the state's procurement process. Such council shall consist of nineteen members, including the [commissioner] CHIEF PROCUREMENT OFFICER, the state comptroller, the director of the budget and the commissioner of economic development, or their respective designees; seven members who shall be the heads of other large and small state agencies chosen by the governor, or their respective designees; and eight at large members appointed as follows: three appointed by the temporary president of the senate, one of whom shall be a representative of local government and one of whom shall be a representative of private business; three appointed by the speaker of the assembly, one of whom shall be a representative of local government and one of whom shall be a representative of private business; one appointed by the minority leader of the senate; and, one appointed by the minority leader of the assembly; and two non-voting observers appointed as follows: one appointed by the temporary president of the senate and one appointed by the speaker of the assembly. The non-voting observers shall be provided, contemporaneously, all documentation and materials distributed to members. The council shall be chaired by the [commissioner] CHIEF PROCUREMENT OFFICER and shall meet at least quarterly.

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

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

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

2. The council shall:

a. Evaluate and make recommendations to the [commissioner] CHIEF PROCUREMENT OFFICER for the development of specifications for commodities and services to be acquired by or for state agencies through centralized contracts, including, but not limited to, evaluations and recommendations on minimum purchase quantities and standards for quality, function and utility;

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

c. Identify to the [commissioner] CHIEF PROCUREMENT OFFICER any deficiencies in products or services made available to state agencies through centralized contracts, including, at the discretion of the council, matters relating to specifications developed and employed for procurement of products or services through centralized contracts;

d. Establish and, from time to time, amend guidelines concerning state procurement and provide for the appropriate distribution and dissemination of such guidelines and other information concerning all matters relating to procurement of products, construction items or services for state agencies;

e. Recommend to the [commissioner] CHIEF PROCUREMENT OFFICER necessary legislative changes or modifications to existing or proposed rules, regulations and procedures which would simplify, accelerate or otherwise improve the state's procurement process and make specific recommendations to the commissioner by September thirtieth, nineteen hundred ninety-five for the improvement of the New York state printing and public documents law;

f. Act as a clearinghouse for the purpose of identification of potential cost reductions and other efficiencies through the combination of similar procurement requirements of state agencies;

g. Consult with and advise the [commissioner] CHIEF PROCUREMENT OFFICER on strategic technology investments that will facilitate electronic access to the terms and conditions of existing procurement contracts, promote electronic commerce including, but not limited to, payment to vendors, promote and enhance the efficiency of the procurement of products and services by or for state agencies and produce useful information that supports state procurement operations, management, analysis and decision making including, but not limited to, data concerning the status and use of procurement contracts and the number and type of contracts and award recipients;

h. Establish and, from time to time, amend guidelines for purchases of commodities, by the [commissioner] CHIEF PROCUREMENT OFFICER or state agencies. Such guidelines shall ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; and guard against favoritism, improvidence, extravagance, fraud and corruption;

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

j. Consult with and advise the [commissioner] CHIEF PROCUREMENT OFFICER on new opportunities to acquire commodities and services including, but not limited to, regional or statewide equipment or facility maintenance services, professional services, coordination and cooperation with other centralized purchasing entities, and coordination of reuse of surplus property;

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

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

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

3. The [commissioner] CHIEF PROCUREMENT OFFICER may, when he or she deems it necessary to implement the provisions and intent of this article, adopt recommendations made by the council and may, at the request of the state procurement council, promulgate rules and regulations pursuant to the state administrative procedure act to give effect to such recommendations. When the [commissioner] CHIEF PROCUREMENT OFFICER adopts recommendations made by the council but does not promulgate rules and regulations implementing such recommendations, the [commissioner] CHIEF PROCUREMENT OFFICER shall publish said recommendations or a summary thereof in the state register. If the [commissioner] CHIEF PROCUREMENT OFFICER modifies or rejects any recommended rule or regulation, he or she shall notify the council providing a written explanation thereof.

4. The [commissioner] CHIEF PROCUREMENT OFFICER shall report to the governor, the legislature and the director of the budget by December thirty-first, nineteen hundred ninety-five and thereafter annually on any modifications to or rejections of the rules and regulations proposed by the council.

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

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

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

a. By December thirty-first, nineteen hundred ninety-five, the [commissioner] CHIEF PROCUREMENT OFFICER, in consultation with the

commissioners of correctional services, social services, mental health and education, shall prepare a list of all commodities and services that are available and are being provided as of said date, for purchase by state agencies, public benefit corporations or political subdivisions from those entities accorded preference or priority status under this section. Such list may include references to catalogs and other descriptive literature which are available directly from any provider accorded preferred status under this section. The [commissioner] CHIEF PROCUREMENT OFFICER shall make this list available to prospective vendors, state agencies, public benefit corporations, political subdivisions and other interested parties. Thereafter, new or substantially different commodities or services may only be made available by preferred sources for purchase by more than one state agency, public benefit corporation or political subdivision after addition to said list.

b. After January first, nineteen hundred ninety-six, upon the application of the commissioner of correctional services, the commissioner of social services, the commissioner of mental health or the commissioner of education, or a non-profit-making facilitating agency designated by one of the said commissioners pursuant to paragraph e of subdivision six of this section, the state procurement council may recommend that the [commissioner] CHIEF PROCUREMENT OFFICER: (i) add commodities or services to, or (ii) in order to insure that such list reflects current production and/or availability of commodities and services, delete at the request of a preferred source, commodities or services from, the list established by paragraph a of this subdivision. The council may make a non-binding recommendation to the relevant preferred source to delete a commodity or service from such list. Additions may be made only for new services or commodities, or for services or commodities that are substantially different from those reflected on said list for that provider. The decision to recommend the addition of services or commodities shall be based upon a review of relevant factors as determined by the council including costs and benefits to be derived from such addition and shall include an analysis by the office [of general] FOR PROCUREMENT services conducted pursuant to subdivision six of this section. Unless the state procurement council shall make a recommendation to the [commissioner] CHIEF PROCUREMENT OFFICER on any such application within one hundred twenty days of receipt thereof, such application shall be deemed recommended. In the event that the state procurement council shall deny any such application, the commissioner or non-profit-making agency which submitted such application may, within thirty days of such denial, appeal such denial to the [commissioner of general services] CHIEF PROCUREMENT OFFICER who shall review all materials submitted to the state procurement council with respect to such application and who may request such further information or material as is deemed necessary. Within sixty days of receipt of all information or materials deemed necessary, the [commissioner] CHIEF PROCUREMENT OFFICER shall render a written final decision on the application which shall be binding upon the applicant and upon the state procurement council.

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

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

e of subdivision six of this section, which provide the required services as indicated on the official public list maintained by the office [of general] FOR PROCUREMENT services pursuant to subdivision three of this section;

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

f. The [commissioner] CHIEF PROCUREMENT OFFICER may request the state comptroller to conduct audits and examinations to be made of all records, books and data of any agency for the blind or the other severely disabled, any special employment program for mentally ill persons or any veterans' workshops qualified under this section to determine the costs of manufacture or the rendering of services and the manner and efficiency of production and administration of such agency or special employment program or veterans' workshop with relation to any product or services purchased by a state agency or political subdivision or public benefit corporation and to furnish the results of such audit and examination to the [commissioner] CHIEF PROCUREMENT OFFICER for such action as he or she may deem appropriate under this section.

b. The council shall report to the governor, legislative fiscal committees and the director of the budget by December thirty-first, nineteen hundred ninety-five and thereafter annually, a separate list concerning the denial of any application made pursuant to paragraph [(b)] B of subdivision three of this section, the reasons for such denial, whether such denial was appealed to the [commissioner] CHIEF PROCUREMENT OFFICER, and the final decision by the [commissioner] CHIEF PROCUREMENT OFFICER on such application.

S 4. Section 163 of the state finance law, as added by chapter 83 of the laws of 1995, paragraphs c and h of subdivision 1, paragraph c of subdivision 9 and paragraphs b and e of subdivision 10 as amended, subparagraphs (viii), (ix), (x) and (xi) of paragraph b of subdivision 3, subparagraph (ii) of paragraph b of subdivision 4, subdivision 6-b and paragraph (vi) of subdivision 14 as added, subparagraph (i) of paragraph b of subdivision 4 as designated, subdivision 7 as separately amended by sections 12 and 20 and paragraph (vii) of subdivision 14 as renumbered by chapter 137 of the laws of 2008, subparagraph (iv) of paragraph a of subdivision 3 as amended by chapter 430 of the laws of 1997, subparagraph (vii) of paragraph b of subdivision 3 as added by chapter 584 of the laws of 2005, subparagraph (iii) of paragraph b of subdivision 3, paragraph e of subdivision 4, subdivision 8, paragraphs e and g of subdivision 9, paragraph c of subdivision 10 and subdivision 14 as amended and subparagraphs (v) and (vi) of paragraph b of subdivision 3 as added by chapter 95 of the laws of 2000, paragraph g of subdivision 4 and paragraphs (v) and (vii) of subdivision 14 as added by chapter 10 of the laws of 2006, subdivision 6 as amended by section 3 and subdivision 6-a as added by section 4 of part D of chapter 56 of the laws of 2006 and paragraph f of subdivision 9 as amended by chapter 1 of the laws of 2005, is amended to read as follows:

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

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

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

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

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

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

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

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

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

i. "Lowest price" means the basis for awarding contracts for commodities among responsive and responsible offerers.

j. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

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

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

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

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

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

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

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

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

3. General provisions for purchasing commodities.

a. State agency procurement practices for commodities shall incorporate the following:

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

(ii) Commodities contracts shall be awarded on the basis of lowest 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.

(iii) The [commissioner] CHIEF PROCUREMENT OFFICER shall be responsible for the standardization and centralized purchase of commodities required by state agencies in a manner which maximizes the purchasing value of public funds.

(iv) The [commissioner] CHIEF PROCUREMENT OFFICER is authorized to permit any officer, body or agency of the state or of a political subdivision or a district therein, or fire company or volunteer ambulance service as such are defined in section one hundred of the general municipal law, to make purchases of commodities through the office [of general] FOR PROCUREMENT services' centralized contracts, pursuant to the provisions of section one hundred four of the general municipal law. The [commissioner] CHIEF PROCUREMENT OFFICER is authorized to permit any county extension service association as authorized under subdivision eight of section two hundred twenty-four of the county law, or any association or other entity as specified in and in accordance with section one hundred nine-a of the general municipal law, or any other association or entity as specified in state law, to make purchases of commodities through the office [of general] FOR PROCUREMENT services' centralized contracts; provided, however, that such entity so empowered shall accept sole responsibility for any payment due with respect to such purchase.

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

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

(vii) The [commissioner] CHIEF PROCUREMENT OFFICER is authorized to enter into contracts pursuant to the provisions of section twenty-eight hundred three-a of the public health law.

(viii) The [commissioner] CHIEF PROCUREMENT OFFICER may permit and prescribe the conditions for, (A) any association, consortium or group of privately owned or municipal, federal or state owned or operated hospitals, medical schools, other health related facilities or voluntary ambulance services, which have entered into a contract and made mutual arrangements for the joint purchase of commodities pursuant to section twenty-eight hundred three-a of the public health law; (B) any institution for the instruction of the deaf or of the blind listed in section forty-two hundred one of the education law; (C) any qualified non-profit-making agency for the blind approved by the commissioner of social services; (D) any qualified charitable non-profit-making agency for the severely disabled approved by the commissioner of education; (E) any hospital or residential health care facility as defined in section twenty-eight hundred one of the public health law; (F) any private not-for-profit mental hygiene facility as defined in section 1.03 of the mental hygiene law; and (G) any public authority or public benefit corporation of the state, including the port authority of New York and New Jersey and the interstate environmental commission, to make purchases using centralized contracts for commodities. Such qualified non-profit-making agencies for the blind and severely disabled may make purchases from the department of correctional services' correctional industries program subject to rules pursuant to the correction law.

b. The [commissioner] CHIEF PROCUREMENT OFFICER shall:

(i) determine, in cooperation with the state procurement council and state agencies, the identity, form, function and utility of those commodities which shall be made available on or through centralized contracts. Criteria may include, but need not be limited to, the availability of a volume discount, prior use of the commodity among state agencies and the relative cost of establishing the contract, its anticipated use and expected actual savings for the state. The [commissioner] CHIEF PROCUREMENT OFFICER may also act as a broker for state agencies to procure commodities.

(ii) determine the number and scope of centralized contracts for commodities to be let during any period, including the letting of multiple contracts to ensure the sufficient variety and uninterrupted availability of commodities for state agency use.

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

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

(iv) ensure the specification of commodities for centralized contracts reflect the form, function and utility required by state agencies and conform, wherever possible, to industry standards. Where necessary, the [commissioner] CHIEF PROCUREMENT OFFICER may develop specifications for commodities. When not otherwise forthcoming from a particular firm or industry, the [commissioner] CHIEF PROCUREMENT OFFICER may request information from businesses for the purpose of establishing or improving a specification. The office [of general] FOR PROCUREMENT services may assist agencies in developing specifications for agency-procured commodity contracts when industry standards are not available or appropriate. In all cases, specifications shall be consistent with the requirements of state agencies.

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

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

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

(viii) review and consider prior to issuance of bid solicitations the term of the proposed contract based on factors, including, but not limited to; (A) the nature of the commodity, (B) the complexity of the procurement, (C) the identity and type of purchasers, (D) the suitability of the contract for adding additional contractors during the term, and (E) the estimated contract value. This determination shall be documented in the procurement record.

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

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

(xi) maintain a procurement record for each centralized contract procurement identifying, with supporting documentation, decisions made by the [commissioner] CHIEF PROCUREMENT OFFICER during the procurement process. The procurement record shall include, but not be limited to, each contract amendment, and the justification for each.

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

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

d. The [commissioner] CHIEF PROCUREMENT OFFICER may make, or cause to be made by a duly authorized representative, any investigation which he or she may deem proper for acquiring the necessary information from a state agency for the exercise of his or her powers and duties under this subdivision. For such purposes the [commissioner] CHIEF PROCUREMENT OFFICER may subpoena and compel the attendance of witnesses before him or her, or an authorized representative, and may compel the production of books, papers, records or documents. The commissioner or a duly authorized representative may take and hear proofs and testimony and, for that purpose, the [commissioner] CHIEF PROCUREMENT OFFICER or the duly authorized representative may administer oaths. In addition, the [commissioner] CHIEF PROCUREMENT OFFICER or the duly authorized representative:

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

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

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

4. General provisions for purchasing services. State agency procurement practices for services shall incorporate the following:

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

b. (i) Centralized contracts for services may be procured by the office [of general] FOR PROCUREMENT 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.

(ii) The [commissioner] CHIEF PROCUREMENT OFFICER shall:

(A) review and consider prior to issuance of bid solicitations the term of the proposed contract based on factors, including, but not limited to, (a) the nature of the service, (b) the complexity of the procurement, (c) the identity and type of purchasers, (d) the suitability of the contract for adding additional contractors during the term, and (e) the estimated contract value. This determination shall be documented in the procurement record.

(B) reasonably consider the aggregate amount of public sales by potential vendors.

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

(D) maintain a procurement record for each centralized contract procurement identifying with supporting documentation, decisions made by the [commissioner] CHIEF PROCUREMENT OFFICER during the procurement process. The procurement records shall include, but not be limited to, each contract amendment, and the justification for each.

c. When services are not available from preferred sources consistent with the provisions of this article in the form, function or utility required by state agencies, state agencies may procure services independently or in conjunction with other state agencies in accordance with the provisions of this section.

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.

e. Any officer, body or agency of a political subdivision as defined in section one hundred of the general municipal law or a district therein, may make purchases of services through the office [of general] FOR PROCUREMENT services' centralized contracts for services, subject to the provisions of section one hundred four of the general municipal law. The [commissioner] CHIEF PROCUREMENT OFFICER may permit and prescribe the conditions for the purchase of services through the office [of general] FOR PROCUREMENT services' centralized contracts for services by any public authority or public benefit corporation of the state including the port authority of New York and New Jersey. The [commissioner] CHIEF PROCUREMENT OFFICER is authorized to permit any public library, association library, library system, cooperative library system, the New York Library Association, and the New York State Association of Library Boards or any other library except those which are operated by for profit entities, to make purchases of services through the office [of general] FOR PROCUREMENT services' centralized contracts; provided, however, that such entity so empowered shall accept sole responsibility for any payment due with respect to such purchase.

F. (I) THE STATE PROCUREMENT COUNCIL MAY ISSUE GUIDELINES FOR THE DEVELOPMENT OF STRATEGIC PARTNERING BETWEEN THE STATE AND NON-STATE ENTITIES FOR THE ENHANCEMENT OF THE BUSINESS INTERESTS OF THE STATE. STRATEGIC PARTNERSHIPS MAY BE DEVELOPED DURING THE COURSE OF A LONG-TERM CONTRACTUAL RELATIONSHIP BETWEEN A STATE AGENCY AND THE CONTRACTOR AND TAKE THE FORM OF THE JOINT DEVELOPMENT OF NEW COMMODITIES AND SERVICES, NOT OTHERWISE AVAILABLE, WHICH ARE COST-BENEFICIAL TO THE STATE. STRATEGIC PARTNERSHIPS MAY ALSO INCLUDE THE SHARING OF EXPERTISE, EFFORTS AND RESOURCES DIRECTED AT PROVIDING GOODS AND SERVICES IN A MANNER WHICH PROVIDES BEST VALUE TO THE STATE. STRATEGIC PARTNERSHIPS SHALL BE ACCOMPLISHED BY AMENDMENT TO EXISTING CONTRACTS, TO MAKE SUCH COMMODITIES, PROCESSES AND SERVICES AVAILABLE TO THE STATE PROVIDED SUCH APPLICATIONS ARE COST BENEFICIAL. NINETY DAYS PRIOR TO THE MID-TERM POINT OF EACH SUCH CONTRACT AMENDMENT BASED UPON A STRATEGIC PARTNERSHIP, EACH STATE ENTITY INVOLVED IN THE CONTRACT MUST SUBMIT TO THE STATE COMPTROLLER A DETAILED WRITTEN ANALYSIS REVIEWING EACH OF THE FOLLOWING:

(A) THE CONTINUING VALIDITY OF THE INITIAL JUSTIFICATION DOCUMENTATION, SUBMITTED WITH ORIGINAL CONTRACT AND ANY AMENDMENTS THERETO;

(B) WHETHER THE COMMODITIES OR SERVICES CONTRACTED FOR ARE CURRENTLY BEING UTILIZED TO THE EXTENT INITIALLY ANTICIPATED;

(C) A THOROUGH ANALYSIS OF CHANGES IN AVAILABLE TECHNOLOGIES EFFECTING THE CONTINUING NEED FOR THE COMMODITIES OR SERVICES CURRENTLY BEING UTILIZED;

(D) NEW PRODUCTS OR SERVICES NOT AVAILABLE AT THE COMMENCEMENT OF THE CONTRACT WHICH MAY BE MORE COMPATIBLE WITH THE NEEDS OF THE STATE AGENCY OR AGENCIES INVOLVED;

(E) THE NON-STATE ENTITY HAS PERFORMED SATISFACTORILY THROUGHOUT THE TERM OF THE CONTRACT; AND

(F) A COST ANALYSIS SETTING FORTH THE REASONABLENESS FOR THE CONTINUATION OF THE CONTRACTUAL RELATIONSHIP WITH THE NON-STATE ENTITY.

(II) THE STATE COMPTROLLER SHALL HAVE NINETY DAYS TO REVIEW SUCH DOCUMENTATION SUBMITTED BY THE STATE AGENCY AND MAY, DURING THAT PERIOD OR AT THE END OF SUCH PERIOD, REQUEST ADDITIONAL INFORMATION FROM THE STATE AGENCY. FURTHER, THE COMPTROLLER MAY TRANSMIT WRITTEN SUGGESTIONS OF POSSIBLE MODIFICATIONS TO BE CONSIDERED BY THE STATE AGENCY TO THE CONTRACT OR ANY AMENDMENT THERETO.

(III) GUIDELINES MUST INCLUDE THE DEFINITION OF A STRATEGIC PARTNERSHIP, THE CONDITIONS UNDER WHICH SUCH A PARTNERSHIP PROVIDES THE STATE WITH BEST VALUE ACQUISITIONS, THE MINIMUM EXPECTED OUTCOMES AND THE ALLOWABLE TERM. APPROVAL OF A STRATEGIC PARTNERING ARRANGEMENT SHALL BE DEPENDENT ON A WRITTEN FINDING ISSUED BY THE COMMISSIONER OF THE STATE AGENCY THAT THE NON-STATE ENTITY HAS PERFORMED SATISFACTORILY WITH THE STATE AND THAT SUCH AN ARRANGEMENT IS IN THE BEST INTEREST OF THE STATE IN ACCORDANCE WITH THE STATE PROCUREMENT COUNCIL GUIDELINES AND SUBJECT TO THE APPROVAL OF THE STATE COMPTROLLER.

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

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

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

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

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

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

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

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the [commissioner] CHIEF PROCUREMENT OFFICER may purchase services and commodities in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to article fifteen-A of the executive law, or commodities or technology that are recycled or remanufactured, in an amount not exceeding one hundred thousand dollars without a formal competitive process.

6-a. Discretionary purchases. Notwithstanding the provisions of subdivision two of section one hundred twelve of this chapter relating to the dollar threshold requiring the state comptroller's approval of contracts, the [commissioner of general services] CHIEF PROCUREMENT OFFICER may make purchases or enter into contracts for the acquisition of commodities and services having a value not exceeding eighty-five thousand dollars without prior approval by any other state officer or agency in accordance with procedures and requirements set forth in this article. Notwithstanding the provisions of article four-C of the economic development law, the [commissioner of general services] CHIEF PROCUREMENT OFFICER may make purchases or enter into contracts for the acquisition of commodities and services having a value not exceeding thirty thousand dollars without prior approval by any other state officer or agency in accordance with procedures and requirements set forth in this article.

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

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

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

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

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

a. The [commissioner] CHIEF PROCUREMENT OFFICER or a state agency shall select a formal competitive procurement process in accordance with guidelines established by the state procurement council and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.

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

c. Where provided in the solicitation, state agencies may require clarification from offerers for purposes of assuring a full understanding of responsiveness to the solicitation requirements. Where provided for in the solicitation, revisions may be permitted from all offerers determined to be susceptible of being selected for contract award, prior

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

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

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

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

g. A procurement record shall be maintained for each procurement identifying, with supporting documentation, decisions made by the commissioner or state agency during the procurement process. The procurement record shall include, but not be limited to each contract amendment and the justification for each.

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

a. Selection and award shall be a written determination in the procurement record made by the [commissioner] CHIEF PROCUREMENT OFFICER or a state agency in a manner consistent with the provisions of the solicitation. In the event two offers are found to be substantially equivalent, price shall be the basis for determining the award recipient or, when price and other factors are found to be substantially equivalent, the determination of the [commissioner] CHIEF PROCUREMENT OFFICER or agency head to award a contract to one or more of such bidders shall be final. The basis for determining the award shall be documented in the procurement record.

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

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

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

c. The [commissioner] CHIEF PROCUREMENT OFFICER or state agency may elect to award a contract to one or more responsive and responsible offerers provided, however, that the basis for the selection among multiple contracts at the time of purchase shall be the most practical and economical alternative and shall be in the best interests of the state, and further provided that the requirements set forth herein shall not preclude the [commissioner] CHIEF PROCUREMENT OFFICER from establishing multiple award contracts for reasons including increased opportunities for small businesses to participate in state contracts.

d. It shall be in the discretion of the [commissioner] CHIEF PROCUREMENT OFFICER or state agency to require a bond or other guarantee of performance, and to approve the amount, form and sufficiency thereof.

e. The [commissioner] CHIEF PROCUREMENT OFFICER may authorize purchases required by state agencies or other authorized purchasers by letting a contract pursuant to a written agreement, or by approving the use of a contract let by any department, agency or instrumentality of the United States government and/or any department, agency, office, political subdivision or instrumentality of any state or states. A state agency purchaser shall document in the procurement record its rationale for the use of a contract let by any department, agency or instrumentality of the United States government or any department, agency, office, political subdivision or instrumentality of any other state or states. Such rationale shall include, but need not be limited to, a determination of need, a consideration of the procurement method by which the contract was awarded, an analysis of alternative procurement sources including an explanation why a competitive procurement or the use of a centralized contract let by the [commissioner] CHIEF PROCUREMENT OFFICER is not in the best interest of the state, and the reasonableness of cost.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S 163-b. Environmentally-sensitive cleaning and maintenance products. The [commissioner of general services] CHIEF PROCUREMENT OFFICER shall maintain a list of contractors which produce or manufacture or offer for sale environmentally-sensitive cleaning and maintenance products in the form, function and utility generally used by elementary and secondary schools in accordance with specifications or guidelines promulgated pursuant to section four hundred nine-i of the education law.

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

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

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

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

(ii) services or technology under a centralized contract ESTABLISHED BY THE CHIEF PROCUREMENT OFFICER pursuant to paragraph b or e of subdivision four of section one hundred sixty-three of this article.

b. "Centralized contract" means contracts for the purchase of commodities, services or technology, established by the [commissioner of general services] CHIEF PROCUREMENT OFFICER.

c. "Electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

2. The [commissioner of general services] CHIEF PROCUREMENT OFFICER shall require that contractors selected to offer centralized contracts through the state for commodities, services or technology add to the price in all such contracts a centralized procurement contract fee equal to one-half of one percent of the price to be reported through sales reports to the office [of general] FOR PROCUREMENT services. The following types of contracts may be exempted from the centralized procurement contract fee:

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

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

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

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

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

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

A contractor shall be exempt from the mandatory electronic payment and electronic filing requirements prescribed by paragraph a and paragraph b of this subdivision if the contractor notifies the office of general services, in a manner to be determined by such office, that it cannot reasonably comply with such electronic payment and electronic filing requirements. In such case, the contractor shall, in lieu of electronically paying over the centralized procurement contract fee and electronically filing a return with the department of taxation and finance, pay over such fee by paper check, and file a paper return, with the office [of general] FOR PROCUREMENT services on or before the forty-fifth day following the last day of each calendar quarter. The department of taxation and finance and the office [of general] FOR PROCUREMENT services shall mutually develop a means by which the returns received by the office [of general] FOR PROCUREMENT services pursuant to this paragraph shall be electronically transmitted to the department of taxation and finance for purposes of reconciling the information reported on such returns with fee payments for each calendar quarter.

The office [of general] FOR PROCUREMENT services shall cooperate and provide the department of taxation and finance with such information as the department may require regarding contractors selected to offer centralized contracts, in order to facilitate the department's development and implementation of the electronic payment and electronic filing applications prescribed by paragraph a and paragraph b of this subdivision. The office [of general] FOR PROCUREMENT services shall work with the department of taxation and finance to encourage those contractors not able to use the electronic payment and filing applications prescribed by paragraph a and paragraph b of this subdivision to do so.

4. Failure to timely and accurately collect and remit the centralized procurement contract fee as required by subdivision three of this section may be deemed to constitute a breach of such contract, and the [commissioner of general services] CHIEF PROCUREMENT OFFICER has the discretion to terminate such centralized contract with such contractor for such breach on notice to the contractor.

5. a. If:

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

(ii) the debt is being offset against a contract payment received from an authorized user pursuant to the state contract offset program administered by the office of the state comptroller and the department of taxation and finance, and

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

b. If:

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

(ii) the debt is being offset against a contract payment received from an authorized user pursuant to the state contract offset program administered by the office of the state comptroller and the department of taxation and finance, and

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

6. All fees received by the commissioner of taxation and finance and the [commissioner of general services] CHIEF PROCUREMENT OFFICER pursuant to this section, reduced by amounts approved by the director of the budget to be retained by the commissioner of taxation and finance to cover administrative costs and the costs of refunds or reimbursements required to be made to authorized users under this section, shall be deposited quarterly to the credit of the general fund of the state. The commissioner of taxation and finance shall determine an amount for administrative costs incurred by the department of taxation and finance, which amount shall represent the reasonable costs of the department of taxation and finance in administering the program prescribed by this section. The commissioner of taxation and finance shall also determine the amount necessary for refunds or reimbursements required to be made to authorized users under this section, and shall pay such refunds or reimbursements out of such retained amounts. The commissioner of taxation and finance shall maintain a system of accounts showing the amount of money collected and disbursed from the fee imposed by this section.

7. The provisions of article twenty-seven of the tax law shall apply to the provisions of this section in the same manner and with the same force and effect as if the language of such article had been incorporated in full into this section and had expressly referred to the fees under this section except that the term "fee" or "fees" when used in this section shall mean "tax" or "taxes" for the purpose of the application of article twenty-seven of the tax law as incorporated by this subdivision, and except to the extent that any provision of such article is either inconsistent with a provision of this section or is not relevant to this section.

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

3. Purchasing of commodities for state use.

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

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

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

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

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

c. The [commissioner] CHIEF PROCUREMENT OFFICER shall periodically review the general specifications in order to eliminate, wherever feasible, discriminations against the procurement of commodities manufactured with recovered materials or remanufactured materials; and shall annually review the paper specifications to consider increasing the percentage of recycled paper in paper commodity purchases.

d. Whenever the [commissioner] CHIEF PROCUREMENT OFFICER or other state agencies shall purchase or cause the purchase of printing on recycled paper, he or she shall require, to the extent feasible, the printed material to meet the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto, and to include a printed statement or symbol which indicates that the document is printed on recycled paper.

e. Each state agency shall devise, institute and maintain a program to source separate waste paper generated within state office facilities. Such a program shall include marketing arrangements and appropriate procedures to ensure the recovery of discarded paper in [a] AN uncontaminated condition.

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

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

g. In addition to carrying out the provisions of paragraphs e and f of this subdivision, the [commissioner] CHIEF PROCUREMENT OFFICER shall identify and implement specific steps which will reduce, to the maximum extent practicable, waste generated in state facilities and maximize the recovery and reuse of secondary materials from such facilities. Such steps and their implementation shall be reviewed from time to time but no less frequently than annually or upon receiving recommendations for additional steps from the solid waste management board, the department of environmental conservation or the environmental facilities corporation.

h. All state agencies shall fully cooperate with the [commissioner] CHIEF PROCUREMENT OFFICER in all phases of implementing the provisions of this section.

i. The [commissioner] CHIEF PROCUREMENT OFFICER shall report annually to the governor and the legislature by September first concerning the quantities of recycled paper purchased by the office [of general] FOR PROCUREMENT services and by state agencies pursuant to paragraph c of this subdivision, and concerning the amounts of waste recycled from state offices and other facilities pursuant to paragraphs e and f of this subdivision, the extent of waste reduction, the percentage of the total waste stream which is recycled, the kinds of materials eliminated from the waste stream, the full avoided costs of proper collection and disposal costs of implementing the programs under this section, the specific activities undertaken, goals for the subsequent year resulting from the implementation of steps pursuant to paragraph g of this subdivision, and remaining issues and areas for improvement. Such reports shall be widely disseminated as a means of assisting those outside state government in the design and implementation of waste reduction and recycling programs, through discussion of the state's experience in implementing all program aspects such as collection, sorting, handling, storage and marketing, and the resulting accomplishments.

j. The [commissioner] CHIEF PROCUREMENT OFFICER shall submit to the director of the budget, the chairman and ranking minority member of the senate finance committee and the chairman and ranking minority member of the assembly ways and means committee an evaluation of all the source separation programs implemented under this subdivision, for paper and other waste prepared by an independent entity. Such evaluation shall be submitted by September first, nineteen hundred ninety-six and by September first, every two years thereafter.

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

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

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

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

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

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

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

(iv) Upon a determination by the commissioner of agriculture and markets that such food products are not available in sufficient quantities to fulfill the agency's purchasing needs, the purchasing agency shall issue a solicitation that does not require that all or some of those food products are grown, produced or harvested in New York state, or that any processing of such food products take place in facilities located within New York state. In such cases, the purchasing agency may include such requirements in the next contract for such food products that is let if at such time those food products are available in sufficient quantities. If at that time, those food products are not available in sufficient quantities, the requirement shall again be waived until such time as the products are available.

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

d. The [commissioner] CHIEF PROCUREMENT OFFICER, and the commissioner of agriculture and markets, may issue such regulations as they deem necessary and proper for the implementation of this subdivision.

e. Notwithstanding any other section of law, rule, regulation or statute, the department of agriculture and markets shall supply information required by paragraph b of this subdivision to the office [of general] FOR PROCUREMENT services and to all other appropriate agencies.

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

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

(ii) Any successful offerer who fails to comply with the provisions of this subdivision, at the discretion of such agency, board, office or commission, shall forfeit the right to bid on contracts let under the provisions of this subdivision for a period of time to be determined by the [commissioner] CHIEF PROCUREMENT OFFICER and the commissioner of agriculture and markets.

g. The [commissioner] CHIEF PROCUREMENT OFFICER and the commissioner of agriculture and markets, shall advise and assist the chancellor of the state university of New York in extending the benefits of the provisions of this subdivision to the university and shall modify any regulations or procedures heretofore established pursuant to this subdivision, in order to facilitate such participation.

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

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

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

e. The [commissioner] CHIEF PROCUREMENT OFFICER may waive the application of the provisions of paragraph c of this subdivision whenever he or she determines in writing that it is in the best interests of the state to do so.

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

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

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

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

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

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

(iv) In the event that such a political subdivision receives no acceptable bids it may waive the provisions of this section and shall award a contract in accordance with other applicable statutes. In addition, if the commissioners of agriculture and markets and economic development agree as to any deleterious economic impact of specifications requiring such purchase, the provisions of this subdivision may be waived by a political subdivision for such purchase.

(d) The [commissioner of the office of general services] CHIEF PROCUREMENT OFFICER and the commissioner of agriculture and markets may issue such regulations as they deem necessary to implement this subdivision and to assist political subdivisions in complying with this subdivision.

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

(f) The CHIEF PROCUREMENT OFFICER AND THE commissioners of [general services,] agriculture and markets[,] and economic development shall provide the legislature with a report on the fifteenth day of January of the second year next succeeding the year in which this subdivision became effective, and in their discretion periodically report thereafter, on the effects of this subdivision and on recommendations on ways to make it more effective.

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

S 104. Purchase through office [of general] FOR PROCUREMENT services. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service authorized to make purchases of materials, equipment, food products, or supplies, or services available pursuant to sections one hundred sixty-one and one hundred sixty-seven of the state finance law, may make such purchases, except of printed material, through the office [of general] FOR PROCUREMENT services subject to such rules as may be established from time to time pursuant to sections one hundred sixty-three and one hundred sixty-seven of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any

payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, 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 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 9. Section 109-a of the general municipal law, as amended by section 502 of the laws of 2002, is amended to read as follows:

S 109-a. Purchases through the office [of general] FOR PROCUREMENT services by certain public associations. The New York State Association of Counties, the Association of Towns of the State of New York, the New York State Town Clerk's Association, Inc., the New York State Conference of Mayors and Other Municipal Officials, the New York State School Boards Association, Inc., the New York Planning Federation and the Association of Fire Districts of the State of New York, the New York State Association of School Business Officials, the New York state council of school superintendents, any nonpublic elementary and/or secondary school of the state of New York, which provides the instruction required by section thirty-two hundred four and article seventeen of the education law, and which is chartered by, registered with or subject to examination and inspection by the department of education and which is a not for profit institution and any public library, association library, library system, cooperative library system, the New York Library Association, and the New York State Association of Library Boards or any other library except those which are operated by for profit entities, may make purchases, except of printed material, through the office [of general] FOR PROCUREMENT services subject to such rules as may be established from time to time pursuant to sections one hundred sixty-three and one hundred sixty-five of the state finance law and subdivision eight-a of section one hundred three of this article which may establish limitations with respect to commodities and impose such other appropriate conditions upon purchasing as deemed necessary by the [commissioner of general services] CHIEF PROCUREMENT OFFICER in order to protect the state's own purchasing interests; and that such association, school, library, library system or cooperative library system shall accept sole responsibility for any payment due the vendor. Boards of education may permit such nonpublic schools to make purchases pursuant to this section through the school district in which the nonpublic school is located, provided that any administrative costs incurred by the school district will be paid by the nonpublic school.

S 10. Notwithstanding any other provision to the contrary, any powers and duties of the commissioner of general services related to the delivery of procurement services for state agencies and other governmental entities are hereby conferred upon the state's chief procurement officer.

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

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

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

PART X

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

(B) the annual payment amount to be paid to each county and such city pursuant to this subdivision, which shall be the product of the percentage share of statewide local funds expended by each such county and city, as determined pursuant to subparagraph (iii) of this paragraph, multiplied by the fund amount available for distribution, as determined pursuant to clause (A) of this subparagraph. IN THE EVENT THAT A COUNTY OR CITY FAILS TO COMPLY WITH PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION THE ANNUAL PAYMENT AMOUNT SHALL BE THE AMOUNT SUCH COUNTY OR CITY WOULD HAVE RECEIVED HAD THE COUNTY OR CITY MET THE REQUIREMENTS OF SUCH PARAGRAPH LESS THE VALUE OF THE PERCENTAGE DECREASE IN LOCAL FUNDS, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION AND CALCULATED BY THE COMPTROLLER, EXPENDED BY SUCH COUNTY OR CITY, AND THE COMPTROLLER SHALL MAKE CORRESPONDING ADJUSTMENTS TO THE PERCENTAGE SHARE OF STATEWIDE LOCAL FUNDS EXPENDED FOR EACH OTHER COUNTY AND CITY.

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

(E) IF THE STATE COMPTROLLER SHALL, AT ANY TIME, DETERMINE, UPON AUDIT, THAT THE AMOUNT OF LOCAL FUNDS EXPENDED BY SUCH COUNTY OR CITY FOR A PARTICULAR CALENDAR YEAR, AS SUPPORTED BY APPROPRIATE DOCUMENTATION PROVIDED BY THE COUNTY OR CITY, WAS LESS THAN THE AMOUNT AS CERTIFIED IN THE ANNUAL REPORT FILED PURSUANT TO SUBDIVISION TWO OF SECTION SEVEN HUNDRED TWENTY-TWO-F OF THE COUNTY LAW, RESULTING IN OVERPAYMENT TO SUCH COUNTY OR CITY, AND THE STATE COMPTROLLER DETERMINES TO RECOUP ANY SUCH OVERPAYMENT, THE COMPTROLLER SHALL:

(I) RECALCULATE THE TOTAL EXPENDITURES OF LOCAL FUNDS FOR THAT COUNTY OR CITY USING THE FORMULA APPLICABLE TO THE CALENDAR YEAR IN WHICH THE EXCESSIVE PAYMENTS WERE MADE;

(II) RECALCULATE THE ANNUAL PAYMENT AMOUNT FROM THE FUND FOR THAT CALENDAR YEAR FOR THAT COUNTY OR CITY BASED UPON THE RECALCULATED EXPENDITURES; AND

(III) REDUCE THE ANNUAL PAYMENT AMOUNT FROM THE FUND FOR THAT COUNTY OR CITY FOR THE CALENDAR YEAR NEXT SUCCEEDING THE CALENDAR YEAR IN WHICH IT WAS DETERMINED BY THE STATE COMPTROLLER THAT EXCESSIVE PAYMENTS WERE MADE, TO REFLECT THE RECALCULATED EXPENDITURES OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(F) ANY REDUCED AMOUNTS PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (E) OF THIS SUBDIVISION SHALL BE RETAINED IN THE FUND TO BE DISTRIBUTED TO COUNTIES AND THE CITY AS PART OF THE NEXT SUCCEEDING ANNUAL DISTRIBUTION IN ACCORDANCE WITH THE CALCULATION PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (C) OF THIS SUBDIVISION.

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

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

(i) that the total amount of local funds expended for services and expenses pursuant to article eighteen-B of the county law during the applicable calendar year reporting period did not decrease from the amount of such local funds expended during the previous calendar year, OR THE AVERAGE AMOUNT OF SUCH LOCAL FUNDS EXPENDED DURING THE IMMEDIATELY PRECEDING THREE CALENDAR YEARS, AS ANNUALLY REPORTED TO THE STATE COMPTROLLER, provided, however, that with respect to the report filed in two thousand six regarding calendar year two thousand five, such maintenance of effort shall be shown by demonstrating with specificity that the total amount of local funds expended for services and expenses pursuant to article eighteen-B of the county law during the two thousand five calendar year did not decrease from the amount of such local funds expended during calendar year two thousand two; or

(ii) where [the amount of local funds expended for such services decreased over such period,] A COUNTY OR CITY SHALL FAIL TO MEET THE MAINTENANCE OF EFFORT TEST AS DEFINED IN THIS PARAGRAPH, that all state funds received during the most recent state fiscal year pursuant to subdivision three of this section were used to assure an improvement in the quality of services provided in accordance with article eighteen-B of the county law and have not been used to supplant local funds ; PROVIDED, HOWEVER, THAT IF LESS THAN ALL SUCH STATE FUNDS WERE SO USED, SUCH COUNTY OR CITY SHALL RECEIVE STATE ASSISTANCE PURSUANT TO SUBDIVISION THREE OF THIS SECTION IN AN AMOUNT AS RECALCULATED PURSUANT TO THE SECOND SENTENCE OF CLAUSE (B) OF SUBPARAGRAPH (IV) OF PARAGRAPH (C) OF SUCH SUBDIVISION. For purposes of this subparagraph, whether there has been an improvement in the quality of such services shall be determined by considering the expertise, training and resources made available to attorneys, experts and investigators providing such services; the total caseload handled by such attorneys, experts and investigators as such relates to the time expended in each case and the quality of services provided; the system by which attorneys were matched to cases with a degree of complexity suitable to each attorney's training and experience; the provision of timely and confidential access to such attorneys and expert and investigative services; and any other similar factors related to the delivery of quality public defense services.

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

PART Y

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

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

(1) the eligibility of (a) active and (b) retired employees to participate in the health [insurance] BENEFIT plan authorized by this article,

(2) the terms and conditions of the insurance AND/OR PLAN ADMINISTRATOR contract or contracts, as applied to (a) active employees and (b) retired employees, and

(3) the purchase of such insurance AND/OR PLAN ADMINISTRATOR contract or contracts and the administration of such health [insurance] BENEFIT plan.

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

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

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

3. The health [insurance] BENEFIT plan shall be designed by the president (1) to provide a reasonable relationship between the hospital, surgical and medical benefits to be included, and the expected distribution of expenses of each such type to be incurred by the covered employees and dependents, and (2) to include reasonable controls, which may include deductible and coinsurance provisions applicable to some or all of the benefits, to reduce unnecessary utilization of the various hospital, surgical and medical services to be provided and to provide reasonable assurance of stability in future years of the plan, and (3) to provide benefits on a non-discriminatory basis to the extent possible, to active members throughout the state, wherever located.

S 3. The section heading and subdivisions 1 and 2 of section 162 of the civil service law, the section heading and subdivision 2 as amended by chapter 329 of the laws of 1960 and subdivision 1 as amended by chapter 805 of the laws of 1984, are amended to read as follows:

Contract for health [insurance] BENEFITS. 1. The president is hereby authorized and directed to purchase a contract or contracts to provide the benefits under the plan of health [insurance] benefits determined upon in accordance with the provisions of this article. Such contract or contracts shall be purchased from one or more corporations licensed to transact accident and health insurance business in this state or subject to article forty-three of the insurance law. ALTERNATIVELY, THE PRESIDENT MAY PROVIDE HEALTH BENEFITS DIRECTLY TO PLAN PARTICIPANTS, IN WHICH

CASE THE PRESIDENT IS HEREBY AUTHORIZED TO PURCHASE A CONTRACT OR CONTRACTS WITH ONE OR MORE FIRMS QUALIFIED TO ADMINISTER, ON NEW YORK STATE HEALTH BENEFIT PLAN'S BEHALF, THE PLAN OF BENEFITS REQUIRED UNDER THIS ARTICLE. ANY HEALTH INSURANCE COVERAGE MANDATED BY LAW APPLICABLE TO CONTRACTS FOR HEALTH INSURANCE ENTERED INTO UNDER THIS SECTION SHALL ALSO APPLY TO THE PROVISION OF ANY BENEFITS PURSUANT TO THIS SUBDIVISION. All of the benefits to be provided under this article may be included in one or more similar contracts, or the benefits may be classified into different types with each type included under one or more similar contracts issued by the same or different companies.

2. A reasonable time before entering into any insurance contract OR CONTRACT WITH AN ADMINISTRATOR OR ADMINISTRATORS hereunder, the president shall invite proposals from such qualified insurers OR ADMINISTRATORS as in his OR HER opinion would desire to accept any part of the insurance coverage OR ADMINISTRATIVE SERVICES authorized by this article.

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

1. All persons in the service of the state, whether elected, appointed or employed, who elect to participate in such health [insurance] BENEFIT plan shall be eligible to participate therein, provided, however, that the president may adopt such regulations as he OR SHE may deem appropriate excluding temporary, part time or intermittent employment.

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

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

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

7. For purposes of eligibility for participation in the health [insurance] BENEFIT plan no person shall be deemed to be a state officer or employee or to be in the service of the state unless his salary or compensation is paid directly by the state, and no person shall be deemed to be a retired officer or employee of the state unless his salary or compensation immediately preceding his retirement was paid directly by the state; provided, however, that all active and retired justices, judges, officers and employees of the supreme court, surrogate's court, county court, family court, civil court of the city of New York, criminal court of the city of New York and district court in any county, officers and employees of the office of probation for the courts of New York city shall be eligible for participation in the health [insurance] BENEFIT plan whether or not their salaries are paid or before retirement were paid directly by the state.

8. Notwithstanding any other law, rule or regulation to the contrary, where the state and an employee organization representing state officers and employees who are in positions which are in the collective negotiating unit established by chapter four hundred three of the laws of nineteen hundred eighty-three enter into a collectively negotiated agreement pursuant to article fourteen of this chapter providing that officers and employees who hold positions in such unit on or after April first, nineteen hundred eighty-four and who immediately upon termination from such position are eligible to receive a retirement benefit from either the New York state or New York city retirement systems shall continue to be eligible to participate in the employee benefit fund established by section two hundred six-a of the state finance law, such officers and employees upon retirement shall continue to participate in and receive the benefits of such fund as provided in such collectively negotiated agreement and shall not be eligible to receive and shall not receive from the statewide health [insurance] BENEFIT plan established pursuant to this article coverage for benefits covered by such employee benefit fund.

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

S 163-a. Health insurance adjustment. 1. For the purposes of this section, the term "supplementary plan" shall mean a health [insurance] BENEFIT plan which provides an adjustment to the deductible or co-insurance liability or to the benefits provided by the statewide health [insurance] BENEFIT plan purchased pursuant to section one hundred sixty-two of this article.

2. The president may require the insurer of a supplementary plan to the statewide health [insurance] BENEFIT plan, provided as a result of a collectively negotiated agreement pursuant to article fourteen of this chapter, to make a comparable supplementary plan available to participating employers as of the implementation date of the state employees' supplementary plan. The comparable supplementary plan shall be experience rated as to those participating employers electing it, with the costs thereof allocated equitably among them.

3. Every participating employer which, on or before July first, nineteen hundred eighty-five, entered into a collectively negotiated agreement pursuant to article fourteen of this chapter with employee organizations representing its employees to provide the statewide health [insurance] BENEFIT plan shall provide such comparable supplementary plan on the date established by the president until the expiration of such negotiated agreement.

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

S 165. Termination of active employment. 1. The health [insurance] BENEFIT coverage of any employee and his OR HER dependents, if any, shall cease upon the discontinuance of his OR HER term of office or employment, subject to regulations which may be prescribed by the president for extension of coverage and for conversion to an individual contract providing for such of the benefits provided under this article as may be provided under such individual contracts, under terms approved by the president, the total cost of any such contract to be borne by the employee.

2. In the event of death of an employee having coverage at the time of death for himself OR HERSELF and his OR HER dependents, and where the circumstances of death are such that beneficiaries or dependents of such deceased employee are entitled to an accidental death benefit payable by a retirement system or pension plan administered by the state or a civil division thereof on account of death resulting from an accident sustained in the performance of his OR HER duties or to death benefits provided for under the [workmen's] WORKERS' compensation law, the unremarried spouse of such employee covered at the time of his OR HER death and his OR HER covered dependents, for so long as they would otherwise qualify as dependents eligible for coverage under the regulations of the president, shall be eligible to continue full coverage under the health [insurance] BENEFIT plan upon payment at intervals determined by the president of the full cost of such coverage; provided, however, that the state shall pay and any participating employer may elect to pay the full cost of such coverage, except that in the case of those enrolled in an optional benefit plan, the employer shall contribute not more than the same dollar amount which would be paid if such unremarried spouse and dependents were enrolled in the basic statewide health [insurance] BENEFIT plan. The president shall adopt such regulations as may be required to carry out the provisions of this subdivision which shall include, but need not be limited to, provisions for filing application for continued coverage, including reasonable time limits therefor, and provisions for continued coverage of spouse and dependents pending determination of an application for accidental death benefits from a retirement system or pension plan administered by the state or a civil division thereof or pending determination of a claim for death benefits under the [workmen's] WORKERS' compensation law.

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

S 165-a. Continuation of state health [insurance] BENEFIT plans for survivors of employees of the state and/or of a political subdivision or of a public authority. Notwithstanding any other provision of law to the contrary, the president shall permit the unremarried spouse and the dependents, otherwise qualified as eligible for coverage under regulations of the president, of a person who was an employee of the state

and/or of a political subdivision thereof or of a public authority for not less than ten years, provided however, that the ten-year service requirement shall not apply to such employees on active military duty in connection with the Persian Gulf conflict who die on or after August second, nineteen hundred ninety while in the Persian Gulf combat zone or while performing such military duties, who had been a participant in any of the state health [insurance] BENEFIT plans, to continue under the coverage which such deceased employee had in effect at the time of death, upon the payment at intervals determined by the president of the full cost of such coverage, provided, however, that the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-five and before April first nineteen hundred seventy-nine who timely elected to continue dependent coverage, or such unremarried spouse who timely elected individual coverage shall continue to pay at intervals determined by the president one-quarter of the full cost of dependent coverage and provided further, that, with regard to employees of the State, where and to the extent that an agreement pursuant to article fourteen of this chapter so provides, or where the director of employee relations, with respect to employees of the State who are not included within a negotiating unit so recognized or certified pursuant to article fourteen of this chapter whom the director of employee relations determines should be declared eligible for the continuation of health [insurance] BENEFIT plans for the survivors of such employees of the State, the president shall adopt regulations providing for the continuation of such health [insurance] BENEFIT OR BENEFITS by the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-nine who elects to continue dependent coverage, or such unremarried spouse who elects individual coverage, and upon such election shall pay at intervals determined by the president one-quarter of the full cost of dependent coverage and, provided further with respect to enrolled employees of a political subdivision or public authority in a negotiating unit recognized or certified pursuant to article fourteen of this chapter, where an agreement negotiated pursuant to said article so provides, and with respect to enrolled employees of a political subdivision or public authority not included within a negotiating unit so recognized or certified, at the discretion of the appropriate political subdivision or public authority, the unremarried spouse of an active employee of the political subdivision or of the public authority who died on or after April first nineteen hundred seventy-five, may elect to continue dependent coverage or such unremarried spouse may elect individual coverage and upon such election shall pay at intervals determined by the president one-quarter of the full cost of dependent coverage.

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

Notwithstanding any law to the contrary, the survivors of any employee subject to this section shall be entitled to the health [insurance] benefits granted pursuant to this section, provided that such employee died while on active duty other than for training purposes, pursuant to Title 10 of the United States Code, with the armed forces of the United States, and such member died on such active duty on or after the effective date of [the] chapter ONE HUNDRED FIVE of the laws of two thousand five [which added this paragraph] as a result of injuries, disease or other medical condition sustained or contracted in such active duty with the armed forces of the United States.

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

(a) The full cost of premium or subscription charges for the coverage of retired state employees who are enrolled in the statewide and the supplementary health [insurance] BENEFIT plans established pursuant to this article and who retired prior to January first, nineteen hundred eighty-three shall be paid by the state. Nine-tenths of the cost of premium or subscription charges for the coverage of state employees and retired state employees retiring on or after January first, nineteen hundred eighty-three who are enrolled in the statewide and supplementary health [insurance] BENEFIT plans shall be paid by the state. Three-quarters of the cost of premium or subscription charges for the coverage of dependents of such state employees and retired state employees shall be paid by the state. Except as provided in paragraph (b) of this subdivision, the state shall contribute toward the premium or subscription charges for the coverage of each state employee or retired state employee who is enrolled in an optional benefit plan and for the dependents of such state employee or retired state employee the same dollar amount which would be paid by the state for the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents if he or she were enrolled in the statewide and the supplementary health [insurance] BENEFIT plans, but not in excess of the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents under such optional benefit plan. For purposes of this subdivision, employees of the state colleges of agriculture, home economics, industrial labor relations, and veterinary medicine, the state agricultural experiment station at Geneva, and any other institution or agency under the management and control of Cornell university as the representative of the board of trustees of the state university of New York, and employees of the state college of ceramics under the management and control of Alfred university as the representative of the board of trustees of the state university of New York, shall be deemed to be state employees whose salaries or compensation are paid directly by the state.

2. Each participating employer shall be required to pay not less than fifty percentum of the cost of premium or subscription charges for the coverage of its employees and retired employees who are enrolled in the statewide only or the statewide and comparable supplementary health [insurance] BENEFIT plans established pursuant to this article. Such employer shall be required to pay not less than thirty-five percentum of the cost of premium or subscription charges for the coverage of dependents of such employees and retired employees. Such employer shall contribute toward the premium or subscription charges for the coverage of each employee or retired employee who is enrolled in an optional benefit plan and for the dependents of such employee or retired employee the same dollar amount which would be paid by such employer for the premium or subscription charges for the coverage of such employee or retired employee and his or her dependents if he or she were enrolled in the statewide health [insurance] BENEFIT plan, but not in excess of the premium or subscription charges for the coverage of such employee or retired employee and his or her dependents under such optional benefit plan. Such employer shall not be required to pay the cost of premium or

subscription charges for the coverage of unpaid elected officials, or unpaid board members of a public authority, or their dependents, provided, however that no unpaid board member of a public authority shall be eligible to participate in such [insurance] BENEFIT plan until he or she has served in such position for at least six months. Subject to such regulations as the president may prescribe, any participating employer may elect to pay higher rates of contribution for the coverage of employees, retired employees and their dependents; provided, however, that if a participating employer elects to pay a higher or lower rate of contribution for its retired employees or their dependents, or both, than that paid by the state for its retired employees or their dependents, or both, amounts withheld from the retirement allowances of such retired employees for their share of premium or subscription charges, if any, shall, if the president so requires, be paid to such participating employer which shall pay into the health insurance fund the full cost of premium or subscription charges for the coverage of such retired employees and their dependents. Such election shall be exercised by the adoption of a resolution by its governing body which, if required by law to be approved by any other body or officer, shall have been so approved.

4. Upon the retirement, on or after July first, nineteen hundred sixty-five, of a state employee whose salary or compensation is paid directly by the state, who is subject to a plan established by law, rule, regulation, written order or written policy which provides for the regular earning and accumulation of sick leave, and who is eligible to continue coverage under the health [insurance] BENEFIT plan after retirement, the department [of civil service] shall determine, based on the employee's age at the time of retirement, the actuarial equivalent in monthly installments for the remaining life expectancy of such retired employee, of the dollar value of the earned and accumulated but unused sick leave standing to his OR HER credit at the time of retirement, without interest. Such dollar value shall be based on the employee's salary at the time of retirement. In addition to regular employer contributions, contributions in the amount of such monthly installments shall be paid from the state's appropriation to the health insurance fund and applied towards the charges for health [insurance] BENEFITS on account of such retired employee and his OR HER dependents, to the extent necessary to pay such charges. The remaining amount, if any, necessary to pay such charges shall be contributed by such retired employee. On or after October first, nineteen hundred seventy when such dollar value of such sick leave amounts to less than one hundred dollars for a particular retired employee, in lieu of contributions which would otherwise be required from such retired employee, additional contributions shall be paid for the state's appropriation to the health insurance fund and applied towards the charges for health [insurance] BENEFITS on account of such retired employee and his OR HER dependents until the sum of such additional contributions equals such dollar value of such sick leave. The remaining amount, if any, necessary to pay such charges shall be contributed by such retired employee. For purposes of this subdivision, employees of the state colleges of agriculture, home economics, industrial labor relations, and veterinary medicine, the state agricultural experiment station at Geneva, and any other institution or agency under the management and control of Cornell university as the representative of the board of trustees of the state university of New York, and employees of the state college of ceramics under the management and control of Alfred university as the representative of the

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

5. Subject to such regulations as the president may prescribe, any participating employer may elect to make additional contributions towards charges for health [insurance] BENEFIT coverage on account of its retired employees and their dependents, based on the dollar value of their sick leave accumulated but unused at the time of retirement. Such election shall apply to employees in the service of the participating employer who retire on or after the effective date of such election, who are subject to a plan established by law, rule, regulation, written order or written policy which provides for the regular earning and accumulation of sick leave, and who are eligible to continue coverage under the health [insurance] BENEFIT plan after retirement. The participating employer shall certify to the department [of civil service] the dollar value of earned and accumulated but unused sick leave standing to the credit of an employee at the time of his OR HER retirement. Additional contributions shall be paid by such participating employer and applied towards charges for health [insurance] BENEFITS on account of its retired employees and their dependents in the same manner as provided in subdivision four of this section with respect to retired state employees and their dependents.

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

S 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health [insurance] BENEFIT plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health [insurance] BENEFIT plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the premium charge for such supplementary medical insurance benefits for such active or retired employee and his OR HER dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. Where appropriate, such amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such amount may be included with payments of his OR HER retirement allowance. Employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

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

S 168. Assessment of certain costs. 1. If the salary or compensation of any officers and employees of the state is paid from a special or administrative fund or funds, other than the state purposes fund or the local assistance fund of the general fund of the state or the capital construction fund or an income fund of the state university or the mental hygiene services fund, such fund or funds shall be charged, and there shall be paid therefrom as [hereinafter] provided IN THIS SECTION the employer's share of the premium for the coverage of such officers and employees under the health [insurance] BENEFIT plan. If the amounts appropriated or allocable from such special or administrative fund or funds are insufficient for such purpose, the director of the budget is hereby authorized to allocate such additional sums from such fund or funds as may be necessary therefor; provided, however, that no transfer

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

2. If the salary or compensation of any officers and employees of the state is payable from a special or administrative fund or funds, other than the state purposes fund or the local assistance fund of the general fund of the state or the capital construction fund or an income fund of the state university or the mental hygiene services fund, a proportionate share of the expenses of administration of the health [insurance] BENEFIT plan, on account of coverage of such officers and employees, shall be payable from such fund or funds. If the amounts appropriated or allocable from such special or administrative fund or funds are insufficient for such purpose, the director of the budget is hereby authorized to allocate such additional sums from such funds or funds as may be necessary therefor; provided, however, that no transfer shall be made between two or more of such funds. The proportionate share of the expenses of administration of the health [insurance] BENEFIT plan chargeable pursuant to this subdivision to any special or administrative fund shall be determined by the president and shall be payable at such times as may be fixed by him OR HER. Such sums shall be payable to the commissioner of taxation and finance and shall be applied to the reimbursement of funds previously advanced for the expenses of administration of the health [insurance] BENEFIT plan.

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

(b) If the salary or compensation of any retired justices, judges, officers and employees of the supreme court, surrogate's court, county court, family court, civil court of the city of New York, criminal court of the city of New York and district court in any county, officers and employees of the office of probation for the courts of New York city prior to retirement was not paid in whole or in part from the treasury of the state but was paid directly from the treasury of a civil division, such civil division shall be required to pay the employer's share of the premium charges for the coverage of such retired justices, judges, officers and employees under the state health [insurance] BENEFIT plan. If such retired justices, judges, officers and employees are receiving retirement allowances from a pension or retirement plan or system administered by such civil division, the amounts required to be paid by such retired justices, judges, officers and employees as their

share of premium charges shall be deducted from their retirement allowances. Such deductions and the employer's share of premium charges shall be paid, at such times as required by the president, to the commissioner of taxation and finance and shall be credited to the health insurance fund.

(c) Any civil division required by this subdivision to pay the employer's share of the premium charges for the coverage of active or retired justices, judges, officers and employees of the supreme court, surrogate's court, county court, family court, civil court of the city of New York, criminal court of the city of New York and district court in any county, officers and employees of the office of probation for the courts of New York city shall also be assessed and required to pay a proportionate share of the expenses of administration of the health [insurance] BENEFIT plan in such amounts and at such times as determined by the president. Such sums shall be payable to the commissioner of taxation and finance and shall be applied to the reimbursement of funds previously advanced for the expenses of administration of the health [insurance] BENEFIT plan.

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

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

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

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

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

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

S 158. Group term life insurance plan and group accident and health [insurance] BENEFIT plan. 1. The president, subject to the provisions of

this section, is hereby empowered to establish regulations relating to, and to enter into and administer contracts providing for, a group term life insurance plan, and a group accident and health [insurance] BENEFIT plan on behalf of legislators, employees of the legislature hired on an annual basis, judges and justices of the unified court system, and state employees and retired employees who, for the purposes of article fourteen of this chapter, have been for a period of time prescribed by the regulations and, except for such retirees, continue to be in positions designated as managerial or confidential positions. The president may authorize the inclusion in the plan of such employees and retired employees of other governments or public employers as defined in subdivision [seven] SIX of section two hundred one of this chapter. The president may adopt whatever other regulations which may be necessary to fulfill the intentions of this section. No regulation shall be adopted, repealed or amended, and no other action taken with respect to such employees affecting the amount of, or eligibility for, benefits or rates of contribution under this section without the approval of the director of employee relations.

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

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

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

1. All persons who, as of the effective date of this article, are or shall become eligible to participate in the state health [insurance] BENEFIT plan established under article eleven of this chapter, shall be eligible to participate in the long term care insurance plan established under this article. The president shall adopt regulations prescribing the conditions under which an eligible individual may elect to participate in the long term care insurance plan.

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

HEALTH [INSURANCE] BENEFITS FOR STATE AND RETIRED STATE EMPLOYEES

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

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

plan for state employees; and subject to coverage under sections seventeen and eighteen of the public officers law, or

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

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

3. Notwithstanding any inconsistent provisions of law, the comptroller shall establish a fund, to be called the health insurance reserve receipts fund, to receive transfers of funds from the health insurance carriers of the New York state employee health [insurance] BENEFIT plan, pursuant to contractual agreements between such carriers and the New York state department of civil service and/or from the health insurance fund. Moneys returned by the municipalities and school districts or withheld from state aid by the comptroller pursuant to provisions governing termination of the contractual agreements shall be deposited in this fund. Disbursements from the health insurance reserve receipts fund shall be for the purpose of returning to participating governments and school districts the appropriate share of moneys remitted by such health insurance carriers and/or for the purpose of remitting to the carriers any moneys due them as a result of termination of the state's contract with the carriers or termination of agreements between the state and municipalities and school districts and/or for the purpose of transferring funds to the health insurance fund. Disbursements from such fund shall be made pursuant to the procedures for authorization of expenditures contained in article [XI] ELEVEN of the civil service law upon the issuance of a certificate of approval of availability by the director of the budget and subject to audit and warrant of the comptroller.

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

2. For the purposes of eligibility for participation in the state health [insurance] BENEFIT plan under article eleven of the civil service law and for survivor's benefits for active and retired state employees [as provided by sections one hundred fifty-four and one hundred fifty-five of the civil service law], employees of the commission, to the extent to which the compensation paid for their services is derived from funds appropriated by this state, shall be deemed to be employees of this state and qualified for such participation and benefits. For the purpose of determining their rights under the [workmen's] WORKERS' compensation law of this state, employees of the commission employed wholly or partly in this state shall be deemed to be employees of this state provided, however, that the amount of any payment made under such compensation law to an employee of the commission employed only partly in this state shall be only in such proportion as the amount

of his OR HER salary paid by the state of New York shall bear to his OR HER total salary.

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

PART Z

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

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

1. THE president shall permit the unremarried spouse and the dependents, otherwise qualified as eligible for coverage under regulations of the president, of a person who was an employee of the state and/or of a political subdivision thereof or of a public authority for not less than ten years, provided however, that the ten-year service requirement shall not apply to such employees on active military duty in connection with the Persian Gulf conflict who die on or after August second, nineteen hundred ninety while in the Persian Gulf combat zone or while performing such military duties, who had been a participant in any of the state health insurance plans, to continue under the coverage which such deceased employee had in effect at the time of death, upon the payment at intervals determined by the president of the full cost of such coverage, provided, however, that the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-five and before April first nineteen hundred seventy-nine who timely elected to continue dependent coverage, or such unremarried spouse who timely elected individual coverage shall continue to pay at intervals determined by the president one-quarter of the full cost of dependent coverage and provided further, that, with regard to employees of the State, where and to the extent that an agreement pursuant to article fourteen of this chapter so provides, or where the director of employee relations, with respect to employees of the State who are not included within a negotiating unit so recognized or certified pursuant to article fourteen of this chapter whom the director of employee relations determines should be declared eligible for the continuation of health insurance plans for the survivors of such employees of the State, the president shall adopt regulations providing for the continuation of such health insurance by the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-nine who elects to continue dependent coverage, or such unremarried spouse who elects individual coverage, and upon such election shall pay at intervals determined by the president one-quarter of the full cost of dependent coverage [and, provided], OR IF THE EMPLOYEE DIED AFTER THE EFFECTIVE DATE OF PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-SEVEN OF THIS ARTICLE, THE PRESIDENT SHALL PAY THE AMOUNT THE STATE WOULD CONTRIBUTE, UNDER SUCH PARAGRAPH, TOWARDS THE PREMIUM OR SUBSCRIPTION CHARGES FOR A DEPENDENT SURVIVOR OF A RETIRED STATE EMPLOYEE WITH THE SAME YEARS OF ACTIVE SERVICE, WHO RETIRED AFTER SUCH EFFECTIVE DATE. PROVIDED further with respect to enrolled employees of a political subdivision or public authority in a negotiating unit recognized or certified pursuant to article fourteen of this chapter, where an agreement negotiated pursuant to said article so provides, and with

respect to enrolled employees of a political subdivision or public authority not included within a negotiating unit so recognized or certified, at the discretion of the appropriate political subdivision or public authority, the unremarried spouse of an active employee of the political subdivision or of the public authority who died on or after April first nineteen hundred seventy-five, may elect to continue dependent coverage or such unremarried spouse may elect individual coverage and upon such election shall pay at intervals determined by the president one-quarter of the full cost of dependent coverage.

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

3. Notwithstanding any law to the contrary, the survivors of any employee subject to this section shall be entitled to the health insurance benefits granted pursuant to this section, provided that such employee died while on active duty other than for training purposes, pursuant to Title 10 of the United States Code, with the armed forces of the United States, and such member died on such active duty on or after the effective date of [the] chapter ONE HUNDRED FIVE of the laws of two thousand five which added this paragraph as a result of injuries, disease or other medical condition sustained or contracted in such active duty with the armed forces of the United States.

S 2. Subdivision 1 of section 167 of the civil service law, as amended by chapter 582 of the laws of 1988 and paragraph (b) as amended by chapter 317 of the laws of 1995, is amended to read as follows:

1. (a) The full cost of premium or subscription charges for the coverage of retired state employees who are enrolled in the statewide and the supplementary health insurance plans established pursuant to this article and who retired prior to January first, nineteen hundred eighty-three shall be paid by the state. [Nine-tenths] EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION, NINE-TENTHS of the cost of premium or subscription charges for the coverage of state employees and retired state employees retiring on or after January first, nineteen hundred eighty-three who are enrolled in the statewide and supplementary health insurance plans shall be paid by the state. [Three-quarters] EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION, THREE-QUARTERS of the cost of premium or subscription charges for the coverage of dependents of such state employees and retired state employees shall be paid by the state. Except as provided in paragraph (b) of this subdivision, the state shall contribute toward the premium or subscription charges for the coverage of each state employee or retired state employee who is enrolled in an optional benefit plan and for the dependents of such state employee or retired state employee the same dollar amount which would be paid by the state for the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents if he or she were enrolled in the statewide and the supplementary health insurance plans, but not in excess of the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents under such optional benefit plan. For purposes of this subdivision, employees of the state colleges of agriculture, home economics, industrial labor relations, and veterinary medicine, the state agricultural experiment station at Geneva, and any other institution or agency under the management and control of Cornell university as the representative of the board of trustees of the state university of New York, and employees of the state college of

ceramics under the management and control of Alfred university as the representative of the board of trustees of the state university of New York, shall be deemed to be state employees whose salaries or compensation are paid directly by the state.

(b) Effective January first, nineteen hundred eighty-nine, notwithstanding any other law, rule or regulation, EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION, and where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides or where and to the extent the employee health insurance council so directs with respect to any other state employees and for retired state employees retiring on or after January first, nineteen hundred eighty-three, the state shall contribute nine-tenths of the cost of premiums or subscription charges for coverage of each such state employee or retired state employee who is enrolled in an optional benefit plan and three-fourths of such premium or subscription charges for dependents of such state employees or retired state employees enrolled in such optional benefit plan; provided, however, effective January first, nineteen hundred ninety-six, the contribution rates for the hospitalization and medical components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization and medical components of individual and dependent coverage, respectively, in the Empire Plan. In the case of state employees retiring prior to January first, nineteen hundred eighty-three, the state shall contribute one hundred percent of the individual premium and three-fourths of such premium for dependents of such retired employees enrolled in such optional benefit plan; however, these contribution rates shall not exceed one hundred percent of the employer dollar amount contribution for individual and dependent coverage respectively in the Empire Plan. IN THE CASE OF STATE EMPLOYEES RETIRING ON OR AFTER THE EFFECTIVE DATE OF PARAGRAPH (C) OF THIS SUBDIVISION THE CONTRIBUTION RATES FOR SUCH RETIRED STATE EMPLOYEE SHALL BE AS SET FORTH IN SUCH PARAGRAPH (C).

(C) THE STATE SHALL CONTRIBUTE TOWARD THE PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF RETIRED STATE EMPLOYEES RETIRING ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION WHO HAVE TEN YEARS OF SERVICE AND ARE ENROLLED IN THE STATEWIDE AND SUPPLEMENTARY HEALTH INSURANCE PLANS AS FOLLOWS:

(I) THE STATE SHALL PAY FIFTY PERCENT OF THE COST OF PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF SUCH RETIRED STATE EMPLOYEES. SUCH CONTRIBUTIONS SHALL INCREASE BY TWO PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES FOR EACH YEAR OF SERVICE IN EXCESS OF TEN YEARS UP TO A MAXIMUM OF NINETY PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES. THE STATE SHALL PAY THIRTY-FIVE PERCENT OF THE COST OF PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF DEPENDENTS OF SUCH RETIRED STATE EMPLOYEES WHO HAVE TEN YEARS OF SERVICE. SUCH CONTRIBUTION SHALL INCREASE BY TWO PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES FOR EACH YEAR OF SERVICE IN EXCESS OF TEN YEARS UP TO A MAXIMUM OF SEVENTY-FIVE PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES.

(II) THE STATE SHALL PAY FIFTY PERCENT OF THE COST OF PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF SUCH RETIRED STATE EMPLOYEES WHO HAVE BEEN DETERMINED TO HAVE RETIRED WITH AN ORDINARY DISABILITY PURSUANT TO THE APPLICABLE PROVISIONS OF THE RETIREMENT AND SOCIAL SECURITY LAW. SUCH CONTRIBUTIONS SHALL INCREASE BY TWO PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES FOR EACH YEAR OF SERVICE IN EXCESS OF TEN YEARS UP TO A MAXIMUM OF NINETY PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES. THE STATE SHALL PAY THIRTY-FIVE PERCENT OF THE COST OF PREMIUM OR

SUBSCRIPTION CHARGES FOR THE COVERAGE OF DEPENDENTS OF SUCH RETIRED STATE EMPLOYEES. SUCH CONTRIBUTION SHALL INCREASE BY TWO PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES FOR EACH YEAR OF SERVICE IN EXCESS OF TEN YEARS UP TO A MAXIMUM OF SEVENTY-FIVE PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES.

(III) THE STATE SHALL PAY NINETY PERCENT OF THE COST OF PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF SUCH RETIRED STATE EMPLOYEES WHO HAVE BEEN DETERMINED TO HAVE RETIRED WITH AN ACCIDENTAL OR PERFORMANCE OF DUTY DISABILITY PURSUANT TO THE APPLICABLE PROVISIONS OF THE RETIREMENT AND SOCIAL SECURITY LAW. THE STATE SHALL PAY SEVENTY-FIVE PERCENT OF THE COST OF PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF DEPENDENTS OF SUCH RETIRED STATE EMPLOYEES.

(IV) WITH RESPECT TO ALL SUCH RETIRED STATE EMPLOYEES, EACH INCREMENT OF TWO PERCENT OF PREMIUM OR SUBSCRIPTION CHARGES FOR EACH YEAR OF SERVICE SHALL BE APPLICABLE FOR WHOLE YEARS OF SERVICE TO THE STATE AND SHALL NOT BE APPLIED PRO-RATA.

(V) THE STATE SHALL CONTRIBUTE TOWARD THE PREMIUM OR SUBSCRIPTION CHARGES FOR COVERAGE OF SUCH RETIRED STATE EMPLOYEES AND FOR THE COVERAGE OF DEPENDENTS OF SUCH RETIRED STATE EMPLOYEES WHO ARE ENROLLED IN AN OPTIONAL BENEFIT PLAN OR IN THE STATEWIDE AND SUPPLEMENTARY HEALTH INSURANCE PLANS IN ACCORDANCE WITH SUBPARAGRAPHS (I), (II) AND (III) OF THIS PARAGRAPH; PROVIDED, HOWEVER, THE CONTRIBUTION RATES FOR THE HOSPITALIZATION AND MEDICAL COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION AND MEDICAL COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

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

PART AA

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

S 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health insurance plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health insurance plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the premium charge for such supplementary medical insurance benefits for such active or retired employee and his OR HER dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. Where appropriate, such amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such amount may be included with payments of his OR HER retirement allowance. [Employer] ALL STATE EMPLOYER, EMPLOYEE, RETIRED EMPLOYEE AND DEPENDENT CONTRIBUTIONS TO THE HEALTH INSURANCE FUND SHALL BE ADJUSTED AS NECESSARY TO PROVIDE FOR PAYMENT OF PREMIUM CHARGES UNDER THIS SECTION. ALL OTHER EMPLOYER contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

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

PART BB

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

S 2. Wage freeze. a. Notwithstanding any other provision of law, the scheduled general salary increases for officers and employees of the state, except for increases to the top salary step for officers and employees of the city university of New York represented by the professional staff congress, which will take effect on or after April 1, 2009, pursuant to collective bargaining agreements, binding interest arbitration awards, or other analogous contracts or provisions of law providing for such salary increases, including increases for unrepresented employees provided for in chapter 10 of the laws of 2008, are hereby eliminated. For the purposes of computing the pension base of retirement allowances, the eliminated salary or wage increases shall not be considered as part of compensation or final compensation or of annual salary earned or earnable. The eliminations provided in this subdivision shall be effective the first pay period beginning closest to the date on which such salary increase is scheduled to take place.

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

S 3. This act shall take effect immediately and shall expire March 31, 2010.

PART CC

Section 1. Paragraph 1 of subdivision j of section 41 of the retirement and social security law, as amended by chapter 271 of the laws of 2008, is amended to read as follows:

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

branch member designated managerial or confidential pursuant to article fourteen of the civil service law or in the collective negotiating units established by article fourteen of the civil service law designated the professional, scientific and technical services unit, the rent regulation services negotiating unit, the security services negotiating unit, the security supervisors negotiating unit, the state university professional services negotiating unit, the administrative services negotiating unit, the institutional services negotiating unit, the operational services negotiating unit and the division of military and naval affairs negotiating unit WHO FIRST JOIN A NEW YORK STATE AND LOCAL RETIREMENT SYSTEM BEFORE MARCH FIRST, TWO THOUSAND NINE, such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days. For a nonjudicial officer or employee of the unified court system not in a collective negotiating unit or in a collective negotiating unit specified in section one of chapter two hundred three of the laws of two thousand four, for employees of the New York state dormitory authority, for employees of the New York state thruway authority and the New York state canal corporation and for employees of the New York liquidation bureau WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM OF THIS STATE BEFORE MARCH FIRST, TWO THOUSAND NINE, such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days.

S 2. Subdivision 24 of section 501 of the retirement and social security law, as amended by chapter 891 of the laws of 1976, is amended to read as follows:

24. "Wages" shall mean regular compensation earned by and paid to a member by a public employer, EXCEPT THAT FOR MEMBERS WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, OVERTIME COMPENSATION PAID UNDER ANY LAW OR POLICY UNDER WHICH EMPLOYEES ARE PAID AT A RATE GREATER THAN THEIR STANDARD RATE FOR ADDITIONAL HOURS WORKED BEYOND THAT REQUIRED, INCLUDING SECTIONS ONE HUNDRED THIRTY-FOUR OF THE CIVIL SERVICE LAW AND SECTION NINETY OF THE GENERAL MUNICIPAL LAW, SHALL NOT BE INCLUDED IN THE DEFINITION OF WAGES. For the purpose of calculation a member's primary federal social security retirement or disability benefit, wages shall, in any calendar year, be limited to the portion of the member's wages which would be subject to tax under section three thousand one hundred twenty-one of the internal revenue code of nineteen hundred fifty-four, or any predecessor or successor provision relating thereto, if such member was employed by a private employer.

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

a. A member who first joins a public retirement system of this state on or after June thirtieth, nineteen hundred seventy-six AND BEFORE MARCH FIRST, TWO THOUSAND NINE shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of creditable service after July first, nineteen hundred seventy-three. A MEMBER WHO FIRST JOINS A PUBLIC RETIREMENT SYSTEM OF THIS STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS HEREUNDER UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TEN YEARS OF CREDITED SERVICE.

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

this article. A MEMBER WHO FIRST JOINS A PUBLIC RETIREMENT SYSTEM OF THIS STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS HEREUNDER UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TEN YEARS OF CREDITED SERVICE.

S 4. Subdivisions a, b and c of section 504 of the retirement and social security law, subdivisions a and b as added by chapter 890 of the laws of 1976 and subdivision c as amended by chapter 174 of the laws of 1989, 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, OR WITH TWENTY-FIVE OR MORE YEARS OF CREDITED SERVICE FOR MEMBERS WHO FIRST JOIN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, 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.

b. The service retirement benefit for general members at normal retirement age with less than twenty years of credited service, OR LESS THAN TWENTY-FIVE YEARS OF CREDITED SERVICE FOR MEMBERS WHO FIRST JOIN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, shall be a pension equal to one-sixtieth of final average salary times years of credited service, less fifty percent of the primary social security retirement benefit as provided in section five hundred eleven.

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 one-thirtieth for each year by which early retirement precedes age sixty. MEMBERS WHO FIRST JOIN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE SHALL NOT BE ELIGIBLE TO RECEIVE THE EARLY SERVICE RETIREMENT BENEFIT SPECIFIED IN THIS SUBDIVISION. 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.

S 5. Subdivisions a and d of section 516 of the retirement and social security law, subdivision a as added by chapter 389 of the laws of 1998 and subdivision d as amended by chapter 622 of the laws of 2004, are amended to read as follows:

a. A member who has five or more years of credited service OR TEN OR MORE YEARS OF CREDITED SERVICE FOR MEMBERS WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE upon termination of employment shall be entitled to a deferred vested benefit as provided herein.

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

department of correctional services, as defined in subdivision i of section eighty-nine of this chapter, with twenty or more years of credited service OR WITH TWENTY-FIVE OR MORE YEARS OF CREDITED SERVICE FOR MEMBERS WHO FIRST JOIN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE shall be a pension commencing at normal retirement age equal to one-fiftieth of final average salary times years of credited service, not in excess of thirty years. The deferred vested benefit of general members in the uniformed correction force of the New York city department of correction, who are not entitled to a deferred vested benefit under subdivision d of section five hundred four-a of this article or under subdivision d of section five hundred four-b of this article or under subdivision d of section five hundred four-d of this article, or of general members in the uniformed personnel in institutions under jurisdiction of the department of correctional services, as defined in subdivision i of section eighty-nine of this chapter, with less than twenty years of credited service, OR LESS THAN TWENTY-FIVE YEARS OF CREDITED SERVICE FOR MEMBERS WHO FIRST JOIN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, shall be a pension commencing at normal retirement age equal to one-sixtieth of final average salary times years of credited service. Such deferred vested benefit may be paid in the form of an early service retirement benefit, or may be postponed until after normal retirement age, in which event the benefit will be subject to reduction or escalation as provided in subdivision c of section five hundred four of this article.

S 6. Subdivision l of section 601 of the retirement and social security law, as added by chapter 414 of the laws of 1983, is amended to read as follows:

l. "Wages" shall mean regular compensation earned by and paid to a member by a public employer, EXCEPT THAT FOR MEMBERS WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, OVERTIME COMPENSATION PAID UNDER ANY LAW OR POLICY UNDER WHICH EMPLOYEES ARE PAID AT A RATE GREATER THAN THEIR STANDARD RATE FOR ADDITIONAL HOURS WORKED BEYOND THAT REQUIRED, INCLUDING SECTIONS ONE HUNDRED THIRTY-FOUR OF THE CIVIL SERVICE LAW AND SECTION NINETY OF THE GENERAL MUNICIPAL LAW, SHALL NOT BE INCLUDED IN THE DEFINITION OF WAGES.

S 7. Subdivisions a and b of section 602 of the retirement and social security law, as amended by chapter 389 of the laws of 1998, are amended to read as follows:

a. A member who first joins a public retirement system of this state on or after July first, nineteen hundred seventy-six AND BEFORE MARCH FIRST, TWO THOUSAND NINE shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of credited service. A MEMBER WHO FIRST JOINS A PUBLIC RETIREMENT SYSTEM OF THIS STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE SHALL NOT BE ELIGIBLE FOR SERVICE RETIREMENT BENEFITS HEREUNDER UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TEN YEARS OF CREDITED SERVICE.

b. A member who previously was a member of a public retirement system of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is credited pursuant to section six hundred nine of this article. A MEMBER WHO FIRST JOINS A PUBLIC RETIREMENT SYSTEM OF THIS STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE SHALL NOT BE ELIGIBLE

FOR SERVICE RETIREMENT BENEFITS HEREUNDER UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TEN YEARS OF CREDITED SERVICE.

S 8. Subdivision a of section 603 of the retirement and social security law, as amended by section 3 of chapter 19 of the laws of 2008, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members WHO FIRST JOIN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM BEFORE MARCH FIRST, TWO THOUSAND NINE AND who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, a member WHO FIRST JOINS THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM BEFORE MARCH FIRST, TWO THOUSAND NINE AND who is a peace officer employed by the unified court system or a member of a teachers' retirement system or the New York state and local employees' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service.

S 8-a. Subdivision i of section 603 of the retirement and social security law, as amended by chapter 19 of the laws of 2008, is amended to read as follows:

i. 1. A member of a teachers' retirement system or the New York state and local employees' retirement system who has met the minimum service requirements but who has less than thirty years of credited service may retire prior to normal retirement age, but no earlier than attainment of age fifty-five, in which event, unless such person is a member of the New York city teachers' retirement system who is otherwise eligible for early service retirement pursuant to subdivision c of section six hundred four-i of this article, the amount of his or her retirement benefit otherwise computed without optional modification shall be reduced in accordance with the following schedule:

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

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

2. A member of the New York city employees' retirement system or the board of education retirement system of the city of New York who has met the minimum service requirement, but who is not (a) a participant in the twenty-five-year early retirement program, as defined in paragraph ten of subdivision a of section six hundred four-c of this article (as added by chapter ninety-six of the laws of nineteen hundred ninety-five), or (b) a participant in the age fifty-seven retirement program, as defined in paragraph three of subdivision b of section six hundred four-d of this article, or (c) a New York city transit authority member, as defined in paragraph one of subdivision a of section six hundred four-b of this article, may retire prior to normal retirement age, but no

earlier than attainment of age fifty-five, in which event, unless such person is a member of the board of education retirement system of such city who is otherwise eligible for early service retirement pursuant to subdivision c of section six hundred four-i of this article, the amount of his or her retirement benefit computed without optional modification shall be reduced in accordance with the following schedule:

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

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

3. MEMBERS WHO JOIN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE SHALL NOT BE ELIGIBLE TO RECEIVE THE RETIREMENT BENEFITS SPECIFIED IN THIS SUBDIVISION.

S 9. Subdivisions a and b of section 604 of the retirement and social security law, as amended by chapter 266 of the laws of 1998, are amended to read as follows:

a. The service retirement benefit at normal retirement age for a member with less than twenty years of credited service, OR LESS THAN TWENTY-FIVE YEARS CREDITED SERVICE FOR A MEMBER WHO JOINS THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, shall be a retirement allowance equal to one-sixtieth of final average salary times years of credited service.

b. The service retirement benefit at normal retirement age for a member with twenty years or more of credited service, OR WITH TWENTY-FIVE OR MORE YEARS CREDITED SERVICE FOR A MEMBER WHO JOINS THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, shall be a retirement allowance equal to one-fiftieth of final average salary times years of credited service not in excess of thirty years.

Credited service in excess of thirty years shall provide an additional retirement allowance equal to three-two hundredths of the final average salary for each year of credited service in excess of thirty years.

S 10. Subdivision a of section 612 of the retirement and social security law, as amended by chapter 659 of the laws of 1999, is amended to read as follows:

a. A member who has five or more years of credited service, OR TEN OR MORE YEARS OF CREDITED SERVICE FOR MEMBERS WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, upon termination of employment, other than a member who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. A member of a teachers' retirement system or the New York state and local employees' retirement system who has five or more years of credited service, OR TEN OR MORE YEARS OF CREDITED SERVICE FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, upon termination of employment shall be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, OR NO EARLIER THAN AGE SIXTY-TWO FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW

YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE, computed in accordance with the provisions of subdivision i of section six hundred three of this article.

S 11. Paragraph 1 of subdivision b of section 902 of the retirement and social security law, as amended by chapter 110 of the laws of 2000, is amended to read as follows:

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

S 12. Paragraph 1 of subdivision b of section 911 of the retirement and social security law, as amended by chapter 110 of the laws of 2000, is amended to read as follows:

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

S 13. Paragraph (c) of subdivision 2 of section 392 of the education law, as added by chapter 617 of the laws of 2007, is amended to read as follows:

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

S 14. Paragraph (c) of subdivision 2 of section 6252 of the education law, as added by chapter 617 of the laws of 2007, is amended to read as follows:

(c) Notwithstanding any other provision of this section or any other law to the contrary, (1) on and after April first, two thousand eight for a member who joined the optional retirement program established

pursuant to this article BEFORE MARCH FIRST, TWO THOUSAND NINE and who has ten or more years of membership in such optional retirement program, the city shall contribute one-third of the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee; and (2) on and after April first, two thousand nine for a member who joined the optional retirement program established pursuant to this article BEFORE MARCH FIRST, TWO THOUSAND NINE and who has ten or more years of membership in such optional retirement program, the city shall contribute two-thirds of the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee; and (3) on and after April first, two thousand ten for a member who joined the optional retirement program established pursuant to this article BEFORE MARCH FIRST, TWO THOUSAND NINE and who has ten or more years of membership in such optional retirement program, the city shall contribute the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO ANY ELECTING EMPLOYEE WHO BECOMES A MEMBER OF THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER MARCH FIRST, TWO THOUSAND NINE.

S 15. Section 90 of the general municipal law, as amended by chapter 576 of the laws of 1964, is amended to read as follows:

S 90. Payment of overtime compensation to public officers or employees. The governing board of each municipal corporation or other civil division or political subdivision of the state, or in the city of New York, the mayor, by ordinance, local law, resolution, order or rule, may provide for the payment of overtime compensation to any or all public officers except elective officers and those officers otherwise excluded by law and to any or all public employees under their jurisdiction at the regular basic pay rate of such officers or employees for all time such officers or employees are required to work in excess of their regularly established hours of employment or at such other rate as such governing board, or in the city of New York, the mayor, may authorize. The amounts received as overtime compensation under this section shall be regarded as salary or compensation for any of the purposes of any pension or retirement system of which the officer or employee receiving the same is a member, EXCEPT AS SET FORTH IN SECTION SIX HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW. Such overtime compensation shall not be regarded as salary or compensation for the purpose of determining the right to any increase of salary or any salary increment on account of length of service or otherwise. No such overtime compensation shall be construed to constitute a promotion.

S 16. This act shall take effect on March 1, 2009, provided that:

(a) the amendments to articles 14 and 15 of the retirement and social security law made by sections two, three, four, five, six, seven, eight, eight-a, nine and ten of this act shall expire on the same date as such articles expire pursuant to section 615 of such law; and

(b) the amendments to subdivision a of section 603 of the retirement and social security law made by section eight of this act shall not affect the expiration of such subdivision as provided in subdivision (b) of section 13 of chapter 682 of the laws of 2003, as amended.

FISCAL NOTE.--This bill would create a new benefit structure for members who first join the New York State and Local Employees' Retirement System, the New York State Teachers' Retirement System, the New York City Teachers' Retirement System, the New York City Employees' Retirement System or the New York City Board of Education Retirement

System on or after March 1, 2009. Significant plan design changes from the current new member plans include:

1. An employee contribution of 3% of pay would be required for all years of service, except State correction officers would be limited to 30 years. This would also affect members who are covered by the Optional Retirement Program.

2. Retirement would not be allowed until the attainment of age 62 and 10 years of creditable service for those not covered by a 20 or 25 year plan that allows retirement without regard to age,

3. The service retirement benefit for general members with less than 25 years of creditable service would be equal to 1/60th of final average salary for each year of creditable service,

4. Additional service credit for accumulated unused sick leave will be limited to 165 days,

5. Overtime pay will not be included in the definition of wages and final average salary.

Insofar as this bill would affect the New York State and Local Employees' Retirement System, if this bill is enacted, we will calculate new plan rates for all members who first enter on or after March 1, 2009. The long term expected annual employer contribution rate for new general members will be approximately 8.5% as compared to the current expected long term annual employer contribution rate for Tier 4 general members of approximately 11.0% of payroll. For fiscal year ending March 31, 2010, since the average Tier 4 member contribution rate is approximately 7%, the new plan rate would be approximately 5.5%.

For members in 20 or 25 year retirement plans that allow retirement without regard to age, the long term reductions would vary by plan and be less than 2% of salary, with the fiscal year ending March 31, 2010 reductions averaging approximately 1%.

This estimate, dated December 5, 2008 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-14, prepared by the Actuary for the New York State and Local Employees' Retirement System.

FISCAL NOTE.--With respect to civilians and teachers, budgetary savings in the first year after enactment are estimated at approximately $2 million, with annual savings thereafter growing by approximately $2 million per year, as new hires replace existing employees when they retire. In ten years, the City will achieve $20 million in annual savings and twenty years from now, annual savings will be approximately $40 million.

This fiscal note is intended for the 2009 legislative session and was prepared by Andrew G. Dowling, Assistant Director, New York City Office of Management and Budget.

FISCAL NOTE.--This bill would amend various sections of the Education Law and the Retirement and Social Security Law to implement a new retirement benefit structure (Tier 5) for members who first join a public retirement system of the state (or New York City) on or after March 1, 2009. Members would be eligible for a service retirement benefit after rendering a minimum of ten years of credited service and attainment of age 62. No retirement (for service) prior to age 62 would be permitted. The service retirement benefit formula for a member with less than twenty-five years of credited service would be equal to one-sixtieth of final average salary times the years of credited service. The service retirement benefit formula for a member with twenty-five or more years of credited service would be equal to one-fiftieth of final average salary times the years of credited service not in excess of

thirty. Years of service in excess of thirty shall provide an additional retirement benefit equal to three two-hundredths of final average salary. Members would be required to contribute three percent of annual salary for all years of service.

The current required employer contribution rate for the New York State Teachers' Retirement System is 7.63% of pay, applicable to 7/1/08 - 6/30/09 member salaries and to be collected in the fall of 2009. This rate is applicable to the salaries of all members, regardless of tier. In that this proposed benefit structure is only applicable to members joining on or after March 1, 2009, it will be at least several years before it has a noticeable impact on the employer contribution rate. The cost savings impact of this change will become more significant with time as the number of post-3/1/09 members grows as a percentage of the total membership.

Our "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 11.8% of pay under the current benefit structure. This can be thought of as the cost of the benefit structure for new entrants, based on current actuarial assumptions. Under the proposed benefit structure, this new entrant rate would be equal to 8.4% of pay.

The source of this estimate is Fiscal Note 2009-9 dated December 8, 2008 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

PART DD

Section 1. Subdivision a of section 441 of the retirement and social security law, as amended by chapter 510 of the laws of 1974, is amended to read as follows:

a. No member of a retirement system who is subject to the provisions of this article shall be eligible to retire until he has rendered a minimum of five years of credited service after July first, nineteen hundred seventy-three; provided, however, that this limitation shall not apply to the case of a member otherwise eligible to retire for disability, AND PROVIDED FURTHER THAT THE ELIGIBILITY FOR SERVICE RETIREMENT OF A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THIS ARTICLE) SHALL BE GOVERNED BY THE PROVISIONS OF SUBDIVISION C OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THIS ARTICLE. A member who attains the mandatory retirement age of the plan of which he is a member without having the requisite period of service required as a condition of eligibility for retirement, shall be separated from service upon attainment of such mandatory retirement age; provided, however, that this requirement shall not preclude a member from being continued in service beyond such mandatory retirement age pursuant to other appropriate provisions of law.

S 2. Section 442 of the retirement and social security law is amended by adding a new subdivision c to read as follows:

C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE ELIGIBILITY FOR SERVICE RETIREMENT OF A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THIS ARTICLE) SHALL BE GOVERNED BY THE PROVISIONS OF SUBDIVISION C OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THIS ARTICLE.

S 3. Subdivision g of section 443 of the retirement and social security law, as added by chapter 372 of the laws of 2000, is amended to read as follows:

g. Notwithstanding the provisions of subdivisions a and c of this section, AND EXCEPT AS PROVIDED BY SUBDIVISION H OF THIS SECTION, the benefits for the first twenty years or less of service of members of the New York city police pension fund, subchapter two, who are subject to the provisions of this article, and members of the fire department pension fund, subchapter two, who are subject to the provisions of this article, shall be determined by using a salary base equal to the salary earned by such member during the one-year period immediately prior to retirement or separation from service due to vesting, exclusive of any form of termination pay (which shall include any compensation in anticipation of retirement), or any lump sum payment for deferred compensation, sick leave, or accumulated vacation credit, or any other payment for time not worked (other than compensation received while on sick leave or authorized leave of absence); provided, however, if the salary or wages earned during the one-year period immediately prior to retirement or separation from service due to vesting exceeds that of the previous one-year period by more than twenty per centum, the amount in excess of twenty per centum shall be excluded from the computation of final average salary. In determining final average salary, any month or months (not in excess of three) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

S 4. Section 443 of the retirement and social security law is amended by adding a new subdivision h to read as follows:

H. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION G OF THIS SECTION, THE SALARY BASE USED FOR THE COMPUTATION OF BENEFITS FOR A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THIS ARTICLE) SHALL BE DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISIONS A AND C OF THIS SECTION.

S 5. Section 445 of the retirement and social security law is amended by adding a new subdivision d to read as follows:

D. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE ELIGIBILITY OF A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THIS ARTICLE) FOR SERVICE RETIREMENT, AND THE SERVICE RETIREMENT BENEFITS PAYABLE TO SUCH A RETIRED MEMBER, SHALL BE GOVERNED BY THE PROVISIONS OF SUBDIVISIONS C AND D OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THIS ARTICLE.

S 6. The retirement and social security law is amended by adding a new section 445-j to read as follows:

S 445-J. SERVICE RETIREMENT, VESTING, MEMBER CONTRIBUTIONS, LOANS AND PENSION SUPPLEMENTATION; NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBERS. A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES AS USED IN THIS SECTION SHALL HAVE THE FOLLOWING MEANINGS UNLESS A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT.

1. "ADMINISTRATIVE CODE" SHALL MEAN THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

2. "CITY-SERVICE" SHALL:

(I) WITH RESPECT TO A MEMBER OF THE NEW YORK CITY POLICE PENSION FUND, SUBCHAPTER TWO, HAVE THE MEANING SET FORTH IN SUBDIVISION THREE OF SECTION 13-214 OF THE ADMINISTRATIVE CODE; OR

(II) WITH RESPECT TO A MEMBER OF THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND, SUBCHAPTER TWO, HAVE THE MEANING SET FORTH IN SUBDIVISION THREE OF SECTION 13-313 OF THE ADMINISTRATIVE CODE.

3. "ALLOWABLE UNIFORMED FORCE SERVICE CREDIT" SHALL MEAN SERVICE CREDIT FOR CITY-SERVICE, AS DEFINED IN PARAGRAPH TWO OF THIS SUBDIVISION.

4. "PENSION FUND" SHALL MEAN THE NEW YORK CITY POLICE PENSION FUND, SUBCHAPTER TWO OR THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND, SUBCHAPTER TWO.

B. APPLICABILITY OF THIS SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE PROVISIONS AND LIMITATIONS OF THIS SECTION SHALL APPLY TO ALL NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBERS, AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THIS ARTICLE. IN THE EVENT THAT THERE IS A CONFLICT BETWEEN THE PROVISIONS OF THIS SECTION AND ANY OTHER PROVISION OF LAW (INCLUDING, BUT NOT LIMITED TO, ANY PROVISION OF THE ADMINISTRATIVE CODE OR ANY OTHER PROVISION OF THIS ARTICLE), THE PROVISIONS OF THIS SECTION SHALL GOVERN.

C. ELIGIBILITY FOR SERVICE RETIREMENT. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND EXCEPT AS PROVIDED IN THE EARLY SERVICE RETIREMENT PROVISIONS OF PARAGRAPH TWO OF THIS SUBDIVISION, A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER SHALL BE REQUIRED TO BE AT LEAST FIFTY YEARS OF AGE AND HAVE TWENTY-FIVE OR MORE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT IN ORDER TO BE ELIGIBLE FOR SERVICE RETIREMENT. SUCH A MEMBER WHO MEETS SUCH AGE AND SERVICE REQUIREMENTS, AND WHO FILES AN APPLICATION FOR SERVICE RETIREMENT WHICH BECOMES EFFECTIVE IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH THREE OF THIS SUBDIVISION, SHALL BE RETIRED FOR SERVICE AND SHALL BE ENTITLED TO IMMEDIATE PAYABILITY OF A SERVICE RETIREMENT ALLOWANCE CALCULATED PURSUANT TO PARAGRAPH ONE OF SUBDIVISION D OF THIS SECTION.

2. A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO HAS TWENTY OR MORE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT, AND WHO FILES AN APPLICATION FOR SERVICE RETIREMENT WHICH BECOMES EFFECTIVE IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH THREE OF THIS SUBDIVISION, SHALL BE RETIRED ON AN EARLY SERVICE RETIREMENT WITHOUT REGARD TO AGE, AND SHALL BE ENTITLED TO IMMEDIATE PAYABILITY OF A REDUCED RETIREMENT ALLOWANCE CALCULATED PURSUANT TO PARAGRAPH TWO OF SUBDIVISION D OF THIS SECTION.

3. A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO WISHES TO BE RETIRED FOR SERVICE PURSUANT TO PARAGRAPH ONE OR TWO OF THIS SUBDIVISION SHALL BE REQUIRED (I) TO FILE WITH THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER AN APPLICATION FOR SERVICE RETIREMENT SETTING FORTH AT WHAT TIME, NOT LESS THAN THIRTY DAYS SUBSEQUENT TO THE EXECUTION AND FILING THEREOF, HE OR SHE DESIRES TO BE RETIRED; AND (II) TO BE A MEMBER IN CITY-SERVICE AT THE TIME SO SPECIFIED FOR HIS OR HER RETIREMENT.

D. SERVICE RETIREMENT BENEFITS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE SERVICE RETIREMENT ALLOWANCE PAYABLE TO A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO RETIRES FOR SERVICE PURSUANT TO PARAGRAPH ONE OF SUBDIVISION C OF THIS SECTION SHALL BE AN AMOUNT EQUAL TO ONE-FIFTIETH OF FINAL AVERAGE SALARY (AS DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION A OF SECTION FOUR HUNDRED FORTY-THREE OF THIS ARTICLE) TIMES THE MEMBER'S TOTAL NUMBER OF YEARS OF CREDITED SERVICE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE SERVICE RETIREMENT ALLOWANCE PAYABLE TO A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO RETIRES PURSUANT TO THE EARLY SERVICE RETIREMENT PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION C OF THIS SECTION SHALL BE AN AMOUNT CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF

THIS SUBDIVISION WITHOUT OPTIONAL MODIFICATION, WHICH SHALL BE REDUCED BY FIVE PERCENT FOR EACH YEAR BY WHICH RETIREMENT PRECEDES THE EARLIEST DATE ON WHICH SUCH MEMBER COULD HAVE RETIRED FOR SERVICE PURSUANT TO PARAGRAPH ONE OF SUBDIVISION C OF THIS SECTION AT THE AGE OF FIFTY OR ABOVE WITH A LEAST TWENTY-FIVE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT, IF SUCH MEMBER HAD REMAINED IN CITY-SERVICE. SUCH REDUCTION SHALL BE PRORATED FOR PARTIAL YEARS.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE SERVICE RETIREMENT BENEFIT PAYABLE PURSUANT TO THE APPLICABLE PROVISIONS OF PARAGRAPH ONE OR TWO OF THIS SUBDIVISION TO A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO RETIRES FOR SERVICE SHALL BE THE ONLY SERVICE RETIREMENT BENEFIT BASED UPON SUCH MEMBERSHIP PAYABLE TO SUCH A RETIRED MEMBER, AND NO OTHER SERVICE RETIREMENT BENEFIT BASED UPON SUCH MEMBERSHIP SHALL BE PAYABLE PURSUANT TO ANY OTHER PROVISION OF LAW TO SUCH RETIRED MEMBER, INCLUDING, BUT NOT LIMITED TO, ANY PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY OR ANY ANNUITY BASED UPON HIS OR HER MEMBERSHIP CONTRIBUTIONS.

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO RETIRES FOR SERVICE PURSUANT TO THE PROVISIONS OF SUBDIVISION C OF THIS SECTION SHALL BE ENTITLED TO ANY VARIABLE SUPPLEMENTS PAYMENTS FROM A VARIABLE SUPPLEMENTS FUND ESTABLISHED BY SECTION 13-269, 13-279, 13-383 OR 13-393 OF THE ADMINISTRATIVE CODE. NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO MEAN OR IMPLY THAT VARIABLE SUPPLEMENTS OTHERWISE PAYABLE FROM SUCH A VARIABLE SUPPLEMENTS FUND CONSTITUTE PENSION OR RETIREMENT ALLOWANCE PAYMENTS, OR THAT SUCH A VARIABLE SUPPLEMENTS FUND CONSTITUTES A PENSION OR RETIREMENT SYSTEM OR FUND.

E. VESTING. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE ELIGIBILITY OF A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER TO DISCONTINUE CITY-SERVICE WITH A VESTED RIGHT TO A DEFERRED RETIREMENT ALLOWANCE, AND THE RETIREMENT ALLOWANCE PAYABLE TO SUCH A VESTEE, SHALL BE DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

2. A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO:

(I) DISCONTINUES POLICE SERVICE (AS DEFINED IN SUBDIVISION TWENTY-THREE OF SECTION 13-214 OF THE ADMINISTRATIVE CODE) OR FIRE UNIFORMED FORCE SERVICE (AS DEFINED IN SUBDIVISION SIXTEEN-C OF SECTION 13-313 OF THE ADMINISTRATIVE CODE), AS THE CASE MAY BE, OTHER THAN BY DEATH, RETIREMENT OR DISMISSAL; AND

(II) PRIOR TO SUCH DISCONTINUANCE, COMPLETED TEN YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT; AND

(III) DOES NOT WITHDRAW HIS OR HER ACCUMULATED MEMBER CONTRIBUTIONS IN WHOLE OR IN PART; AND

(IV) AT LEAST THIRTY DAYS PRIOR TO THE DATE OF SUCH DISCONTINUANCE, FILES A DULY EXECUTED APPLICATION FOR A DEFERRED RETIREMENT ALLOWANCE HEREUNDER;

SHALL HAVE A VESTED RIGHT TO RECEIVE A DEFERRED RETIREMENT ALLOWANCE AT AGE SIXTY-FIVE COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF SUBDIVISION D OF THIS SECTION.

F. MEMBER CONTRIBUTIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER SHALL CONTRIBUTE FIVE PERCENT OF HIS OR HER ANNUAL COMPENSATION TO THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER UNTIL HE OR SHE HAS TWENTY-FIVE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT. THE BOARD OF TRUSTEES OF EACH PENSION FUND SHALL PROMULGATE SUCH REGULATIONS AS MAY BE NECESSARY AND APPROPRIATE WITH RESPECT TO THE DEDUCTION OF SUCH

CONTRIBUTIONS FROM THE MEMBER'S COMPENSATION AND FOR THE MAINTENANCE OF ANY SPECIAL FUND OR FUNDS WITH RESPECT TO AMOUNTS SO CONTRIBUTED.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON WHOSE MEMBERSHIP IN A PENSION FUND HAS TERMINATED OTHER THAN AS A RESULT OF TRANSFER, RETIREMENT OR DEATH, OR A MEMBER OF A PENSION FUND WHO IS NOT VESTED AND NOT ENTITLED TO ANY OTHER BENEFIT FROM SUCH PENSION FUND PURSUANT TO ANY APPLICABLE PROVISION OF LAW, AND WHO IS NO LONGER EMPLOYED IN THE UNIFORMED FORCE POSITION UPON WHICH HIS OR HER MEMBERSHIP IS BASED, MAY WITHDRAW HIS OR HER MEMBER CONTRIBUTIONS BY FILING A WRITTEN DEMAND FOR WITHDRAWAL OF CONTRIBUTIONS AND MEMBERSHIP PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER. UPON THE DEATH OF A PERSON WHOSE MEMBERSHIP PREVIOUSLY TERMINATED DUE TO LACK OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT, AND WHO DID NOT WITHDRAW HIS OR HER MEMBER CONTRIBUTIONS, THE MEMBER CONTRIBUTIONS OF SUCH PERSON SHALL BE REFUNDED TO SUCH PERSON AS HE OR SHE SHALL HAVE NOMINATED TO RECEIVE A DEATH BENEFIT BY WRITTEN DESIGNATION DULY EXECUTED AND FILED WITH HIS OR HER PENSION FUND, OR, IN THE ABSENCE OF SUCH A DESIGNATION, TO HIS OR HER ESTATE. FOR PURPOSES OF SUCH REFUNDS, INTEREST SHALL BE CREDITED AT THE RATE OF FIVE PERCENT PER ANNUM COMPOUNDED ANNUALLY TO THE DATE OF TERMINATION OF MEMBERSHIP.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE PROVISIONS OF SECTION ONE HUNDRED THIRTY-EIGHT-B OF THIS CHAPTER SHALL NOT BE APPLICABLE TO THE MEMBER CONTRIBUTIONS WHICH ARE REQUIRED BY THIS SUBDIVISION.

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE MEMBER CONTRIBUTIONS WHICH ARE REQUIRED BY THIS SUBDIVISION SHALL NOT BE REDUCED UNDER ANY PROGRAM FOR INCREASED-TAKE-HOME-PAY, AND NO NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER SHALL BE ENTITLED TO ANY PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY.

G. LOANS. 1. NOTWITHSTANDING ANY PROVISION OF SECTION 13-239 OR SECTION 13-342 OF THE ADMINISTRATIVE CODE OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHENEVER A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER, FOR WHOM A LOAN IS OUTSTANDING, RETIRES, THE RETIREMENT ALLOWANCE PAYABLE WITHOUT OPTIONAL MODIFICATION SHALL BE REDUCED BY A LIFE ANNUITY WHICH IS ACTUARIALLY EQUIVALENT TO THE AMOUNT OF THE OUTSTANDING LOAN (ALL OUTSTANDING LOANS SHALL CONTINUE TO ACCRUE INTEREST CHARGES UNTIL RETIREMENT), SUCH LIFE ANNUITY BEING CALCULATED UTILIZING THE INTEREST RATE ON THIRTY YEAR UNITED STATES TREASURY BONDS AS OF JANUARY FIRST OF THE CALENDAR YEAR OF THE EFFECTIVE DATE OF RETIREMENT AND THE MORTALITY TABLES FOR OPTIONS AVAILABLE UNDER APPLICABLE PROVISIONS OF LAW.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHENEVER A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER, FOR WHOM A LOAN IS OUTSTANDING, BECOMES ENTITLED TO THE RETURN OF HIS OR HER CONTRIBUTIONS BECAUSE OF WITHDRAWAL FROM HIS OR HER PENSION FUND OR BECAUSE OF DEATH, THE AMOUNT OF ANY LOAN OUTSTANDING ON SUCH DATE, INCLUDING ACCRUED INTEREST AS PROVIDED IN SUBDIVISION F OF THIS SECTION, SHALL BE CONSTRUED TO ALREADY HAVE BEEN RETURNED TO SUCH MEMBER AND THE REFUND OF CONTRIBUTIONS TO WHICH HE SHALL THEN BE ENTITLED SHALL BE THE NET AMOUNT OF SUCH CONTRIBUTIONS TOGETHER WITH INTEREST THEREON PURSUANT TO PARAGRAPH TWO OF SUBDIVISION F OF THIS SECTION.

H. PENSION SUPPLEMENTATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER WHO BECOMES ENTITLED TO A RETIREMENT ALLOWANCE FOR ANY REASON WHOSOEVER AS A RESULT OF SUCH MEMBERSHIP, AND NO SURVIVOR OF SUCH A MEMBER WHO BECOMES ENTITLED TO A RETIREMENT ALLOWANCE AS THE RESULT OF THE DEATH OF SUCH A

MEMBER (INCLUDING, BUT NOT LIMITED TO, AN OPTION BENEFIT OR ACCIDENTAL DEATH BENEFIT), SHALL BE ENTITLED TO ANY COST-OF-LIVING ADJUSTMENT TO SUCH RETIREMENT ALLOWANCE PURSUANT TO SECTION 13-696 OF THE ADMINISTRATIVE CODE, OR TO ANY COST-OF-LIVING ADJUSTMENT OR PENSION SUPPLEMENTATION WITH RESPECT TO SUCH RETIREMENT ALLOWANCE PURSUANT TO ANY OTHER PROVISION OF LAW.

S 7. Subdivision b of section 448 of the retirement and social security law, as amended by chapter 666 of the laws of 2002, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a police officer, firefighter, correction officer or sanitation worker and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of subdivision b of section four hundred forty-five of this article, OR WHO IS A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THIS ARTICLE), shall upon completion of ninety days of service be covered for financial protection in the event of death in service pursuant to this subdivision.

1. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, the New York city police pension fund, subchapter two or the New York city fire department pension fund, subchapter two, the specific limitations specified for age of entrance into service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

2. Provided further, notwithstanding any other provision of this article to the contrary, where the member is a police officer or firefighter and would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after July first, two thousand, the beneficiary or beneficiaries nominated for the purposes of this subdivision may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater, provided further that where such police officer or firefighter dies on or after July first, two thousand, after having retired from service, but before a first payment of a retirement allowance, such person shall be deemed to have been in service at the time of his or her death for the purposes of this subdivision only, and provided further that the pension reserve established pursuant to this paragraph for a person who dies after retiring from service, but before first payment of a retirement allowance, shall be determined as of the date of retirement and any pension payments payable for the period of time prior to the retiree's death shall be deducted from any benefits payable pursuant to this subdivision.

S 8. Section 450 of the retirement and social security law, as amended by chapter 489 of the laws of 1998, is amended to read as follows:

S 450. Definitions. For the purposes of this article: (1) the term "correction officer" shall mean members of the New York state and local employees' retirement system who are in a plan limited to uniformed personnel in institutions under the jurisdiction of the department of correctional services or members of such system who are also in titles

defined in subdivision i of section eighty-nine of this chapter and correction members of the New York city employees' retirement system; (2) the term "police officer or firefighter" shall mean members of the New York state and local police and fire retirement system, the New York city police pension fund, New York city fire department pension fund, and housing police members and transit police members of the New York city employees' retirement system; (3) the term "sanitation man" shall mean sanitation members of the New York city employees' retirement system; [and] (4) the term "investigator member" shall mean members who are police officers as defined in paragraph (g) of subdivision thirty-four of section 1.20 of the criminal procedure law; AND (5) THE TERM "NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER" SHALL MEAN A MEMBER OF THE NEW YORK CITY POLICE PENSION FUND OR THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SECTION.

S 9. Subdivision 33 of section 13-214 of the administrative code of the city of New York, as added by chapter 114 of the laws of 1989, is amended to read as follows:

33. "Normal rate of contribution." The proportion of the earnable compensation of a member which is required to be deducted from the compensation of such member by the applicable provisions of section 13-225 of this subchapter as his or her member contributions, exclusive of any increase in such contributions pursuant to subdivision c or subdivision d of such section 13-225 or any decrease thereof on account of any program for increased-take-home-pay or pursuant to subdivision one of section one hundred thirty-eight-b of the retirement and social security law (relating to election to decrease member contributions by contributions due on account of social security coverage), PROVIDED, HOWEVER, THAT WITH RESPECT TO A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THE RETIREMENT AND SOCIAL SECURITY LAW) WHO IS A MEMBER OF THE PENSION FUND, THE TERM "NORMAL RATE OF CONTRIBUTION" SHALL MEAN THE PROPORTION OF EARNABLE COMPENSATION WHICH IS REQUIRED TO BE DEDUCTED FROM THE COMPENSATION OF SUCH MEMBER BY THE PROVISIONS OF SUBDIVISION F OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THE RETIREMENT AND SOCIAL SECURITY LAW AS HIS OR HER MEMBER CONTRIBUTIONS.

S 10. Subdivision 5 of section 13-268 of the administrative code of the city of New York, as amended by chapter 247 of the laws of 1988, is amended to read as follows:

5. "Pension fund beneficiary". Any person who receives a retirement allowance by reason of having retired, on or after October first, nineteen hundred sixty-eight, for service (with credit for twenty or more years of service creditable toward the minimum period) as a member of pension fund, subchapter one or pension fund, subchapter two and as a police officer, PROVIDED, HOWEVER, THAT NO NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THE RETIREMENT AND SOCIAL SECURITY LAW) WHO RETIRES FOR SERVICE PURSUANT TO SUBDIVISION C OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THE RETIREMENT AND SOCIAL SECURITY LAW AS A POLICE OFFICER SHALL BE ENTITLED TO ANY VARIABLE SUPPLEMENTS FROM THE VARIABLE SUPPLEMENTS FUND.

S 11. Subdivision 5 of section 13-278 of the administrative code of the city of New York, as amended by chapter 479 of the laws of 1993, is amended to read as follows:

5. "Pension fund beneficiary". Any person who receives a retirement allowance by reason of having retired, on or after October first, nine-

teen hundred sixty-eight, for service (with credit for twenty or more years of service creditable toward the minimum period) as a member of pension fund, subchapter one or pension fund, subchapter two and as a police superior officer, PROVIDED, HOWEVER, THAT NO NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THE RETIREMENT AND SOCIAL SECURITY LAW) WHO RETIRES FOR SERVICE PURSUANT TO SUBDIVISION C OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THE RETIREMENT AND SOCIAL SECURITY LAW AS A POLICE SUPERIOR OFFICER SHALL BE ENTITLED TO ANY VARIABLE SUPPLEMENTS FROM THE VARIABLE SUPPLEMENTS FUND.

S 12. Subdivision 18 of section 13-313 of the administrative code of the city of New York is amended by adding a new paragraph (c) to read as follows:

(C) IN THE CASE OF ANY IMPROVED BENEFITS PLAN MEMBER WHO IS A NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THE RETIREMENT AND SOCIAL SECURITY LAW), THE TERM "NORMAL RATE OF CONTRIBUTION AS AN IMPROVED BENEFITS PLAN MEMBER" SHALL MEAN THE PROPORTION OF EARNABLE COMPENSATION WHICH IS REQUIRED TO BE DEDUCTED FROM THE COMPENSATION OF SUCH MEMBER BY THE PROVISIONS OF SUBDIVISION F OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THE RETIREMENT AND SOCIAL SECURITY LAW AS HIS OR HER MEMBER CONTRIBUTIONS.

S 13. Subdivision 5 of section 13-382 of the administrative code of the city of New York, as amended by chapter 480 of the laws of 1993, is amended to read as follows:

5. "Pension fund beneficiary". (a) Subject to the provisions of paragraph (b) of this subdivision and except as provided in PARAGRAPH (C) OF THIS SUBDIVISION, AND EXCEPT AS PROVIDED IN subdivision e of section 13-385 of this subchapter, any person who receives a retirement allowance by reason of having retired, on or after October first, nineteen hundred sixty-eight, for service (with credit for twenty or more years of service creditable toward the minimum period) as a member of pension fund subchapter one or PENSION FUND subchapter two and as a firefighter or fire marshal (uniformed).

(b) [With] EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION, WITH respect to benefits payable under this subchapter for calendar years succeeding December thirty-first, nineteen hundred ninety-two, the term "pension fund beneficiary" subject to the provisions of paragraph thirteen of subdivision a of section 13-385 of this subchapter) shall include each person who receives a retirement allowance by reason of having retired, on or after October first, nineteen hundred sixty-eight, for service (with credit for twenty or more years of service creditable toward the minimum period) as a member of pension fund subchapter one or [pensions] PENSION fund subchapter two and as a wiper (uniformed).

(C) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (A) OR (B) OF THIS SUBDIVISION TO THE CONTRARY, NO NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THE RETIREMENT AND SOCIAL SECURITY LAW) WHO RETIRES FOR SERVICE PURSUANT TO SUBDIVISION C OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THE RETIREMENT AND SOCIAL SECURITY LAW AS A FIREFIGHTER, FIRE MARSHAL (UNIFORMED) OR WIPER (UNIFORMED) SHALL BE ENTITLED TO ANY VARIABLE SUPPLEMENTS FROM THE VARIABLE SUPPLEMENTS FUND.

S 14. Subdivision 6 of section 13-392 of the administrative code of the city of New York, as amended by chapter 480 of the laws of 1993, is amended to read as follows:

6. "Pension fund beneficiary". Any person who receives a retirement allowance by reason of having retired, on or after October first, nineteen hundred sixty-eight, for service (with credit for twenty or more

years of service creditable toward the minimum period) as a member of pension fund subchapter one or pension fund subchapter two and as a fire officer, PROVIDED, HOWEVER, THAT NO NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THE RETIREMENT AND SOCIAL SECURITY LAW) WHO RETIRES FOR SERVICE PURSUANT TO SUBDIVISION C OF SECTION FOUR HUNDRED FORTY-FIVE-J OF THE RETIREMENT AND SOCIAL SECURITY LAW AS A FIRE OFFICER SHALL BE ENTITLED TO ANY VARIABLE SUPPLEMENTS FROM THE VARIABLE SUPPLEMENTS FUND.

S 15. Subdivision a of section 600 of the retirement and social security law, as amended by chapter 370 of the laws of 1996, paragraph 2 as amended by chapter 421 of the laws of 2006, is amended to read as follows:

a. Notwithstanding any other provision of law, the provisions of this article shall apply to all members who join or rejoin a public retirement system of the state on or after July first, nineteen hundred seventy-six and to all employees who would have been eligible to join or rejoin such a retirement system on or after such date but in lieu thereof elected an optional retirement program to which their employers are thereby required to contribute, except the following:

1. Members of the New York state and local police and fire retirement system;

2. (a) Members in the uniformed personnel in institutions under the jurisdiction of the department of correctional services of New York state, other than certain persons as defined in this section or the New York city department of correction, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO MEMBERS OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO JOIN OR REJOIN A PUBLIC RETIREMENT SYSTEM OF THIS STATE ON OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS PARAGRAPH.

(b) For purposes of this paragraph, certain persons means either:

(i) a person who is appointed to the title of superintendent, who has had at least seven years of service credited toward the retirement plan established pursuant to this article while employed by the department of correctional services and who elects the retirement plan established pursuant to this article within ninety days of his or her appointment. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such person is in the title of superintendent; or

(ii) a person who serves in the title of superintendent as of April first, two thousand six, who has had at least seven years of service credited toward the retirement plan established pursuant to this article while employed by the department of correctional services and who elects the retirement plan established pursuant to this article on or before September thirtieth, two thousand six. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such person is in the title of superintendent.

(c) Any person in the title of superintendent who is eligible to make an election as described in this section but who does not make such election, shall remain a member of the retirement plan that persons appointed to the title of superintendent join who do not meet the above criteria.

3. Members of the New York city police pension fund or the New York city fire department pension fund;

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

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

In the event that there is a conflict between the provisions of this article and the provisions of any other law or code, the provisions of this article shall govern.

S 16. Section 602 of the retirement and social security law is amended by adding a new subdivision e to read as follows:

E. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS A AND B OF THIS SECTION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE ELIGIBILITY OF A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) FOR SERVICE RETIREMENT SHALL BE DETERMINED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE.

S 17. Subdivision a of section 603 of the retirement and social security law, as amended by section 3 of chapter 19 of the laws of 2008, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, a member who is a peace officer employed by the unified court system or a member of a teachers' retirement system or the New York state and local employees' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, PROVIDED FURTHER THAT THE ELIGIBILITY OF A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) FOR SERVICE RETIREMENT AND THE SERVICE RETIREMENT BENEFIT PAYABLE TO SUCH A RETIRED MEMBER SHALL BE DETERMINED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE, AND THE BENEFITS PROVIDED BY THE PRECEDING PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLIED TO SUCH A MEMBER.

S 17-a. Subdivision a of section 603 of the retirement and social security law, as amended by section 3-a of chapter 19 of the laws of 2008, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred

four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article provided, however, a member who is a peace officer employed by the unified court system or a member of a teachers' retirement system or the New York state and local employees' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, PROVIDED FURTHER THAT THE ELIGIBILITY OF A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) FOR SERVICE RETIREMENT AND THE SERVICE RETIREMENT BENEFIT PAYABLE TO SUCH A RETIRED MEMBER SHALL BE DETERMINED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE, AND THE BENEFITS PROVIDED BY THE PRECEDING PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLIED TO SUCH A MEMBER.

S 18. Subdivision b of section 603 of the retirement and social security law, as amended by chapter 547 of the laws of 1992, is amended to read as follows:

b. Notwithstanding the provisions of subdivision a of this section, a member of the New York city employees' retirement system, who is employed in the uniformed force of the New York city department of sanitation, and who is not eligible for early service retirement pursuant to subdivision c of section six hundred four-a of this article, shall be eligible to receive the service retirement benefit specified in section six hundred four of this article upon attainment of at least fifty-five years of age and the completion of thirty or more years of service, PROVIDED, HOWEVER, THAT THE ELIGIBILITY FOR SERVICE RETIREMENT OF A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) WHO IS EMPLOYED IN THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF SANITATION, AND THE SERVICE RETIREMENT BENEFIT PAYABLE TO SUCH A RETIRED MEMBER, SHALL BE DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISIONS B AND C OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE, AND THE BENEFITS PROVIDED BY THE PRECEDING PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLICABLE TO SUCH A MEMBER.

S 19. Subdivision i of section 603 of the retirement and social security law, as amended by chapter 19 of the laws of 2008, is amended to read as follows:

i. 1. A member of a teachers' retirement system or the New York state and local employees' retirement system who has met the minimum service requirements but who has less than thirty years of credited service may retire prior to normal retirement age, but no earlier than attainment of age fifty-five, in which event, unless such person is a member of the New York city teachers' retirement system who is otherwise eligible for early service retirement pursuant to subdivision c of section six hundred four-i of this article, the amount of his or her retirement benefit otherwise computed without optional modification shall be reduced in accordance with the following schedule:

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

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

2. [A] SUBJECT TO THE PROVISIONS OF PARAGRAPH THREE OF THIS SUBDIVISION, A member of the New York city employees' retirement system or the board of education retirement system of the city of New York who has met

the minimum service requirement, but who is not (a) a participant in the twenty-five-year early retirement program, as defined in paragraph ten of subdivision a of section six hundred four-c of this article (as added by chapter ninety-six of the laws of nineteen hundred ninety-five), or (b) a participant in the age fifty-seven retirement program, as defined in paragraph three of subdivision b of section six hundred four-d of this article, or (c) a New York city transit authority member, as defined in paragraph one of subdivision a of section six hundred four-b of this article, may retire prior to normal retirement age, but no earlier than attainment of age fifty-five, in which event, unless such person is a member of the board of education retirement system of such city who is otherwise eligible for early service retirement pursuant to subdivision c of section six hundred four-i of this article, the amount of his or her retirement benefit computed without optional modification shall be reduced in accordance with the following schedule:

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

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

3. THE ELIGIBILITY OF A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) FOR SERVICE RETIREMENT AND THE SERVICE RETIREMENT BENEFIT PAYABLE TO SUCH A RETIRED MEMBER SHALL BE DETERMINED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE, AND THE PROVISIONS OF PARAGRAPHS ONE AND TWO OF THIS SUBDIVISION SHALL NOT BE APPLICABLE TO SUCH A MEMBER.

S 20. Section 604 of the retirement and social security law is amended by adding a new subdivision b-1 to read as follows:

B-1. THE SERVICE RETIREMENT BENEFIT PAYABLE TO A RETIRED NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) SHALL BE DETERMINED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE, AND THE PROVISIONS OF SUBDIVISIONS A AND B OF THIS SECTION SHALL NOT BE APPLICABLE TO SUCH A MEMBER.

S 21. Subdivision b of section 604-a of the retirement and social security law is amended by adding a new paragraph 7 to read as follows:

7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, NO MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE A PARTICIPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.

S 22. The retirement and social security law is amended by adding a new section 604-j to read as follows:

S 604-J. SERVICE RETIREMENT, VESTING, MEMBER CONTRIBUTIONS AND PENSION SUPPLEMENTATION; NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBERS. A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES AS USED IN THIS SECTION SHALL HAVE THE FOLLOWING MEANINGS UNLESS A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT.

1. "NYCERS" SHALL MEAN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM.

2. "NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER" SHALL MEAN A MEMBER OF NYCERS WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, AND WHO IS EMPLOYED IN EITHER THE UNIFORMED FORCE OF THE NEW

YORK CITY DEPARTMENT OF CORRECTION OR THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF SANITATION.

3. "ALLOWABLE UNIFORMED FORCE SERVICE CREDIT" SHALL MEAN:

(I) WITH RESPECT TO A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION, CREDITED SERVICE WHICH WAS RENDERED

(A) AS A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION;

(B) IN THE UNIFORMED FORCE OF THE NEW YORK CITY POLICE DEPARTMENT OR THE UNIFORMED FORCE OF THE NEW YORK CITY FIRE DEPARTMENT IMMEDIATELY PRIOR TO BECOMING A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION, AND WHICH WAS TRANSFERRED TO NYCERS PURSUANT TO SECTION FORTY-THREE OF THIS CHAPTER; OR

(C) IN THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF SANITATION IMMEDIATELY PRIOR TO BECOMING A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION; OR

(II) WITH RESPECT TO A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF SANITATION, CREDITED SERVICE WHICH WAS RENDERED

(A) AS A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF SANITATION;

(B) IN THE UNIFORMED FORCE OF THE NEW YORK CITY POLICE DEPARTMENT OR THE UNIFORMED FORCE OF THE NEW YORK CITY FIRE DEPARTMENT IMMEDIATELY PRIOR TO BECOMING A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF SANITATION, AND WHICH WAS TRANSFERRED TO NYCERS PURSUANT TO SECTION FORTY-THREE OF THIS CHAPTER; OR

(C) IN THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION IMMEDIATELY PRIOR TO BECOMING A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF SANITATION.

B. ELIGIBILITY FOR SERVICE RETIREMENT. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND EXCEPT AS PROVIDED IN THE EARLY SERVICE RETIREMENT PROVISIONS OF PARAGRAPH TWO OF THIS SUBDIVISION, A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER SHALL BE REQUIRED TO BE AT LEAST FIFTY YEARS OF AGE AND HAVE TWENTY-FIVE OR MORE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT IN ORDER TO BE ELIGIBLE FOR SERVICE RETIREMENT. THE SERVICE RETIREMENT BENEFIT PAYABLE TO SUCH A MEMBER UPON RETIREMENT SHALL BE A RETIREMENT ALLOWANCE CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF SUBDIVISION C OF THIS SECTION.

2. A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER WHO HAS TWENTY YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT SHALL BE ELIGIBLE FOR EARLY SERVICE RETIREMENT WITHOUT REGARD TO AGE. THE EARLY SERVICE RETIREMENT BENEFIT PAYABLE TO SUCH A MEMBER UPON RETIREMENT SHALL BE A REDUCED RETIREMENT ALLOWANCE CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION C OF THIS SECTION.

C. SERVICE RETIREMENT BENEFITS. 1. THE SERVICE RETIREMENT ALLOWANCE PAYABLE TO A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER WHO RETIRES PURSUANT TO PARAGRAPH ONE OF SUBDIVISION B OF THIS SECTION SHALL BE AN AMOUNT EQUAL TO ONE-FIFTIETH OF FINAL AVERAGE SALARY TIMES THE MEMBER'S TOTAL NUMBER OF YEARS OF CREDITED SERVICE.

2. THE SERVICE RETIREMENT ALLOWANCE PAYABLE TO A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER WHO RETIRES PURSUANT TO THE EARLY SERVICE RETIREMENT PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION B OF THIS SECTION SHALL BE AN AMOUNT CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION WITHOUT OPTIONAL MODIFICATION, WHICH SHALL BE REDUCED BY FIVE PERCENT FOR EACH YEAR BY WHICH RETIREMENT PRECEDES THE EARLIEST DATE ON WHICH SUCH MEMBER

COULD HAVE RETIRED FOR SERVICE PURSUANT TO PARAGRAPH ONE OF SUBDIVISION B OF THIS SECTION AT THE AGE OF FIFTY OR ABOVE WITH AT LEAST TWENTY-FIVE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT, IF SUCH MEMBER HAD REMAINED IN SERVICE. SUCH REDUCTION SHALL BE PRORATED FOR PARTIAL YEARS.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER WHO RETIRES FOR SERVICE PURSUANT TO THE PROVISIONS OF SUBDIVISION B OF THIS SECTION AS A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION SHALL BE ENTITLED TO ANY VARIABLE SUPPLEMENTS PAYMENTS FROM THE CORRECTION OFFICERS' VARIABLE SUPPLEMENTS FUND ESTABLISHED BY SECTION 13-194 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK. NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO MEAN OR IMPLY THAT VARIABLE SUPPLEMENTS OTHERWISE PAYABLE FROM SUCH VARIABLE SUPPLEMENTS FUND CONSTITUTE PENSION OR RETIREMENT ALLOWANCE PAYMENTS, OR THAT SUCH VARIABLE SUPPLEMENTS FUND CONSTITUTES A PENSION OR RETIREMENT SYSTEM OR FUND.

D. VESTING. 1. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF SECTION SIX HUNDRED TWELVE OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER WHO HAS TEN OR MORE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT UPON TERMINATION OF EMPLOYMENT SHALL BE ENTITLED TO A DEFERRED VESTED BENEFIT AT AGE SIXTY-FIVE COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF SUBDIVISION C OF THIS SECTION.

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

E. MEMBER CONTRIBUTIONS. 1. A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER SHALL CONTRIBUTE TO NYCERS IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH THREE OF SUBDIVISION A OF SECTION SIX HUNDRED THIRTEEN OF THIS ARTICLE.

2. THE PROVISIONS OF PARAGRAPH ONE OF SUBDIVISION B OF SECTION NINE HUNDRED ELEVEN OF THIS CHAPTER SHALL NOT BE APPLICABLE TO A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER.

F. PENSION SUPPLEMENTATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER WHO BECOMES ENTITLED TO A RETIREMENT ALLOWANCE FOR ANY REASON WHATSOEVER AS A RESULT OF SUCH MEMBERSHIP, AND NO SURVIVOR OF SUCH A MEMBER WHO BECOMES ENTITLED TO A RETIREMENT ALLOWANCE AS THE RESULT OF THE DEATH OF SUCH A MEMBER (INCLUDING, BUT NOT LIMITED TO, AN OPTION BENEFIT OR ACCIDENTAL DEATH BENEFIT), SHALL BE ENTITLED TO ANY COST-OF-LIVING ADJUSTMENT TO SUCH RETIREMENT ALLOWANCE PURSUANT TO SECTION 13-696 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, OR TO ANY COST-OF-LIVING ADJUSTMENT OR PENSION SUPPLEMENTATION WITH RESPECT TO SUCH RETIREMENT ALLOWANCE PURSUANT TO ANY OTHER PROVISION OF LAW.

S 23. The retirement and social security law is amended by adding a new section 605-d to read as follows:

S 605-D. PERFORMANCE OF DUTY DISABILITY RETIREMENT; NEW YORK CITY DEPARTMENT OF CORRECTION. A. ANY MEMBER IN THE UNIFORMED PERSONNEL IN INSTITUTIONS UNDER THE JURISDICTION OF THE NEW YORK CITY DEPARTMENT OF CORRECTION, WHO BECOMES PHYSICALLY OR MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT OF ANY INJURY, SUSTAINED IN THE PERFORMANCE OR DISCHARGE OF HIS OF HER DUTIES BY, OR AS NATURAL AND PROXIMATE RESULT OF, AN ACT OF ANY INMATE OR ANY PERSON CONFINED IN AN INSTITUTION UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTION OR THE DEPARTMENT OF HEALTH, OR BY ANY PERSON WHO HAS BEEN

COMMITTED TO SUCH INSTITUTION BY ANY COURT SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THREE-QUARTERS OF FINAL AVERAGE SALARY, SUBJECT TO THE PROVISIONS OF SECTION 13-176 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, A MEMBER COVERED BY THIS SECTION WHO CONTRACTS HIV (WHERE THERE MAY HAVE BEEN AN EXPOSURE TO A BODILY FLUID OF AN INMATE OR A PERSON DESCRIBED IN SUBDIVISION A OF THIS SECTION AS A NATURAL AND PROXIMATE RESULT OF AN ACT OF ANY INMATE OR PERSON DESCRIBED IN SUBDIVISION A OF THIS SECTION THAT MAY HAVE INVOLVED TRANSMISSION OF A SPECIFIED TRANSMISSIBLE DISEASE FROM AN INMATE OR SUCH PERSON DESCRIBED IN SUCH SUBDIVISION A TO THE RETIREMENT SYSTEM MEMBER), TUBERCULOSIS OR HEPATITIS WILL BE PRESUMED TO HAVE CONTRACTED SUCH DISEASE IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES, AND WILL BE PRESUMED TO BE DISABLED FROM THE PERFORMANCE OF HIS OR HER DUTIES, UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

S 24. Subdivision b of section 606 of the retirement and social security law, as amended by chapter 601 of the laws of 1997, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a policeman, fireman, correction officer or sanitation man and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of section six hundred four OR SIX HUNDRED FOUR-J of this article, shall upon completion of ninety days of service be covered for financial protection in the event of death in service pursuant to this subdivision. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, the specific limitations specified for age of entrance into service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

S 25. Subdivision a of section 612 of the retirement and social security law, as amended by chapter 659 of the laws of 1999, is amended to read as follows:

a. [A] EXCEPT AS PROVIDED BY SUBDIVISION C OF THIS SECTION, A member who has five or more years of credited service upon termination of employment, other than a member who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. A member of a teachers' retirement system or the New York state and local employees' retirement system who has five or more years of credited service upon termination of employment shall be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article.

S 26. Section 612 of the retirement and social security law is amended by adding a new subdivision c to read as follows:

C. THE VESTING RIGHTS OF A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS OF SUBDIVISION D OF SECTION SIX HUNDRED FOUR-J OF

THIS ARTICLE, AND THE PROVISIONS OF SUBDIVISION A OF THIS SECTION SHALL NOT BE APPLICABLE TO SUCH MEMBER.

S 27. Paragraph 1 of subdivision a of section 613 of the retirement and social security law, as amended by chapter 10 of the laws of 2000, is amended to read as follows:

1. Except as provided by paragraph two OR THREE of this subdivision, members shall contribute three percent of annual wages to the retirement system in which they have membership. 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 PURSUANT TO THIS SUBDIVISION.

S 28. Subdivision a of section 613 of the retirement and social security law is amended by adding a new paragraph 3 to read as follows:

3. A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE) SHALL CONTRIBUTE FIVE PERCENT OF HIS OR HER ANNUAL WAGES TO SUCH RETIREMENT SYSTEM UNTIL HE OR SHE HAS TWENTY-FIVE YEARS OF ALLOWABLE UNIFORMED FORCE SERVICE CREDIT (AS DEFINED IN PARAGRAPH THREE OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE).

S 29. Subdivision i of section 613-b of the retirement and social security law, as amended by chapter 511 of the laws of 2005, is amended to read as follows:

i. Notwithstanding the provisions of subdivision b of section six hundred twelve of this article, OR THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION D OF SECTION SIX HUNDRED FOUR-J OF THIS ARTICLE, whenever a member of such a retirement system, for whom a loan is outstanding, retires, the retirement allowance payable without optional modification shall be reduced by a life annuity which is actuarially equivalent to the amount of the outstanding loan (all outstanding loans shall continue to accrue interest charges until retirement), such life annuity being calculated utilizing the interest rate on thirty year United States treasury bonds as of January first of the calendar year of the effective date of retirement and the mortality tables for options available under section six hundred ten of this article. A retiree of the New York city employees' retirement system or board of education retirement system of the city of New York whose benefit has been so reduced may repay the outstanding balance of the loan at any time. Benefits payable after the repayment of the loan shall not be subject to the actuarial reduction required by this subdivision.

S 30. Subdivision b of section 910 of the retirement and social security law, as amended by chapter 110 of the laws of 2000, is amended to read as follows:

b. "Eligible member" shall mean a member of a retirement system, OTHER THAN A NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THIS CHAPTER), OR other than a member who (1) is an employee of the New York city transit authority, and (2) is either (i) subject to the provisions of section 13-161 of the administrative code of the city of New York or (ii) a New York city transit authority member as defined in paragraph one of subdivision a of section six hundred four-b of this chapter. Notwithstanding any other provision of law to the contrary, the benefits provided herein shall only apply to an eligible member who is a member of a retirement system as defined by subdivision a of this section.

S 31. Paragraph (a) of subdivision 86 of section 13-101 of the administrative code of the city of New York, as added by chapter 114 of the laws of 1989, is amended to read as follows:

(a) In the case of a uniformed force member (as defined in subdivision eighty-five of this section) (1) who is a member of the uniformed transit police force or (2) who is a member of the uniformed correction force and is not a Tier III member (as defined in subdivision seventy-three of this section) or A TIER IV MEMBER (AS DEFINED IN SUBDIVISION SEVENTY-FOUR OF THIS SECTION) OR (3) who holds a position in the housing police service, the term "normal rate of contribution as a uniformed force member" shall mean the proportion of such member's earnable compensation required to be deducted from his or her compensation by the applicable provisions of sections 13-155, 13-156 and 13-157 of this chapter and section 13-225 of the code, as his or her member contributions, exclusive of any increase in such contributions resulting from an election by such member pursuant to law to effect such an increase, or any decrease in such contributions on account of any program for increased-take-home-pay or pursuant to subdivision one of section one hundred thirty-eight-b of the retirement and social security law (relating to election to decrease member contributions by contributions due on account of social security coverage).

S 32. Subdivision 86 of section 13-101 of the administrative code of the city of New York is amended by adding a new paragraph (e) to read as follows:

(E) IN THE CASE OF ANY UNIFORMED FORCE MEMBER WHO IS BOTH A MEMBER OF THE UNIFORMED CORRECTION FORCE AND A TIER IV MEMBER, THE TERM "NORMAL RATE OF CONTRIBUTION AS A UNIFORMED FORCE MEMBER" SHALL MEAN THE PERCENTAGE OF THE ANNUAL WAGES OF SUCH MEMBER REQUIRED TO BE DEDUCTED FROM SUCH MEMBER'S WAGES BY SUBDIVISION A OF SECTION SIX HUNDRED THIRTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, AS HIS OR HER MEMBER CONTRIBUTIONS.

S 33. Subdivision 89 of section 13-101 of the administrative code of the city of New York is amended by adding a new paragraph (c-1) to read as follows:

(C-1) IN THE CASE OF ANY CONTRIBUTING UNIFORMED FORCE MEMBER WHO IS BOTH (1) A MEMBER OF THE UNIFORMED CORRECTION FORCE (AS DEFINED IN SUBDIVISION THIRTY-NINE OF THIS SECTION) AND (2) A TIER IV MEMBER (AS DEFINED IN SUBDIVISION SEVENTY-FOUR OF THIS SECTION), THE TERM "UNIFORMED FORCE MEMBER CONTRIBUTIONS ELIGIBLE FOR PICK UP BY THE EMPLOYER" SHALL MEAN THE AMOUNT WHICH, IN THE ABSENCE OF A PICK UP PROGRAM APPLICABLE TO SUCH MEMBER PURSUANT TO SECTION 13-125.1 OF THIS CHAPTER, WOULD BE REQUIRED TO BE DEDUCTED FROM THE WAGES OF SUCH MEMBER FOR SUCH PAYROLL PERIOD PURSUANT TO SUBDIVISION A OF SECTION SIX HUNDRED THIRTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW AS HIS OR HER REQUIRED MEMBER CONTRIBUTIONS FOR SUCH PAYROLL PERIOD.

S 34. Paragraph (c) of subdivision 1 of section 13-194 of the administrative code of the city of New York, as amended by chapter 255 of the laws of 2000, is amended to read as follows:

(c) "Beneficiary". Any person who receives a retirement allowance by reason of having retired, on or after July first, nineteen hundred ninety-nine for service as a correction officer with immediate payability of a retirement allowance, and with credit for (1) twenty or more years of service, if such correction officer retires as a participant in and pursuant to the provisions of a twenty-year uniformed correction plan (as defined in paragraph (e) of this subdivision), or (2) twenty-five or more years of service, if such correction officer retires as a partic-

ipant in and pursuant to the provisions of a retirement plan other than a twenty-year uniformed correction plan, provided, however, that NO NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THE RETIREMENT AND SOCIAL SECURITY LAW) WHO RETIRES FOR SERVICE PURSUANT TO SUBDIVISION B OF SECTION SIX HUNDRED FOUR-J OF THE RETIREMENT AND SOCIAL SECURITY LAW AS A CORRECTION OFFICER SHALL BE ENTITLED TO ANY VARIABLE SUPPLEMENTS FROM THE CORRECTION OFFICERS' VARIABLE SUPPLEMENTS FUND ESTABLISHED BY THIS SECTION, AND PROVIDED FURTHER THAT nothing contained in this paragraph shall be construed as modifying any eligibility requirement for service retirement in any service retirement plan.

S 35. Subdivisions a, g and h of section 13-696 of the administrative code of the city of New York, subdivision a as amended by chapter 288 of the laws of 2001 and subdivisions g and h as added by chapter 125 of the laws of 2000, are amended to read as follows:

a. [A] EXCEPT AS PROVIDED BY SUBDIVISION L OF THIS SECTION, A cost-of-living adjustment shall be payable to retired members of the New York city employees' retirement system, the New York city teachers' retirement system, the New York city police pension fund, the New York city fire department pension fund, the New York city board of education retirement system or the relief and pension fund of the department of street cleaning provided for in subchapter one of this chapter on the basis provided for in this section to: (i) all retired members who have attained age sixty-two and have been retired for five years; (ii) all retired members who have attained age fifty-five and have been retired for ten years; (iii) all members who retired for disability regardless of age who have been retired for five years; and (iv) all recipients of an accidental death benefit regardless of age who have been receiving such benefit for five years.

g. Notwithstanding any other provision of law, AND EXCEPT AS PROVIDED BY SUBDIVISION L OF THIS SECTION, the surviving spouse of a deceased retired member of the New York city employees' retirement system, the New York city teachers' retirement system, the New York city police pension fund, the New York city fire department pension fund or the New York city board of education retirement system who retired under an option which provides that benefits are to be continued for life to the surviving spouse after the death of the member, shall be entitled to receive a benefit pursuant to this section. Said benefit shall be fifty percent of the monthly benefit which the pensioner would be receiving if living, and shall commence (i) with a payment for the month of September, two thousand, or (ii) the month following the death of the deceased retired member, whichever is later.

h. Notwithstanding any law to the contrary, AND SUBJECT TO THE PROVISION OF SUBDIVISION J OF THIS SECTION, said cost of living adjustment shall be in lieu of the supplemental retirement allowance provided pursuant to sections 13-680 and 13-691 of this subchapter or section two hundred seven-i of the general municipal law or sections thirty and thirty-one of chapter six hundred fifty-eight of the laws of nineteen hundred eighty-four or section ten of chapter eight of the laws of nineteen hundred eighty-eight as amended by chapter five hundred eighty-one of the laws of nineteen hundred eighty-nine or section twelve of chapter one hundred nineteen of the laws of nineteen hundred ninety-five or sections four and eight of chapter three hundred ninety of the laws of nineteen hundred ninety-eight, unless such other supplemental retirement allowances payable to a pensioner are in excess of that provided by this

section, in which latter case such other supplemental retirement allowances shall be paid and no supplemental retirement allowance shall be paid under this section, provided however, that in the case of benefits provided pursuant to article fourteen of the retirement and social security law, the cost of living adjustment provided herein shall be in lieu of the escalation provided by section five hundred ten of the retirement and social security law (other than the escalation provided for in subdivision e of such section), unless such escalation is in excess of the cost of living adjustment provided for in this section, in which latter case such escalation shall be paid and this section shall not apply.

S 36. Section 13-696 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

L. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ANY OTHER PROVISION OF LAW, NO NEW YORK CITY UNIFORMED CORRECTION OR SANITATION REVISED PLAN MEMBER (AS DEFINED IN PARAGRAPH TWO OF SUBDIVISION A OF SECTION SIX HUNDRED FOUR-J OF THE RETIREMENT AND SOCIAL SECURITY LAW) OR NEW YORK CITY POLICE OR FIRE REVISED PLAN MEMBER (AS DEFINED IN SECTION FOUR HUNDRED FIFTY OF THE RETIREMENT AND SOCIAL SECURITY LAW) WHO BECOMES ENTITLED TO A RETIREMENT ALLOWANCE FOR ANY REASON WHATSOEVER AS A RESULT OF SUCH MEMBERSHIP, AND NO SURVIVOR OF SUCH A MEMBER WHO BECOMES ENTITLED TO A RETIREMENT ALLOWANCE AS THE RESULT OF THE DEATH OF SUCH A MEMBER (INCLUDING, BUT NOT LIMITED TO, AN OPTION BENEFIT OR AN ACCIDENTAL DEATH BENEFIT), SHALL BE ENTITLED TO ANY COST-OF-LIVING ADJUSTMENT TO SUCH RETIREMENT ALLOWANCE PURSUANT TO THIS SECTION, OR TO ANY COST-OF-LIVING ADJUSTMENT OR PENSION SUPPLEMENTATION WITH RESPECT TO SUCH RETIREMENT ALLOWANCE PURSUANT TO ANY OTHER PROVISION OF LAW.

S 37. This act shall take effect immediately; provided however that:

(a) the amendments to subdivision 33 of section 13-214 of the administrative code of the city of New York made by section nine of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith;

(b) the amendments to subdivision a of section 603 of the retirement and social security law made by section seventeen of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 13 of chapter 682 of the laws of 2003, as amended, when upon such date the provisions of section seventeen-a of this act shall take effect; and

(c) the amendments to article 15 of the retirement and social security law made by sections fifteen through twenty-nine of this act shall expire on the same date as such article expires pursuant to section 615 of such law; provided, further that the amendments to subdivisions 86 and 89 of section 13-101 of the administrative code of the city of New York made by sections thirty-one, thirty-two and thirty-three of this act shall not affect the expiration of such subdivisions and shall be deemed to expire therewith.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

With respect to uniformed employees of the city of New York's police, fire, corrections and sanitation departments, budgetary savings in the first year after enactment are estimated at approximately $25 million, with annual savings thereafter growing by approximately $25 million per year, as new hires replace existing employees when they retire. In ten years, such city will achieve $250 million in annual savings and twenty years from now, annual savings will be approximately $500 million. This fiscal note is intended for the 2009 legislative session and was

prepared by Andrew G. Dowling, Assistant Director, New York City Office of Management and Budget.

PART EE

Section 1. Section 200 of the state finance law is amended by adding two new subdivisions 2-c and 2-d to read as follows:

2-C. (A) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW:

(1) FOR THE PAYROLLS COVERING OFFICERS AND EMPLOYEES OF THE STATE, EXCEPT AS PROVIDED IN SUBPARAGRAPH TWO OF THIS PARAGRAPH: COMMENCING WITH THE EARLIEST ADMINISTRATIVELY FEASIBLE ADMINISTRATIVE AND INSTITUTIONAL PAYROLL PERIOD, PAYMENT ON THE PAYMENT DATE OF THE FIVE SUBSEQUENT PAYROLL PERIODS SHALL BE FOR NINE-TENTHS OF THAT AMOUNT PAID EACH PAYROLL PERIOD UNTIL A TOTAL OF FIVE-TENTHS OF SALARY FOR ONE PAYROLL PERIOD THAT WOULD BE PAID BUT FOR THIS SUBDIVISION HAS BEEN WITHHELD. THEREAFTER, PAYMENT SHALL BE IN THE SAME MANNER AS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION.

(2) THE PROVISIONS OF SUBPARAGRAPH ONE OF THIS PARAGRAPH SHALL APPLY TO OFFICERS AND EMPLOYEES OF THE STATE SUBJECT TO SECTION FIVE OF CHAPTER THREE HUNDRED FIFTY-THREE OF THE LAWS OF NINETEEN HUNDRED EIGHTY-TWO COMMENCING WITH THE PAYROLL PERIOD (AND CORRESPONDING PAYMENT DATE) IMMEDIATELY FOLLOWING THE COMPLETION OF THE PROCEDURE FOR THE PAYMENT OF SALARIES AND WAGES ESTABLISHED BY THE COMPTROLLER PURSUANT TO SUCH SECTION OF CHAPTER THREE HUNDRED FIFTY-THREE OF THE LAWS OF NINETEEN HUNDRED EIGHTY-TWO.

(3) WHERE SALARY HAS BEEN WITHHELD PURSUANT TO THIS SUBDIVISION, IN LIEU OF SUCH SALARY, AN OFFICER OR EMPLOYEE, UPON RETIREMENT OR OTHER SEPARATION FROM SERVICE, OR THE BENEFICIARY OF AN EMPLOYEE WHO DIES, SHALL BE ENTITLED TO A LUMP SUM PAYMENT EQUAL TO THE SALARY SO WITHHELD AT THE RATE OF BASIC ANNUAL SALARY IN EFFECT AT THE TIME OF DEATH, RETIREMENT, OR OTHER SEPARATION FROM SERVICE FOR EACH DAY OR PART THEREOF FOR WHICH SALARY WAS WITHHELD PURSUANT TO THIS SECTION, BUT IN NO CASE SHALL SUCH LUMP SUM PAYMENT BE LESS THAN THE AMOUNT OF SALARY ORIGINALLY WITHHELD.

(4) THE WITHHOLDING PROVIDED FOR IN THIS SUBDIVISION SHALL CONTINUE IN EFFECT, EXCEPT AS PROVIDED IN SUBPARAGRAPH THREE OF THIS PARAGRAPH, UNTIL APRIL FIRST, TWO THOUSAND ELEVEN, AND FOR EACH FISCAL YEAR THEREAFTER UPON A FINDING BY THE DIRECTOR OF THE BUDGET THAT CONTINUATION IS NECESSARY TO MEET THE STATE'S FINANCIAL PLAN REQUIREMENTS AND TO ADDRESS EXIGENT FISCAL CIRCUMSTANCES. SUCH A FINDING SHALL BE MADE IN A WRITTEN CERTIFICATION BY THE DIRECTOR OF THE BUDGET PRIOR TO THE COMMENCEMENT OF THE FISCAL YEAR IN WHICH THE WITHHOLDING IS TO REMAIN IN EFFECT. IN DETERMINING WHETHER THE WITHHOLDING IS REQUIRED TO MEET FINANCIAL PLAN REQUIREMENTS OR IN RESPONSE TO EXIGENT FISCAL CIRCUMSTANCES, THE DIRECTOR OF THE BUDGET SHALL CONSIDER: (I) WHETHER THE STATE'S FINANCIAL PLAN IS IN BALANCE IN THE THEN CURRENT FISCAL YEAR, AND WHETHER BUDGET GAPS ARE PROJECTED FOR FUTURE YEARS; (II) THE EXTENT TO WHICH THERE HAS BEEN A DIMINUTION IN THE STATE'S GENERAL FUND REVENUE, OR AN INCREASE IN ITS EXPENDITURES, DURING THE PRIOR FISCAL YEAR, AND ANY FACTORS WHICH COULD REASONABLY BE ANTICIPATED TO LEAD TO SUCH DIMINUTION OR INCREASE IN THE FISCAL YEAR THAT FOLLOWS; (III) THE AVAILABILITY TO THE STATE OF OTHER SOURCES OF REVENUE OR REDUCTIONS IN EXPENDITURES SUCH THAT THERE IS A REASONABLE LIKELIHOOD THAT THE STATE'S REVENUES AND EXPENDITURES IN SUCH FINANCIAL PLAN PERIOD WOULD NOT BALANCE; (IV) THE POTENTIAL IMPACT OF THE TERMINATION OF THE WITHHOLDING ON NEW YORK STATE'S CREDIT RATING; AND (V) SUCH OTHER FACTORS AS POSITIVELY OR NEGATIVELY IMPACT THE

STATE'S FINANCIAL PLAN. UPON THE TERMINATION OF WITHHOLDING UNDER THIS SUBDIVISION, SALARY THAT HAS BEEN WITHHELD UNDER THIS SECTION SHALL BE PAID WITHIN SIXTY DAYS TO EACH EMPLOYEE IN A LUMP SUM PAYMENT EQUAL TO THE SALARY SO WITHHELD AT THE RATE OF BASIC ANNUAL SALARY IN EFFECT AT THE TIME OF SUCH TERMINATION, BUT IN NO CASE SHALL SUCH LUMP SUM PAYMENT BE LESS THAN THE AMOUNT OF SALARY ORIGINALLY WITHHELD.

(B) (1) "OFFICERS AND EMPLOYEES OF THE STATE" SHALL MEAN (I) OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH (INCLUDING THE STATE UNIVERSITY AND THE SENIOR COLLEGES OF THE CITY UNIVERSITY OF NEW YORK); (II) OFFICERS AND EMPLOYEES OF THE STATUTORY OR CONTRACT COLLEGES OF THE STATE (BUT IN THE CASE OF A STATUTORY OR CONTRACT COLLEGE FOR WHICH STATE PAYMENT IS MADE BY REIMBURSEMENT INSTEAD OF DIRECT PAYROLL PAYMENT, SUCH REIMBURSEMENT SHALL BE REDUCED AND PAID IN A MANNER CONSISTENT WITH THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION); (III) NONJUDICIAL OFFICERS AND EMPLOYEES OF THE UNIFIED COURT SYSTEM IF THE CHIEF ADMINISTRATOR OF THE COURTS SO ELECTS; (IV) EMPLOYEES OF THE SENATE IF THE TEMPORARY PRESIDENT OF THE SENATE SO ELECTS; (V) EMPLOYEES OF THE ASSEMBLY IF THE SPEAKER OF THE ASSEMBLY SO ELECTS; (VI) EMPLOYEES OF JOINT LEGISLATIVE EMPLOYERS IF THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY MUTUALLY SO ELECT FOR ALL SUCH JOINT LEGISLATIVE EMPLOYERS. ANY ELECTION MADE, PURSUANT TO CLAUSE (III), (IV), (V) OR (VI) OF THIS SUBPARAGRAPH SHALL BE IN WRITING AND FILED WITH THE STATE COMPTROLLER NOT LATER THAN SEVEN DAYS FROM THE EFFECTIVE DATE OF THIS SUBDIVISION; IN THE CASE OF AN ENTITY DESCRIBED IN CLAUSES (III) THROUGH (VI) OF THIS SUBPARAGRAPH FOR WHICH AN ELECTION IS NOT MADE, OTHER EQUIVALENT DEMONSTRABLE SAVINGS SHALL BE EFFECTED FOR THE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND TEN.

(2) "EMPLOYEES OF THE SENATE, ASSEMBLY OR A JOINT LEGISLATIVE EMPLOYER" SHALL BE AS DEFINED IN SECTION SEVEN-D OF THE LEGISLATIVE LAW (INCLUDING SECTIONS SEVEN-A AND SEVEN-B OF SUCH LAW) OR BY ANY OTHER PROVISION OF LAW WHICH CLASSIFIES EMPLOYEES OF AN ENTITY TO BE LEGISLATIVE EMPLOYEES FOR ALL PURPOSES; SUCH TERM SHALL NOT INCLUDE SENATORS OR MEMBERS OF THE ASSEMBLY.

(3) "JOINT LEGISLATIVE EMPLOYER" SHALL MEAN LEGISLATIVE COMMISSIONS, COMMITTEES, TASK FORCES, COUNCILS OR SIMILAR BODIES WHOSE MEMBERSHIP IS COMPRISED OF BOTH SENATORS AND ASSEMBLY MEMBERS, OR WHICH CONSISTS OF COMMISSIONERS, OR THE MAJORITY OF WHOSE MEMBERSHIP IS APPOINTED BY ONE OR MORE OF THE FOLLOWING: THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, AND/OR THE MINORITY LEADER OF THE ASSEMBLY. THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY SHALL BE THE JOINT LEGISLATIVE EMPLOYER OF THE EMPLOYEES OF THE LEGISLATURE REFERRED TO IN SECTIONS SEVEN-A AND SEVEN-B OF THE LEGISLATIVE LAW.

(C) FOR OFFICERS AND EMPLOYEES HIRED AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, THE WITHHOLDING OF FIVE DAYS OF SALARY SHALL BE ACCOMPLISHED IN THE SAME MANNER PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION PROVIDED, HOWEVER, SUCH WITHHOLDING SHALL BE TAKEN ON THE FIRST FIVE PAYMENT DATES IN WHICH SUCH NEW EMPLOYEES WOULD OTHERWISE HAVE RECEIVED THEIR SALARY.

2-D. FOR NONJUDICIAL OFFICERS AND EMPLOYEES OF THE UNIFIED COURT SYSTEM: COMMENCING WITH THE EARLIEST ADMINISTRATIVELY FEASIBLE PAYROLL PERIOD (AND CORRESPONDING PAYMENT DATE) SUBSEQUENT TO THE EFFECTIVE DATE OF THIS SUBDIVISION, PAYMENT ON THE PAYMENT DATE OF THE FIVE SUBSEQUENT PAYROLL PERIODS SHALL BE FOR NINE-TENTHS OF THAT AMOUNT PAID EACH PAYROLL PERIOD UNTIL A TOTAL OF FIVE-TENTHS OF SALARY FOR ONE PAYROLL PERIOD THAT WOULD BE PAID BUT FOR THIS PROVISION HAS BEEN WITHHELD. FOR

NONJUDICIAL OFFICERS AND EMPLOYEES HIRED AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, THE WITHHOLDING OF FIVE DAYS OF SALARY SHALL BE ACCOMPLISHED IN THE SAME MANNER DESCRIBED ABOVE, PROVIDED, HOWEVER, SUCH WITHHOLDING SHALL BE MADE ON THE FIRST FIVE PAYMENT DATES IN WHICH SUCH NEW OFFICERS OR EMPLOYEES WOULD OTHERWISE HAVE RECEIVED THEIR SALARY.

S 2. This act shall take effect immediately.

PART FF

Section 1. Section 544 of the real property tax law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL TAXES PAID BY THE STATE AFTER APRIL FIRST, TWO THOUSAND NINE PURSUANT TO THIS ARTICLE SHALL BE NO GREATER THAN THE AMOUNT PAID BY THE STATE DURING THE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND NINE. FOR LANDS ACQUIRED BY THE STATE AFTER APRIL FIRST, TWO THOUSAND NINE OR AFTER THE TAXABLE STATUS DATE OF SUCH LANDS DURING THE STATE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND NINE, THE TAXES PAID SHALL BE NO GREATER THAN THE TAXES OWED ON SUCH LANDS DURING THE FISCAL YEAR IN WHICH THE STATE'S INITIAL TAX PAYMENT WAS DUE PURSUANT TO THIS ARTICLE.

S 2. Section 19 of the public lands law, as amended by chapter 385 of the laws of 1994, is amended to read as follows:

S 19. Taxes and assessments for local improvements on state lands. A person, body or board authorized to assess lands for local improvements or purposes, shall serve on the comptroller of the state, at least three weeks prior to the confirmation of the same, a written notice of every assessment on state lands, showing the purpose for which the assessment is made, the state lands assessed and the amounts for which they are assessed, and referring to the law authorizing the assessment, and no such assessment shall be legal unless such notice is duly served. No fee, interest, penalty or expense shall be added to or accrue on any such assessment against state lands, nor shall such lands be sold therefor; but such assessments shall, if confirmed and uncontested, be paid and discharged out of any moneys appropriated therefor. All sales of state lands for unpaid taxes or assessments for local improvements or purposes are void. All taxes and assessments legally made on state lands, and all legal rents or charges thereon, shall be audited by the comptroller and paid out of the treasury. On or before January fifteenth the comptroller, in consultation with the board of real property services and other agencies as may be appropriate, shall submit to the governor and the legislature an annual accounting of taxes and assessments paid pursuant to this section during the preceding and current fiscal years. Such accounting shall include, but not be limited to the number, type and amount of such payments, as well as an estimate of payments to be made during the remainder of the current fiscal year and during the following fiscal year. If any provision of this section conflict with any provision of any other general, special or local law, this section shall prevail; and no other general, special or local law shall be deemed to repeal, alter or abridge any provision of this section, unless this section or this article or this chapter be expressly and specifically referred to therein. This section shall extend, in its operation and effect, so as to include all actions and proceedings, whether judicial or administrative, heretofore commenced under any general, special or local law and now pending. ALL PAYMENTS MADE BY THE STATE PURSUANT TO THIS SECTION AFTER MARCH FIRST, TWO THOUSAND NINE

SHALL BE EQUAL TO AN AMOUNT EQUAL TO THE ASSESSMENT OTHERWISE OWED LESS SIX PER CENTUM.

S 3. Subdivisions 2 and 2-a of section 19-a of the public lands law, subdivision 2 as added by chapter 161 of the laws of 1965, paragraph 3 of subdivision 2 as amended by section 2 of part F of chapter 56 of the laws of 2000 and subdivision 2-a as amended by section 1 of part K1 of chapter 109 of the laws of 2006, are amended to read as follows:

2. The state aid payable to a city pursuant to this section shall be computed and paid as follows:

(1) Commencing with the first fiscal year of such city subsequent to the taxable status date of the assessment roll of such city occurring after the acquisition of such land and improvements thereon by the state or agency of the state and for each fiscal year thereafter to and not including the first fiscal year of such city subsequent to the taxable status date of such roll occurring after the final completion of construction of such facilities on such land, an amount shall be paid equal to the amount of taxes levied by or in behalf of the city against such lands and the improvements thereon on the last assessment roll finally completed prior to the acquisition by the state or agency of the state;

(2) Commencing with the first fiscal year of such city subsequent to the taxable status date of the assessment roll of such city occurring after the final completion of the construction of such facilities and for each fiscal year thereafter for the period of probable usefulness as set forth in section sixty-one of the state finance law of such facilities or of such lands on which the facilities are constructed whichever is longer but in no event to exceed a period of thirty years, an amount equal to one percent of the sum of the actual acquisition cost of the land and the improvements thereon and the actual cost of the construction of facilities thereon, provided, however, that the state director of the budget and the mayor of a city with the approval of the legislative body of such city may agree in writing that such state aid may be an amount less than herein provided or that such city shall not make application for any such aid under this section; [and]

(3) The aggregate amount of state aid paid pursuant to this section, exclusive of the amount of state aid paid pursuant to subdivision two-a of this section, shall in no event exceed the aggregate amount of state aid provided in paragraph two of this subdivision[.]; AND

(4) PAYMENT MADE PURSUANT TO THIS SUBDIVISION AFTER MARCH FIRST, TWO THOUSAND NINE SHALL BE EQUAL TO THE AMOUNT CALCULATED ACCORDING TO THE PROVISIONS OF THIS SUBDIVISION LESS SIX PER CENTUM.

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

State Fiscal Year	Amount
2000-2001	$4,500,000
2001-2002	$4,500,000
2002-2003	$4,500,000

2003-2004	$9,850,000
2004-2005	$16,850,000
2005-2006	$22,850,000
2006-2007	$22,850,000
2007-2008	$22,850,000
2008-2009	$22,850,000
2009-2010	[$22,850,000] $21,479,000
2010-2011	[$22,850,000] $21,479,000
2011-2012	[$15,000,000] $14,100,000
2012-2013	[$15,000,000] $14,100,000
2013-2014	[$15,000,000] $14,100,000
2014-2015	[$15,000,000] $14,100,000
2015-2016	[$15,000,000] $14,100,000
2016-2017	[$15,000,000] $14,100,000
2017-2018	[$15,000,000] $14,100,000
2018-2019	[$15,000,000] $14,100,000
2019-2020	[$15,000,000] $14,100,000
2020-2021	[$15,000,000] $14,100,000
2021-2022	[$15,000,000] $14,100,000
2022-2023	[$15,000,000] $14,100,000
2023-2024	[$15,000,000] $14,100,000
2024-2025	[$15,000,000] $14,100,000
2025-2026	[$15,000,000] $14,100,000
2026-2027	[$15,000,000] $14,100,000
2027-2028	[$15,000,000] $14,100,000
2028-2029	[$15,000,000] $14,100,000
2029-2030	[$15,000,000] $14,100,000
2030-2031	[$15,000,000] $14,100,000
2031-2032	[$15,000,000] $14,100,000
2032-2033	[$15,000,000] $14,100,000

(2) The state aid payable to any such city pursuant to this subdivision shall be the sole and exclusive state aid payable pursuant to this section to any such city with respect to the state-leased or state-owned lands referenced in this subdivision. Any such city shall continue to be eligible for the payment of state aid pursuant to the other provisions of this section but not with respect to the state-leased or state-owned lands referenced in this subdivision.

(3) State aid otherwise payable on account of the real property described in this subdivision shall no longer be paid if title to such real property is conveyed to a person or entity other than the state or an agency of the state.

(4) The state aid payable under paragraph one of this subdivision shall be payable upon application to the state comptroller by the chief fiscal officer of a city which qualifies for aid pursuant to this subdivision. The application shall be made on a form prescribed by such comptroller and shall contain such information as such comptroller shall require. Upon approval of the application and determination by such comptroller of the amount of state aid payable under this subdivision, such state aid shall be paid upon the warrant of such comptroller. Annual payment shall be made to a qualified city not later than December first in each year commencing with the year two thousand and ending in the year two thousand ten. Thereafter, payment shall be made to a qualified city in two equal installments, the first occurring no earlier than April first and no later than May first, the second occurring no earlier than October first and no later than November first. Such payments shall conclude in the year two thousand thirty-two. Provided however, that any

such payment shall be reduced by any amount necessary to meet eligible obligations of the Albany convention center authority, as created by section twenty-six hundred seventy-five-d of the public authorities law and as certified by the chairperson of said authority, provided that such certification in such form as the authority deems desirable, but including at a minimum the exact amount of payment required to satisfy the authority's obligations pursuant to section twenty-six hundred seventy-five-ii of the public authorities law is delivered to the state comptroller no later than March first and September first, respectively. The state comptroller, upon receipt of such certificate from the authority, shall withhold from the qualified city state aid payable to such qualified city, to the extent necessary to meet the required amount of payments pursuant to such certificate. The state comptroller shall pay over to the authority the amount so withheld on or before March fifteenth and September fifteenth, respectively, and shall remit any remaining amount of such installment payment to the qualified city, as otherwise provided by this subdivision.

S 4. This act shall take effect March 1, 2009, provided that the provisions of section one of this act shall take effect April 1, 2009.

PART GG

Section 1. Paragraph d 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, is amended to read as follows:

d. Additional annual apportionments. Within amounts appropriated 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] EIGHT, municipalities shall receive additional aid apportioned as follows:

(i) Any municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a city, a town with a population greater than fifteen thousand, or a village with a population greater than ten thousand, shall be eligible to receive an additional annual apportionment equal to:

(1) nine percent of such municipality's base level grant if the municipality meets all of the fiscal distress indicators in paragraph c of this subdivision,

(2) seven percent of such municipality's base level grant if the municipality meets any three of the fiscal distress indicators in paragraph c of this subdivision, or

(3) five percent of such municipality's base level grant if the municipality meets at least one but no more than two of the fiscal distress indicators in paragraph c of this subdivision.

(ii) Any municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a town with a population of fifteen thousand or less or a village with a population of ten thousand or less which meets one or more of the fiscal distress indicators in subparagraphs (i), (ii) and (iii) of paragraph c of this subdivision shall be eligible to receive an additional annual apportionment equal to five percent of such municipality's base level grant.

(iii) Any municipality that does not qualify for an additional annual apportionment pursuant to subparagraphs (i) and (ii) of this paragraph shall be eligible to receive an additional annual apportionment equal to three percent of such municipality's base level grant.

S 2. Paragraph e of subdivision 10 of section 54 of the state finance law, as amended by section 3 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

e. Per capita adjustment. Within amounts appropriated 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] EIGHT, additional aid shall be apportioned as follows:

(i) For the purposes of subparagraphs (ii), (iii), (iv) and (v) of this paragraph, the threshold percentage shall be seventy-five percent in the state fiscal year commencing April first, two thousand seven[;] AND eighty percent in the state fiscal year commencing April first, two thousand eight[; eighty-five percent in the state fiscal year commencing April first, two thousand nine; and ninety percent in the state fiscal year commencing April first, two thousand ten].

(ii) A municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a city with a population greater than or equal to one hundred twenty-five thousand and receives per capita state aid less than or equal to the threshold percentage of the average for cities with a population greater than or equal to one hundred twenty-five thousand shall be eligible to receive additional aid of four and one-half percent of such city's base level grant, subject to the availability of funds.

(iii) A municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a city with a population less than one hundred twenty-five thousand, meets one or more of the fiscal distress indicators, and receives per capita state aid less than or equal to the threshold percentage of the average for cities with a population less than one hundred twenty-five thousand that meet one or more of the fiscal distress indicators, shall be eligible to receive additional aid of four and one-half percent of such city's base level grant, subject to the availability of funds.

(iv) A municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a town with a population greater than fifteen thousand, meets one or more of the fiscal distress indicators, and receives per capita state aid less than or equal to the threshold percentage of the average for towns with a population greater than fifteen thousand that meet one or more of the fiscal distress indicators, shall be eligible to receive additional aid of four and one-half percent of such town's base level grant, subject to the availability of funds.

(v) A municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a village with a population greater than ten thousand, meets one or more of the fiscal distress indicators, and receives per capita state aid less than or equal to the threshold percentage of the average for villages with a population greater than ten thousand that meet one or more of the fiscal distress indicators, shall be eligible to receive additional aid of four and one-half percent of such village's base level grant, subject to the availability of funds.

(vi) If sufficient funds are not available for additional aid in the amount authorized pursuant to subparagraphs (ii), (iii), (iv) and (v) of this paragraph, additional aid shall be apportioned to each municipality eligible for such aid based on the municipality's pro rata share of available funds.

S 3. Subparagraph (ii) of paragraph g of subdivision 10 of section 54 of the state finance law, as amended by section 4 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

(ii) As a condition of receiving [an additional annual apportionment pursuant to paragraph d of this subdivision] A BASE LEVEL GRANT PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION, each municipality that is a city, other than a city subject to a control period under a state imposed fiscal stability authority or a city subject to the requirements of subparagraph (i) of this paragraph and each municipality that is a village that [will receive an additional annual apportionment pursuant to clause one of subparagraph (i) of paragraph d of this subdivision], MEETS ALL FOUR FISCAL DISTRESS INDICATORS IN PARAGRAPH C OF THIS SUBDIVISION shall develop a multi-year financial plan that includes: projected employment levels, projected annual expenditures for personal service, fringe benefits, non-personal services and debt service; appropriate reserve fund amounts; estimated annual revenues including projected property tax rates, the value of the taxable real property and resulting tax levy, annual growth in sales tax and non-property tax revenues, and the proposed use of one-time revenue sources. Such multi-year financial plan shall consist of, at a minimum, four fiscal years including the municipality's most recently completed fiscal year, its current fiscal year adopted budget and the subsequent two fiscal years. On or before March thirty-first, two thousand eight and on or before March thirty-first in each year thereafter through and including two thousand eleven, the chief elected official of such municipality shall submit written certification to the director of the budget that such municipality has complied with the requirements of this subparagraph.

S 4. Paragraph j of subdivision 10 of section 54 of the state finance law, as amended by section 1 of part KK of chapter 57 of the laws of 2008, is amended to read as follows:

j. Special aid and incentives for municipalities to the city of New York. In the state fiscal year commencing April first, two thousand seven a city with a population of one million or more shall receive twenty million dollars on or before December fifteenth. In the state fiscal year commencing April first, two thousand eight, a city with a population of one million or more shall receive two hundred forty-five million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before December fifteenth. [In the state fiscal year commencing April first, two thousand nine, a city with a population of one million or more shall receive eighty-one million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before June thirtieth and shall receive an additional two hundred forty-five million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before December fifteenth. In the state fiscal year commencing April first, two thousand ten, and in each state fiscal year thereafter, a city with a population of one million or more shall receive three hundred twenty-seven million eight hundred eighty-nine thousand six hundred sixty-eight dollars payable on or before December fifteenth.] Special aid and incentives for municipalities to the city of New York shall be apportioned and paid as required as follows:

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

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

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

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

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

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

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

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

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

S 5. Clause 2 of subparagraph (viii) of paragraph a of subdivision 10 of section 54 of the state finance law, as amended by section 1 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

(2) for the state fiscal year commencing April first, two thousand eight and in each state fiscal year thereafter, the base level grant received in the immediately preceding state fiscal year pursuant to paragraph b of this subdivision plus any additional apportionments received in such year pursuant to paragraph d of this subdivision and any per capita adjustments received in such year pursuant to paragraph e of this subdivision plus any additional aid received in such year pursuant to [subparagraph (i) or subparagraph (iii) of] paragraph p of this subdivision.

S 6. Paragraph p of subdivision 10 of section 54 of the state finance law, as added by section 8 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

p. Local government efficiency grant program municipal merger incentives. For the purposes of this paragraph, "municipalities" shall mean cities with a population less than one million, towns and villages. Within the annual amounts appropriated therefor, surviving municipalities following a merger, consolidation or dissolution occurring on or after the state fiscal year commencing April first, two thousand seven may be awarded [one of the following as selected by the governing body of the merged, consolidated or surviving, in the case of a dissolution, municipality: (i) Additional aid in the state fiscal year following such merger, consolidation or dissolution equal to twenty-five percent of the combined base level grants received, pursuant to paragraph b of this subdivision, by the municipalities that were party to

such merger, consolidation or dissolution in the state fiscal year in which such merger, consolidation or dissolution took effect. In instances where only a portion of a city, town or village is party to a consolidation, merger or dissolution, the additional aid payable to the resulting successor government shall be based on only a pro rata share of the base level grant received by such city, town or village. Such pro rata share shall be calculated by multiplying the base level grant of such city, town or village in the state fiscal year in which such merger, consolidation or dissolution took effect by the ratio of the most recent federal decennial census population of the portion consolidated, merged or dissolved as compared to the total two thousand federal decennial census population of the city, town or village party to such consolidation, merger or dissolution. In no case shall a municipality's additional aid pursuant to this subparagraph exceed one million dollars. Such additional aid shall be apportioned and paid to the chief fiscal officer of each merged, consolidated or surviving, in the case of a village dissolution, 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 fund in the general fund of the state treasury in the same "on or before month and day" manner as the municipality's base level grant is paid pursuant to subparagraph (i) of paragraph i of this subdivision. Any municipality receiving a merger incentive award pursuant to this subparagraph shall use such aid only for general municipal purposes. Such additional aid shall in subsequent state fiscal years be considered prior year aid for the purposes of determining such merged, consolidated or surviving municipality's base level grant pursuant to paragraph b of this subdivision.

(ii) Two hundred fifty thousand dollars in the first state fiscal year following such merger, consolidation or dissolution, reduced in equal parts in each of the subsequent four state fiscal years; provided, however, that in no case shall such first state fiscal year award exceed twenty-five percent of the combined property tax levy of the merged or consolidated municipalities in the local fiscal year prior to the local fiscal year in which such merger or consolidation took effect; provided, further, that in the case of a village dissolution, such first state fiscal year award shall not exceed twenty-five percent of the combined property tax levy of the village and surviving town in the local fiscal year prior to the local fiscal year in which such dissolution took effect. Such award shall be used for transitional purposes and long-term savings and efficiencies. In the event a village dissolves into more than one town, the surviving towns shall receive a pro rata portion of the additional aid based on relative population. Such additional aid shall be apportioned and paid to the chief fiscal officer of each merged, consolidated or surviving, in the case of a dissolution, 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 fund in the general fund of the state treasury in the same "on or before month and day" manner as the municipality's base level grant is paid pursuant to subparagraph (i) of paragraph i of this subdivision.

(iii) Additional] ADDITIONAL aid in the state fiscal year following such merger, consolidation or dissolution equal to fifteen percent of the combined amount of real property taxes levied by all of the municipalities participating in the merger, consolidation or dissolution in the local fiscal year prior to the local fiscal year in which such merger, consolidation or dissolution took effect. [In instances where only a

portion of a city, town or village is party to a consolidation, merger or dissolution, the additional annual aid payable to the resulting successor government shall be based on only a pro rata share of the total real property taxes levied by such city, town or village. Such pro rata share shall be calculated by multiplying the total real property tax levy of such city, town or village in the local fiscal year prior to the local fiscal year in which such merger, consolidation or dissolution took effect by the ratio of the most recent federal decennial census population of the portion consolidated, merged or dissolved as compared to the total two thousand federal decennial census population of the city, town or village party to such consolidation, merger or dissolution.] IN INSTANCES OF THE DISSOLUTION OF A VILLAGE LOCATED IN MORE THAN ONE TOWN, SUCH ADDITIONAL AID SHALL EQUAL THE SUM OF FIFTEEN PERCENT OF THE REAL PROPERTY TAXES LEVIED BY SUCH VILLAGE IN THE VILLAGE FISCAL YEAR PRIOR TO THE VILLAGE FISCAL YEAR IN WHICH SUCH DISSOLUTION TOOK EFFECT PLUS FIFTEEN PERCENT OF THE AVERAGE AMOUNT OF REAL PROPERTY TAXES LEVIED BY THE TOWNS IN WHICH THE VILLAGE WAS LOCATED IN THE TOWN FISCAL YEAR PRIOR TO THE TOWN FISCAL YEAR IN WHICH SUCH DISSOLUTION TOOK EFFECT, AND SHALL BE DIVIDED AMONG SUCH TOWNS BASED ON THE PERCENTAGE OF SUCH VILLAGE'S POPULATION THAT RESIDED IN EACH SUCH TOWN AS OF THE MOST RECENT FEDERAL DECENNIAL CENSUS. Such additional aid shall be apportioned and paid to the chief fiscal officer of each consolidated or merged 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 fund in the general fund of the state treasury in the same "on or before month and day" manner as the municipality's base level grant is paid pursuant to subparagraph (i) of paragraph i of this subdivision. Any municipality receiving a merger incentive award pursuant to this [subparagraph] PARAGRAPH shall use such aid only for general municipal purposes. In no case shall [a municipality's annual] THE ADDITIONAL aid pursuant to this [subparagraph] PARAGRAPH exceed one million dollars. Such additional aid shall in subsequent state fiscal years be considered prior year aid for the purposes of determining such merged, consolidated or surviving municipality's base level grant pursuant to paragraph b of this subdivision.

S 7. Clause 1 of subparagraph (i) of paragraph o of subdivision 10 of section 54 of the state finance law, as added by section 7 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

(1) For the purposes of this paragraph, "municipality" shall mean counties, cities, towns, villages, special improvement districts, fire districts, [library districts] PUBLIC LIBRARIES, ASSOCIATION LIBRARIES, water authorities, sewer authorities, regional planning and development boards, school districts, and boards of cooperative educational services; provided, however, that for the purposes of this definition, a board of cooperative educational services shall be considered a municipality only in instances where such board of cooperative educational services advances a joint application on behalf of school districts and other municipalities within the board of cooperative educational services region; provided, however, that any agreements with a board of cooperative educational services: shall not generate additional state aid; shall be deemed not to be a part of the program, capital and administrative budgets of the board of cooperative educational services for the purposes of computing charges upon component school districts pursuant to subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty-one of the

education law; and shall be deemed to be a cooperative municipal service for purposes of subparagraph two of paragraph d of subdivision four of section nineteen hundred fifty of the education law.

S 8. This act shall take effect immediately; and shall be deemed to have been in full force and effect on and after March 1, 2009.

PART HH

Section 1. Subdivision 1 of section 101 of the general municipal law, as amended by section 1 of part MM of chapter 57 of the laws of 2008, is amended and a new subdivision 6 is added to read as follows:

1. Except as otherwise provided in section two hundred twenty-two of the labor law, every officer, board or agency of a political subdivision or of any district therein, charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction, reconstruction or alteration of buildings, when the entire cost of such public work shall exceed [three] TEN million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, shall prepare separate specifications for the following three subdivisions of the work to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

6. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION AND ANY OTHER LAW TO THE CONTRARY, ANY CONTRACT, SUBCONTRACT, LEASE, GRANT, BOND, COVENANT, OR OTHER AGREEMENT FOR PROJECTS UNDERTAKEN BY SCHOOL DISTRICTS SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF SEPARATE SPECIFICATIONS (REFERRED TO AS THE WICKS LAW).

S 2. Paragraph (b) of subdivision 7 of section 120-w of the general municipal law, as amended by section 2 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

(b) Except as otherwise provided in section two hundred twenty-two of the labor law, when the entire cost of constructing such building shall exceed [three] TEN million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

S 3. The opening paragraph of section 135 of the state finance law, as amended by section 3 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

Except as otherwise provided in section two hundred twenty-two of the labor law, every officer, board, department, commission or commissions, charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction or alteration of buildings, for the state, when the entire cost of such work shall exceed [three] TEN million dollars in the counties of the Bronx, Kings, New

York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, must have prepared separate specifications for each of the following three subdivisions of the work to be performed:

S 4. Subdivision 1 of section 151-a of the public housing law, as amended by section 4 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

1. Notwithstanding any inconsistent provision of this chapter or any other general, special or local law, except as otherwise provided in section two hundred twenty-two of the labor law, any authority or municipality, or any officer, board, department, commission or other agency thereof charged with the duty of preparing specifications or awarding or entering into contracts involving the erection, construction, reconstruction or alteration of any building or other appurtenance as a part of or in connection with a project or any part thereof in any part of the state under or pursuant to the authority of this chapter, when the entire cost of such work shall exceed [three] TEN million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, must have prepared separate specifications for the following three subdivisions of the work to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

S 5. Subdivisions 2 and 2-a of section 458 of the education law, subdivision 2 as amended and subdivision 2-a as added by section 5 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

2. [Except as otherwise provided in section two hundred twenty-two of the labor law, every contract, lease or other agreement entered into by or on behalf of the fund for the acquisition, lease, construction, reconstruction, rehabilitation or improvement of the school portion of the work in any combined occupancy structure shall contain a provision that, when the entire cost of any such contemplated construction, reconstruction, rehabilitation or improvement for the school portion of the work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, separate specifications shall be prepared for the following three subdivisions of the work on the school portion to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

Such specifications shall be drawn so as to permit the letting of separate and independent contracts for each of the above three subdivisions of work. Within the above three subdivisions of work, any equipment, apparatus and/or installations which shall be designed to service the entire combined occupancy structure shall be included within the school portion of the work or let as separate and independent contracts even if physically located within the non-school portion of the work.] Except as otherwise provided by the public housing law, the provisions

of which shall apply when the developer is the New York city housing authority, every developer or general contractor undertaking the construction, reconstruction, rehabilitation or improvement of any such combined occupancy structure pursuant to or in furtherance of the provisions of this article shall let [separate] contracts to the lowest responsible bidder for the [three subdivisions of the above specified] work to persons, firms or corporations approved by the chairman of the fund as being qualified, responsible and reliable bidders engaged in these classes of work. All such qualified bidders engaged in [the above specified] THIS work shall be entitled to bid and to receive, upon request, a copy of the plans and specifications. All such bids shall be submitted to the fund and shall be opened publicly at a stated time and place.

2-a. Each bidder on a public work contract[, where the preparation of separate specifications is not required,] shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: a. plumbing and gas fitting, b. steam heating, hot water heating, ventilating and air conditioning apparatus and c. electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law, or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 6. Subdivisions 2 and 2-a of section 482 of the education law, subdivision 2 as amended and subdivision 2-a as added by section 6 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

2. [Except as otherwise provided in section two hundred twenty-two of the labor law, every contract, lease or other agreement entered into by or on behalf of the fund for the acquisition, lease, construction, reconstruction, rehabilitation or improvement of any combined occupancy structure shall contain a provision that, when the entire cost of any such contemplated construction, reconstruction, rehabilitation or improvement shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, separate specifications shall be prepared for the following three subdivisions of the work to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

Such specifications shall be drawn so as to permit the letting of separate and independent contracts for each of the above three subdivi-

sions of work.] Except as otherwise provided by the public housing law, the provisions of which shall apply when the developer is the Yonkers city housing authority, every developer or general contractor undertaking the construction, reconstruction, rehabilitation or improvement of any such combined occupancy structure pursuant to or in furtherance of the provisions of this article shall let [separate] contracts to the lowest responsible bidder for the [three subdivisions of the above specified] work to persons, firms or corporations approved by the chairman of the fund as being qualified, responsible and reliable bidders engaged in these classes of work. All such qualified bidders engaged in [the above specified] THIS work shall be entitled to bid and to receive, upon request, a copy of the plans and specifications. All such bids shall be submitted to the fund and shall be opened publicly at a stated time and place.

2-a. Each bidder on a public work contract[, where the preparation of separate specifications is not required,] shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: a. plumbing and gas fitting, b. steam heating, hot water heating, ventilating and air conditioning apparatus and c. electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law, or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 7. Subdivision 2 of section 1045-i of the public authorities law, as amended by section 7 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

2. Any such agreements (i) shall describe in sufficient detail for reasonable identification the particular water project to be financed in whole or in part by the authority, (ii) shall describe the plan for the financing of the cost of the construction of such water project, including the amount, if any, to be provided by the water board and the source or sources thereof, (iii) shall set forth the method by which and by whom and the terms and conditions upon which moneys provided by the authority shall be disbursed, (iv) may require, in the discretion of the authority, the payment to the authority of the proceeds of any state and federal grants available to the water board, (v) shall provide for the establishment of user fees, rates, rents and other charges and the charging and collection thereof by the water board for the use of, or services furnished, rendered or made available by such system such as to provide that such board receive revenues at least sufficient, together with other revenues of the board, if any, to meet the requirements of subdivision one of section one thousand forty-five-j of this title, provided that revenues received by such board shall be deposited in a special fund established pursuant to this title and disbursed to, and

upon certification of, the authority, (vi) may provide for the transfer by the city to the water board pursuant to section one thousand forty-five-h of this title of ownership of the sewerage system or water system, or both, as the case may be, of which such project will form a part by the city, (vii) shall provide for the construction and completion of such water project by the city and for the operation, maintenance and repair thereof as an integrated part of the system of which such water project forms a part, subject to such terms and conditions, not inconsistent with this title, which may be in the public interest and necessary or desirable properly and adequately to secure the holders of bonds of the authority, provided, however, all contracts for public work and all purchase contracts shall be awarded by the city as provided by law for the award of such contracts by the city and that all contracts for construction shall be let in accordance with the provisions of state law pertaining to prevailing wages, labor standards and working hours. Except as otherwise provided in section two hundred twenty-two of the labor law, when the entire cost of constructing a building as part of any water project shall exceed [three] TEN million dollars, the city shall prepare separate specifications for the following three subdivisions of the work to be performed: (a) plumbing and gas fitting; (b) steam heating, hot water heating, ventilating and air conditioning apparatus; and (c) electric wiring and standard illuminating fixtures, (viii) shall provide for the discontinuance or disconnection of the supply of water or the provision of sewerage service, or both, as the case may be, for non-payment of fees, rates, rents or other charges therefor imposed by the water board, provided such discontinuance or disconnection of any supply of water or the provision of sewerage service, or both, as the case may be, shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to subdivisions three-a, three-b and three-c of section eighty-nine-b and section one hundred sixteen of the public service law, and (ix) in the discretion of the authority, require reports concerning the project from the water board to the authority and the city.

S 8. Subdivision 1 of section 1735 of the public authorities law, as amended by chapter 410 of the laws of 1999, is amended to read as follows:

1. Notwithstanding the provisions of paragraph b of subdivision one of section seventeen hundred thirty-four of this title, the award of construction contracts by the authority [between July first, nineteen hundred eighty-nine and June thirtieth, two thousand two,] shall not be subject to the provisions of section one hundred one of the general municipal law.

S 9. The opening paragraph of subdivision (c) of section 4 of chapter 560 of the laws of 1980, authorizing the city of New York to adopt a solid waste management law, as amended by section 13 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

Except as otherwise provided in section 222 of the labor law, every contract, lease or other agreement entered into, pursuant to this section, by the city of New York for construction, reconstruction, rehabilitation or improvement of buildings for a solid waste recovery and management facility shall contain a provision that, when the entire cost of such work shall exceed [three] TEN million dollars, separate specifications shall be prepared for the following three subdivisions of work:

S 10. The opening paragraph of section 9 of chapter 892 of the laws of 1971 amending the public authorities law and other laws relating to

enabling the dormitory authority to construct and finance dormitories, buildings and health facilities, as amended by section 14 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

Except as otherwise provided in section 222 of the labor law, the dormitory authority in awarding or entering into contracts for the erection, construction, reconstruction or alteration of buildings, pursuant to the provisions added by this act, when the entire cost of such work shall exceed [three] TEN million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, shall prepare separate specifications for the following three subdivisions of the work to be performed:

S 11. Paragraph (e) of subdivision 2 of section 222 of the labor law, as added by section 18 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

(e) Any contract, subcontract, lease, grant, bond, covenant, or other agreement for construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement with respect to each project undertaken pursuant to this section, the entity shall consider the financial and organizational capacity of contractors and subcontractors in relation to the magnitude of work they may perform, the record of performance of contractors and subcontractors on previous work, the record of contractors and subcontractors in complying with existing labor standards and maintaining harmonious labor relations, and the commitment of contractors to work with minority and women-owned business enterprises pursuant to article fifteen-A of the executive law through joint ventures of subcontractor relationships. [With respect to any contract for construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement in excess of three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state; the entity shall further require that each contractor and subcontractor shall participate in apprentice training programs in the trades of work it employs that have been approved by the department for not less than three years and shall have graduated at least one apprentice in the last three years and shall have at least one apprentice currently enrolled in such apprenticeship training program. In addition, it must be demonstrated that the program has made significant efforts to attract and retain minority apprentices, as determined by affirmative action goals established for such program by the department.]

S 12. Section 19 of chapter 738 of the laws of 1988, amending the administrative code of the city of New York and other laws relating to establishing the New York City school construction authority, as amended by chapter 134 of the laws of 2004, is amended to read as follows:

S 19. This act shall take effect immediately, provided, however, that the provisions of subdivision 6 of section 209 of the civil service law, as added by section four of this act, shall expire and be deemed repealed on and after June 30, 1995, and further provided that the provisions of section 1735 of the public authorities law, as added by section fourteen of this act, shall expire and be deemed repealed on June 30, [2009] 2014.

S 13. Subdivisions (a) and (b) of section 4545 of the civil practice law and rules are REPEALED and subdivisions (c) and (d) are relettered subdivisions (a) and (b).

S 14. Subdivisions (d) and (e) of rule 4111 of the civil practice law and rules are REPEALED.

S 15. Subdivision (f) of rule 4111 of the civil practice law and rules, as amended by chapter 100 of the laws of 1994, is amended to read as follows:

[(f)] (D) Itemized verdict in certain actions. In an action brought to recover damages for personal injury, injury to property or wrongful death, [which is not subject to subdivisions (d) and (e) of this rule,] the court shall instruct the jury that if the jury finds a verdict awarding damages, it shall in its verdict specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element including, but not limited to, medical expenses, dental expenses, loss of earnings, impairment of earning ability, and pain and suffering. Each element shall be further itemized into amounts intended to compensate for damages that have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the jury shall set forth the period of years over which such amounts are intended to provide compensation. In actions in which article fifty-A or fifty-B of this chapter applies, in computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value.

S 16. Subdivision (b) of section 4213 of the civil practice law and rules, as separately amended by chapters 485 and 682 of the laws of 1986, is amended to read as follows:

(b) Form of decision. The decision of the court may be oral or in writing and shall state the facts it deems essential. In [a medical, dental or podiatric malpractice action or in an action against a public employer or a public employee who is subject to indemnification by a public employer with respect to such action or both, as such terms are defined in subdivision (b) of section forty-five hundred forty-five, for personal injury or wrongful death arising out of an injury sustained by a public employee while acting within the scope of his public employment or duties, and in] any [other] action brought to recover damages for personal injury, injury to property, or wrongful death, a decision awarding damages shall specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element, including but not limited to medical expenses, dental expenses, podiatric expenses, loss of earnings, impairment of earning ability, and pain and suffering. In [a medical, dental or podiatric malpractice action, and in] any [other] SUCH action [brought to recover damages for personal injury, injury to property, or wrongful death], each element shall be further itemized into amounts intended to compensate for damages which have been incurred prior to the decision and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the court shall set forth the period of years over which such amounts are intended to provide compensation. In computing said damages, the court shall award the full amount of future damages, as calculated, without reduction to present value.

S 17. Subdivision 1 of section 3-a of the general municipal law, as amended by chapter 4 of the laws of 1991, is amended to read as follows:

1. Except as provided in subdivisions two, four and five of this section, the rate of interest to be paid by a municipal corporation upon any judgment or accrued claim against the municipal corporation shall [not exceed nine per centum per annum] BE CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE YEAR CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING THE DATE OF THE ENTRY OF THE JUDGMENT AWARDING DAMAGES. IN NO EVENT, HOWEVER, SHALL A MUNICIPAL CORPORATION PAY A RATE OF INTEREST ON ANY JUDGMENT OR ACCRUED CLAIM MORE THAN NINE PER CENTUM PER ANNUM.

S 18. Subdivision 5 of section 157 of the public housing law, as amended by chapter 681 of the laws of 1982, is amended to read as follows:

5. The rate of interest to be paid by an authority upon any judgment or accrued claim against the authority shall [not exceed nine per centum per annum] BE CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE YEAR CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING THE DATE OF THE ENTRY OF THE JUDGMENT AWARDING DAMAGES. IN NO EVENT, HOWEVER, SHALL AN AUTHORITY PAY A RATE OF INTEREST ON ANY JUDGMENT OR ACCRUED CLAIM MORE THAN NINE PER CENTUM PER ANNUM.

S 19. Section 16 of the state finance law, as amended by chapter 681 of the laws of 1982, is amended to read as follows:

S 16. Rate of interest on judgments and accrued claims against the state. The rate of interest to be paid by the state upon any judgment or accrued claim against the state shall [not exceed nine per centum per annum] BE CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE YEAR CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING THE DATE OF THE ENTRY OF THE JUDGMENT AWARDING DAMAGES. IN NO EVENT, HOWEVER, SHALL THE STATE PAY A RATE OF INTEREST ON ANY JUDGMENT OR ACCRUED CLAIM MORE THAN NINE PER CENTUM PER ANNUM.

S 20. Section 1 of chapter 585 of the laws of 1939, relating to the rate of interest to be paid by certain public corporations upon judgments and accrued claims, as amended by chapter 681 of the laws of 1982, is amended to read as follows:

Section 1. The rate of interest to be paid by a public corporation upon any judgment or accrued claim against the public corporation shall [not exceed nine per centum per annum] BE CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE YEAR CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING THE DATE OF THE ENTRY OF THE JUDGMENT AWARDING DAMAGES. IN NO EVENT, HOWEVER, SHALL A PUBLIC CORPORATION PAY A RATE OF INTEREST ON ANY JUDGMENT OR ACCRUED CLAIM MORE THAN NINE PER CENTUM PER ANNUM. The term "public corporation" as used in this act shall mean and include every corporation created for the construction of public improvements, other than a county, city, town, village, school district or fire district or an improvement district established in a town or towns, and possessing both the power to contract indebtedness and the power to collect rentals, charges, rates or fees for services or facilities furnished or supplied.

S 21. Subdivision 1 of section 103 of the general municipal law, as amended by chapter 741 of the laws of 2005, is amended to read as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred

fifty-three, all contracts for public work involving an expenditure of more than [twenty] FIFTY thousand dollars and all purchase contracts involving an expenditure of more than [ten] TWENTY thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section. In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or its discretion, reject all bids and readvertise for new bids in the manner provided by this section. For purposes of this section, "sealed bids", as that term applies to purchase contracts, shall include bids submitted in an electronic format, provided that the governing board of the political subdivision or district, by resolution, has authorized the receipt of bids in such format. Submission in electronic format may not, however, be required as the sole method for the submission of bids. Bids submitted in an electronic format shall be transmitted by bidders to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid until the time and date established for the opening of bids. The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or the specifications shall be the responsibility solely of each bidder or prospective bidder. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

S 22. Section 103 of the general municipal law is amended by adding three new subdivisions 1-b, 1-c and 13 to read as follows:

1-B. WHEN THE OFFICER, BOARD OR AGENCY OF ANY POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN CHARGED WITH THE AWARDING OF CONTRACTS UNDER THIS SECTION DETERMINES THAT IT IS IN THE BEST INTEREST OF THE POLITICAL SUBDIVISION OR DISTRICT THEREIN, THEY MAY AWARD CONTRACTS FOR SERVICES ON THE BASIS OF BEST VALUE AS DEFINED IN SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW TO RESPONSIVE AND RESPONSIBLE OFFERERS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A CONTRACT FOR SERVICES MAY BE AWARDED ON THE BASIS OF BEST VALUE PROVIDED THAT THE CONTRACTING PROCESS AND AWARD SHALL COMPLY WITH THE GUIDELINES ESTABLISHED UNDER SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW BY THE STATE PROCUREMENT COUNCIL. ANY PROCUREMENT MADE UNDER THIS SUBDIVISION SHALL BE APPROVED BY THE GOVERNING BODY OF THE PURCHASING POLITICAL SUBDIVISION OR DISTRICT THEREIN.

1-C. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN SHALL HAVE THE OPTION OF PURCHASING INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS HARDWARE, SOFTWARE AND PROFESSIONAL SERVICES THROUGH COOPERATIVE PURCHASING

PERMISSIBLE PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION INFORMATION TECHNOLOGY SCHEDULE SEVENTY OR ANY SUCCESSOR SCHEDULE. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN THAT PURCHASES THROUGH GENERAL SERVICES ADMINISTRATION SCHEDULE SEVENTY, INFORMATION TECHNOLOGY AND CONSOLIDATED SCHEDULE CONTRACTS SHALL COMPLY WITH FEDERAL SCHEDULE ORDERING PROCEDURES AS PROVIDED IN FEDERAL ACQUISITION REGULATION 8.405-1 OR 8.405-2, WHICHEVER IS APPLICABLE. ADHERENCE TO SUCH PROCEDURES SHALL CONSTITUTE COMPLIANCE WITH THE COMPETITIVE BIDDING REQUIREMENTS UNDER THIS SECTION.

13. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED TO MAKE PURCHASES OF MATERIALS, EQUIPMENT AND SUPPLIES MAY MAKE SUCH PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER STATE OR POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE WITH COMPETITIVE BIDDING REQUIREMENTS THAT ARE CONSISTENT WITH THIS SECTION AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER GOVERNMENTAL ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING BOARD OF THE POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL DETERMINE, UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRIATE, UPON ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS PARAGRAPH HAVE BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE IS PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLITICAL SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED FOUR-B OF THIS ARTICLE.

S 23. Subdivision 10 of section 2799-bb of the public authorities law, as added by chapter 16 of the laws of 1997, is amended to read as follows:

10. "Project capital costs" or "costs" means costs, appropriated in the capital budget of the city pursuant to chapters nine and ten of the New York city charter, as amended from time to time, providing for the construction, reconstruction, acquisition or installation of physical public betterments or improvements [which would be classified as capital assets under generally accepted accounting principles for municipalities], or the costs of any preliminary studies, surveys, maps, plans, estimates and hearings, or incidental costs, including, but not limited to, legal fees, printing or engraving, publication of notices, taking of title, apportionment of costs, and interest during construction, or any underwriting or other costs incurred in connection with the financing thereof.

S 24. Subdivision 1 and paragraph (b) of subdivision 3 of section 2799-gg of the public authorities law, as amended by chapter 411 of the laws of 2006, are amended to read as follows:

1. The authority shall have the power and is hereby authorized from time to time to issue bonds, in conformity with applicable provisions of the uniform commercial code, in such principal amounts as it may determine to be necessary pursuant to section twenty-seven hundred ninety-nine-ff of this title to pay the cost of any project and to fund reserves to secure such bonds, including incidental expenses in connection therewith.

The aggregate principal amount of such bonds, notes or other obligations [so issued] OUTSTANDING shall not exceed thirteen billion, five hundred million dollars ($13,500,000,000), excluding bonds, notes or other obligations issued [to refund or otherwise repay bonds, notes or

other obligations theretofore issued for such purposes] PURSUANT TO SECTIONS TWENTY-SEVEN HUNDRED NINETY-NINE-SS AND TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF THIS TITLE; provided, however, that upon any refunding or repayment of bonds (which term shall not, for this purpose, include bond anticipation notes), the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than thirteen billion, five hundred million dollars ($13,500,000,000) only if the refunding or repayment bonds, notes or other obligations were issued in accordance with the provisions of subparagraph (a) of subdivision two of paragraph b of section 90.10 of the local finance law, as amended from time to time. NOTWITHSTANDING THE FOREGOING, BONDS, NOTES OR OTHER OBLIGATIONS ISSUED BY THE AUTHORITY MAY BE OUTSTANDING IN AN AMOUNT GREATER THAN THE AMOUNT PERMITTED BY THE PRECEDING SENTENCE, PROVIDED THAT SUCH ADDITIONAL AMOUNT AT ISSUANCE, TOGETHER WITH THE AMOUNT OF INDEBTEDNESS CONTRACTED BY THE CITY OF NEW YORK, SHALL NOT EXCEED THE LIMIT PRESCRIBED BY SECTION 104.00 OF THE LOCAL FINANCE LAW. The authority shall have the power from time to time to refund any bonds of the authority by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds of the authority then outstanding and partly to pay the cost of any project pursuant to section twenty-seven hundred ninety-nine-ff of this title. Bonds issued by the authority shall be payable solely out of particular revenues or other moneys of the authority as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and the city, and subject to any agreements with the holders of outstanding bonds pledging any particular revenues or moneys.

(b) The authority shall not issue variable rate bonds [if the principal amount of its variable rate bonds outstanding after such issuance would exceed two billion, seven hundred million dollars ($2,700,000,000)] PURSUANT TO THIS SECTION IN AN AMOUNT OUTSTANDING AT ISSUANCE EXCEEDING TWENTY PERCENT OF THE LIMIT PRESCRIBED BY SUBDIVISION ONE OF THIS SECTION, excluding bonds (i) bearing interest at rates and for periods of time that are specified without reference to future events or contingencies, OR (ii) the interest on which is [economically fixed] REASONABLY EXPECTED TO BE EQUIVALENT OVER TIME in conjunction with other bonds[,] or [(iii) the interest on which is offset] by agreements with financially responsible third parties.

S 25. Paragraph c of subdivision 4 of section 9-b of section 2 of chapter 868 of the laws of 1975, constituting the New York state financial emergency act for the city of New York, as added by chapter 201 of the laws of 1978, is amended to read as follows:

c. Bond anticipation notes shall mature not later than [six months] ONE YEAR after their date of issuance and may be renewed for a period not to exceed [six months] ONE YEAR.

S 26. Paragraph 3 of subdivision h of section 266 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November of 2005, section 7 of question 4, is amended to read as follows:

(3) Bond anticipation notes shall mature not later than [six months] ONE YEAR after their date of issuance and may be renewed for a period not to exceed [six months] ONE YEAR.

S 27. This act shall take effect immediately, provided, however, that:

(a) sections one through twelve of this act shall control all contracts advertised or solicited for bid on or after such date under the provisions of any law requiring contracts to be let pursuant to

provisions of law amended by this act, and sections one through seven, nine, ten, and eleven of this act shall expire and be deemed repealed five years after such effective date;

(b) the amendments to the civil practice law and rules made by sections thirteen through sixteen of this act shall apply to all actions and proceedings pending on or commenced on or after such effective date except that it shall not apply to trials or settlements that occurred prior to such effective date;

(c) the amendments to section 1735 of the public authorities law made by section eight of this act shall not affect the expiration of such section and shall expire and be deemed repealed therewith; and

(d) the amendments to subdivision 1 of section 103 of the general municipal law, made by section twenty-one of this act shall not affect the expiration of such subdivision and shall expire and be deemed repealed therewith.

PART II

Section 1. Section 2 of chapter 540 of the laws of 1992, amending the real property tax law relating to oil and gas charges, as amended by chapter 140 of the laws of 2006, is amended to read as follows:

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 1992; provided, however that any charges imposed by section 593 of the real property tax law as added by section one of this act shall first be due for values for assessment rolls with tentative completion dates after July 1, 1992, and provided further, that this act shall remain in full force and effect until March 31, [2009] 2012, at which time section 593 of the real property tax law as added by section one of this act shall be 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 1, 2009.

PART JJ

Section 1. Subdivision 3 of section 333 of the real property law, as separately amended by section 2 of part B of chapter 57 and chapter 521 of the laws of 2004, is amended to read as follows:

3. The recording officer of every county and the city of New York shall impose a fee of one hundred sixty-five dollars, or in the case of a transfer involving qualifying residential or farm property as defined by paragraph iv of subdivision one-e of this section, a fee of seventy-five dollars, for every real property transfer reporting form submitted for recording as required under subdivision one-e of this section. In the city of New York, the recording officer shall impose a fee of fifty dollars for each real property transfer tax form filed in accordance with chapter twenty-one of title eleven of the administrative code of the city of New York, except where a real property transfer reporting form is also submitted for recording for the transfer as required under subdivision one-e of this section. The recording officer shall deduct nine dollars from such fee and remit the remainder of the revenue collected to the state office of real property services every month for deposit [in the improvement of real property tax administration account established pursuant to section ninety-seven-ll of the state finance law] INTO THE GENERAL FUND. The amount duly deducted by the recording officer shall be retained by the county or by the city of New York.

S 2. Subdivision 3 of section 333 of the real property law, as amended by section one of this act, is amended to read as follows:

3. The recording officer of every county and the city of New York shall impose a fee of [one hundred sixty-five] TWO HUNDRED FIFTY dollars, or in the case of a transfer involving qualifying residential or farm property as defined by paragraph iv of subdivision one-e of this section, a fee of [seventy-five] ONE HUNDRED TWENTY-FIVE dollars, for every real property transfer reporting form submitted for recording as required under subdivision one-e of this section. In the city of New York, the recording officer shall impose a fee of [fifty] ONE HUNDRED dollars for each real property transfer tax form filed in accordance with chapter twenty-one of title eleven of the administrative code of the city of New York, except where a real property transfer reporting form is also submitted for recording for the transfer as required under subdivision one-e of this section. The recording officer shall deduct nine dollars from such fee and remit the remainder of the revenue collected to the state office of real property services every month for deposit into the general fund. The amount duly deducted by the recording officer shall be retained by the county or by the city of New York.

S 3. Subdivisions 2 and 3 of section 97-ll of the state finance law, as amended by section 2 of part C-2 of chapter 62 of the laws of 2003, are amended to read as follows:

[2. All revenue received by the state office of real property services from the state share of a recording fee pertaining to the transfer of real property shall be deposited to the credit of the improvement of real property tax administration account.

3.] 2. Moneys within the improvement of real property tax administration account, upon appropriation by the legislature, shall be available to the state office of real property services for all services and expenses of the state office which relate to activities including, but not limited to, preparation and certification of state equalization rates, the administration of state technical and financial assistance to local governments, review and certification of adjusted base proportions for special assessing units and approved assessing units pursuant to articles eighteen and nineteen of the real property tax law, the determination of class equalization rates for portions within special assessing units and approved assessing units pursuant to article twelve of the real property tax law, continuance of the market value survey cycle, maintenance of effort in the production of agricultural lands value assessments, advisory appraisals, and assessor training and certification.

S 4. This act shall take effect immediately; provided, however that section two of this act shall take effect June 1, 2009 and shall be applicable to conveyances submitted for recording on and after such date.

PART KK

Section 1. Section 54-l of the state finance law, as amended by section 1 of part R of chapter 57 of the laws of 2007, is amended to read as follows:

S 54-l. State assistance to eligible cities and eligible municipalities in which a video lottery gaming facility is located. 1. Definitions. When used in this section, unless otherwise expressly stated:

a. "Eligible city" shall mean [(i) for the fiscal year commencing April first, two thousand seven] a city with a population equal to or

greater than one hundred twenty-five thousand and less than one million in which a video lottery gaming facility is located AND OPERATING AS OF JANUARY FIRST, TWO THOUSAND NINE pursuant to section sixteen hundred seventeen-a of the tax law [and (ii) for the fiscal year commencing April first, two thousand eight and for each state fiscal year thereafter, shall mean a city with a population equal to or greater than one hundred twenty-five thousand in which a video lottery gaming facility is located pursuant to section sixteen hundred seventeen-a of the tax law].

b. "Eligible municipality" shall mean a county, city, town or village in which a video lottery gaming facility is located AND OPERATING AS OF JANUARY FIRST, TWO THOUSAND NINE pursuant to section sixteen hundred seventeen-a of the tax law that is not located in a city with a population equal to or greater than one hundred twenty-five thousand.

c. "Estimated net machine income" shall mean the estimated full annual value of total revenue wagered after payout for prizes for games known as "video lottery gaming" as authorized under article thirty-four of the tax law during the state fiscal year in which state aid payments are made pursuant to subdivision two of this section.

d. "Population" shall mean population based on the most recent federal decennial census.

2. Within amounts appropriated therefor, [beginning in the state fiscal year commencing April first, two thousand seven, and in each state fiscal year thereafter,] an eligible city and an eligible municipality shall receive a state aid payment as follows:

a. An eligible city shall receive: (I) FOR THE STATE FISCAL YEARS COMMENCING APRIL FIRST, TWO THOUSAND SEVEN AND APRIL FIRST, TWO THOUSAND EIGHT, a state aid payment equal to three and one-half percent of the "estimated net machine income" generated by a video lottery gaming facility located in such eligible city. Such state aid payment shall not exceed twenty million dollars per eligible city; AND (II) FOR THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND NINE AND FOR EACH STATE FISCAL YEAR THEREAFTER, AN AMOUNT EQUAL TO THE STATE AID PAYMENT RECEIVED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND EIGHT.

b. Eligible municipalities shall receive: (I) FOR THE STATE FISCAL YEARS COMMENCING APRIL FIRST, TWO THOUSAND SEVEN AND APRIL FIRST, TWO THOUSAND EIGHT, a share of three and one-half percent of the "estimated net machine income" generated by a video lottery gaming facility located within such eligible municipality as follows: [(i)] (1) twenty-five percent shall be apportioned and paid to the county; and [(ii)] (2) seventy-five percent shall be apportioned and paid on a pro rata basis to eligible municipalities, other than the county, based upon the population of such eligible municipalities. Such state aid payment shall not exceed twenty-five percent of an eligible municipality's total expenditures as reported in the statistical report of the comptroller in the preceding state fiscal year pursuant to section thirty-seven of the general municipal law; AND (II) FOR THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND NINE AND FOR EACH STATE FISCAL YEAR THEREAFTER, AN AMOUNT EQUAL TO FIFTY PERCENT OF THE STATE AID PAYMENT RECEIVED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND EIGHT.

3. a. State aid payments made to an eligible city pursuant to paragraph a of subdivision two of this section shall be used to increase support for public schools in such city.

b. State aid payments made to an eligible municipality pursuant to paragraph b of subdivision two of this section shall be used by such

eligible municipality to: (i) defray local costs associated with a video lottery gaming facility, or (ii) minimize or reduce real property taxes.

4. [a. On or before June first of each state fiscal year, beginning in the state fiscal year commencing April first, two thousand seven, at the request of the director of the division of the budget, the director of the division of the lottery shall transmit a schedule of payments required pursuant to this section to the director of the division of the budget. In determining such schedule of payments, the director of the division of the lottery shall include a reconciliation of the state aid paid in the preceding fiscal year. Such reconciliation shall adjust for the difference between the state aid paid in the preceding fiscal year and what the state aid payment would have been if the actual full annual value of net machine income had been used in the calculation of state aid. Such reconciliation shall be subject to the maximum amounts identified in subdivision two of this section for the year being reconciled.

b. Notwithstanding any other provision of law to the contrary, in the event any eligible city or eligible municipality receives any payment under subdivision two of this section that has been recommended to be reconciled by the director of the division of the lottery as set forth in this subdivision, and the amounts payable pursuant to subdivision two of this section are insufficient to support such reconciliation, the comptroller shall deduct from any moneys payable to such eligible city or eligible municipality the amount required for such reconciliation upon receipt of a certification of the reconciliation amount from the director of the division of the lottery.

5.] Payments of state aid pursuant to this section shall be made on or before June thirtieth of each state fiscal year to the chief fiscal officer of each eligible city and each eligible municipality on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury.

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

PART LL

Section 1. Subdivisions (a), (b), (d), (e), (g), (h) and (j) of section 1111-a of the vehicle and traffic law, subdivisions (a), (b) and (d) as amended by chapter 658 of the laws of 2006, subdivision (e) as amended by chapter 479 of the laws of 1994 and subdivisions (g), (h) and (j) as added by chapter 746 of the laws of 1988, are amended to read as follows:

(a) 1. Notwithstanding any other provision of law, each city with a population of one [million] HUNDRED TWENTY-FIVE THOUSAND or more [is] OR COUNTY WITH A POPULATION OF ONE MILLION OR MORE IS hereby authorized and empowered to adopt and amend a local law or ordinance establishing a [demonstration] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such city OR COUNTY in accordance with the provisions of this section. [Such demonstration program shall empower a city to install and operate traffic-control signal photo violation-monitoring devices at no more than one hundred intersections within such city at any one time.]

2. Such [demonstration] program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not

include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such city OR COUNTY has made a reasonable effort to comply with the provisions of this paragraph.

(b) In any city OR COUNTY which has adopted a local law or ordinance pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of subdivision (d) of section eleven hundred eleven of this article, and such violation is evidenced by information obtained from a traffic-control signal photo violation-monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (d) of section eleven hundred eleven of this article.

(d) A certificate, sworn to or affirmed by a technician employed by the city OR COUNTY in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a traffic-control signal photo violation-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to a local law or ordinance adopted pursuant to this section.

(e) An owner liable for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to a local law or ordinance adopted pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance, except that in a city which, by local law, has authorized the adjudication of such owner liability by a parking violations bureau, such schedule shall be promulgated by such bureau, AND IN A COUNTY WHICH, BY LOCAL LAW, HAS AUTHORIZED THE ADJUDICATION OF SUCH OWNER LIABILITY BY A TRAFFIC AND PARKING VIOLATIONS AGENCY, SUCH SCHEDULE MAY BE PROMULGATED BY THE BOARD OF JUDGES OF THE DISTRICT COURT FOR SUCH COUNTY, PURSUANT TO SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED EIGHT OR SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED ELEVEN OF THE UNIFORM DISTRICT COURT ACT. The liability of the owner pursuant to this section shall not exceed [fifty] ONE HUNDRED dollars for each violation; provided, however, that such local law or ordinance may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(g) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and

time of such violation and the identification number of the camera which recorded the violation or other document locator number.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which he may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the city OR COUNTY having jurisdiction over the intersection where the violation occurred, or by any other entity authorized by the city OR COUNTY to prepare and mail such notification of violation.

(h) Adjudication of the liability imposed upon owners by this section shall be by a traffic violations bureau OR TRAFFIC AND PARKING VIOLATIONS AGENCY established pursuant to section three hundred seventy of the general municipal law or, if there be none, by the court having jurisdiction over traffic infractions, except that any city OR COUNTY which has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, OR AN ADMINISTRATIVE TRIBUNAL TO ADJUDICATE THE LIABILITY IMPOSED BY THIS SECTION, may, by local law, authorize such adjudication by such tribunal. WHEN A COUNTY HAS ESTABLISHED A PROGRAM UNDER THIS SECTION, AND WHEN ADJUDICATION IS BY A COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS, ALL FINES AND PENALTIES COLLECTED UNDER SUCH PROGRAM SHALL BE MADE TO THE COUNTY TREASURER WITHIN THE FIRST TEN DAYS OF THE MONTH FOLLOWING COLLECTION.

(j) 1. In a city OR A COUNTY where the adjudication of liability imposed upon owners pursuant to this section is by a traffic violations bureau, A TRAFFIC AND PARKING VIOLATIONS AGENCY or a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (d) of section eleven hundred eleven of this article, provided that he or she sends to the traffic violations bureau, TRAFFIC AND PARKING VIOLATIONS AGENCY or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the TRAFFIC VIOLATIONS bureau, TRAFFIC AND PARKING VIOLATIONS AGENCY or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

2. (i) In a city OR A COUNTY which, by local law, has authorized the adjudication of liability imposed upon owners by this section by a parking violations bureau, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (d) of section eleven hundred eleven of this article, provided that:

(A) prior to the violation, the lessor has filed with the bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

(B) within thirty-seven days after receiving notice from the bureau of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the bureau pursuant to regulations that may be promulgated for such purpose.

(ii) Failure to comply with clause (B) of subparagraph (i) of this paragraph shall render the owner liable for the penalty prescribed in this section.

(iii) Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

S 2. Subdivision (m) of section 1111-a of the vehicle and traffic law is REPEALED.

S 3. Section 17 of chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, as amended by chapter 667 of the laws of 2004, is amended to read as follows:

S 17. This act shall take effect on the thirtieth day after it shall have become a law [and shall remain in full force and effect until December 1, 2009 when upon such date the amendments and provisions made by this act shall be deemed repealed; provided, however, any such local laws as may be enacted pursuant to this act shall remain in full force and effect only until the expiration on December 1, 2009].

S 4. Subdivisions (a), (f) and (n) of section 19-210 of the administrative code of the city of New York, subdivision (a) as amended by chapter 658 of the laws of 2006, subdivision (f) as amended by local law number 29 of the city of New York for the year 1994, and subdivision (n) as amended by local law number 25 of the city of New York for the year 1994, are amended to read as follows:

(a) 1. Notwithstanding any other provision of law, the parking violations bureau is hereby authorized and empowered to establish a [demonstration] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in accordance with the provisions of this section. [The department of transportation, for purposes of implementation of such program, shall be authorized to install and operate traffic-control signal photo violation-monitoring devices at no more than one hundred intersections at any one time.]

2. Such [demonstration] program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehi-

cle, provided that such city has made a reasonable effort to comply with the provisions of this paragraph.

(f) An owner liable for a violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by such bureau. The liability of the owner pursuant to this section shall not exceed [fifty] ONE HUNDRED dollars for each violation; provided however that such bureau may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period. Such bureau shall adjudicate liability imposed by this section.

(n) On or before September 1, 1989, and every four months thereafter, until such time as the [demonstration] program authorized in subdivision (a) hereof shall be fully operational, the commissioner of transportation shall submit a written report to the council on the status of said [demonstration] program. Such report shall include, but not be limited to, the locations selected for inclusion in the [demonstration] program and the cost to the city, both individually and collectively, of each location included in such [demonstration] project.

S 5. Subdivision (o) of section 19-210 of the administrative code of the city of New York is REPEALED.

S 6. Section 2 of local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, as amended by chapter 667 of the laws of 2004, is amended to read as follows:

S 2. This local law shall take effect immediately [and shall expire on December 1, 2009].

S 7. This act shall take effect immediately.

PART MM

Section 1. Section 20-b of the general city law, as amended by chapter 310 of the laws of 1962, the opening paragraph as amended by chapter 287 of the laws of 1979, is amended to read as follows:

S 20-b. Cities authorized to impose taxes on utilities. 1. Notwithstanding any other provisions of law to the contrary, any city of this state, acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws imposing in any such city a tax such as was imposed by section one hundred eighty-six-a of the tax law, in effect on January first, nineteen hundred fifty-nine, EXCEPT THAT THE TERM "UTILITY" AS DEFINED IN THAT SECTION ALSO INCLUDES ANY PROVIDER OF TELECOMMUNICATION SERVICES, AS DEFINED IN PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION ONE HUNDRED EIGHTY-SIX-E OF THE TAX LAW, AND except that the rate thereof shall not exceed one per centum of gross income or of gross operating income, as the case may be, and may make provision for the collection thereof by the chief fiscal officer of such city; provided, however, that the rate of such tax imposed by the cities of Rochester, Buffalo and Yonkers shall not exceed three per centum of gross income or gross operating income, as the case may be; and provided further that nothing herein contained shall be construed so as to prevent any city from adopting local laws exempting from such tax [omnibus corporations] COMMON CARRIERS subject to the supervision of the [state department of public service] COMMISSIONER OF TRANSPORTATION under article [three-a] FIVE of the [public service] TRANSPORTATION law.

FOR PURPOSES OF ANY TAX IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION, THE TERMS "TELEPHONY AND TELEGRAPHY" AND "TELEPHONE AND TELEGRAPH SERVICE" INCLUDE MOBILE TELECOMMUNICATIONS SERVICE.

2. A tax imposed pursuant to this section shall have application only within the territorial limits of any such city, and shall be in addition to any and all other taxes. [This] EXCEPT AS OTHERWISE PROVIDED, THIS section shall not authorize the imposition of a tax on any transaction originating or consummated outside of the territorial limits of any such city, notwithstanding that some act be necessarily performed with respect to such transaction within such limits. ANY TAX ON MOBILE TELECOMMUNICATIONS SERVICE AUTHORIZED TO BE IMPOSED BY THIS SECTION MUST BE IMPOSED ONLY ON MOBILE TELECOMMUNICATIONS SERVICE PROVIDED BY A HOME SERVICE PROVIDER WHERE THE MOBILE TELECOMMUNICATIONS CUSTOMER'S PLACE OF PRIMARY USE IS WITHIN THE TERRITORIAL LIMITS OF THE CITY. FOR PURPOSES OF ANY TAX IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION, THE TERMS "MOBILE TELECOMMUNICATIONS SERVICE", "PLACE OF PRIMARY USE", "MOBILE TELECOMMUNICATIONS CUSTOMER", AND "HOME SERVICE PROVIDER" SHALL HAVE THE SAME MEANING AS THOSE TERMS HAVE IN PARAGRAPHS TWENTY-FOUR, TWENTY-SIX AND TWENTY-SEVEN, RESPECTIVELY, OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THE TAX LAW.

3. Revenues resulting from the imposition of taxes authorized by this section heretofore or hereafter imposed shall be paid into the treasury of the city imposing the same, and shall be credited to and deposited in the general fund of such city.

4. All of the provisions of [section] SECTIONS one hundred eighty-six-a AND ONE HUNDRED EIGHTY-SIX-E of the tax law, so far as the same are or can be made applicable, with such limitations as are set forth in this section, and such modifications as may be necessary in order to adapt such taxes to local conditions shall apply to the taxes authorized by this section.

5. Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation, shall be first deposited and an undertaking filed, in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

6. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay

all costs and charges which may accrue in the prosecution of such proceeding.

S 2. Section 5-530 of the village law is amended to read as follows:

S 5-530 Villages authorized to impose taxes on utilities. l. Notwithstanding any other provisions of law to the contrary, any village is hereby authorized and empowered to adopt and amend local laws imposing in any such village a tax such as was imposed by section one hundred eighty-six-a of the tax law, in effect on January first, nineteen hundred fifty-nine, EXCEPT THAT THE TERM "UTILITY" AS DEFINED IN THAT SECTION ALSO INCLUDES ANY PROVIDER OF TELECOMMUNICATION SERVICES, AS DEFINED IN PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION ONE HUNDRED EIGHTY-SIX-E OF THE TAX LAW, AND except that the rate thereof shall not exceed one per centum of gross income or of gross operating income, as the case may be, and may make provision for the collection thereof by the chief fiscal officer of such village; provided, however, that nothing herein contained shall be construed so as to prevent any village from adopting local laws exempting from such tax [omnibus corporations] COMMON CARRIERS subject to the supervision of the [state department of public service] COMMISSIONER OF TRANSPORTATION under article [three-a] FIVE of the [public service] TRANSPORTATION law. FOR PURPOSES OF ANY TAX IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION, THE TERMS "TELEPHONY AND TELEGRAPHY" AND "TELEPHONE AND TELEGRAPH SERVICE" INCLUDE MOBILE TELECOMMUNICATIONS SERVICE.

2. A tax imposed pursuant to this section shall have application only within the territorial limits of any such village, and shall be in addition to any and all other taxes. [This] EXCEPT AS OTHERWISE PROVIDED, THIS section shall not authorize the imposition of a tax on any transaction originating or consummated outside of the territorial limits of any such village, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

[2.] ANY TAX ON MOBILE TELECOMMUNICATIONS SERVICE AUTHORIZED TO BE IMPOSED BY THIS SECTION MUST BE IMPOSED ONLY ON MOBILE TELECOMMUNICATIONS SERVICE PROVIDED BY A HOME SERVICE PROVIDER WHERE THE MOBILE TELECOMMUNICATIONS CUSTOMER'S PLACE OF PRIMARY USE IS WITHIN THE TERRITORIAL LIMITS OF THE VILLAGE. FOR PURPOSES OF ANY TAX IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION, THE TERMS "MOBILE TELECOMMUNICATIONS SERVICE", "PLACE OF PRIMARY USE", "MOBILE TELECOMMUNICATIONS CUSTOMER", AND "HOME SERVICE PROVIDER" SHALL HAVE THE SAME MEANING AS THOSE TERMS HAVE IN PARAGRAPHS TWENTY-FOUR, TWENTY-SIX, AND TWENTY-SEVEN, RESPECTIVELY, OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THE TAX LAW.

3. Revenues resulting from the imposition of taxes authorized by this section heretofore or hereafter imposed shall be paid to the treasurer of the village imposing the same, and shall be credited to and deposited in the general fund of such village.

[3.] 4. All of the provisions of [section] SECTIONS one hundred eighty-six-a AND ONE HUNDRED EIGHTY-SIX-E of the tax law, so far as the same are or can be made applicable, with such limitations as are set forth in this section, and such modifications as may be necessary in order to adapt such taxes to local conditions shall apply to the taxes authorized by this section.

[4.] 5. Notwithstanding any other provisions of this section or of section one hundred eighty-six-a of the tax law, the words "gross income" shall include:

a. In the case of a utility engaged in selling telephony or telephone service OTHER THAN MOBILE TELECOMMUNICATIONS SERVICE, only receipts from local exchange service wholly consummated within the village; [and]

b. In the case of a utility engaged in selling telegraphy or telegraph service OTHER THAN MOBILE TELECOMMUNICATIONS SERVICE, only receipts from transactions wholly consummated within the village; AND

C. IN THE CASE OF A UTILITY ENGAGED IN SELLING MOBILE TELECOMMUNICATIONS SERVICE, ONLY RECEIPTS FROM SALES OF MOBILE TELECOMMUNICATIONS SERVICE TO MOBILE TELECOMMUNICATIONS CUSTOMERS WITH A PLACE OF PRIMARY USE WITHIN THE VILLAGE.

[5.] 6. Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality, or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if the proceeding is commenced within ninety days after the giving of the notice of such final determination; provided, however, that any such proceeding under said article seventy-eight shall not be instituted unless the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law, ordinance or resolution, shall be first deposited and an undertaking filed, in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

[6.] 7. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is commenced within ninety days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

[7.] 8. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made with respect to taxes imposed under this section, after the expiration of more than three years from the date of the filing of a return, provided, that where no return has been filed as provided by local law the tax may be assessed at any time.

S 3. Any local law adopted pursuant to the authority of section 20-b of the general city law or section 5-530 of the village law shall be deemed amended to conform to the provisions of sections one and two of this act with respect to taxable periods beginning on or after September 1, 2009, except that any exemption applicable to an omnibus corporation in effect on September 1, 2009, shall not be affected by any amendment made to such provisions.

S 4. This act shall take effect immediately, and shall apply to taxable periods beginning on and after September 1, 2009.

PART NN

Section 1. Subsection (d) of section 3231 of the insurance law, as added by chapter 501 of the laws of 1992, is amended to read as follows:

(d) (1) Notwithstanding any other provision of this chapter to the contrary, no policy form subject to this section shall be issued or

delivered, nor any insurance contract entered into, unless and until the insurer has filed with the superintendent a schedule of premiums, not to exceed twelve months in duration, to be paid under the policy forms and obtained the superintendent's approval thereof. The superintendent may refuse such approval if he or she finds that such premiums are excessive, inadequate, or unfairly discriminatory. The superintendent may consider the financial condition of such insurer in approving or disapproving any premium. In determining whether to approve the schedule of premiums filed, the superintendent shall, subject to the provisions of section three thousand two hundred thirty-three of this article, consider the prior experience of the insurer's community pool and the insurer's projections relating to claim costs, utilization and administrative expenses and shall not adjust the insurer's rates based upon the rates approved for other insurers.

(2) AN INSURER SHALL PROVIDE SPECIFIC CLAIMS EXPERIENCE TO A MUNICIPAL CORPORATION, AS DEFINED IN SUBSECTION (F) OF SECTION FOUR THOUSAND SEVEN HUNDRED TWO OF THIS CHAPTER, COVERED BY THE INSURER UNDER A COMMUNITY RATED POLICY WHEN THE MUNICIPAL CORPORATION REQUESTS ITS CLAIMS EXPERIENCE FOR PURPOSES OF FORMING OR JOINING A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER. NOTWITHSTANDING THE FORGOING PROVISIONS, NO INSURER SHALL BE REQUIRED TO PROVIDE MORE THAN THREE YEARS' CLAIMS EXPERIENCE TO A MUNICIPAL CORPORATION MAKING THIS REQUEST.

S 2. Subsection (d) of section 4317 of the insurance law, as added by chapter 501 of the laws of 1992, is amended to read as follows:

(d) (1) This section shall also apply to contracts issued to a group defined in subsection (c) of section four thousand two hundred thirty-five OF THIS CHAPTER, including but not limited to an association or trust of employers, if the group includes one or more member employers or other member groups which have fifty or fewer employees or members exclusive of spouses and dependents.

(2) A CORPORATION SHALL PROVIDE SPECIFIC CLAIMS EXPERIENCE TO A MUNICIPAL CORPORATION, AS DEFINED IN SUBSECTION (F) OF SECTION FOUR THOUSAND SEVEN HUNDRED TWO OF THIS CHAPTER, COVERED BY THE CORPORATION UNDER A COMMUNITY RATED CONTRACT WHEN THE MUNICIPAL CORPORATION REQUESTS ITS CLAIMS EXPERIENCE FOR PURPOSES OF FORMING OR JOINING A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER. NOTWITHSTANDING THE FOREGOING PROVISIONS, NO CORPORATION SHALL BE REQUIRED TO PROVIDE MORE THAN THREE YEARS' CLAIMS EXPERIENCE TO A MUNICIPAL CORPORATION MAKING THIS REQUEST.

S 3. Paragraph 2 of subsection (a) of section 4704 of the insurance law, as added by chapter 689 of the laws of 1994, is amended to read as follows:

(2) except for any plan that provided medical, surgical and hospital services on or before January first, nineteen hundred ninety-three pursuant to a municipal cooperation agreement, the number of municipal corporations participating in the municipal cooperative health benefit plan shall be at least [five] THREE;

S 4. Paragraph 1 of subsection (a) of section 4706 of the insurance law, as added by chapter 689 of the laws of 1994, is amended to read as follows:

(1) a reserve for payment of claims and expenses thereon reported but not yet paid, and claims and expenses thereon incurred but not yet reported which [shall not be less than an amount equal to twenty-five percent of expected incurred claims and expenses thereon for the current plan year, unless a qualified actuary has demonstrated to the super-

intendent's satisfaction that a lesser amount will be adequate] SHALL PROVIDE FOR THE PAYMENT OF ALL LOSSES OR CLAIMS AND EXPENSES INCURRED ON OR PRIOR TO THE DATE OF STATEMENT AS DETERMINED BY A QUALIFIED ACTUARY, MEETING THE REQUIREMENTS PRESCRIBED BY THE SUPERINTENDENT;

S 5. The opening paragraph of section 4714 of the insurance law, as added by chapter 689 of the laws of 1994, is amended to read as follows:

For municipal cooperative health benefit plans [that provided medical, surgical or hospital services on or before January first, nineteen hundred ninety-three pursuant to a municipal cooperation agreement authorized under article five-G of the general municipal law] CERTIFIED ON OR AFTER JULY FIRST, TWO THOUSAND NINE, the reserve and surplus requirements in section four thousand seven hundred six of this article may be phased in over a period of up to five plan years, provided that:

S 6. Paragraph 1 of subsection (a) of section 4714 of the insurance law, as added by chapter 689 of the laws of 1994, is amended to read as follows:

(1) at the end of the first plan year [on or] after [the effective date of this article] CERTIFICATION shall not be less than [twelve] FIFTY percent of [expected incurred claims and expenses thereon for such plan year] THE AMOUNT ESTABLISHED PURSUANT TO SUCH PARAGRAPH; and

S 7. The superintendent of insurance shall order a study of the impact to the community rated health insurance market of allowing a public entity, as defined in paragraph 51 of subsection (a) of section 107 of the insurance law, with fifty or fewer employees to join with public entities with more than fifty employees to purchase health insurance coverage under experience rated policies. The study shall be performed by a member of the American academy of actuaries. The study shall be completed and a report submitted by September 1, 2010 to the governor, the superintendent of insurance, the temporary president of the senate and the speaker of the assembly.

S 8. Section 180 of the agriculture and markets law, as added by chapter 874 of the laws of 1977, is amended to read as follows:

S 180. Municipal directors of weights and measures. 1. There shall be a county director of weights and measures in each county, except where (A) a county is wholly embraced within a city there shall be a city director of weights and measures, OR (B) WHERE TWO OR MORE COUNTIES HAVE ENTERED INTO AN INTERMUNICIPAL AGREEMENT, PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW, TO SHARE THE FUNCTIONS, POWERS, AND DUTIES OF ONE DIRECTOR OF WEIGHTS AND MEASURES. Any county or city having a population of one million or more may elect to designate its commissioner of consumer affairs as its director of weights and measures. Subdivision four of this section shall not apply to a commissioner of consumer affairs so designated.

2. No city may institute a weights and measures program. Provided, that any city which maintained a weights and measures program on January first, nineteen hundred seventy-six may continue such program under a city director of weights and measures.

a. Any such city may contract with the legislature of the county in which it is located for the county director of weights and measures to perform the duties of and have the same powers within such city as the city director. Such contract shall fix the amount to be paid annually by the city to the county for such services. During the period such contract is in force and effect, the office of city director of weights and measures shall be abolished.

b. The county director shall not have jurisdiction in any city which has a city director of weights and measures, except in the county of

Westchester the county director shall have concurrent jurisdiction with city directors of weights and measures in such county.

3. Nothing contained herein shall prohibit the governing body of any county or city from assigning to its municipal director powers and duties in addition to the powers and duties prescribed by this article provided such additional powers and duties deal primarily with services designed to aid and protect the consumer and are not inconsistent with the provisions of this article.

4. The municipal director shall be appointed by the appropriate authority of the municipality in which he resides having the general power of appointment of officers and employees. WHERE TWO OR MORE COUNTIES HAVE ENTERED INTO AN INTERMUNICIPAL AGREEMENT, PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW, TO SHARE THE FUNCTIONS, POWERS, AND DUTIES OF ONE DIRECTOR OF WEIGHTS AND MEASURES, SAID MUNICIPAL DIRECTOR MAY RESIDE IN ANY COUNTY THAT IS A PARTY TO THE INTERMUNICIPAL AGREEMENT. He shall be paid a salary determined by the appropriate authority and shall be provided by such authority with the working standards of weights, measures and other equipment as required by rules and regulations promulgated in accordance with this article. The position of municipal director shall be in the competitive class of the civil service with respect to all persons appointed on or after the effective date of this act.

S 9. Section 775 of the county law is amended to read as follows:

S 775. [County sealer] DIRECTOR OF WEIGHTS AND MEASURES; duties. The [county sealer] DIRECTOR OF WEIGHTS AND MEASURES shall perform the duties prescribed by law for the enforcement of honest weights and measures. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

S 10. Section 99-r of the general municipal law, as amended by chapter 165 of the laws of 2008, is amended to read as follows:

S 99-r. Contracts for services. Notwithstanding any other provisions of law to the contrary, the governing board of any municipal corporation may enter into agreements and/or contracts with any state agency including any department, board, bureau, commission, division, office, council, committee, or officer of the state, whether permanent or temporary, [or a] ANY public benefit corporation or public authority, [or a] ANY soil and water conservation district, [and] THE GOVERNING BOARD OF ANY OTHER MUNICIPAL CORPORATION AND/OR any unit of the state university of New York, pursuant to and consistent with sections three hundred fifty-five and sixty-three hundred one of the education law within or without such municipal corporation to provide OR RECEIVE fuel, equipment, maintenance and repair, supplies, water supply, street sweeping or maintenance, sidewalk maintenance, RIGHT-OF-WAY MAINTENANCE, STORM WATER AND OTHER drainage, sewage disposal, LANDSCAPING, MOWING, HIGHWAY INFRASTRUCTURE INSPECTION, REPAIR OR MAINTENANCE, INCLUDING RELATED TRAFFIC CONTROL AND ENFORCEMENT, TRAINING AND EDUCATION, ENGINEERING, or any other services of government. Such MUNICIPAL CORPORATION, state agency, soil and water conservation district, or unit of the state university of New York, within the limits of any [specific] statutory appropriation authorized and made available therefor by the legislature or by the governing body responsible for the operation of such state agency, soil and water conservation district, or unit of the state university of New York may contract with any municipal corporation for such services as herein provided AND MAY PROVIDE, IN AGREEMENTS AND/OR CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION, FOR THE RECIPROCAL PROVISION OF SERVICES OR OTHER CONSIDERATION OF APPROXIMATELY EQUIVALENT VALUE, INCLUDING, BUT

NOT LIMITED TO, ROUTINE AND/OR EMERGENCY SERVICES, MONIES, EQUIPMENT, BUILDINGS AND FACILITIES, MATERIALS OR A COMMITMENT TO PROVIDE FUTURE ROUTINE AND/OR EMERGENCY SERVICES, MONIES, EQUIPMENT, BUILDINGS AND FACILITIES OR MATERIALS. Any such contract may be entered into by direct negotiations and shall not be subject to the provisions of section one hundred three of this chapter.

S 11. Section 10 of the highway law is amended by adding a new subdivision 46 to read as follows:

46. HAVE THE AUTHORITY TO ENTER INTO AGREEMENTS AND/OR CONTRACTS TO PROVIDE OR RECEIVE SERVICES PURSUANT TO SECTION NINETY-NINE-R OF THE GENERAL MUNICIPAL LAW UPON SUCH TERMS AND CONDITIONS AS DEEMED APPROPRIATE BY THE COMMISSIONER OR COMMISSIONER'S DESIGNEE.

S 12. Section 12 of the highway law, as amended by chapter 1110 of the laws of 1971, subdivision 2 as amended by chapter 249 of the laws of 1972, subdivision 2-a as added by chapter 568 of the laws of 1986 and subdivision 7 as added by chapter 691 of the laws of 1971, is amended to read as follows:

S 12. Commissioner [of transportation] to provide for maintenance, repair, and [for] control of snow and ice; roads and driveways on state lands. 1. The maintenance and repair of improved state highways in towns and incorporated villages, exclusive, however, of the cost of maintaining and repairing bridges having a span in excess of twenty feet shall be under the direct supervision and control of the commissioner [of transportation] and he OR SHE shall be responsible therefor. The cost of such maintenance and repair shall be borne wholly by the state and be paid from moneys appropriated therefor by the legislature. Such maintenance and repair may be done in the discretion of the commissioner either directly by the department [of transportation] or by contract awarded to the lowest responsible bidder at a public letting after due advertisement, and under such rules and regulations as the commissioner [of transportation] may prescribe. The commissioner [of transportation] shall also have the power to adopt such system as may seem expedient so that each section of such highways shall be effectively and economically preserved, maintained and repaired.

2. The maintenance of state highways shall include the control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES on such highways or any parts thereof, as the commissioner [of transportation] may deem to be necessary to provide reasonable passage and movement of vehicles over such highways. The commissioner [of transportation] is authorized also to erect snow fences at suitable locations. The work of such control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES may be done by any municipality which for the purposes of this section shall include only a county, city, town or village. The governing board or body of any such municipality and the commissioner [of transportation] are hereby authorized to enter into an agreement for the performance of the work of such control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES upon such terms, rules and regulations as may be deemed by the commissioner [of transportation] to be for the best interest of the public. Such agreement may provide for periodic payments based upon a percentage of the estimated total cost. Any agreement authorized by this subdivision shall be for a term of [three] UP TO FIVE years and at the expiration of [each] THE year PRECEDING THE LAST YEAR of the term specified in the agreement, as such term may be extended as herein provided, the municipality shall notify the commissioner either (a) that it requests, with the approval of the commissioner, that the term of the agreement be extended for [one year] A SPECIFIED TERM OF UP TO FIVE YEARS or (b) it

intends not to extend the agreement and such agreement shall expire at the end of the term. If the municipality fails to notify the commissioner as herein provided, it shall be deemed that the municipality intends not to extend the agreement. SUCH AGREEMENT MAY BE TERMINATED DURING THE SPECIFIED TERM PROVIDED THE MUNICIPALITY SHALL NOTIFY THE COMMISSIONER EIGHTEEN MONTHS PRIOR TO SUCH TERMINATION OF AN AGREEMENT FOR THE CONTROL OF SNOW AND ICE. If any such agreement expires, a new agreement between the commissioner and a municipality may be entered into for a term of [three] UP TO FIVE years, with extended term or terms upon notification as above provided. Whenever the commissioner shall deem the work of control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES by any municipality to be inadequate or unsatisfactory according to the terms of any such agreement, he OR SHE may, by official order to be filed in [his office] THE DEPARTMENT, and by filing a certified copy thereof in the office of the department of state, cancel said agreement, and the payments thereunder provided by the state shall cease; whereupon the commissioner may carry out the work of control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES. [The] AN official order provided in this subdivision AND RELATING TO THE CONTROL OF SNOW AND ICE shall become effective at the expiration of five days after the commissioner shall mail a certified copy thereof to the clerk or other official who performs related duties in such municipality. The governing board or body of any such municipality is authorized to appropriate such sum as it deems necessary to enable such municipality to perform the terms of such agreement. The work of such control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES may be done by any of the methods provided in subdivision one of this section for the work of maintenance and repair, or by a combination of such methods. Any county is hereby authorized to enter into a contract with another municipality located within the same county for the performance of the work of such control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES as a subcontractor under any agreement with the commissioner [of transportation] as such agreement is hereinbefore provided. Moneys received by a county under the terms of any agreement authorized by this subdivision shall be credited to the fund from which moneys were appropriated to enable the county to perform the terms of such agreement. Moneys so received by a town shall be credited to the highway fund. Moneys so received by a city or village shall be credited to the general fund.

2-a. (a) Except as provided hereafter the state shall indemnify and hold harmless such municipalities for any and all liability for damages for personal injury, injury to property or wrongful death for losses arising from or occasioned by the manner of performance of the functions under any agreement with a municipality for the control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES pursuant to this section.

(b) In no event shall the state be obligated to defend or indemnify such municipality, in any action, proceeding, claim or demand arising out of the actual operation of an insured vehicle or vehicle subject to self-insurance while engaged in the operation of snow and ice control functions AND OTHER HIGHWAY MAINTENANCE ACTIVITIES under such agreement.

(c) The municipality shall be entitled to representation by the attorney general in any claim described in paragraph (a) of this subdivision, provided, however, that the municipality shall be entitled to itself defend any such action, proceeding, claim or demand whenever the attorney general determines, based upon his investigation and review of the facts and circumstances of the case that representation by the attorney general would be inappropriate, or whenever a court of competent juris-

diction determines that a conflict of interest exists and that the municipality is entitled to be separately represented. Whenever the municipality is entitled to defend the action itself, the state shall reimburse the municipality for any and all costs and expenses, including, but not limited to, counsel fees and disbursements.

(d) The state shall indemnify and save harmless such municipality in the amount of any judgment obtained against such municipality in any state or federal court on any claim described in paragraph (a) of this subdivision, or in the amount of any settlement of such claim, or shall pay such judgment or settlement; provided, however, that the act or omission from which such judgment or settlement arose occurred while the municipality was acting within the scope of its functions for control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES; provided, further, that no stipulation of settlement of any such action, proceeding, claim or demand shall be made or executed without approval of the attorney general and of the commissioner [of transportation] or his designee. Payment of any claim made pursuant to settlement shall not exceed the sum of fifty thousand dollars. Nothing herein shall authorize the state to indemnify or save harmless with respect to punitive or exemplary damages.

(e) The duty to defend or indemnify and save harmless prescribed by this subdivision shall be conditioned upon (i) delivery to the attorney general or an assistant attorney general at the office of the department of law located in Albany or New York city and by delivery to the commissioner [of transportation] or his designee a copy of any claim, summons, complaint, process, notice, demand or other pleading within ten days after such municipality is served with such document and (ii) the full cooperation of the municipality in the defense of such action, proceeding, claim or demand and in the defense of any action, proceeding, claim or demand against the state based upon the same act or omission, and in the prosecution of any appeal.

(f) The benefits of this subdivision shall inure only to such municipalities and shall not enlarge or diminish the rights of any other party nor shall any provision of this subdivision be construed to effect, alter or repeal any provision of the workers' compensation law.

(g) This subdivision shall not in any way affect the obligation of any claimant to give notice to the state under section ten of the court of claims act or any other provision of law.

(h) The provisions of this subdivision shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any insurance agreement.

(i) Except as otherwise specifically provided in this subdivision, the provisions of this subdivision shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the state or municipality or any other level of government, or any right to defense and indemnification provided for any governmental officer or employee by, in accordance with, or by reason of, any other provision of state or federal statutory or common law.

3. The commissioner [of transportation] shall have the power to purchase (a) materials for such maintenance and repair, except where such work is done by contract, and to contract for the delivery thereof at convenient intervals along such highways, and (b) equipment and appliances that he may deem necessary to carry out the provisions of this section. Any municipality, acting by and through its authorized official, is hereby empowered to rent its machinery, tools, equipment,

and storage space, to the state, acting by and through the commissioner [of transportation], for the purpose of such control of snow and ice AND OTHER HIGHWAY MAINTENANCE ACTIVITIES upon such terms and at such rate as may be agreed between the municipality and the commissioner [of transportation]. Notwithstanding the provisions of any general, special or local law or of any charter, the governing board or body of any such municipality is hereby authorized to sell such machinery, tools and equipment to the state, acting by and through the commissioner [of transportation], for the purposes of this section and without competitive bidding or other limitation or restriction provided in any general, special or local law or of any charter, and the commissioner [of transportation], may, upon approval by the state comptroller and the state commissioner of general services, purchase such machinery, tools and equipment from any such municipality as herein provided.

4. Whenever funds therefor are made available, the commissioner [of transportation] shall have power to acquire for the state, by purchase, or by appropriation through the procedure described in section thirty of this chapter, property for the purpose of storing, maintaining or processing construction [and], maintenance supplies, material or equipment and for the purpose of providing, erecting and maintaining offices for department personnel and structures for storing, maintaining or processing construction and maintenance materials or equipment.

5. Whenever a state highway has been constructed at a greater width than that provided in the original plans, upon petition of a village, as provided in sections forty-six and forty-seven OF THIS CHAPTER, or upon petition of a town or county, as provided in sections forty-eight, forty-nine, or fifty-nine OF THIS CHAPTER, or whenever such highway has been widened by a town or county under a permit granted as provided in, or under conditions and regulations prescribed pursuant to section fifty-two OF THIS CHAPTER, the additional width of pavement shall be deemed to be a part of the highway and shall be maintained by the commissioner [of transportation] as provided herein, but in no case where any such highway has been widened as provided above, shall the state be responsible for the maintenance of any curb or of any paved gutter or paved shoulder, provided, however, that on any highway maintained by the state the commissioner shall have authority to clean any pavement or paved gutter or repair any unpaved shoulder or unpaved gutter outside of the pavement maintained by the state, where necessary for the protection of such pavement.

6. Whenever the head of any state department having jurisdiction or control over lands owned and occupied by the state, requests the commissioner [of transportation] to maintain and to repair any road and driveway which is located on, over and across such lands, the commissioner [of transportation] is, notwithstanding the provisions of any general, special or local law, authorized to grant such request by his official order therefor. Such official order shall contain a general description of any such road and driveway. A certified copy of such official order shall be filed by the commissioner [of transportation] in the office of (a) the state department having jurisdiction or control over such lands, and (b) the department of audit and control. Thereupon any such road and driveway shall be maintained and repaired under the direct supervision and control of the commissioner [of transportation] in the same manner as is provided in this section for the maintenance and repair of improved state highways in towns and in incorporated villages.

7. Whenever the head of any state department, agency, institution or public benefit corporation having jurisdiction or control over the lands

owned and occupied by the state or such department, agency, institution or public benefit corporation requests the commissioner to construct, reconstruct, and/or maintain any loop or peripheral roadway which is or is to be located on, around, over, or across such lands, notwithstanding the provisions of any general, special or local law, the commissioner is authorized to grant such request and undertake such construction, reconstruction and/or maintenance. Before undertaking the work of construction, reconstruction and/or maintenance of such roadways, the commissioner and the head of the state department, agency, institution or public benefit corporation shall enter into a written agreement, subject to the approval of the director of the budget, providing the funds therefor, or reimbursement by such state department, agency, institution or public benefit corporation of the funds therefor, including all costs incurred by the department in connection with such construction, reconstruction and/or maintenance. Where such loop or peripheral roadway is to be constructed, reconstructed and/or maintained on lands occupied by either the state university of New York or the state university construction fund, both the state university of New York and the state university construction fund shall be parties to such agreement. Such roadway shall be constructed, or reconstructed, to mutually agreeable standards, in the same manner as state highways are constructed or reconstructed pursuant to this chapter. The maintenance of such roadway shall be in the same manner as provided for state highways in this chapter. If such a maintenance agreement extends for a period greater than one year, the funds shall be made available for, or reimbursed, on an annual basis. The head of such state department, agency, institution or public benefit corporation may terminate such maintenance agreement upon six months written notice to the commissioner making provision for the department [of transportation] to be reimbursed for all costs incurred by such department up to such termination date. In connection with the maintenance of such a roadway the commissioner shall cause an official order to be issued therefor. Such official order shall contain a general description of such roadway. A certified copy of such official order shall be filed by the commissioner in the office of the head of the state department, agency, institution or public benefit corporation making such request for maintenance and with the department of audit and control.

S 13. Section 55 of the highway law, as amended by chapter 1110 of the laws of 1971, is amended to read as follows:

S 55. Emergency aid [for control of snow and ice] in municipalities. Notwithstanding any inconsistent provision of law, general, special or local, the commissioner of transportation, when authorized by the governor OR THE GOVERNOR'S DESIGNEE, is empowered to aid AND ACCEPT AID FROM any county, city, town or village of the state in [the control of snow and ice during] emergency situations, providing the governing board or body of any such municipality OR THE COMMISSIONER certifies to the governor (a) that such aid is required to promote the public welfare, (b) that such municipality OR THE DEPARTMENT does not have available and is unable to secure and provide the necessary equipment, facilities and personnel to perform the immediate work [of control of snow and ice], and (c) that adequate and appropriate provision has been made [to reimburse the state for] FOR REIMBURSEMENT OF any actual costs of labor and of maintenance and operation and for the depreciation of the necessary equipment and facilities [of the state]. The governing board or body of any such municipality and the commissioner of transportation are hereby authorized to enter into a contract for the purposes of this section

upon such terms and conditions as shall be reasonable for the protection of the public.

S 14. Section 351 of the public health law, subdivision 1 as amended by chapter 83 of the laws of 1975, is amended to read as follows:

S 351. County or part-county health commissioner, PUBLIC HEALTH DIRECTOR OR COUNTY HEALTH DIRECTOR; appointment; compensation. 1. The board of health of each county and part-county health district OR OTHER BODY HAVING THE POWERS AND DUTIES OF A BOARD OF HEALTH OF A COUNTY OR PART-COUNTY HEALTH DISTRICT or the county executive in those counties where the county charter provides that said commissioner is to be appointed by the county executive shall appoint a county health commissioner, COUNTY HEALTH DIRECTOR OR, WHEN AUTHORIZED UNDER THE STATE SANITARY CODE, PUBLIC HEALTH DIRECTOR; except, however,

(A) that the boards of health of not more than three county or part-county health districts OR OTHER BODIES HAVING THE POWERS AND DUTIES OF A BOARD OF HEALTH OF A COUNTY OR PART-COUNTY HEALTH DISTRICT may appoint the same person to serve as county health commissioner, COUNTY HEALTH DIRECTOR OR, WHEN AUTHORIZED BY THE STATE SANITARY CODE, PUBLIC HEALTH DIRECTOR for said health districts, if the total population of health districts is not in excess of one hundred fifty thousand according to the latest federal decennial census, provided the approval of the commissioner is obtained[.]; OR

[The] (B) THE board of health OR OTHER BODY HAVING THE POWERS AND DUTIES OF A BOARD OF HEALTH OF A COUNTY OR PART-COUNTY HEALTH DISTRICT of any county health district with a population of less than thirty-five thousand [population] according to the latest federal decennial census may appoint the same person employed by a contiguous county or part-county health district to serve as county health commissioner, COUNTY HEALTH DIRECTOR OR, WHEN AUTHORIZED BY THE STATE SANITARY CODE, PUBLIC HEALTH DIRECTOR without regard to the total population of both health districts, provided the approval of the commissioner is obtained.

[2.] THE COMMISSIONER SHALL PERIODICALLY REVIEW HIS OR HER DETERMINATION TO ENSURE SUCH EMPLOYMENT OF THE SAME COUNTY HEALTH DIRECTOR, DIRECTOR OF PUBLIC HEALTH OR COUNTY HEALTH COMMISSIONER CONTINUES TO SERVE THE INTEREST OF PUBLIC HEALTH AND MAY TERMINATE HIS OR HER APPROVAL AT HIS OR HER DISCRETION.

2. IF THE COMMISSIONER HAS APPROVED THE APPOINTMENT OF THE SAME PERSON TO SERVE AS THE COUNTY COMMISSIONER OF HEALTH OR PUBLIC HEALTH DIRECTOR OF MORE THAN ONE COUNTY OR PART-COUNTY HEALTH DISTRICT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THEN DURING THE CONTINUATION OF SUCH APPROVAL THE COMMISSIONER MAY ALSO AUTHORIZE THE SAME MEMBERS TO BE APPOINTED TO THE BOARD OF HEALTH OF EACH RESPECTIVE HEALTH DISTRICT, NOTWITHSTANDING THEIR RESIDENCY IN THE OTHER COUNTY.

3. ANY BOARDS OF HEALTH OR OTHER BODIES HAVING THE POWERS AND DUTIES OF A BOARD OF HEALTH OF A COUNTY OR PART-COUNTY HEALTH DISTRICT HAVING THE SAME MEMBERS SHALL ANNUALLY SUBMIT SUCH INFORMATION AND REPORTS REGARDING THE EFFECT OF SUCH EMPLOYMENT ON ADMINISTRATION OF THE RESPECTIVE HEALTH DISTRICTS AND THE PROVISION OF PUBLIC HEALTH SERVICES AS THE COMMISSIONER MAY REQUIRE. THE COMMISSIONER SHALL USE SUCH INFORMATION IN DETERMINING WHETHER SUCH COMMON MEMBERSHIP CONTINUES TO SERVE THE INTEREST OF PUBLIC HEALTH.

4. The county health commissioner OR PUBLIC HEALTH DIRECTOR shall possess such qualifications for office as are prescribed in the sanitary code.

[3.] 5. The county health commissioner OR PUBLIC HEALTH DIRECTOR shall serve for a term of six years and shall not be removed during the term

for which he OR SHE shall have been appointed, except upon written charges after a hearing and upon notice.

[4.] 6. The county health commissioner OR PUBLIC HEALTH DIRECTOR shall receive such compensation as may be fixed by the board of supervisors OR, IF THE COMMISSIONER'S APPROVAL HAS BEEN OBTAINED FOR THE EMPLOYMENT OF THE SAME PERSON AS THE COUNTY HEALTH COMMISSIONER OR PUBLIC HEALTH DIRECTOR PURSUANT TO SUBDIVISION ONE OF THIS SECTION, BY THE BOARDS OF SUPERVISORS.

S 15. Section 214 of the town law, as amended by chapter 344 of the laws of 2005, is amended to read as follows:

S 214. Oaths, undertakings and compensation of commissioners. Each commissioner, before entering upon the duties of his office, shall take the constitutional oath of office and execute to the town and file with the town clerk an official undertaking in such sum and with such sureties as the town board may direct. The town board at any time may require any such commissioners to file a new official undertaking for such sum and with such sureties as the board shall approve. [Such] NOTWITHSTANDING ANY PROVISION OF ANY GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE, RESOLUTION, RULE OR REGULATION TO THE CONTRARY, SUCH commissioners [may be paid such an amount as the town board may designate, but not to exceed the sum of one hundred dollars per day each for each day actually and necessarily spent in the service of the district. Such compensation shall be deemed an expense of maintaining the district] SHALL NOT RECEIVE ANY COMPENSATION OF ANY KIND, INCLUDING BUT NOT LIMITED TO WAGES, SALARIES, GRATUITIES, VEHICLES ASSIGNED TO THEM, INSURANCE, ANNUITIES OR RETIREMENT PLANS, OR ANY OTHER PERQUISITE OR FRINGE BENEFIT, BUT SHALL BE REIMBURSED FOR THE ACTUAL AND NECESSARY EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES.

S 16. The town law is amended by adding a new section 198-b to read as follows:

S 198-B. POWERS OF TOWN BOARDS WITH RESPECT TO CERTAIN SANITARY, REFUSE AND GARBAGE DISTRICTS. 1. APPLICABILITY. THIS SECTION SHALL APPLY TO SANITARY DISTRICTS, REFUSE AND GARBAGE DISTRICTS, OR ANY SIMILAR TOWN IMPROVEMENT DISTRICTS THAT PROVIDE SANITARY, REFUSE, OR GARBAGE SERVICES.

2. POWERS OF TOWN BOARDS IN SUCH DISTRICTS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN SUCH DISTRICTS ALL POWERS AND DUTIES WITH RESPECT TO THE DISTRICTS, INCLUDING THE POWERS AND DUTIES OF IMPROVEMENT DISTRICT COMMISSIONERS AS PROVIDED FOR IN SECTION TWO HUNDRED FIFTEEN OF THIS CHAPTER OR IN ANY OTHER GENERAL, SPECIAL, OR LOCAL LAW, AND EXCEPTING THOSE POWERS PROVIDED FOR IN SUBDIVISIONS THREE AND FOUR OF THIS SECTION, SHALL RESIDE WITH THE BOARD OF THE TOWN IN WHICH SUCH DISTRICT IS LOCATED.

3. POWERS OF DISTRICT COMMISSIONERS IN SUCH DISTRICTS. IN SUCH DISTRICTS THAT HAVE DISTRICT COMMISSIONERS, THE COMMISSIONERS SHALL RETAIN THE POWER AND DUTIES TO:

(A) ELECT OFFICERS OF THE BOARD AS CURRENTLY PROVIDED FOR IN SUBDIVISION ONE OF SECTION TWO HUNDRED FIFTEEN OF THIS CHAPTER;

(B) GIVE NOTICE OF ANNUAL ELECTION AS CURRENTLY PROVIDED FOR IN SUBDIVISION THREE OF SECTION TWO HUNDRED FIFTEEN OF THIS CHAPTER; AND

(C) PROVIDE FOR A NOMINATING PROCESS AND THE FILLING OF VACANCIES AS CURRENTLY PROVIDED FOR IN SUBDIVISIONS TWENTY AND TWENTY-ONE OF SECTION TWO HUNDRED FIFTEEN OF THIS CHAPTER.

4. LEVEL OF SERVICE. IN SUCH DISTRICTS THAT HAVE DISTRICT COMMISSIONERS, THE COMMISSIONERS MAY ALSO HOLD A REFERENDUM ON WHETHER THE LEVEL OF SERVICE PROVIDED BY THE TOWN SHALL BE INCREASED OR DECREASED. PRIOR

TO THE REFERENDUM, THE TOWN SHALL PROVIDE COST ESTIMATES FOR SUCH INCREASE OR SUCH DECREASE IN SERVICES THAT ARE TO BE CONSIDERED IN SUCH REFERENDUM.

5. TRANSFER OF FUNCTION. EMPLOYEES OF THE DISTRICT WHO ARE TRANSFERRED TO THE TOWN SHALL BE TRANSFERRED PURSUANT TO THE CIVIL SERVICE LAW.

S 17. The opening paragraph of section 215 of the town law is amended to read as follows:

Subject to law and the provisions of this chapter, the commissioners of every improvement district shall constitute and be known as the board of commissioners of such improvement district. Such board of commissioners, EXCEPT WHEN RESTRICTED BY SECTION ONE HUNDRED NINETY-EIGHT-B OF THIS CHAPTER:

S 18. The general municipal law is amended by adding a new article 17-A to read as follows:

ARTICLE 17-A
MUNICIPAL MERGERS LAW

SECTION 750. SHORT TITLE.
751. LEGISLATIVE INTENT.
752. DEFINITIONS.
753. MERGER PROCESS UPON PETITION OR RESOLUTION.
754. PETITION TO START THE MERGER PROCESS.
755. MERGER COMMITTEE.
756. PRELIMINARY MERGER PLAN CONTENTS.
757. MERGER PROPOSITION AND REFERENDUM.
758. FINAL MERGER PLAN CONTENTS.
759. EFFECT OF MERGER.
760. ELECTIONS FOR OFFICERS OF THE NEW MUNICIPALITY.
761. EFFECT ON COUNTY BOUNDARIES.
762. EFFECT ON NON-PARTICIPATING VILLAGES AND DISTRICTS.
763. ENVIRONMENTAL REVIEW NOT REQUIRED.
764. SEVERABILITY CLAUSE.
765. SAVINGS CLAUSE.

S 750. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "MUNICIPAL MERGERS LAW".

S 751. LEGISLATIVE INTENT. IT IS THE INTENTION OF THE LEGISLATURE BY THE ENACTMENT OF THIS ARTICLE TO PROVIDE MUNICIPALITIES AND CITIZENS WITH A SIMPLIFIED AND UNIFIED PROCESS BY WHICH TWO OR MORE MUNICIPALITIES MAY BECOME ONE. THE CREATION AND EVOLUTION OF MUNICIPALITIES IN THIS STATE HAVE CONSTITUTED A VITAL PART OF ITS POLITICAL AND SOCIAL HISTORICAL DEVELOPMENT. MUNICIPALITIES HAVE PROVIDED A STRONG BASIS FOR LOCAL PRIDE AND IDENTIFICATION, YET FISCAL AND OTHER NEEDS MAY CALL FOR A MERGER OF THEIR CORPORATE STRUCTURES. THIS LAW ALLOWS FOR CITIZENS AND MUNICIPALITIES TO RESTRUCTURE THEIR GOVERNMENTS WHILE MAINTAINING LOCAL CHOICE AND CONTROL OVER THE FINAL DECISION TO MERGE.

S 752. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS OTHERWISE EXPRESSLY STATED OR UNLESS THE CONTEXT REQUIRES OTHERWISE, THE FOLLOWING TERMS SHALL MEAN:

1. ADJOINING. MUNICIPALITIES ARE ADJOINING: IF THEY HAVE A COMMON BOUNDARY LINE, NO MATTER HOW SMALL; IF THEIR COMMON BOUNDARY LINE LIES ALONG OR WITHIN A PUBLIC HIGHWAY OR A BODY OF WATER; OR IF ONE MUNICIPALITY IS WHOLLY INCLUDED WITHIN THE BOUNDARIES OF ANOTHER MUNICIPALITY. MORE THAN TWO MUNICIPALITIES ARE ADJOINING IF EACH OF THEM HAS A COMMON BOUNDARY LINE WITH ANY OF THE OTHERS.

2. FINAL MERGER PLAN. THE DETAILED MERGER PLAN DEVELOPED BY A MERGER COMMITTEE FOLLOWING A REFERENDUM THAT REQUIRES THE MERGER OF A MUNICIPALITY.

3. FORMER MUNICIPALITY. A PARTICIPATING MUNICIPALITY THAT WAS MERGED INTO THE NEW MUNICIPALITY THROUGH THIS PROCESS.

4. GENERAL ELECTION. THE GENERAL ELECTION HELD ANNUALLY ON THE TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER; OR A GENERAL VILLAGE ELECTION AS DEFINED IN ARTICLE ONE OF THE ELECTION LAW; OR ANY OTHER ANNUAL OR BIENNIAL GENERAL ELECTION WHERE FEDERAL, STATE, COUNTY, OR MUNICIPAL OFFICERS ARE ELECTED.

5. GOVERNING BOARD. THE LEGISLATIVE BODY OF A MUNICIPALITY.

6. HAMLET. A GEOGRAPHIC DESIGNATION WITHIN THE NEW MUNICIPALITY THAT MAY IDENTIFY A PARTICIPATING MUNICIPALITY'S FORMER BOUNDARIES FOR THE PURPOSE OF LOCAL PLACE NAME IDENTIFICATION.

7. MERGER. THE CREATION OF A NEW TOWN BY CONSOLIDATING TWO OR MORE TOWNS WITHIN THE SAME COUNTY. THE CREATION OF A NEW VILLAGE BY CONSOLIDATING TWO OR MORE VILLAGES. THE DISSOLUTION OF A VILLAGE INTO ONE OR MORE TOWNS, AND IN SUCH CASE, ALL TERMS WRITTEN OR DESCRIBED IN THE PLURAL, INCLUDING BUT NOT LIMITED TO JOINTLY, SHALL BE READ IN THE SINGULAR.

8. MERGER COMMITTEE. THE COMMITTEE JOINTLY APPOINTED BY GOVERNING BOARDS OF PARTICIPATING MUNICIPALITIES TO DEVELOP THE RECOMMENDED MERGER PLAN OR PLANS.

9. MUNICIPALITY. A TOWN OR VILLAGE.

10. NEW MUNICIPALITY. THE MUNICIPALITY THAT IS CREATED BY THE MERGER OF PARTICIPATING MUNICIPALITIES BY THIS PROCESS. IN THE CASE OF VILLAGE DISSOLUTION, THE "NEW MUNICIPALITY" IS THE TOWN OR TOWNS IN WHICH THE VILLAGE DISSOLVES.

11. PARTICIPATING MUNICIPALITY. A TOWN OR VILLAGE THAT HAS STARTED THE MERGER PROCESS. IN THE CASE OF A VILLAGE DISSOLUTION, THE VILLAGE IS THE ONLY "PARTICIPATING MUNICIPALITY".

12. PRELIMINARY MERGER PLAN. THE PLAN FOR MERGER OF THE PARTICIPATING MUNICIPALITIES DEVELOPED BY THE MERGER COMMITTEE PRIOR TO THE MERGER REFERENDUM.

13. QUALIFIED ELECTOR. A PERSON WHO IS REGISTERED TO VOTE IN ACCORDANCE WITH THE PROVISIONS OF THE ELECTION LAW.

14. VILLAGE DISSOLUTION. A MERGER THAT CONSISTS OF THE DISSOLUTION OF A VILLAGE INTO ONE OR MORE TOWNS.

S 753. MERGER PROCESS UPON PETITION OR RESOLUTION. 1. INITIATION OF MERGER PROCESS. THE MERGER PROCESS SHALL START IN TWO OR MORE ADJOINING MUNICIPALITIES, OR, IN THE CASE OF A VILLAGE DISSOLUTION, JUST A VILLAGE, IF ONE OF THE FOLLOWING ACTIONS OCCURS IN EACH MUNICIPALITY:

(A) THE GOVERNING BOARD PASSES A RESOLUTION TO START THE MERGER PROCESS; OR

(B) A PETITION FROM RESIDENTS TO START THE MERGER PROCESS IS FILED WITH THE MUNICIPAL CLERK.

2. APPOINT MERGER COMMITTEE. WITHIN THIRTY DAYS FROM THE DATE THE LAST PARTICIPATING MUNICIPALITY STARTED THE MERGER PROCESS, THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES SHALL JOINTLY APPOINT A MERGER COMMITTEE.

3. DEVELOP PRELIMINARY MERGER PLAN. THE MERGER COMMITTEE SHALL DEVELOP AND SUBMIT A PRELIMINARY MERGER PLAN TO THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES NO LATER THAN ONE YEAR FROM THE DATE THE LAST PARTICIPATING MUNICIPALITY STARTED THE MERGER PROCESS. THIS DEADLINE MAY BE EXTENDED UP TO ONE ADDITIONAL YEAR UPON RESOLUTION OF THE GOVERNING BOARD OF EACH PARTICIPATING MUNICIPALITY.

4. PUBLIC HEARING BY MERGER COMMITTEE ON PRELIMINARY PLAN. THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING BEFORE SUBMITTING ITS PRELIMINARY MERGER PLAN TO THE GOVERNING BOARDS OF THE PARTICIPATING MUNICI-

PALITIES. NOTICE OF THE HEARING SHALL BE GIVEN AT LEAST TEN BUT NO MORE THAN TWENTY DAYS BEFORE THE HEARING IS HELD. NOTICE OF THE HEARING SHALL BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF EACH PARTICIPATING MUNICIPALITY OR, IF THERE IS NO OFFICIAL NEWSPAPER, A NEWSPAPER HAVING GENERAL CIRCULATION IN THE PARTICIPATING MUNICIPALITY. NOTICE OF THE PUBLIC HEARING SHALL ALSO BE POSTED ON THE WEBSITE OF EACH PARTICIPATING MUNICIPALITY AT LEAST TEN DAYS BEFORE THE HEARING IS HELD, AS FAR AS PRACTICABLE.

5. SUBMISSION TO GOVERNING BOARDS. THE MERGER COMMITTEE SHALL PRESENT ITS PRELIMINARY MERGER PLAN TO THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES.

6. JOINT HEARING OF THE GOVERNING BOARDS. WITHIN SIXTY DAYS OF SUBMISSION OF THE PRELIMINARY MERGER PLAN TO THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES, THE GOVERNING BOARDS MUST HOLD A JOINT HEARING ON THE PRELIMINARY MERGER PLAN. NOTICE OF THE HEARING SHALL BE GIVEN AT LEAST TEN BUT NO MORE THAN TWENTY DAYS BEFORE THE HEARING IS HELD. NOTICE OF THE HEARING SHALL BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF EACH PARTICIPATING MUNICIPALITY OR, IF THERE IS NO OFFICIAL NEWSPAPER, A NEWSPAPER HAVING GENERAL CIRCULATION IN THE PARTICIPATING MUNICIPALITIES. NOTICE OF THE PUBLIC HEARING SHALL ALSO BE POSTED ON THE WEBSITE OF EACH PARTICIPATING MUNICIPALITY AT LEAST TEN DAYS BEFORE THE HEARING IS HELD, AS FAR AS PRACTICABLE. THE HEARING SHALL BE CLOSED UPON MOTION OF THE JOINT BOARD WITHIN SIXTY-TWO DAYS AFTER IT HAS BEEN OPENED.

7. CHANGES TO PRELIMINARY PLAN. THE GOVERNING BOARDS MAY JOINTLY MAKE CHANGES TO THE PRELIMINARY MERGER PLAN UP TO FORTY-FIVE DAYS BEFORE THE REFERENDUM ON THE MERGER PROPOSITION IS TO BE HELD. THE CHANGES MAY NOT ALTER THE PRELIMINARY MERGER PLAN IN A MANNER THAT UNDERMINES THE FEASIBILITY OF THE MERGER. IF THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES CANNOT JOINTLY AGREE TO A CHANGE TO THE PRELIMINARY MERGER PLAN OR CHOOSE NOT TO MAKE CHANGES, THE PRELIMINARY MERGER PLAN SUBMITTED BY THE MERGER COMMITTEE SHALL BE THE PLAN PRESENTED WITH THE MERGER PROPOSITION.

8. MERGER PROPOSITION. THE PARTICIPATING MUNICIPALITIES SHALL SUBMIT THE QUESTION OF WHETHER TO MERGE TO THE VOTERS PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SEVEN OF THIS ARTICLE.

9. FILING OF RESULTS. A CERTIFICATE OF THE ELECTION SHALL BE FILED WITH THE SECRETARY OF STATE, WITH THE CLERKS OF EACH PARTICIPATING MUNICIPALITY, AND WITH THE CLERKS OF EACH COUNTY IN WHICH ANY PART OF THE PARTICIPATING MUNICIPALITIES ARE SITUATED.

10. DEVELOPMENT OF FINAL MERGER PLAN. IF THE MAJORITY OF VOTES CAST ON THE MERGER OR VILLAGE DISSOLUTION REFERENDUM IN EACH OF THE PARTICIPATING MUNICIPALITIES ARE IN THE AFFIRMATIVE, THE MERGER COMMITTEE SHALL, WITHIN THIRTY DAYS OF THE DATE OF THE REFERENDUM, BEGIN WORK ON THE FINAL MERGER PLAN BASED ON THE PRELIMINARY MERGER PLAN APPROVED BY REFERENDUM.

11. PUBLIC HEARING BY MERGER COMMITTEE ON FINAL MERGER PLAN. THE MERGER COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING BEFORE PRESENTING ITS FINAL MERGER PLAN TO THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES. NOTICE OF THE HEARING SHALL BE GIVEN AT LEAST TEN BUT NO MORE THAN TWENTY DAYS BEFORE THE HEARING IS HELD. NOTICE OF THE HEARING SHALL BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF EACH PARTICIPATING MUNICIPALITY OR, IF THERE IS NO OFFICIAL NEWSPAPER, A NEWSPAPER HAVING GENERAL CIRCULATION IN THE PARTICIPATING MUNICIPALITIES.

12. SUBMISSION OF FINAL MERGER PLAN TO GOVERNING BOARDS. THE FINAL MERGER PLAN AND ANY OTHER RECOMMENDATIONS SHALL BE SUBMITTED TO THE

BOARDS OF THE PARTICIPATING MUNICIPALITIES NO LATER THAN SIX MONTHS FROM THE DATE OF THE REFERENDUM ON THE PROPOSITION.

13. JOINT PUBLIC HEARING ON FINAL MERGER PLAN BY GOVERNING BOARDS. WITHIN SIXTY DAYS OF SUBMISSION OF THE FINAL MERGER PLAN TO THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES, THE GOVERNING BOARDS MUST HOLD A JOINT HEARING ON THE FINAL MERGER PLAN. NOTICE OF THE HEARING SHALL BE GIVEN AT LEAST TEN BUT NO MORE THAN TWENTY DAYS BEFORE THE HEARING IS HELD. NOTICE OF THE HEARING SHALL BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF EACH PARTICIPATING MUNICIPALITY OR, IF THERE IS NO OFFICIAL NEWSPAPER, A NEWSPAPER HAVING GENERAL CIRCULATION IN THE PARTICIPATING MUNICIPALITIES. NOTICE OF THE PUBLIC HEARING SHALL ALSO BE POSTED ON THE WEBSITE OF EACH PARTICIPATING MUNICIPALITY AT LEAST TEN DAYS BEFORE THE HEARING IS HELD, AS FAR AS PRACTICABLE. THE HEARING SHALL BE CLOSED UPON MOTION OF THE JOINT BOARD WITHIN SIXTY-TWO DAYS AFTER IT HAS BEEN OPENED.

14. VOTE ON FINAL MERGER PLAN. SUCH PLAN WILL BE CONSIDERED ADOPTED IF (A) A MAJORITY VOTE OF THOSE GOVERNING BOARD MEMBERS PRESENT AT A JOINT BOARD MEETING VOTE TO APPROVE A PLAN WHICH IS IN SUBSTANTIAL AGREEMENT WITH THE PLAN PRESENTED AT THE JOINT PUBLIC HEARING; OR (B) IF THIRTY DAYS HAVE PASSED SINCE THE CLOSE OF THE PUBLIC HEARING, SUCH PERIOD WHICH MAY BE EXTENDED AN ADDITIONAL THIRTY DAYS BY A MAJORITY VOTE OF THE BOARDS MEETING JOINTLY.

15. NOTIFICATION AND SUBMISSION OF THE FINAL MERGER PLAN. AT LEAST ONE HUNDRED TWENTY DAYS PRIOR TO THE EFFECTIVE DATE OF A MERGER, THE PARTICIPATING MUNICIPALITIES SHALL NOTIFY THE STATE DIVISION OF THE BUDGET, THE OFFICE OF THE STATE COMPTROLLER, THE OFFICE OF REAL PROPERTY SERVICES, THE STATE DEPARTMENT OF CIVIL SERVICE, AND THE STATE DEPARTMENT OF STATE OF THE SCHEDULED MERGER, AND SHALL SUBMIT TO SUCH AGENCIES THE PLAN OF MERGER AND ANY OTHER BINDING AGREEMENTS OR RESOLUTIONS AS SUCH AGENCIES MAY REQUIRE.

16. WAITING PERIOD. IF THE MAJORITY OF VOTES CAST ON THE MERGER OR VILLAGE DISSOLUTION REFERENDUM ARE IN THE NEGATIVE IN ANY OF THE PARTICIPATING MUNICIPALITIES, THE REFERENDUM SHALL FAIL AND THE MERGER PROCESS MAY NOT BE INITIATED FOR THE SAME PURPOSE WITHIN TWO YEARS OF THE DATE OF SUCH REFERENDUM.

S 754. PETITION TO START THE MERGER PROCESS. 1. ELIGIBLE SIGNATURES. TO START THE MERGER PROCESS, A PETITION MUST HAVE SIGNATURES FROM RESIDENTS OF THE JURISDICTION TO BE MERGED, EQUAL TO AT LEAST TEN PERCENT OF THE RESIDENT ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL ELECTION. THOSE SIGNING THE PETITION MUST BE QUALIFIED TO VOTE AT THE TIME OF THE FILING OF THE PETITION WITH THE MUNICIPAL CLERK.

2. TIME LIMIT. A SIGNATURE SHALL BE INVALID IF IT IS SIGNED UPON THE PETITION MORE THAN ONE HUNDRED EIGHTY DAYS BEFORE THE PETITION IS FILED WITH THE MUNICIPAL CLERK, UNLESS THE GOVERNING BOARD PASSES A RESOLUTION TO GIVE ADDITIONAL TIME TO COLLECT SIGNATURES.

3. FORM. THE PETITION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

PETITION

WE, THE UNDERSIGNED, ELECTORS OF THE (INSERT TYPE OF MUNICIPALITY - TOWN OR VILLAGE) OF (INSERT NAME OF MUNICIPALITY) , NEW YORK, QUALIFIED TO VOTE AT THE NEXT GENERAL OR SPECIAL ELECTION, DO HEREBY PETITION THAT THERE BE SUBMITTED TO THE VOTERS OF (INSERT NAME OF MUNICIPALITY) , PURSUANT TO LAW, A PROPOSITION AS FOLLOWS: (INSERT PROPOSITION SOUGHT TO BE SUBMITTED) THE UNDERSIGNED QUALIFIED ELECTORS HEREBY REQUEST THAT A REFERENDUM VOTE UPON THE ABOVE PROPOSITION BE TAKEN AS PROVIDED BY LAW. IN WITNESS WHEREOF, WE HAVE SIGNED OUR NAMES ON THE DATES INDICATED NEXT TO OUR SIGNATURES.

DATE NAME - PRINT NAME UNDER SIGNATURE HOME ADDRESS
1. _____ _____ _____
2. _____ _____ _____
3. _____ _____ _____

(ON THE BOTTOM OF EACH PAGE, AFTER ALL THE NUMBERED SIGNATURES, INSERT A WITNESS STATEMENT OR A STATEMENT BY A NOTARY PUBLIC OR COMMISSIONER OF DEEDS, IN SUBSTANTIALLY THE FOLLOWING FORM:)

I, (NAME OF WITNESS), STATE THAT I AM A REGISTERED VOTER OF THE STATE OF NEW YORK. I AM A RESIDENT OF THE (TOWN OR VILLAGE) OF (NAME OF TOWN OR VILLAGE). THE PERSONS THAT HAVE SIGNED THIS PETITION SHEET CONTAINING (FILL IN NUMBER) SIGNATURES, HAVE SIGNED THEIR NAMES IN MY PRESENCE ON THE DATES INDICATED ABOVE AND IDENTIFIED THEMSELVES TO BE THE SAME PERSONS WHO SIGNED THE SHEET. I UNDERSTAND THAT THIS STATEMENT WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERIALLY FALSE STATEMENT, SHALL SUBJECT ME TO THE PENALTIES OF PERJURY.

_____ _____
DATE SIGNATURE OF WITNESS

(IN LIEU OF THE SIGNED STATEMENT OF A WITNESS WHO IS A DULY QUALIFIED VOTER OF THE STATE, QUALIFIED TO SIGN THE PETITION AS A RESIDENT OF THE TOWN OR VILLAGE, THE FOLLOWING STATEMENT SIGNED BY A NOTARY PUBLIC OR A COMMISSIONER OF DEEDS SHALL BE ACCEPTED.) ON THE DATE ABOVE INDICATED BEFORE ME PERSONALLY CAME EACH OF THE VOTERS WHOSE SIGNATURES APPEAR ON THIS PETITION SHEET CONTAINING (FILL IN NUMBER) SIGNATURES, WHO SIGNED SAME IN MY PRESENCE AND WHO, BEING BY ME DULY SWORN, EACH FOR HIMSELF OR HERSELF, SAID THAT THE FOREGOING STATEMENT MADE AND SUBSCRIBED BY HIM OR HER, WAS TRUE.

_____ _____
DATE NOTARY PUBLIC OR COMMISSIONER OF DEEDS

4. LIBERAL CONSTRUCTION. IN MATTERS OF FORM, THIS SECTION SHALL BE GIVEN A LIBERAL CONSTRUCTION, AND PRECISE COMPLIANCE IS NOT REQUIRED.

S 755. MERGER COMMITTEE. 1. PURPOSE. THE MERGER COMMITTEE SHALL DEVELOP PLANS FOR THE MERGER OF THE PARTICIPATING MUNICIPALITIES, AS WELL AS MAKE ANY OTHER NECESSARY OR DESIRABLE RECOMMENDATIONS.

2. MEMBERSHIP. THE COMMITTEE SHALL INCLUDE:

(A) AT LEAST ONE, BUT NO MORE THAN TWO, GOVERNMENT OFFICIALS OR EMPLOYEES FROM EACH PARTICIPATING MUNICIPALITY;

(B) IN THE CASE OF A VILLAGE DISSOLUTION, AT LEAST ONE, BUT NO MORE THAN TWO, GOVERNMENT OFFICIALS OR EMPLOYEES FROM EACH TOWN THE VILLAGE IS LOCATED IN; AND

(C) IF THE MERGER PROCESS WAS STARTED BY A PETITION IN A PARTICIPATING MUNICIPALITY, AT LEAST ONE RESIDENT ELECTOR WHO SIGNED THE PETITION.

3. SUBCOMMITTEES. THE COMMITTEE SHALL ORGANIZE AND FORM SUBCOMMITTEES AS NECESSARY.

4. OPEN MEETINGS LAW. THE COMMITTEE SHALL COMPLY WITH THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

5. ACCESS TO RECORDS. THE COMMITTEE SHALL HAVE ACCESS TO ANY MUNICIPAL RECORDS AND OFFICIALS NECESSARY TO COMPLETE ITS WORK.

6. ASSISTANCE FROM STATE AGENCIES. ALL RELEVANT STATE AGENCIES, INCLUDING BUT NOT LIMITED TO THE STATE DIVISION OF THE BUDGET, THE OFFICE OF THE STATE COMPTROLLER, THE OFFICE OF REAL PROPERTY SERVICES, THE STATE DEPARTMENT OF CIVIL SERVICE, AND THE DEPARTMENT OF STATE, SHALL PROVIDE ANY INFORMATION OR TECHNICAL SUPPORT TO THE MERGER COMMITTEE TO THE EXTENT AVAILABLE WITHIN THE AGENCY AND NOT PROHIBITED BY ANY PROVISION OF LAW PROVIDING FOR THE CONFIDENTIALITY OF SUCH INFORMATION.

S 756. PRELIMINARY MERGER PLAN CONTENTS. 1. THE PRELIMINARY MERGER PLAN SHALL INCLUDE THE FOLLOWING INFORMATION:

A. THE NAME OF EACH PARTICIPATING MUNICIPALITY TO BE MERGED AND THE NAME OF THE NEW MUNICIPALITY OR, IN THE CASE OF A VILLAGE DISSOLUTION, JUST THE NAME OF THE VILLAGE TO BE DISSOLVED;

B. THE CLASS OF GOVERNMENT OF THE NEW MUNICIPALITY AND THE DETAILS OF THE GOVERNMENTAL STRUCTURE TO BE IMPLEMENTED FOR THE NEW MUNICIPALITY;

C. A GENERAL PLAN FOR THE DISPOSITION OF PROPERTY AND ASSETS OF THE PARTICIPATING MUNICIPALITIES;

D. A GENERAL PLAN FOR THE PAYMENT OF OUTSTANDING OBLIGATIONS AND THE LEVY AND COLLECTION OF THE NECESSARY TAXES AND ASSESSMENTS FOR THESE OBLIGATIONS;

E. A GENERAL PLAN FOR THE SEPARATION FROM OR CONTINUED EMPLOYMENT OF APPOINTED OFFICERS AND EMPLOYEES OF THE PARTICIPATING MUNICIPALITIES;

F. A GENERAL PLAN FOR APPORTIONING RESPONSIBILITY AND COSTS IN THE EVENT OF AN UNEXPECTED LIABILITY INCURRED BEFORE THE MERGER;

G. THE NAMES AND GEOGRAPHIC AREAS DESIGNATED AS HAMLETS OF THE NEW MUNICIPALITY, IF ANY; AND

H. THE EFFECTIVE DATE OF THE MERGER, WHICH SHALL TAKE EFFECT, UNLESS THE PRELIMINARY MERGER PLAN PROVIDES OTHERWISE, AT THE EXPIRATION OF THE THIRTY-FIRST DAY OF DECEMBER IN THE ODD NUMBERED YEAR FOLLOWING THE YEAR THE MERGER PROPOSITION IS APPROVED BY A MAJORITY OF QUALIFIED ELECTORS.

2. IN ADDITION TO COMPLYING WITH THE PUBLIC OFFICERS LAW, THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES SHALL MAKE THE PRELIMINARY MERGER PLAN AND ANY OTHER RECOMMENDATIONS OF THE MERGER COMMITTEE AVAILABLE FOR PUBLIC REVIEW AT THE OFFICES OF THE MUNICIPAL CLERK IN EACH PARTICIPATING MUNICIPALITY, AT OTHER READILY ACCESSIBLE PUBLIC PLACES, SUCH AS LIBRARIES, WITHIN THE TERRITORY OF PARTICIPATING MUNICIPALITIES, AND, IF PRACTICABLE, ON A PUBLICLY AVAILABLE WEB SITE.

S 757. MERGER PROPOSITION AND REFERENDUM. WHERE A MERGER PROCESS IS INITIATED BY PETITION OR RESOLUTION, THE FOLLOWING PROVISIONS SHALL APPLY.

1. DATE OF REFERENDUM ON THE MERGER PROPOSITION. A. A REFERENDUM ON THE MERGER PROPOSITION SHALL BE SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS OF EACH PARTICIPATING MUNICIPALITY AT THE NEXT GENERAL ELECTION AS DEFINED IN THIS ARTICLE, HELD NO LESS THAN SIXTY DAYS FOLLOWING THE CLOSE OF THE JOINT PUBLIC HEARING HELD BY THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES ON THE PRELIMINARY MERGER PLAN.

B. NOTWITHSTANDING PARAGRAPH A OF THIS SUBDIVISION, A REFERENDUM ON THE MERGER PROPOSITION MAY BE HELD AT A SPECIAL ELECTION IF AT LEAST ONE OF THE FOLLOWING OCCURS:

(I) ALL THE GOVERNING BOARDS OF PARTICIPATING MUNICIPALITIES PASS RESOLUTIONS TO SUBMIT THE REFERENDUM ON THE MERGER PROPOSITION AT A SPECIAL ELECTION TO BE HELD ON THE SAME DAY IN ALL THE PARTICIPATING MUNICIPALITIES, SUCH DAY BEING NO LESS THAN SIXTY AND NO MORE THAN ONE HUNDRED TWENTY DAYS FOLLOWING THE CLOSE OF THE JOINT PUBLIC HEARING HELD BY THE GOVERNING BOARDS ON THE PRELIMINARY MERGER PLAN; OR

(II) IF THE PETITION TO START THE MERGER PROCESS REQUESTS THAT THE REFERENDUM ON THE MERGER PROPOSITION BE HELD AT A SPECIAL ELECTION. IN SUCH CASE, THE LEGISLATIVE BODIES OF THE PARTICIPATING MUNICIPALITIES SHALL SET THE DATE OF THE SPECIAL ELECTION TO BE HELD ON THE SAME DAY IN ALL THE PARTICIPATING MUNICIPALITIES, SUCH DAY BEING NO LESS THAN SIXTY AND NO MORE THAN ONE HUNDRED TWENTY DAYS FOLLOWING THE CLOSE OF THE JOINT PUBLIC HEARING HELD BY THE GOVERNING BOARDS ON THE PRELIMINARY MERGER PLAN. IF WITHIN THIRTY DAYS OF THE CLOSE OF SUCH PUBLIC HEARING ANY OF THE LEGISLATIVE BODIES FAILS TO ACT TO SET THE DATE OF THE

SPECIAL ELECTION, THE DATE OF THE SPECIAL ELECTION SHALL BE NINETY DAYS FOLLOWING THE CLOSE OF SUCH PUBLIC HEARING, UNLESS SUCH DAY IS A SATURDAY OR SUNDAY IN WHICH CASE THE DATE OF THE SPECIAL ELECTION SHALL BE THE TUESDAY FOLLOWING SUCH SATURDAY OR SUNDAY.

2. NOTICE OF REFERENDUM. A NOTICE OF THE REFERENDUM SHALL BE PUBLISHED BY THE GOVERNING BOARDS OF EACH PARTICIPATING MUNICIPALITY IN THE OFFICIAL NEWSPAPER OF EACH PARTICIPATING MUNICIPALITY OR, IF THERE IS NO OFFICIAL NEWSPAPER, A NEWSPAPER HAVING GENERAL CIRCULATION IN THE PARTICIPATING MUNICIPALITIES, AT LEAST TEN BUT NO MORE THAN TWENTY DAYS PRIOR TO THE DATE THE ELECTION IS TO BE HELD. SUCH NOTICE SHALL CONTAIN THE FOLLOWING:

A. THE TIME AND PLACE OR PLACES AT WHICH THE REFERENDUM WILL BE HELD;

B. THE CONTENT OF THE PROPOSITION;

C. AN ABSTRACT OF THE PRELIMINARY MERGER PLAN PREPARED JOINTLY BY THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES; AND

D. INFORMATION REGARDING WHERE MORE DETAILED DOCUMENTS RELATING TO THE MERGER MAY BE VIEWED.

3. AVAILABILITY OF DOCUMENTS. AT LEAST THIRTY DAYS BEFORE THE MERGER PROPOSITION IS TO BE SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS AND UP TO THE DATE OF THE GENERAL ELECTION, THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES, IN ADDITION TO COMPLYING WITH ARTICLE SIX OF THE PUBLIC OFFICERS LAW, SHALL MAKE THE PRELIMINARY MERGER PLAN AND THE ABSTRACT THEREOF AVAILABLE FOR PUBLIC REVIEW AT THE OFFICES OF THE MUNICIPAL CLERK IN EACH PARTICIPATING MUNICIPALITY, AT OTHER READILY ACCESSIBLE PUBLIC PLACES, SUCH AS LIBRARIES, WITHIN THE TERRITORY OF PARTICIPATING MUNICIPALITIES, AND, IF PRACTICABLE, ON A PUBLICLY AVAILABLE WEB SITE.

4. CONTENT OF PROPOSITION. THE PROPOSITION TO BE VOTED UPON SHALL STATE: "SHALL THE (NAMES OF THE PARTICIPATING MUNICIPALITIES) BE MERGED TO BECOME THE (NAME OF THE NEW MUNICIPALITY) PURSUANT TO THE PRELIMINARY PLAN OF MERGER?" OR IN THE CASE OF A VILLAGE DISSOLUTION: "SHALL THE (NAME OF THE VILLAGE TO BE DISSOLVED) BE DISSOLVED PURSUANT TO THE PRELIMINARY PLAN OF MERGER?".

S 758. FINAL MERGER PLAN CONTENTS. THE FINAL MERGER PLAN SHALL INCLUDE:

1. A DETAILED PLAN FOR THE SEPARATION FROM OR CONTINUED EMPLOYMENT OF APPOINTED OFFICERS AND EMPLOYEES OF THE PARTICIPATING MUNICIPALITIES. IN THE ABSENCE OF SUCH PLAN, THE TERMS OF APPOINTED OFFICERS SHALL EXPIRE ON THE EFFECTIVE DATE OF THE MERGER.

2. A DETAILED PLAN FOR THE APPORTIONING RESPONSIBILITY AND COSTS IN THE EVENT OF AN UNEXPECTED LIABILITY INCURRED BEFORE THE EFFECTIVE DATE OF THE MERGER.

3. A PLAN FOR THE PERFORMANCE OF FUNCTIONS AND SERVICES THAT WERE RENDERED BY THE PARTICIPATING MUNICIPALITIES PRIOR TO THE MERGER, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS: UNLESS THE MERGER PLAN PROVIDES OTHERWISE OR UNLESS LIMITED BY OPERATION OF LAW, THE NEW MUNICIPALITY SHALL CONTINUE TO PERFORM AND RENDER IN THE TERRITORY OF THE FORMER MUNICIPALITIES ALL FUNCTIONS THAT WERE PERFORMED AND SERVICES THAT WERE RENDERED BY THE FORMER. THE COST AND EXPENSE OF PERFORMING THESE FUNCTIONS AND RENDERING THESE SERVICES CONTINUED PURSUANT TO THIS SECTION SHALL BE BUDGETED, LEVIED UPON, ASSESSED AGAINST AND COLLECTED FROM THE TERRITORY OF THE FORMER MUNICIPALITIES SERVED AS IF NO MERGER HAD TAKEN PLACE.

4. A PLAN FOR THE CONTINUANCE OR DISCONTINUANCE OF ALL LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS OF EACH PARTICIPATING MUNICIPALITY, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS: UNLESS THE MERGER

PLAN PROVIDES OTHERWISE, ALL LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS OF EACH PARTICIPATING MUNICIPALITY IN EFFECT ON THE DATE OF THE MERGER, INCLUDING BUT NOT LIMITED TO ZONING ORDINANCES OR LOCAL LAWS, SHALL REMAIN IN EFFECT FOR A PERIOD OF FIVE YEARS FOLLOWING THE MERGER AS IF THEY HAD BEEN ADOPTED BY THE NEW MUNICIPALITY. THESE LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS SHALL BE ENFORCED BY THE NEW MUNICIPALITY WITHIN THE TERRITORY OF THE FORMER MUNICIPALITIES, EXCEPT THAT THE NEW MUNICIPALITY SHALL HAVE THE POWER AT ANY TIME TO AMEND OR REPEAL THEM IN THE MANNER AS OTHER LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS OF THE NEW MUNICIPALITY.

5. A PLAN FOR THE DISPOSITION OF ALL OF THE REAL AND PERSONAL PROPERTY AND OTHER ASSETS OF THE PARTICIPATING MUNICIPALITIES, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS: UNLESS THE MERGER PLAN PROVIDES OTHERWISE, ALL OF THE REAL AND PERSONAL PROPERTY AND OTHER ASSETS OF THE FORMER MUNICIPALITIES SHALL BECOME THE PROPERTY OF THE NEW MUNICIPALITY.

6. NO ACTION OR CLAIM FOR OR AGAINST ANY FORMER MUNICIPALITY SHALL BE AFFECTED BY REASON OF ITS MERGER INTO A NEW MUNICIPALITY. ALL RIGHTS, PRIVILEGES, FRANCHISES, RIGHTS-OF-WAY, AND INTERESTS SHALL TRANSFER TO THE NEW MUNICIPALITY, AND NO TITLE TO REAL PROPERTY VESTED IN ANY PARTICIPATING MUNICIPALITY SHALL BE DEEMED TO REVERT OR BE IMPAIRED IN ANY WAY BY REASON OF A MERGER PURSUANT TO THIS ARTICLE. THE RIGHTS OF CREDITORS AND LIENS UPON PROPERTY OF PARTICIPATING MUNICIPALITIES SHALL NOT BE IMPACTED BY THE MERGER, NOR SHALL ANY CONTRACTUAL RIGHTS OF ANY PARTIES IN CONTRACT WITH THE PARTICIPATING MUNICIPALITIES BE IMPACTED EXCEPT AS SET FORTH IN THIS ARTICLE. JURISDICTION OVER CRIMINAL PROSECUTIONS SHALL LIE WITH THE NEW MUNICIPALITY, AND NO PENDING PROSECUTIONS IN PARTICIPATING MUNICIPALITIES SHALL BE IN ANY WAY COMPROMISED;

7. THE NAMES AND GEOGRAPHIC AREAS DESIGNATED AS HAMLETS OF THE NEW MUNICIPALITY, IF ANY.

8. A PLAN FOR THE PAYMENT OF OUTSTANDING OBLIGATIONS AND THE LEVY AND COLLECTION OF THE NECESSARY TAXES AND ASSESSMENTS FOR THESE OBLIGATIONS, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS:

A. THE MERGER PLAN MAY ALLOCATE SOME OR ALL OF THE FORMER MUNICIPALITIES' DEBT AS A CHARGE UPON THE TAXABLE PROPERTY WITHIN THE LIMITS OF THE TERRITORY OF THE FORMER MUNICIPALITY.

B. IN THE CASE OF A VILLAGE DISSOLUTION, UNLESS THE MERGER PLAN PROVIDES OTHERWISE, THE OUTSTANDING DEBTS AND OBLIGATIONS OF THE FORMER MUNICIPALITIES SHALL BE ASSUMED BY THE TOWN OR TOWNS AND BE A CHARGE UPON THE TAXABLE PROPERTY WITHIN THE LIMITS OF THE DISSOLVED VILLAGE AND COLLECTED IN THE SAME MANNER AS THE TOWN'S OR TOWNS' TAXES AND CHARGES.

C. ALL INDEBTEDNESS INCURRED ON BEHALF OF SPECIAL OR IMPROVEMENT DISTRICTS SHALL REMAIN AS IF SUCH MUNICIPALITIES HAD NOT MERGED.

9. ANY OTHER MATTER NECESSARY OR DESIRABLE TO CARRY OUT THE PROPOSED MERGER.

S 759. EFFECT OF MERGER. 1. EFFECTIVE DATE. UNLESS THE PRELIMINARY MERGER PLAN PROVIDES OTHERWISE, THE MERGER SHALL TAKE EFFECT AT THE EXPIRATION OF THE THIRTY-FIRST DAY OF DECEMBER IN THE ODD NUMBERED YEAR FOLLOWING THE YEAR IN WHICH SUCH REFERENDUM OCCURRED. UPON THE EFFECTIVE DATE OF THE MERGER, THE PARTICIPATING MUNICIPALITIES SHALL BE MERGED INTO THE NEW MUNICIPALITY. THE NEW MUNICIPALITY SHALL POSSESS, IN THE TERRITORY OF THE FORMER MUNICIPALITIES ALL OF THE POWERS THAT THE PARTICIPATING MUNICIPALITIES POSSESSED PRIOR TO THE MERGER.

2. MUNICIPAL RECORDS. UPON MERGER, ALL RECORDS, BOOKS AND PAPERS OF THE FORMER MUNICIPALITIES SHALL BE DEPOSITED WITH THE CLERK OF THE NEW MUNICIPALITY AND THEY SHALL THEREUPON BECOME RECORDS OF THE NEW MUNICIPALITY.

3. ASSESSMENT ROLLS. AT LEAST SIXTY DAYS PRIOR TO THE EFFECTIVE DATE OF MERGER, THE GOVERNING BOARDS OF THE PARTICIPATING MUNICIPALITIES SHALL PRESENT THE ASSESSMENT ROLLS OF THEIR RESPECTIVE GOVERNMENTS TO THE GOVERNING BODY OF THE COUNTY. SUCH NEW MUNICIPALITY SHALL CAUSE EACH OF THE ASSESSMENTS THEREON TO BE TRANSFERRED AND ADDED TO THE ASSESSMENT ROLL OF THE NEW MUNICIPALITY AND ALL OF THE ASSESSMENTS SO TRANSFERRED SHALL UPON THE EFFECTIVE DATE OF MERGER, FOR TAX PURPOSES, BE PART OF THE TAXABLE PROPERTY AND ASSESSMENTS OF THE NEW MUNICIPALITY.

4. ELECTOR REGISTRATIONS. ALL ELECTOR REGISTRATIONS OF PARTICIPATING MUNICIPALITIES SHALL BE TRANSFERRED TO THE PROPER REGISTRATION BOOKS OF THE NEW MUNICIPALITY.

5. THE NEW MUNICIPALITY SHALL BE RESPONSIBLE FOR SATISFACTION OF ANY OUTSTANDING DEBTS AND OBLIGATIONS OF THE FORMER MUNICIPALITIES. THE NEW MUNICIPALITY'S BOARD SHALL HAVE ALL POWERS WITH RESPECT TO SUCH DEBTS AND OBLIGATIONS AS THE FORMER MUNICIPALITIES' BOARDS; INCLUDING THE POWER TO ISSUE BONDS TO REDEEM BOND ANTICIPATION NOTES ISSUED BY THE FORMER MUNICIPALITIES.

S 760. ELECTIONS FOR OFFICERS OF THE NEW MUNICIPALITY. 1. ELECTION DATE. EXCEPT IN THE CASE OF A VILLAGE DISSOLUTION, AND UNLESS THE MERGER PLAN PROVIDES OTHERWISE, ELECTIONS FOR OFFICERS OF THE NEW MUNICIPALITY SHALL BE HELD ON THE TUESDAY SUCCEEDING THE FIRST MONDAY IN NOVEMBER IN THE ODD NUMBERED YEAR FOLLOWING THE YEAR IN WHICH SUCH APPROVAL OCCURRED. ALL OFFICERS ELECTED TO THE NEW MUNICIPALITY SHALL TAKE OFFICE UPON THE EFFECTIVE DATE OF THE MERGER.

2. EXPIRATION OF TERMS OF OFFICE. THE TERM OF ALL ELECTED OFFICIALS OF THE PARTICIPATING MUNICIPALITIES SHALL EXPIRE WHEN THE MERGER BECOMES EFFECTIVE, EXCEPT FOR THE TERMS OF COUNTY OFFICIALS WHO HAVE BEEN ELECTED BY ELECTORS OF THE ENTIRE COUNTY.

S 761. EFFECT ON COUNTY BOUNDARIES. MERGER OF MUNICIPALITIES PURSUANT TO THIS ARTICLE SHALL NOT AFFECT ANY EXISTING COUNTY BOUNDARIES.

S 762. EFFECT ON NON-PARTICIPATING VILLAGES AND DISTRICTS. MERGER SHALL NOT AFFECT ANY NON-PARTICIPATING VILLAGE, FIRE DISTRICT, FIRE PROTECTION DISTRICT, OR IMPROVEMENT DISTRICT LOCATED WHOLLY OR PARTIALLY IN A PARTICIPATING MUNICIPALITY INVOLVED IN A MERGER.

S 763. ENVIRONMENTAL REVIEW NOT REQUIRED. NO ACT OR ACTION, VOTE, STUDY, SUBMISSION, PLANNING, FUNDING, OR APPROVAL REQUIRED UNDER THIS ARTICLE NOR ANY ACTS OR ACTIVITIES TAKEN OR PROPOSED TO BE TAKEN BY THE PARTICIPATING MUNICIPALITIES OR BY ANY OTHER PERSON OR ENTITY, PUBLIC OR PRIVATE, IN CONNECTION WITH THE MERGER CONTEMPLATED IN THIS ARTICLE, SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW OR THE REGULATIONS PROMULGATED THEREUNDER (SEQRA), OR TO ANY LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO ANY SUCH ARTICLE OR REGULATIONS.

S 764. SEVERABILITY CLAUSE. IF ANY PART OF THIS ARTICLE SHALL BE ADJUDGED INVALID BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL NOT INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE PART DIRECTLY INVOLVED IN THE CONTROVERSY WHEREIN SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 765. SAVINGS CLAUSE. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT ANY TOWN OR VILLAGE THAT IS IN THE PROCESS OF DISSOLUTION OR CONSOLIDATION UPON THE EFFECTIVE DATE OF THIS ARTICLE. FOR THE PURPOSES OF THIS SECTION THE PROCESS OF DISSOLUTION OR CONSOLIDATION SHALL BE DEEMED TO BEGIN UPON APPROVAL BY THE VOTERS OF A PLAN FOR DISSOLUTION OR CONSOLIDATION.

S 19. Article 19 of the village law is REPEALED.

S 20. Sections 18-1806, 18-1808, 18-1810, 18-1812, 18-1814, 18-1816, and 18-1818 of the village law are REPEALED.

S 21. Subdivisions 2 and 3 of section 9-912 of the village law, paragraph (e) of subdivision 2 as amended by chapter 230 of the laws of 1974, are amended to read as follows:

2. The questions which may or shall be submitted as propositions upon petition or motion of the board of trustees, as hereinbefore provided, are:

(a) Whether or not the area of the village should be diminished.

(b) Whether or not the village should be reincorporated.

(c) [Whether or not the village should be consolidated with one or more villages.

(d)] Whether or not the name of the village should be changed.

[(e)] (D) Whether or not the month of the general village election should be changed.

3. [The board of trustees of any village may, and upon a petition of the electors of the village shall, adopt a resolution submitting a proposition for the dissolution of the village in accordance with article nineteen of this chapter.] A PROPOSITION FOR THE DISSOLUTION OR CONSOLIDATION OF A VILLAGE SHALL BE NOTICED AND CONDUCTED PURSUANT TO ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW.

S 22. Article 5-A of the town law is REPEALED.

S 23. Article 5-B of the town law is REPEALED.

S 24. The first undesignated paragraph of section 172 of the town law, as amended by chapter 37 of the laws of 2000, is amended to read as follows:

Irrespective of the manner of their original establishment, whenever two or more fire districts adjoin, the town board of the town in which such districts are located or, if said districts be situate in more than one town, the town boards thereof acting jointly by a majority vote of the members of each such town boards, upon a written petition of [resident taxpayers owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of each of the districts so adjoining owned by resident taxpayers thereof, as such valuations appear upon the latest completed assessment roll of said town or towns] RESIDENTS OF EACH FIRE DISTRICT WHO ARE QUALIFIED TO VOTE AT THE TIME THE PETITION IS FILED WITH THE MUNICIPAL CLERK, EQUAL TO AT LEAST TEN PERCENT OF THE REGISTERED VOTERS RESIDING IN EACH DISTRICT AT THE TIME OF THE LAST GENERAL ELECTION, or upon the written petition of a majority of the members of the board of commissioners of each fire district proposed to be included within the consolidated district may consolidate such fire districts and establish the same into one fire district after a public hearing thereon. Such petition or petitions shall be [signed, and acknowledged or proved in the same manner as a deed to be recorded, or authenticated in the manner provided by the election law for the authentication of nominating petitions] IN ACCORDANCE WITH ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW, EXCEPT THAT ON SAID PETITION, THE NAME OF THE FIRE DISTRICT AND THE TOWN IN WHICH IT IS LOCATED SHALL APPEAR. Notice of such hearing shall be given and such hearing held and the subject matters thereof determined in the manner provided herein for hearings upon the establishment of fire districts, except that the notice of hearing shall state in general terms the purposes of the hearing and specify each of the existing districts proposed to be included within the consolidated district.

S 25. The first undesignated paragraph of section 172-b of the town law, as amended by chapter 37 of the laws of 2000, is amended to read as follows:

Irrespective of the manner of their original establishment, whenever two or more fire protection districts adjoin, the town board of the town in which such districts are located or, if said districts be situate in more than one town, the town boards thereof acting jointly by a majority vote of the members of each such town boards, upon its or their own motion and without a petition or upon a written petition of [resident taxpayers owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of each of the districts so adjoining owned by resident taxpayers thereof, as such valuations appear upon the latest completed assessment-roll of said town or towns] RESIDENTS OF EACH FIRE PROTECTION DISTRICT WHO ARE QUALIFIED TO VOTE AT THE TIME THE PETITION IS FILED WITH THE MUNICIPAL CLERK, EQUAL TO AT LEAST TEN PERCENT OF THE REGISTERED VOTERS RESIDING IN EACH DISTRICT AT THE TIME OF THE LAST GENERAL ELECTION, may consolidate such fire protection districts and establish the same into one fire protection district after a public hearing thereon. Such petition or petitions shall be [signed, and acknowledged or proved in the same manner as a deed to be recorded, or authenticated in the manner provided by the election law for the authentication of nominating petitions] IN ACCORDANCE WITH ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW, EXCEPT THAT ON SAID PETITION, THE NAME OF THE FIRE PROTECTION DISTRICT AND THE TOWN IN WHICH IT IS LOCATED SHALL APPEAR. Notice of such hearing shall be given and such hearing held and the subject matters thereof determined in the manner provided [herein] IN THIS SECTION for hearings upon the establishment of fire protection districts, except that the notice of hearing shall state in general terms the purposes of the hearing and specify each of the existing districts proposed to be included within the consolidated district. Any resolution of consolidation made upon motion of the town board or town boards without a petition shall be subject to a permissive referendum as provided in article seven of this chapter.

S 26. Subdivision 6 of section 20 of the town law, as added by chapter 792 of the laws of 1934, paragraphs (a), (b) and (c) as relettered by chapter 302 of the laws of 1974, is amended to read as follows:

6. (a) (I) At least one hundred fifty days prior to any biennial town election, the town board of any town in which the appointive office of town clerk shall exist, may adopt a resolution, subject to a permissive referendum, that the office of town clerk shall be an elective office in such town. Every elector of the town shall be entitled to vote at any referendum held thereon pursuant to the provisions of article seven of this chapter. If the town board shall have adopted such a resolution and no petition shall have been filed within the time specified in article seven OF THIS CHAPTER for a referendum thereon, or, if a majority of the votes cast on any such proposition submitted pursuant to the provisions of article seven OF THIS CHAPTER be in the affirmative the office of town clerk shall thereafter be an elective office in such town, and a town clerk shall be elected at the succeeding biennial town election for the term provided by this chapter, beginning on the first day of January next succeeding such biennial town election and the term of office of the appointive town clerk for whom such successor shall be elected shall expire on said first day of January.

(II) AT LEAST ONE HUNDRED FIFTY DAYS PRIOR TO ANY BIENNIAL TOWN ELECTION, THE TOWN BOARD OF ANY TOWN IN WHICH THE ELECTIVE OFFICE OF

TOWN CLERK SHALL EXIST, MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM THAT THE OFFICE OF TOWN CLERK SHALL BE AN APPOINTIVE OFFICE IN SUCH TOWN. EVERY ELECTOR OF THE TOWN SHALL BE ENTITLED TO VOTE AT ANY REFERENDUM HELD THEREON PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER. IF THE TOWN BOARD SHALL HAVE ADOPTED SUCH A RESOLUTION AND NO PETITION SHALL HAVE BEEN FILED WITHIN THE TIME SPECIFIED IN ARTICLE SEVEN OF THIS CHAPTER FOR A REFERENDUM THEREON, OR, IF A MAJORITY OF THE VOTES CAST ON ANY SUCH PROPOSITION SUBMITTED PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER BE IN THE AFFIRMATIVE THE OFFICE OF TOWN CLERK SHALL THEREAFTER BE AN APPOINTIVE OFFICE IN SUCH TOWN, AND THE TOWN BOARD SHALL APPOINT A TOWN CLERK FOR THE TERM PROVIDED BY THIS CHAPTER, BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING SUCH BIENNIAL TOWN ELECTION AND THE TERM OF OFFICE OF THE ELECTIVE TOWN CLERK FOR WHOM SUCH SUCCESSOR SHALL BE APPOINTED SHALL EXPIRE ON SAID FIRST DAY OF JANUARY.

(b) (I) At least one hundred fifty days prior to any biennial town election the town board of any town in which the appointive office of town superintendent of highways shall exist, may adopt a resolution, subject to a permissive referendum that the office of town superintendent of highways shall be an elective office in such town. Every elector of the town shall be entitled to vote at any referendum held thereon pursuant to the provisions of article seven of this chapter. If the town board shall have adopted such a resolution and no petition shall have been filed within the time specified in article seven OF THIS CHAPTER for a referendum thereon, or, if a majority of the votes cast on any such proposition submitted pursuant to the provisions of article seven OF THIS CHAPTER be in the affirmative the office of town superintendent of highways shall thereafter be an elective office in such town, and a town superintendent of highways shall be elected at the succeeding biennial town election for the term provided by this chapter, beginning on the first day of January next succeeding such biennial town election and the term of office of the appointive town superintendent of highways for whom such successor shall be elected shall expire on said first day of January.

(II) AT LEAST ONE HUNDRED FIFTY DAYS PRIOR TO ANY BIENNIAL TOWN ELECTION THE TOWN BOARD OF ANY TOWN IN WHICH THE ELECTIVE OFFICE OF TOWN SUPERINTENDENT OF HIGHWAYS SHALL EXIST, MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM THAT THE OFFICE OF TOWN SUPERINTENDENT OF HIGHWAYS SHALL BE AN APPOINTIVE OFFICE IN SUCH TOWN. EVERY ELECTOR OF THE TOWN SHALL BE ENTITLED TO VOTE AT ANY REFERENDUM HELD THEREON PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER. IF THE TOWN BOARD SHALL HAVE ADOPTED SUCH A RESOLUTION AND NO PETITION SHALL HAVE BEEN FILED WITHIN THE TIME SPECIFIED IN ARTICLE SEVEN OF THIS CHAPTER FOR A REFERENDUM THEREON, OR, IF A MAJORITY OF THE VOTES CAST ON ANY SUCH PROPOSITION SUBMITTED PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER BE IN THE AFFIRMATIVE, THE OFFICE OF TOWN SUPERINTENDENT OF HIGHWAYS SHALL THEREAFTER BE AN APPOINTIVE OFFICE IN SUCH TOWN, AND THE TOWN BOARD SHALL APPOINT A TOWN SUPERINTENDENT OF HIGHWAYS FOR THE TERM PROVIDED BY THIS CHAPTER, BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING SUCH BIENNIAL TOWN ELECTION AND THE TERM OF OFFICE OF THE ELECTIVE TOWN SUPERINTENDENT OF HIGHWAYS FOR WHOM SUCH SUCCESSOR SHALL BE APPOINTED SHALL EXPIRE ON SAID FIRST DAY OF JANUARY.

(c) (I) At least one hundred fifty days prior to any biennial town election, the town board of any town of the first class in which the appointive office of receiver of taxes and assessments shall exist, may adopt a resolution, subject to a permissive referendum, that the office

of receiver of taxes and assessments shall be an elective office in such town. Every elector of the town shall be entitled to vote at any referendum held thereon pursuant to the provisions of article seven of this chapter. If the town board shall have adopted such a resolution and no petition shall have been filed within the time specified in article seven OF THIS CHAPTER for a referendum thereon, or, if a majority of the votes cast on any such proposition submitted pursuant to the provisions of article seven OF THIS CHAPTER be in the affirmative the office of receiver of taxes and assessments shall thereafter be an elective office in such town, and a receiver of taxes and assessments shall be elected at the succeeding biennial town election for the term provided by this chapter, beginning on the first day of January next succeeding such biennial town election and the term of office of the appointive receiver of taxes and assessments for whom such successor shall be elected shall expire on said first day of January.

(II) AT LEAST ONE HUNDRED FIFTY DAYS PRIOR TO ANY BIENNIAL TOWN ELECTION, THE TOWN BOARD OF ANY TOWN OF THE FIRST CLASS IN WHICH THE ELECTIVE OFFICE OF RECEIVER OF TAXES AND ASSESSMENTS SHALL EXIST, MAY ADOPT A RESOLUTION, SUBJECT TO A PERMISSIVE REFERENDUM THAT THE OFFICE OF RECEIVER OF TAXES AND ASSESSMENTS SHALL BE AN APPOINTIVE OFFICE IN SUCH TOWN. EVERY ELECTOR OF THE TOWN SHALL BE ENTITLED TO VOTE AT ANY REFERENDUM HELD THEREON PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER. IF THE TOWN BOARD SHALL HAVE ADOPTED SUCH A RESOLUTION AND NO PETITION SHALL HAVE BEEN FILED WITHIN THE TIME SPECIFIED IN ARTICLE SEVEN OF THIS CHAPTER FOR A REFERENDUM THEREON, OR, IF A MAJORITY OF THE VOTES CAST ON ANY SUCH PROPOSITION SUBMITTED PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER BE IN THE AFFIRMATIVE THE OFFICE OF RECEIVER OF TAXES AND ASSESSMENTS SHALL THEREAFTER BE AN APPOINTIVE OFFICE IN SUCH TOWN, AND THE TOWN BOARD SHALL APPOINT A RECEIVER OF TAXES AND ASSESSMENTS FOR THE TERM PROVIDED BY THIS CHAPTER, BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING SUCH BIENNIAL TOWN ELECTION AND THE TERM OF OFFICE OF THE ELECTIVE RECEIVER OF TAXES AND ASSESSMENTS FOR WHOM SUCH SUCCESSOR SHALL BE APPOINTED SHALL EXPIRE ON SAID FIRST DAY OF JANUARY.

S 27. Subdivision 1 of section 36 of the town law, as amended by chapter 437 of the laws of 1963, is amended to read as follows:

1. In any town [of the second class] in which the office of tax collector or receiver of taxes AND ASSESSMENTS exists, the town board thereof may by resolution duly adopted at least one hundred fifty days prior to any biennial town election, determine that said office be abolished, same to take effect at the expiration of the term of office to which the incumbent was elected or appointed; and no such tax collector or town receiver of taxes AND ASSESSMENTS shall be elected at any biennial town election held not less than one hundred fifty days thereafter. Upon the expiration of the term of office of such tax collector or town receiver of taxes AND ASSESSMENTS as provided [herein] IN THIS CHAPTER, he shall surrender and deliver to the town clerk of said town all assessment rolls, books, papers, writings and all other documents and property in his possession as such officer. In all towns where the office of tax collector or receiver of taxes AND ASSESSMENTS has been abolished, it shall be the duty of such town clerk to collect and receive all state, county and town taxes and assessments that may be levied in such town and the town clerk shall have all the powers and be subject to all the duties of a collector IN A TOWN OF THE SECOND CLASS, OR OF A RECEIVER OF TAXES AND ASSESSMENTS IN A TOWN OF THE FIRST CLASS with respect to the collection of such taxes, the deposit of receipts

and the return of unpaid taxes, as provided by subdivision one of section thirty-five OR SECTION THIRTY-SEVEN of this [chapter] ARTICLE, AS THE CASE MAY BE.

S 28. Subdivision 21-a of section 64 of the town law is amended by adding a new paragraph 6 to read as follows:

6. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, EVERY TOWN WHICH HAS ESTABLISHED A DEPARTMENT OF PUBLIC WORKS PURSUANT TO THIS SECTION MAY ADOPT A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM AS PROVIDED BY ARTICLE SEVEN OF THIS CHAPTER, THAT THE OFFICE OF THE TOWN SUPERINTENDENT OF HIGHWAYS SHALL BE ABOLISHED. THE COMMISSIONER OF PUBLIC WORKS SHALL THEREAFTER BE THE HEAD OF THE DEPARTMENT OF PUBLIC WORKS AND THE HIGHWAY DEPARTMENT, AND HE OR SHE SHALL HAVE ALL THE POWERS AND DUTIES CONFERRED UPON THE SUPERINTENDENT OF HIGHWAYS WITHIN THIS CHAPTER, THE HIGHWAY LAW, AND ANY OTHER GENERAL, SPECIAL, OR LOCAL LAW, RULE, REGULATION OR CODE.

S 29. This act shall take effect March 1, 2009; provided however sections fifteen and sixteen of this act shall take effect January 1, 2010.

PART OO

Section 1. Paragraph d of subdivision 1 of section 11-a of the domestic relations law, as amended by chapter 424 of the laws of 1990, is amended to read as follows:

d. In all cases in which the city clerk of such city or one of his OR HER deputies or the permanent members of his OR HER staff so designated shall perform a marriage ceremony such official shall demand and be entitled to collect therefor a fee to be fixed by the council of the city of New York not exceeding [twenty-five] FORTY dollars, which sum shall be paid by the contracting parties before or immediately upon the solemnization of the marriage; and all such fees so received shall be paid over to the commissioner of finance of the city.

S 2. Subdivision 2 of section 14-a of the domestic relations law, as amended by chapter 413 of the laws of 1991, is amended to read as follows:

2. a. Such town and city clerks shall be entitled to a fee for such certificate, payable at the time of issuance of the marriage license, in a sum not exceeding ten dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such cities. IN THE CITY OF NEW YORK, THE FEE FOR SUCH CERTIFICATE SHALL BE IN A SUM NOT EXCEEDING FIFTEEN DOLLARS. The town and city clerks shall, upon request of any applicant whose name appears thereon, issue a similar certificate of marriage, as set forth above, and similarly expanded with additional facts upon the express additional request, for all marriages heretofore indexed and recorded in the office of the town or city clerks. For such certificate of marriage, the town and city clerks shall be entitled to a fee not exceeding ten dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such city. IN THE CITY OF NEW YORK, THE FEE FOR SUCH CERTIFICATE SHALL BE IN A SUM NOT EXCEEDING FIFTEEN DOLLARS.

b. In addition to the foregoing, upon request of any applicant whose name appears thereon for a certificate of marriage, the town or city clerk may issue a photograph, micro-photograph or photocopy of the marriage record on file in the office of such clerk. Such photograph, micro-photograph or photocopy, when certified by the town or city clerk,

shall be deemed an original record for all purposes, including introduction in evidence in all courts or administrative agencies. For such certificate of marriage and the certification thereof, the town or city clerk shall be entitled to a fee not exceeding ten dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such city. IN THE CITY OF NEW YORK, THE FEE FOR SUCH CERTIFICATE AND THE CERTIFICATION THEREOF SHALL BE IN A SUM NOT EXCEEDING FIFTEEN DOLLARS.

S 3. Section 14-a of the domestic relations law is amended by adding a new subdivision 6 to read as follows:

6. THE CITY CLERK OF THE CITY OF NEW YORK MAY INSTITUTE AN ADDITIONAL FEE OF FIFTEEN DOLLARS FOR PRIORITY HANDLING FOR EACH CERTIFICATION, CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF CERTIFICATES OF MARRIAGE.

S 4. Subdivision 4 of section 15 of the domestic relations law, as amended by chapter 424 of the laws of 1990, is amended to read as follows:

4. Notwithstanding any other provision of this section, the city clerk of the city of New York, before issuing any licenses herein provided for, shall be entitled to a fee of [twenty-five] UP TO FORTY dollars, which sum shall be paid by the applicants before or at the time the license is issued and all such fees so received shall be paid monthly into the city treasury.

S 5. The opening paragraph of subdivision 1 of section 19 of the domestic relations law, as amended by chapter 674 of the laws of 1985, is amended to read as follows:

Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his OR HER office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of [five] UP TO FIFTEEN dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the veterans administration or by the division of veterans' affairs of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or by the state of New York. All such affidavits, statements and consents, immediately upon the taking or receiving of the same by the town or city clerk, shall be recorded and indexed as provided herein and shall be public records and open to public inspection whenever the same may be necessary or required for judicial or other proper purposes. At such times as the commissioner shall direct, the said town or city clerk, excepting the city clerk of the city of New York, shall file in the office of the state department of health the original of each affidavit, statement, consent, order of a justice or judge authorizing imme-

diate solemnization of marriage, license and certificate, filed with or made before such clerk during the preceding month. Such clerk shall not be required to file any of said documents with the state department of health until the license is returned with the certificate showing that the marriage to which they refer has been actually performed.

S 6. Subdivision 3 of section 140 of the executive law, as amended by chapter 424 of the law of 1990, is amended to read as follows:

3. Such appointment shall not require the approval of the mayor, and hereafter, at the time of subscribing or filing the oath of office, the city clerk shall collect from each person appointed a commissioner of deeds [the sum of twenty-five] UP TO THIRTY dollars, and he OR SHE shall not administer or file such oath unless such fee has been paid.

S 7. Section 4179 of the public health law, as added by chapter 414 of the laws of 1990, is amended to read as follows:

S 4179. Vital records; fees; city of New York. 1. Notwithstanding the provisions of paragraph one of subdivision a of section 207.13 of the health code of the city of New York, the department of health AND MENTAL HYGIENE shall charge, and the applicant shall pay, for a search of two consecutive calendar years under one name and the issuance of a certificate of birth, death or termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, a fee of [fifteen] UP TO THIRTY dollars for each copy.

2. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY INSTITUTE AN ADDITIONAL FEE OF FIFTEEN DOLLARS FOR PRIORITY HANDLING FOR EACH CERTIFICATION, CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF CERTIFICATES OF BIRTH OR DEATH.

S 8. This act shall take effect March 1, 2009, except that any rules necessary for the timely implementation of this act on such effective date may be promulgated on or before such date.

PART PP

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).
4. State University Residence Hall Rehabilitation Fund (074).
5. State parks infrastructure trust fund (076):
   a. State parks infrastructure account (01).
6. Clean water/clean air implementation fund (079).
7. State lottery fund (160):
   a. Education - New (03).
   b. VLT - Admin (05).
   c. VLT - Sound basic education fund (06).
8. Medicaid management information system escrow fund (179).
9. Federal operating grants fund (290) federal capital grants fund (291).
10. Sewage treatment program management and administration fund (300).
11. Environmental conservation special revenue fund (301):

a. Hazardous bulk storage account (F7).
b. Utility environmental regulation account (H4).
c. Low level radioactive waste siting account (K5).
d. Recreation account (K6).
e. Conservationist magazine account (S4).
f. Environmental regulatory account (S5).
g. Natural resource account (S6).
h. Mined land reclamation program account (XB).
i. Federal grants indirect cost recovery account (IC).
12. Environmental protection and oil spill compensation fund (303).
13. Hazardous waste remedial fund (312):
a. Site investigation and construction account (01).
b. Hazardous waste remedial clean up account (06).
14. Mass transportation operating assistance fund (313):
a. Public transportation systems account (01).
b. Metropolitan mass transportation (02).
15. Clean air fund (314):
a. Operating permit program account (01).
b. Mobile source account (02).
16. Centralized services fund (323).
17. State exposition special fund (325).
18. Agency enterprise fund (331):
a. OGS convention center account (55).
19. Agencies internal service fund (334):
a. Archives records management account (02).
b. Federal single audit account (05).
c. Quick copy center account (07).
d. Civil service law: sec 11 admin account (09).
e. Civil service EHS occupational health program account (10).
f. Banking services account (12).
g. Cultural resources survey account (14).
h. Neighborhood work project (17).
i. Automation & printing chargeback account (18).
j. OFT NYT account (20).
k. Data center account (23).
l. Human service telecom account (24).
m. Centralized Technology services account (30).
n. OMRDD copy center account (26).
o. Intrusion detection account (27).
p. Domestic violence grant account (28).
20. Miscellaneous special revenue fund (339):
a. Statewide planning and research cooperative system account (03).
b. OMRDD provider of service account (05).
c. New York state thruway authority account (08).
d. Mental hygiene patient income account (13).
e. Financial control board account (15).
f. Regulation of racing account (16).
g. New York metropolitan transportation council account (17).
h. Quality of care account (20).
i. Cyber upgrade account (25).
j. Certificate of need account (26).
k. Hospital and nursing home management account (44).
l. State university dormitory income reimbursable account (47).
m. Training, management and evaluation (50).
n. Energy research account (60).
o. Criminal justice improvement account (62).

p. Fingerprint identification and technology account (68).
q. Environmental laboratory reference fee account (81).
r. Clinical laboratory reference system assessment account (90).
s. Public employment relations board account (93).
t. Radiological health protection account (95).
u. Teacher certification account (A4).
v. Banking department account (A5).
w. Cable television account (A6).
x. Indirect cost recovery account (AH).
y. High school equivalency program account (AI).
z. Rail safety inspection account (AQ).
aa. Child support revenue account (AX).
bb. Multi-agency training account (AY).
cc. Critical infrastructure account (B3).
dd. Insurance department account (B6).
ee. Bell jar collection account (BJ).
ff. Industry and utility service account (BK).
gg. Real property disposition account (BP).
hh. Parking account (BQ).
ii. Asbestos safety training program account (BW).
jj. Improvement of real property tax administration account (BZ).
kk. Public service account (C3).
ll. Plant industry account (CZ).
mm. Batavia school for the blind account (D9).
nn. Investment services account (DC).
oo. Surplus property account (DE).
pp. OMRDD day services account (DH).
qq. Financial oversight account (DI).
rr. Regulation of indian gaming account (DT).
ss. Special conservation activities account (CU).
tt. Interest assessment account (DZ).
uu. Office of the professions account (E3).
vv. Rome school for the deaf account (E6).
ww. Seized assets account (E8).
xx. Administrative adjudication account (E9).
yy. Client notices system (EG).
zz. Federal salary sharing account (EC).
aaa. Cultural education account (EN).
bbb. Examination and miscellaneous revenue account (ER).
ccc. Transportation regulation account (F1).
ddd. Local services account (G3).
eee. Electronic benefit transfer and common benefit identification card account (GD).
fff. Housing special revenue account (H2).
ggg. Department of motor vehicles compulsory insurance account (H7).
hhh. Housing Indirect cost recovery (HI).
iii. Housing credit agency application fee account (J5).
jjj. EPIC premium account (J6).
kkk. Federal gasoline and diesel fuel excise tax account (L6).
lll. OTDA earned revenue account (L7).
mmm. Medical assistance disability account (LF).
nnn. Low income housing credit monitoring fee account (NG).
ooo. Procurement opportunities newsletter account (P4).
ppp. Corporation administration account (P6).
qqq. Montrose veteran's home account (Q6).
rrr. Excelsior capital corporation reimbursement account (R1).

sss. Motor fuel quality account (R4).
ttt. Weights and measures account (R5).
uuu. Deferred compensation administration account (R7).
vvv. Rent revenue other account (RR).
www. Batavia medicaid income account (S1).
xxx. Rent revenue account (S8).
yyy. Tax revenue arrearage account (TR).
zzz. Solid waste management account (W3).
aaaa. Occupational health clinics account (W4).
bbbb. Capacity contracting (XU).
cccc. Point insurance reduction program account.
dddd. Internet point insurance reduction program account.
eeee. Mental hygiene program fund account (10).
21. State university income fund (345):
a. State university general income offset account (11).
22. State police and motor vehicle law enforcement fund (354):
a. State police motor vehicle law enforcement account (02).
23. Youth facilities improvement fund (357):
a. Youth facilities improvement account (01).
24. Highway safety program fund (362):
a. Highway safety program account (01).
25. Drinking water program management and administration fund (366):
a. EFC drinking water program account (01).
b. DOH drinking water program account (02).
26. New York city county clerks offset fund (368):
a. NYCCC operating offset account (01).
27. Housing assistance fund (374).
28. Housing program fund (376).
29. Department of transportation - engineering services fund (380):
a. Highway facility purpose account (01).
30. Miscellaneous capital projects fund (387):
a. Clean air capital account (08).
b. New York racing account.
31. Mental hygiene facilities capital improvement fund (389).
32. Joint labor/management administration fund (394):
a. Joint labor/management administration fund (01).
33. Audit and control revolving fund (395):
a. Executive direction internal audit account (04).
34. Health insurance internal service fund (396):
a. Health insurance internal service account (00).
b. Civil service employee benefits div admin (01).
35. Correctional industries revolving fund (397).
36. Correctional facilities capital improvement fund (399).
37. Industrial exhibit authority fund (450).
38. Federal unemployment insurance administration fund (480):
a. UI administration (01).
39. Federal unemployment insurance occupational training fund (484):
a. Federal unemployment insurance occupational training (00).
b. Disaster relief grants (01).
40. Federal employment and training grants (486):
a. DOL workforce investment act (09).
41. HCRA resources fund (061):
a. EPIC premium account (J6).
b. Maternal and child HIV services account (LC).
c. Hospital based grants program account (AF).
d. Child health plus program account (29).

S 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2010, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $300,000 from the miscellaneous special revenue fund (339) underground facilities safety training account (US), to the general fund.

2. $273,000,000 from the miscellaneous special revenue fund (339) public service account (C3), to the general fund.

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

4. $14,260,000 from the miscellaneous special revenue fund (339), code enforcement account (07), to the general fund.

5. $15,000,000 from the miscellaneous special revenue fund (339), insurance department account (B6), to the general fund.

6. $8,000,000 from the miscellaneous special revenue fund (339), banking department account (A5), to the general fund.

7. $138,861,000 from the miscellaneous special revenue fund (339), insurance department account (B6), to the health care reform fund (061), HCRA undistributed account (99).

Education:

1. $2,356,000,000 from the general fund to the state lottery fund (160), education account (03), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $523,000,000 from the general fund to the state lottery fund (160), VLT education account (06), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

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

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

5. $700,000 from the general fund to the miscellaneous special revenue fund (339), Batavia school for the blind account (D9).

6. $400,000 from the general fund to the miscellaneous special revenue fund (339), Rome school for the deaf account (E6).

7. $1,500,000 from the general fund for the private schools for the blind and deaf may be transferred to the department of health miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB). Notwithstanding any other law, rule or regulation to the contrary, funds shall be available for transfer to the department of health miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB), upon the approval by the director of the budget of a staffing and expenditure plan developed by the department of health in consultation with the state education department.

8. $40,000,000 from the state university dormitory income fund (330) to the state university residence hall rehabilitation fund (074).

9. $315,000,000 from the state university dormitory income fund (330) to the miscellaneous special revenue fund (339), state university dormitory income reimbursable account (47).

10. $500,000 from the miscellaneous special revenue fund (339), volunteer recruitment service scholarships account (VR) to the general fund.

11. $1,000,000 from the miscellaneous special revenue fund (339), cultural education account (EN), to the miscellaneous special revenue fund (339), summer school of the arts account (38).

12. $22,000,000 from the state university income fund (345), state university general income fund reimbursable account (10), to the general fund.

13. $24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund (339), indirect cost recovery account (AH).

14. $8,318,000 from the general fund to the state university income fund (345), state university income offset account (11), for the states share of repayment of the STIP loan.

15. $75,000,000 from the state university income fund (345), state university general income fund reimbursable account (10), to the state university income fund (345), supplemental operating fund account.

Environmental Affairs:

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

2. $5,000,000 from the general fund to the hazardous waste remedial fund (312), hazardous waste remediation oversight and assistance account (00).

3. $45,000,000 from the environmental protection fund (078), environmental protection transfer account (01), to the general fund.

4. $50,000,000 from resources made available through the use of bond financing for activities in the environmental protection fund (078), environmental protection transfer account (01), to the general fund.

5. $5,000,000 from the general fund to the state parks infrastructure fund (076), state infrastructure account (01).

6. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the special revenue fund (301) federal grant indirect cost recovery account.

7. $2,000,000 from any of the office of parks, recreation, and historical preservation special revenue federal funds to the special revenue fund (339) federal grant indirect cost recovery account.

8. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339) federal grant indirect cost recovery account (Z1).

9. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339), I love NY water account (39).

10. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339), patron services account (T2).

11. $500 from the Hudson river valley greenway fund (056), greenway communities council account (01), to the general fund.

12. $44 from the Hudson river valley greenway fund (056), greenway heritage conservancy account (02), to the general fund.

Family Assistance:

1. $10,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health

special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund (339), office of human resources development state match account (2C).

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

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

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

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

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

7. $7,300,000 from the federal health and human services fund (265) to the miscellaneous special revenue fund (339), ODD earned revenue account (AD).

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

9. $81,886,000 from any of the office of temporary and disability assistance, department of health or office of children and family services special revenue funds to the miscellaneous special revenue fund (339), office of temporary and disability assistance earned revenue account (L7).

10. $4,309,000 from the federal block grant fund (269) or the federal health and human services fund (265) to the miscellaneous special revenue fund (339), home energy assistance earned revenue account (QA).

11. $7,500,000 from any of the office of temporary and disability assistance or office of children and family services special revenue federal funds to the miscellaneous special revenue fund (339), office of temporary and disability assistance program account (AL).

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

13. $30,000,000 from the office of temporary and disability assistance federal health and human services fund (265) to the miscellaneous special revenue fund (339), child support revenue account (AX).

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

15. $2,322,000 from any of the office of temporary and disability assistance special revenue federal funds, in accordance with agreements with social services districts, to the miscellaneous special revenue fund (339), OTDA office of human resources development state match account (49).

16. $10,731,000 from any of the office of temporary and disability assistance special revenue federal funds, to the miscellaneous special revenue fund (339), OTDA training contract account (48).

17. $97,000 from the employment training fund (341), JTPA youth employment account (04), to the general fund.

18. $147,000 from the employment training fund (341), JTPA youth employment account (01), to the general fund.

19. $6,000,000 from the miscellaneous special revenue fund (339), adult shelter sanction account (GA), to the general fund.

20. $121,000,000 from the miscellaneous special revenue fund (339), youth facility per Diem account (YF), to the general fund.

21. $2,700,000 from the miscellaneous special revenue fund (339), state central registry account (CY), to the general fund.

22. $10,000,000 from the miscellaneous special revenue fund (339), office of temporary and disability assistance earned revenue account (L7), to the general fund.

23. $1,381,800 from the general fund to the children and family trust fund (020).

General Government:

1. $1,545,000 from the miscellaneous special revenue fund (339), examination and miscellaneous revenue account (ER) to the general fund.

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

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

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

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

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

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

8. $21,480,000 from the general fund to the miscellaneous special revenue fund (339), alcoholic beverage control account (DB).

9. $2,000,000 from the miscellaneous special revenue fund (339), federal liability account (FL), to the general fund.

10. $10,000,000 from centralized services fund (323), OGS building administration account (ZY), to the general fund.

11. $15,000,000 from the miscellaneous special revenue fund (339), revenue arrearage account (CR), to the general fund.

12. $1,326,000 from the miscellaneous special revenue fund (339) revenue arrearage account (CR), to the miscellaneous special revenue fund (339) authority budget office account.

13. $1,000,000 from the miscellaneous special revenue fund (339), parking services account (BQ), to the general debt service fund (311), general debt service account.

14. Intentionally omitted.

15. $60,000,000 from any account within the special revenue federal funds receiving money pursuant to federal Medicare Part D legislation to the general fund.

Health:

1. $1,500,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB).

2. $139,560,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), quality of care account (20).

3. $1,000,000 from the general fund to the combined gifts, grants and bequests fund (020), breast cancer research and education account (BD), an amount equal to the monies collected and deposited into that account in the previous fiscal year.

4. $2,464,000 from any of the department of health accounts within the federal health and human services fund (265) to the department of health miscellaneous special revenue fund (339), statewide planning and research cooperation system (SPARCS) program account (03).

5. $250,000 from the general fund to the combined gifts, grants and bequests fund (020), prostate cancer research, detection, and education account (PR), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

6. $500,000 from the general fund to the combined gifts, grants and bequests fund (020), Alzheimer's disease research and assistance account (AA), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

7. $1,000,000 from the miscellaneous special revenue fund (339), administration account (AP), to the general fund.

8. $600,000,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), federal state health reform partnership account (FS).

9. $85,000,000 from the general fund to the miscellaneous special revenue fund (339) empire state stem cell trust fund account (SR).

Labor:

1. $700,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the child performer protection fund (025), child performer protection account (CP).

2. $12,000,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the general fund.

3. $9,000,000 from the occupational safety and health special revenue fund (305), occupational safety and health training and education account (01), to the general fund.

4. $5,000,000 from the unemployment insurance interest and penalty special revenue fund (482), unemployment insurance special interest and penalty account (01), to the general fund.

Mental Hygiene:

1. $5,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13), to the miscellaneous special revenue fund (339), federal salary sharing account (EC).

2. $10,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13), to the miscellaneous special revenue fund (339), federal salary sharing account (EC).

3. $190,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the miscellaneous special revenue fund (339), provider of service accounts (05).

4. $144,000,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the miscellaneous special revenue fund (339), provider of service account (05).

5. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene patient income account (13).

6. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene program fund account (10).

7. $3,600,000 from the miscellaneous special revenue fund (332), Intermediate Care Facility (ICF)/Home and Community Based Services (HCBS) loan account (05), to the general fund.

8. $197,400,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the general fund.

9. $24,200,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the general fund.

Public Protection:

1. $1,350,000 from the miscellaneous special revenue fund (339), emergency management account (61), to the general fund.

2. $3,300,000 from the general fund to the miscellaneous special revenue fund (339), recruitment incentive account (U2).

3. $14,000,000 from the general fund to the correctional industries revolving fund (397), correctional industries internal service account (00).

4. $25,500,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the miscellaneous special revenue fund (339), seized assets account (E8).

5. $1,500,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the combined gifts, grants and bequests fund (020), New York state emergency services revolving loan account (AU).

6. $10,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the miscellaneous special revenue fund (339), local wireless public safety answering point account (LW).

7. $23,559,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the general debt service fund (311), revenue bond tax account (02).

8. $10,000,000 from federal miscellaneous operating grants fund (290), DMNA damage account (71), to the general fund.

9. $6,000,000 from the general fund to the miscellaneous special revenue fund (339), crimes against revenue program account (CA).

10. $2,000,000 from the general fund to the Attica state employee victims' fund (013).

11. $20,000,000 from any office of homeland security account within the federal miscellaneous operating grants fund (290), receiving money through the homeland security grants program, to the general fund.

12. $11,500,000 from the federal miscellaneous operating grants fund (290) world trade center account, to the general fund.

13. $4,800,000 from the federal miscellaneous operating grants fund (290) world trade center account, to the miscellaneous special revenue fund (339) New York alert account.

14. $100,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the state capital projects fund (002).

15. $800,000 from the miscellaneous special revenue fund (339) criminal justice improvement account (62) to the general fund.

16. $7,200,000 from the miscellaneous special revenue fund (390) indigent legal services fund (01), to the general fund.

Transportation:

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

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

3. $12,300,000 from the miscellaneous special revenue fund (339), compulsory insurance account (H7), to the general fund.

4. $20,000,000 from the suburban transportation fund (327) to the mass transportation operating assistance fund (313), additional mass transportation fund account (06).

5. $14,183,000 from the general fund to the mass transportation operating assistance fund (313) public transportation systems accounts (01).

6. $16,721,000 from the mass transportation operating assistance fund (313) metropolitan mass transit operating assistance account (02), to the mass transportation operating assistance fund (313) public transportation systems operating assistance account (01).

7. $339,229,000 from the general fund to the dedicated highway and bridge trust fund (072).

Miscellaneous:

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

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

3. $23,300,000 from the general fund to the miscellaneous special revenue fund (339), improvement of real property tax administrative account (BZ).

S 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2010:

1. Upon request of the commissioner of environmental conservation, up to $10,463,500 from revenues credited to any of the department of environmental conservation special revenue funds, including $3,068,300 from the environmental protection and oil spill compensation fund (303), and $1,723,000 from the conservation fund (302), to the environmental conservation special revenue fund (301), indirect charges account (BJ).

2. Upon request of the commissioner of agriculture and markets, up to $3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the miscellaneous special revenue fund (339) administrative costs account, to pay appropriate administrative expenses.

3. Upon request of the commissioner of agriculture and markets, up to $2,000,000 from the state exposition special fund (325), state fair receipts account (01), or the industrial exhibit authority fund (450), industrial exhibit authority account (01), to the miscellaneous capital projects fund (387), state fair capital improvement account (13).

4. Upon request of the commissioner of the division of housing and community renewal, up to $2,911,000 from revenues credited to any division of housing and community renewal miscellaneous special revenue fund (339) to the agency cost recovery account (HI).

5. Upon request of the commissioner of health up to $15,000,000 from revenues credited to any of the department of health's special revenue

funds, to the miscellaneous special revenue fund (339), administration account (AP).

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

S 5. Notwithstanding any law to the contrary, the state university chancellor or his designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (344) to the state university fund (345), state university revenue offset account (12) on or before March 31, 2010.

S 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his designee, up to $40,000,000 from the state university income fund (345), state university hospitals income reimbursable account (22) under hospital income reimbursable for services and expenses of hospital operations and capital expenditures at the state university hospitals, and the state university income fund (345) Long Island veterans' home account (09) to the state university capital projects fund (384) on or before June 30, 2010.

S 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $128,700,000 from the general fund to the state university income fund (345), state university hospitals income reimbursable account (22) during the period July 1, 2009 through June 30, 2010 to reflect ongoing state subsidy of SUNY hospitals and to pay costs attributable to the SUNY hospitals' state agency status.

S 8. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund (344), Stony Brook hospital collection account (07), Brooklyn hospital collection account (08), and Syracuse hospital collection account (09) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to transfer moneys, in amounts sufficient to permit the full transfer of moneys authorized for transfer, to the general debt service fund (311) for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund (345) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to pay hospital operating costs or to transfer moneys, in amounts sufficient to permit the full transfer of moneys authorized for transfer, to the general debt service fund (311) for payment of debt service related to the SUNY hospitals on or before March 31, 2010.

S 9. On or before March 31, 2010, the comptroller is authorized and directed to transfer the unencumbered balance from the family benefit fund (329) to the general fund.

S 10. On or before March 31, 2010, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund (334), banking services account (12), for the purpose of meeting direct payments from such account.

S 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies, upon request of the director of the budget, on or before March 31, 2010, from and to any of the following accounts: the miscellaneous special revenue fund (339), patient income account (13), the miscellaneous special revenue fund (339), mental hygiene program fund account or the general fund in any combination, the aggregate of which shall not exceed $200 million.

S 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $200 million from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2009-10 budget. Transfers from federal funds, debt service funds, capital projects funds, or the community projects fund are not permitted pursuant to this authorization. The director of the budget shall notify both houses of the legislature in writing prior to initiating transfers pursuant to this authorization.

S 13. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 14 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [eight] NINE, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [$4,970,000,000] $3,415,450,000, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [eight] NINE.

S 13-a. Section 51 of part RR of chapter 57 of the laws of 2008 providing for the administration of certain funds and accounts related to the 2008-2009 budget, is amended to read as follows:

S 51. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2008; provided, however, that the amendments to subdivision 6 of section 4 and subdivision 4 of section 40 of the state finance law made by sections fifteen and sixteen of this act shall expire on the same date such subdivisions expire; and provided, further, however, that section thirty-four of this act shall take effect on the same date as the reversion of section 69-c of the state finance law as provided in section 58 of part T of chapter 57 of the laws of 2007, as amended; provided, further that such amend-

ments shall expire and be deemed repealed March 31, 2010; and provided, further, however, that sections one, three, four, [fourteen,] and eighteen through twenty-seven of this act shall expire March 31, 2009 when upon such date the provisions of such sections shall be deemed repealed; AND PROVIDED FURTHER THAT SECTION FOURTEEN OF THIS ACT SHALL EXPIRE MARCH 31, 2010 WHEN UPON SUCH DATE THE PROVISIONS OF SUCH SECTION SHALL BE DEEMED REPEALED.

S 13-b. Section 11-a of part RR of chapter 57 of the laws of 2008, relating to providing for the administration of certain funds and accounts related to the 2008-2009 budget, is amended to read as follows:

S 11-a. Notwithstanding any provision of law to the contrary, the power authority of the state of New York, as deemed feasible and advisable by its trustees, is authorized to make contributions to the state treasury to the credit of the general fund as follows: for the fiscal year commencing April 1, 2008, a total of [$60,000,000] $361,000,000, not less than $50,000,000 of which will be paid within thirty days of the enactment of the state budget for such fiscal year, NOT LESS THAN $119,000,000 SHALL BE PAID BY JANUARY 30, 2009 AND $182,000,000 SHALL BE PAID BY MARCH 27, 2009; for the fiscal year commencing April 1, 2009, a total of [$35,000,000] $210,000,000, not less than [$25,000,000] $103,000,000 of which will be paid within [thirty] ONE HUNDRED EIGHTY days of the enactment of the state budget for such fiscal year[; and for the fiscal year commencing April 1, 2010, a total of $35,000,000, not less than $25,000,000 of which will be paid within thirty days of the enactment of the state budget for such fiscal year] AND $107,000,000 SHALL BE PAID PRIOR TO MARCH 26, 2010.

S 14. Section 41 of chapter 60 of the laws of 1993, amending the public authorities law and other laws relating to the bonding authority of the environmental facilities corporation is amended by adding a new subdivision 4 to read as follows:

4. MONEYS IN THE CONTINGENCY RESERVE FUND MAY BE TEMPORARILY LOANED TO THE GENERAL FUND DURING ANY FISCAL YEAR IN ANTICIPATION OF THE RECEIPT OF REVENUES FROM TAXES, FEES AND OTHER SOURCES REQUIRED TO BE PAID INTO THE GENERAL FUND DURING SUCH FISCAL YEAR. MONEYS SO TEMPORARILY LOANED SHALL BE REPAID IN CASH DURING THE SAME FISCAL YEAR.

S 15. Section 92-cc of the state finance law is amended by adding a new subdivision 5 to read as follows:

5. MONEYS IN THE RAINY DAY RESERVE FUND MAY BE TEMPORARILY LOANED TO THE GENERAL FUND DURING ANY FISCAL YEAR IN ANTICIPATION OF THE RECEIPT OF REVENUES FROM TAXES, FEES AND OTHER SOURCES REQUIRED TO BE PAID INTO THE GENERAL FUND DURING SUCH FISCAL YEAR. MONEYS SO TEMPORARILY LOANED SHALL BE REPAID IN CASH DURING THE SAME FISCAL YEAR.

S 16. Subdivision 5 of section 4 of the state finance law, as amended by chapter 524 of the laws of 2008, is amended to read as follows:

5. No money or other financial resources shall be transferred or temporarily loaned from one fund to another without specific statutory authorization for such transfer or temporary loan, except that [the] MONEY OR OTHER FINANCIAL RESOURCES OF A FUND MAY BE TEMPORARILY LOANED TO THE GENERAL FUND DURING THE STATE FISCAL YEAR PROVIDED THAT SUCH LOAN SHALL BE REPAID IN FULL NO LATER THAN (A) FOUR MONTHS AFTER IT WAS MADE OR (B) BY THE END OF THE SAME FISCAL YEAR IN WHICH IT WAS MADE, WHICHEVER PERIOD IS SHORTER, SO THAT AN ACCURATE ACCOUNTING AND REPORTING OF THE BALANCE OF FINANCIAL RESOURCES IN EACH FUND MAY BE MADE. THE comptroller is hereby authorized to temporarily loan money from the general fund or any other fund to the fund/accounts that are authorized to receive a loan. Such loans shall be limited to the amounts immediately

required to meet disbursements, made in pursuance of an appropriation by law and authorized by a certificate of approval issued by the director of the budget with copies thereof filed with the comptroller and the chair of the senate finance committee and the chair of the assembly ways and means committee. The director of the budget shall not issue such a certificate unless he or she shall have determined that the amounts to be so loaned are receivable on account. When making loans, the comptroller shall establish appropriate accounts and if the loan is not repaid by the end of the month, provide on or before the fifteenth day of the following month to the director of the budget, the chair of the senate finance committee and the chair of the assembly ways and means committee, an accurate accounting and report of the financial resources of each such fund at the end of such month. Within ten days of the receipt of such accounting and reporting, the director of the budget shall provide the comptroller and the chair of the senate finance committee and the chair of the assembly ways and means committee an expected schedule of repayment by fund and by source for each outstanding loan. Repayment shall be made by the comptroller from the first cash receipt of this fund.

S 17. Subdivision (b) of section 1 of part P of chapter 57 of the laws of 2007, providing funding for certain community projects is REPEALED.

S 18. Subdivision (a) of section 2 and section 3 of part MM of chapter 59 of the laws of 2008, amending chapter 57 of the laws of 2007, providing funding for certain community projects, relating to increasing such funding, are REPEALED.

S 19. (Intentionally omitted.)

S 20. The comptroller is authorized and directed to deposit to the general fund-state purposes account reimbursements from moneys appropriated or reappropriated to the correctional facilities capital improvement fund (399) by a chapter of the laws of 2009. Reimbursements shall be available for spending from appropriations made to the department of correctional services in the general fund-state purposes account by a chapter of the laws of 2009 for costs associated with the administration and security of capital projects and for other costs which are attributable, according to a plan, to such capital projects.

S 21. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation for $22,404,000 authorized by chapter 55 of the laws of 1999 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursements for spending from various appropriations for projects related to the New York city watershed, reimbursement from the proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation for $22,500,000 authorized by chapter 55 of the laws of 1999 to the environmental facilities corporation for payment for the jobs two thousand pipeline for jobs program, reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $47,500,000 authorized by chapter 55 of the laws of 1999 to the office of science, technology and academic research for payment for the jobs two thousand capital facilities program, reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $145,000,000 authorized by chapter

53 of the laws of 1999 to the state education department for payment of capital construction grants to school districts pursuant to the rebuilding schools to uphold education program, and reimbursement from the proceeds of notes and bonds issued by the urban development corporation for a capital appropriation for $25,000,000 authorized by chapter 55 of the laws of 1999 to all state agencies for payment of costs related to economic development, land acquisition, and heritage trail projects.

S 22. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $43,383,000 authorized by chapter 55 of the laws of 2000 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, to reimburse spending from various appropriations for certain projects related to the New York city watershed, reimbursement from the proceeds of notes and bonds issued by the urban development corporation for capital appropriation for $15,000,000 authorized by chapter 55 of the laws of 2000 to the urban development corporation for payment of costs related to a sports facility in the city of Rochester, reimbursement from the proceeds of notes and bonds issued by the urban development corporation of the state of New York for a capital appropriation for $50,000,000 authorized by chapter 55 of the laws of 2000 to the urban development corporation for payment of costs related to economic development projects in the downtown Buffalo, the Buffalo inner harbor area, or surrounding environs, reimbursement from proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $225,000,000 authorized by chapter 55 of the laws of 2000 to all state agencies for payment of costs related to the strategic investment program, reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $50,000,000 authorized by chapter 53 of the laws of 2000 to the state education department for payment of capital construction grants to school districts pursuant to the rebuilding schools to uphold education program, for reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $15,000,000 authorized by chapter 53 of the laws of 2000 to the office of children and family services for payment of costs related to the child care facilities development program, and for reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $10,000,000 authorized by chapter 55 of the laws of 2000 to the office of science, technology and academic research for payment of costs related to biomedical research and/or manufacturing facilities.

S 23. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,772,000 authorized by chapter 54 of the laws of 2001 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund.

S 24. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit,

to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,365,000 authorized by chapter 54 of the laws of 2002 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes and bonds issued by the urban development corporation or other financing source for a capital appropriation for $89,000,000 authorized by chapter 50 of the laws of 2002 to the office of general services for payment of capital construction costs for the Alfred E. Smith office building located in the city of Albany, reimbursement from the proceeds of notes and bonds issued by the urban development corporation or other financing source for capital appropriations for $1,500,000 authorized by chapter 50 of the laws of 2002 to the office of general services for payment of capital construction costs for the Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $12,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2002 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $13,250,000 authorized by chapter 55 of the laws of 2002 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $14,300,000 authorized by chapter 55 of the laws of 2002 to the urban development corporation to finance a portion of the jobs now program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $20,800,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2002 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $15,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2002 to any agency for costs related to homeland security, and reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 54 of the laws of 2002 to the department of environmental conservation for Onondaga lake.

S 25. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $30,174,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or other financing source for a capital appropriation of $19,500,000 authorized by chapter 50 of the laws of 2003 to the office 50 of general services for payment of capital construction costs for the 51 Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the

laws of 2003 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,250,000 authorized by chapter 55 of the laws of 2003 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $16,400,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2003 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2003 to any agency for costs related to homeland security, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for environmental purposes, and reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $100,000,000 from a capital appropriation authorized by chapter 50 of the laws of 2003 to the department of state for enhanced 911 wireless service.

S 26. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $28,893,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2004 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2004 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation, for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $80,000,000 authorized by chapter 53 of the laws of 2004 to the education department for capital transition grants for transportation, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $250,000,000 authorized by

chapter 55 of the laws of 2004 for payment of costs related to economic development projects and reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $350,000,000 authorized by chapter 3 of the laws of 2004 for the New York state economic development program.

S 27. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,602,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2005 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $350,000,000 authorized by chapter 55 of the laws of 2005 for the Javits center, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $90,000,000 authorized by chapter 62 of the laws of 2005 for regional development, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $250,000,000 authorized by chapter 62 of the laws of 2005 for technology and development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $75,000,000 authorized by chapter 162 of the laws of 2005 for the New York state economic development program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $150,000,000 authorized by chapter 62 of the laws of 2005 for the higher education facilities capital matching grants program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or other financing source for a capital appropriation of $4,000,000 authorized by chapter 50 of the laws of 2005 to the office of general services for payment of capital construction costs for the Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $15,000,000 authorized by chapter 53 of the laws of 2005 to the state education department for payment of capital construction costs for public broadcasting facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation

of $15,700,000 authorized by chapter 50 of the laws of 2005 to the division of state police for public protection facilities, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the division of military and naval affairs for various purposes.

S 28. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $14,000,000 authorized by chapter 55 of the laws of 2006 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $12,400,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of state police for public protection facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $117,000,000 authorized by chapter 50 of the laws of 2006 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for all or a portion of capital appropriations of $603,050,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for economic development/other projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $269,500,000 authorized by chapter 108 of the laws of 2006 to the dormitory authority or the urban development corporation for economic development projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $201,500,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for university development projects, reimburse-

ment from the proceeds of notes or bonds issued by the dormitory authority or for a capital appropriation of $143,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for cultural facilities projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for capital appropriations totaling $60,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for energy/environmental projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for a competitive solicitation for construction of a pilot cellulosic ethanol refinery, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure for a new stadium in Queens county, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure improvements to construct a new parking facility at a new stadium in Bronx county, reimbursement from the proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation for $5,000,000 authorized by chapter 55 of the laws of 2006 to the environmental facilities corporation for payment for the pipeline for jobs program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2006 for the library construction purpose, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $2,000,000 authorized by chapter 53 of the laws of 2006 for a Cornell equine drug testing laboratory, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $1,200,000 authorized by chapter 53 of the laws of 2006 for the towns of Bristol and Canandaigua public water systems, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,500,000 authorized by chapter 53 of the laws of 2006 for Belleayre mountain ski center, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $25,000,000 authorized by chapter 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,000,000 authorized by chapter 108 of the laws of 2006 for a state of New York umbilical cord bank, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,500,000 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain ski bowl connection, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard laboratory, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory

authority for an appropriation of $99,500,000 authorized by chapter 108 of the laws of 2006 to the office for technology for payment of capital construction costs for a consolidated data center, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for an appropriation of $40,000,000 authorized by chapter 108 of the laws of 2006 for a food testing laboratory, reimbursement from the proceeds of notes or bonds issued by the New York state thruway authority for an appropriation of $22,000,000 authorized by chapter 108 of the laws of 2006 to the department of transportation for high speed rail, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $500,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for development of a semiconductor manufacturing facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation of up to $150,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for research and development activities of a semiconductor manufacturer, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $300,000,000 from an appropriation to the urban development corporation authorized by chapter 108 of the laws of 2006 for community revitalization projects.

S 29. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2007 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $50,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of a Troop G facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disburse-

ments from a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of evidence storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriations totaling $77,900,000 authorized by chapter 51 of the laws of 2007 to the judiciary for court training facilities and courthouse improvement projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 50 of the laws of 2007 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $60,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for cultural education storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $15,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for the Roosevelt Island Operating Corporation aerial tramway, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Governor's Island, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,500,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Harriman research and technology park, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,950,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $1,300,000 from appropriations authorized by chapter 50 of the laws of 2007 made to the office of general services for legislative office building hearing rooms.

S 30. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $141,000,000 authorized by chapter 50 of the laws of 2008 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $45,500,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2008 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2008 to the energy research and development authority

for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2008 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $11,000,000 authorized by chapter 50 of the laws of 2008 to the office for technology for the costs of development of interim data center facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $10,000,000 authorized by chapter 50 of the laws of 2008 to the office for technology for activities related to broadband service, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2008 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation authorized by chapter 55 of the laws of 2008 for $14,000,000 to the education department for library construction, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation authorized by chapter 55 of the laws of 2008 for $12,585,000 to the education department for state records center expansion, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation authorized by chapter 55 of the laws of 2008 for $15,000,000 to the education department for museum renewal project, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $50,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the investment opportunity fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $30,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to arts and cultural projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 for economic and community development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $30,000,000 authorized by chapter 53 of the laws of 2008 for New York City waterfront development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $45,000,000 authorized by chapter 53 of the laws of 2008 for luther forest infrastructure projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capi-

tal appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to downstate regional projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $145,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to upstate city-by-city projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the downstate revitalization projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $120,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate regional blueprint fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $40,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate agricultural economic development fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state capital assistance program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state economic development assistance program, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $20,000,000 authorized by chapter 55 of the laws of 2008 to the urban development corporation for services and expenses related to the empire state economic development fund.

S 31. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by a chapter of the laws of 2009 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $129,800,000 authorized by a chapter of the laws of 2009 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $24,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2009 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by a chapter of the laws of 2009 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by a chapter of the laws of 2009 to the department of envi-

ronmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by a chapter of the laws of 2009 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2009 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by a chapter of the laws of 2009 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation for $14,000,000 to the State Education Department for library construction, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation for $4,000,000 to the State Education Department for rehabilitation associated with the St. Regis Mohawk elementary school authorized by a chapter of the laws of 2009 and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $25,000,000 authorized by a chapter of the laws of 2009 to the urban development corporation for services and expenses related to the empire state economic development fund.

S 32. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the city university special revenue fund (377), reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York for capital disbursements of up to $20,000,000 from any appropriation or reappropriation authorized by a chapter of the laws of 2009 to the city university of New York for various purposes.

S 33. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. On or before June 30, 2010, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

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

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

(3) The comptroller is hereby authorized and directed to transfer any balance above the amounts certified by the commissioner of environmental conservation to reimburse disbursements pursuant to all appropriations from such site investigation and construction account; provided, however, that if such transfers are determined by the comptroller to be insufficient to assure that interest paid to holders of state obligations issued for hazardous waste purposes pursuant to the environmental quality bond act of nineteen hundred eighty-six, as enacted by chapter 511 of the laws of 1986, is exempt from federal income taxation, the comptroller is hereby authorized and directed to transfer, from such site investigation and construction account to the general fund, the amount necessary to redeem bonds in an amount necessary to assure the continuation of such tax exempt status. Prior to the making of any such transfers, the comptroller shall notify the director of the budget of the amount of such transfers.

S 35. Section 69-c of the state finance law, as amended by section 34 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

S 69-c. Variable rate bonds. Notwithstanding any other provision of law to the contrary, any State-supported debt may be issued as variable rate bonds.

Notwithstanding any other provision of law to the contrary, for purposes of calculating the present value of debt service and calculating savings in connection with the issuance of refunding indebtedness, (i) the effective interest rate and debt service payable on variable rate bonds in connection with which, and to the extent that, an authorized issuer has entered into an interest rate exchange or similar agreement pursuant to which the authorized issuer makes payments based on a fixed rate and receives payments based on a variable rate that is reasonably expected by such authorized issuer to be equivalent over time to the variable rate paid on the related variable rate bonds, shall be calculated assuming that the rate of interest on such variable rate bonds is the fixed rate payable by the authorized issuer on such interest rate exchange or similar agreement for the scheduled term of such agreement; (ii) the effective interest rate and debt service on variable rate bonds in connection with which, and to the extent that, an authorized issuer has not entered into such an interest rate exchange or similar agreement shall be calculated assuming that interest on such vari-

able interest rate bonds is payable at a rate or rates reasonably assumed by the authorized issuer; (iii) the effective interest rate and debt service on any bonds subject to optional or mandatory tender shall be a rate or rates reasonably assumed by the authorized issuer; [and] (iv) ANY VARIABLE RATE BONDS THAT ARE CONVERTED OR REFUNDED TO A FIXED RATE, WHETHER OR NOT FINANCED ON AN INTERIM BASIS WITH BOND ANTICIPATION NOTES, SHALL BE ASSUMED TO GENERATE A PRESENT VALUE SAVINGS; AND (V) otherwise, the effective interest rate and debt service on any bonds shall be calculated at a rate or rates reasonably assumed by the authorized issuer. Notwithstanding any other provision of law to the contrary, for calculating the present value of debt service and calculating savings in connection with the issuance of refunding indebtedness, the refunding of variable rate debt instruments with new variable rate debt instruments shall be excluded from any such requirements, if effectuated for sound business purposes.

S 36. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 35 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [eight] TEN billion [five hundred eighty-three] EIGHTY-NINE million dollars; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or

repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

S 37. Paragraph j of subdivision 2 of section 1680 of the public authorities law, as amended by section 36 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

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

S 38. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 37 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [four] FIVE hundred [sixty-six] THIRTY-SIX million dollars. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

S 39. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 38 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city

university facilities, will exceed six billion [one] EIGHT hundred [eighteen] FORTY-THREE million two hundred thousand dollars. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

S 40. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 39 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

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

S 41. Subdivision 1 of section 1680-m of the public authorities law, as amended by section 40 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for construction and rehabilitation associated with the cultural education facilities AND THE ST. REGIS MOHAWK ELEMENTARY SCHOOL. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [eighty-seven] NINETY-ONE million five hundred eighty-five thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 42. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 41 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [six] SEVEN hundred [ninety-eight] EIGHTY-SEVEN million FIVE HUNDRED THOUSAND dollars, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

S 43. Subdivision (a) of section 27 of part Y of chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 42 of

part RR of chapter 57 of the laws of 2008, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$108,100,000] $114,100,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for division of state police facilities, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 44. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 43 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000[,] but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed $25,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$128,800,000] $155,800,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 45. Subdivision 4 of section 66-b of the state finance law, as amended by section 44 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

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

S 46. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 46 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed five billion [five] EIGHT hundred [eleven] THIRTY-SEVEN million [four] EIGHT hundred thousand dollars [$5,511,400,000] $5,837,800,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of correctional services from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of correctional services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than five billion [five] EIGHT hundred [eleven] THIRTY-SEVEN million [four] EIGHT hundred thousand dollars [$5,511,400,000] $5,837,800,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates ther-

eof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

S 47. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 47 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding two billion [two] FOUR hundred [ninety-one] TWENTY-SEVEN million [nine] ONE hundred forty-one thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

S 48. The section heading and subdivision 1 of section 43 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 48 of part RR of chapter 57 of the laws of 2008, are amended to read as follows:

2008 AND 2009 Economic development initiatives. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for various economic development and regional initiatives, the upstate regional blueprint fund, the downstate revitalization fund, the upstate agricultural economic fund, the New York state capital assistance program, the New York state economic development assistance program and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one billion [two] THREE hundred [eighty-five] TEN million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and

notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 49. Subdivision (b) of section 11 of 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, as amended by section 50 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund such projects having a cost not in excess of [$5,806,200,000] $5,746,300,000 cumulatively by the end of fiscal year 2009-10.

S 50. Subdivision 8 of section 68-b of the state finance law, as added by section 2 of part I of chapter 383 of the laws of 2001, is amended to read as follows:

8. Revenue bonds may only be issued for authorized purposes, as defined in section sixty-eight-a of this article. Notwithstanding the foregoing, any authorized issuer may issue revenue bonds [in place of (a) housing program bonds or notes as authorized by section forty-seven-e of the private housing finance law, (b) bonds to finance the state match for federal capitalization grants for the purpose of any state revolving fund as authorized by paragraph (a) of subdivision one of section twelve hundred ninety of the public authorities law and (c) certificates of participation as authorized by article five-a of this chapter] FOR ANY AUTHORIZED PURPOSE OF ANY OTHER SUCH AUTHORIZED ISSUER; PROVIDED, HOWEVER, THAT IF AN AUTHORIZED ISSUER ISSUES AN AMOUNT OF REVENUE BONDS FOR AN AUTHORIZED PURPOSE OF ANY OTHER AUTHORIZED ISSUER WHICH WOULD OTHERWISE REQUIRE THE APPROVAL OF THE PUBLIC AUTHORITIES CONTROL BOARD, SUCH AMOUNT OF REVENUE BONDS SHALL BE SUBJECT TO THE APPROVAL OF THE PUBLIC AUTHORITIES CONTROL BOARD PURSUANT TO THE PROVISIONS OF SECTION FIFTY-ONE OF THE PUBLIC AUTHORITIES LAW. The authorized issuers shall not issue any revenue bonds in an amount in excess of statutory authorizations for such authorized purposes. Authorizations for such authorized purposes shall be reduced in an amount equal to the amount of revenue bonds issued for such authorized purposes under this article. Such reduction shall not be made in relation to revenue bonds issued to fund reserve funds, if any, and costs of issuance, if these items are not counted under existing authorizations, nor shall revenue bonds issued to refund bonds issued under existing authorizations reduce the amount of such authorizations.

S 51. For purposes of sections twenty-one through thirty-one of this act, the comptroller is also hereby authorized and directed to deposit to the credit of any capital projects fund, reimbursement from the proceeds of bonds and notes issued by any authorized issuer, as defined by section 68-a of the state finance law, in the amounts and for the purposes listed in such sections.

S 52. Section 49 of the private housing finance law is amended to read as follows:

S 49. State's right to require redemption of bonds. Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, the state may, upon furnishing sufficient funds therefor, require the agency to redeem, prior to maturity, as a whole, any issue of bonds on any interest payment date not less than twenty years after the date of the bonds of such issue at one hundred five per centum of their face value and accrued interest or at such lower redemption price as may be provided in the bonds in case of the redemption thereof as a whole on the redemption date. Notice of such redemption shall be published in at least two newspapers publishing and circulating respectively in the cities of Albany and New York at least twice, the first publication to be at least thirty days before the date of redemption. THE PROVISIONS OF THIS SECTION RELATING TO THE STATE'S RIGHT TO REQUIRE REDEMPTION OF BONDS, SHALL NOT APPLY TO STATE-SUPPORTED DEBT, AS DEFINED IN SECTION SIXTY-SEVEN-A OF THE STATE FINANCE LAW, ISSUED BY THE AGENCY. SUCH AGENCY BONDS SHALL REMAIN SUBJECT TO REDEMPTION PURSUANT TO ANY CONTRACT WITH THE HOLDERS OF SUCH BONDS.

S 53. Section 25 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended to read as follows:

S 25. State's right to require redemption of bonds. Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, the state may, upon furnishing sufficient funds therefor, require the corporation to redeem, prior to maturity, as a whole, any issue of bonds on any interest payment date not less than twenty years after the date of the bonds of such issue at one hundred five per centum of their face value and accrued interest or at such lower redemption price as may be provided in the bonds in case of the redemption thereof as a whole on the redemption date. Notice of such redemption shall be published at least twice in at least two newspapers publishing and circulating respectively in the cities of Albany and New York, the first publication to be at least thirty days before the date of redemption. THE PROVISIONS OF THIS SECTION RELATING TO THE STATE'S RIGHT TO REQUIRE REDEMPTION OF BONDS SHALL NOT APPLY TO STATE-SUPPORTED DEBT, AS DEFINED BY SECTION 67-A OF THE STATE FINANCE LAW, ISSUED BY THE CORPORATION. SUCH CORPORATION BONDS SHALL REMAIN SUBJECT TO REDEMPTION PURSUANT TO ANY CONTRACT WITH THE HOLDERS OF SUCH BONDS.

S 54. Section 367 of the public authorities law, as amended by chapter 244 of the laws of 1953, is amended to read as follows:

S 367. State's right to require redemption of bonds. Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, the state may, upon furnishing sufficient funds therefor, require the authority to redeem, prior to maturity, as a whole, any issue of bonds on any interest payment date not less than fifteen years after the date of the bonds of such issue at one hundred four per centum of their face value and accrued interest or at such lower redemption price as may be provided in the bonds in case of the redemption thereof as a whole on the redemption date. Notice of such redemption shall be published in at least two newspapers published and circulating respectively in the cities of Albany and New York at least twice, the first publication to be at least thirty days before the date of redemption. THE PROVISIONS OF THIS SECTION RELATING TO THE STATE'S RIGHT TO REQUIRE REDEMPTION OF BONDS, SHALL NOT APPLY TO STATE-SUPPORTED DEBT, AS DEFINED BY SECTION SIXTY-SEVEN-A OF

THE STATE FINANCE LAW, ISSUED BY THE AUTHORITY. SUCH AUTHORITY BONDS SHALL REMAIN SUBJECT TO REDEMPTION PURSUANT TO ANY CONTRACT WITH THE HOLDERS OF SUCH BONDS.

S 55. Section 1293 of the public authorities law, as amended by chapter 744 of the laws of 1970, is amended to read as follows:

S 1293. Right of state to require redemption of bonds. Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, the state may, upon furnishing sufficient funds therefor, require the corporation to redeem, prior to maturity, as a whole, any issue of bonds on any interest payment date not less than twenty years after the date of the bonds of such issue at one hundred five per centum of their face value and accrued interest or at such lower redemption price as may be provided in the bonds in case of the redemption thereof as a whole on the redemption date. Notice of such redemption shall be published in at least two newspapers publishing and circulating respectively in the cities of Albany and New York at least twice, the first publication to be at least thirty days before the date of redemption. THE PROVISIONS OF THIS SECTION RELATING TO THE STATE'S RIGHT TO REQUIRE REDEMPTION OF BONDS SHALL NOT APPLY TO STATE-SUPPORTED DEBT, AS DEFINED BY SECTION SIXTY-SEVEN-A OF THE STATE FINANCE LAW, ISSUED BY THE CORPORATION. SUCH CORPORATION BONDS SHALL REMAIN SUBJECT TO REDEMPTION PURSUANT TO ANY CONTRACT WITH THE HOLDERS OF SUCH BONDS.

S 56. Section 92-dd of the state finance law is amended by adding a new subdivision (j) to read as follows:

(J) THE STATE COMPTROLLER SHALL TRANSFER FROM THE HCRA RESOURCES FUND TO THE GENERAL DEBT SERVICE FUND, REVENUE BOND TAX FUND (311.02) AMOUNTS EQUAL TO THE DEBT SERVICE PAID FOR BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED TO FINANCE THE HEAL NY CAPITAL GRANT PROGRAM AUTHORIZED PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY-J OF THE PUBLIC AUTHORITIES LAW.

S 57. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 1, 2009; provided, however, that sections one, two, three and twenty-one through thirty-one of this act shall expire March 31, 2010, when, upon such date, the provisions of such sections shall be deemed repealed; provided, however that the amendments to subdivision 5 of section 97-rrr of the state finance law made by section thirteen of this act shall not affect the expiration and reversion of such subdivision and shall expire and be deemed repealed therewith; and provided, further that amendments to section 69-c of the state finance law, made by section thirty-five of this act, shall not affect the expiration and reversion of such section and shall expire therewith.

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

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