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

S. 6606--B A. 9706--C

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

January 19, 2010

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

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

AN ACT to amend the executive law, the vehicle and traffic law, the public health law, the social services law, the criminal procedure law, the family court act, the public officers law, the penal law, the correction law, the environmental conservation law, the parks, recreation and historic preservation law and the mental hygiene law, in relation to merging the crime victims board, the division of probation and correctional alternatives and the office for the prevention of domestic violence into the division of criminal justice services; and to repeal certain provisions of the executive law and the judiciary law relating thereto (Part A); to amend the executive law, the public officers law, the family court act, the social services law, the criminal procedure law, the state finance law, the public health law, the general municipal law, the penal law, the correction law, the surrogate's court procedure act, the court of claims act, the civil practice law and rules, the real property tax law and the administrative code of the city of New York, in relation to the office of victim services; and to repeal certain provisions of the executive law relating thereto (Part A-1); to amend the executive law, in relation to comprehensive emergency management planning and certain fire service related activities; to amend the state finance law, in relation to grants and reimbursements to municipalities for certain emergency management and fire service related costs; to amend the county law, in

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

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relation to the New York state interoperable and emergency communication board; to amend the tax law, in relation to grants for public safety communications systems and infrastructure; to amend the general business law, in relation to approval of electrical devices; to amend the general municipal law, in relation to state fire administration; to amend the insurance law, in relation to reports on fire insurance policies; to amend the vehicle and traffic law, in relation to vehicle operation by certain state officials; to amend the criminal procedure law, in relation to peace officers; and to repeal certain provisions of the executive law and the county law relating thereto (Part B); intentionally omitted (Part C); to amend the criminal procedure law and the penal law, in relation to terms of probation; to amend the penal law and the executive law, in relation to warrants and modification and extension thereof, waiver of extradition, conditions and probation, and reimbursement (Part D); to amend the executive law, the state finance law and the county law, in relation to the office of indigent legal services and the indigent legal services fund (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to amend the uniform district court act, the uniform city court act, the New York city civil court act, the judiciary law and section 14 of part J of chapter 62 of the laws of 2003, amending the county law and other laws relating to fees collected, in relation to the fee for the filing of the first paper in an action or proceeding; and to amend the civil practice law and rules, in relation to the index fee for an action to foreclose (Part K); to amend the uniform justice court act, in relation to improving the process for the merging of town and village courts (Part L); intentionally omitted (Part M); to amend the public authorities law, in relation to certain bonds authorized to be issued or purchased by the municipal bond bank agency and to certain financing agreements authorized to be executed in connection therewith (Part N); 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 O); to repeal section 163-c of the state finance law, relating to imposition of a centralized procurement contract fee (Part P); to collect surplus funds from workers' compensation insurance carriers and to prevent such surpluses from recurring (Part Q); to amend the workers' compensation law and the insurance law, in relation to providing the workers' compensation board with the powers needed to protect injured workers' benefits (Part R); to establish a joint appointing authority for the state financial system project (Part S); to amend the civil service law, the state finance law and the insurance 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 T); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part U); intentionally omitted (Part V); to amend the executive law, the real property tax law, and the tax law, in relation to merging the state office of real property services and the state board of real property services into the department of taxation and finance; and to repeal certain provisions of the real property tax law and the tax law relating thereto (Part W); to amend the real property tax law, the real property

law and the tax law, in relation to updates of assessments and in relation to data relating to real estate transfers (Part X); to amend the real property tax law, in relation to restructuring the current aid program to encourage full value reassessments (Part Y); to amend the state finance law, in relation to aid and incentives for municipalities; and to amend the emergency protection act of nineteen seventy-four, in relation to the obligation of the city of New York to fund its administration (Part Z); to amend the state finance law, in relation to a program of aid to municipalities in which a video lottery gaming facility is located (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); 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 town law, in relation to residency requirements of fire districts and fire companies; and to amend the real property tax law, in relation to entering into contracts for tax collection (Part EE); to amend the general municipal law, the state finance law and the public buildings law, in relation to procurements by local governments, the state, libraries and library systems; and providing for the repeal of certain provisions upon expiration thereof (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to provide for the administration of certain funds and accounts related to the 2010-2011 budget; to authorize certain payments and transfers; to amend chapter 59 of the laws of 2008 relating to certain monetary transfers, in relation to transfer of funds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the state finance law, in relation to the school tax relief fund; to amend the state finance law, in relation to the expiration of certain provisions thereof; to amend the state finance law, in relation to notes and bonds of the environmental facilities corporation; to amend the state finance law, in relation to the general debt service fund; to amend the state finance law, in relation to mental health service facilities financing; to amend the state finance law, in relation to the sale of state bonds; to amend the state finance law, in relation to the sale of housing bonds and urban renewal bonds; to amend the state finance law, in relation to federal interest subsidy payments; to amend the public authorities law, in relation to cultural education facilities; to amend the public authorities law, in relation to library construction; to amend the public authorities law, in relation to voting of directors of the local government assistance corporation; to amend the state finance law, in relation to certificates of participation; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to state-supported debt; and providing for the repeal of certain provisions upon the expiration thereof (Part JJ); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the use of such monies (Part KK); to amend the executive law, the alcoholic beverage control law, the agriculture and markets law, the banking law, the civil rights law, the education law, the town law, the general busi-

ness law, the general municipal law, the insurance law, the public health law, the real property law, the tax law, and the vehicle and traffic law, in relation to certificates of relief from disabilities and certificates of good conduct (Part LL); to amend the correction law, in relation to the reuse plan for proposed prison closures (Part MM); to amend the county law, in relation to autopsy and toxicological reports (Part NN); to amend the alcoholic beverage control law, in relation to prohibiting persons holding licenses or special licenses to sell an alcoholic beverage at retail for consumption on certain premises from hiring certain persons convicted of a felony; to amend the correction law, in relation to the posting of a person's information on the department of corrections' website; to amend the executive law, in relation to providing certain inmates with copies of criminal history information; to amend the criminal procedure law, in relation to providing inmates and parolees access to pre-sentence reports that had been prepared for sentencing; to amend the public health law, in relation to establishing no fee shall be charged for certain requests for birth certificates; to amend the correction law, in relation to certificates of relief from disabilities issued by the board of parole; and to amend the election law, in relation to informing former inmates about voting rights (Part OO); to amend the New York state financial emergency act for the city of New York, in relation to a variation from generally accepted accounting principles (Part PP); and to amend the legislative law, in relation to extending the expiration of payments to members of the assembly serving in a special capacity; and to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part QQ)

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 2010-2011 state fiscal year. Each component is wholly contained within a Part identified as Parts A through QQ. 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 a 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. Section 240 of the executive law, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

S 240. [Division] OFFICE of probation and correctional alternatives[; director]. 1. There shall be in the [executive department a division] DIVISION OF CRIMINAL JUSTICE SERVICES AN OFFICE of probation and correctional alternatives, HEREINAFTER REFERRED TO IN THIS ARTICLE AS "THE OFFICE". The head of the [division] OFFICE shall be the [state] director of probation and correctional alternatives, who shall be appointed

by the [governor by and with the advice and consent of the senate, and hold office at the pleasure of the governor by whom he was appointed and until his successor is appointed and has qualified] COMMISSIONER, SUBJECT TO THE APPROVAL OF THE GOVERNOR.

2. The [state] director [of probation and correctional alternatives shall have sole charge of the administration of the division of probation and correctional alternatives] SHALL SERVE AS SPECIAL ADVISOR TO THE GOVERNOR REGARDING MATTERS PERTAINING TO PROBATION AND ALTERNATIVES TO INCARCERATION. THE DIRECTOR SHALL, IN CONSULTATION WITH THE COMMISSIONER, COORDINATE AND MAKE RECOMMENDATIONS RELATING TO THE TYPE AND NATURE OF ALTERNATIVE TO INCARCERATION PROGRAMS NEEDED TO REDUCE INCARCERATION WHERE THE PURPOSE OF SUCH INCARCERATION CAN BE ADEQUATELY SERVED BY ALTERNATIVE PROGRAMS AND SHALL WORK WITH LOCAL PROBATION DEPARTMENTS AND THE COMMISSIONER TO ENHANCE AND DEVELOP PROBATION SERVICES AND ALTERNATIVE TO INCARCERATION PROGRAMS THROUGHOUT THE STATE.

3. [The principal office of the division of probation and correctional alternatives shall be in the county of Albany] THE COMMISSIONER, IN CONSULTATION WITH THE DIRECTOR, SHALL APPOINT STAFF AND PERFORM SUCH OTHER FUNCTIONS TO ENSURE THE EFFICIENT OPERATION OF THE OFFICE WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR BY APPROPRIATION.

4. As used in this article, the term "director" shall mean the [state] director of THE OFFICE OF probation and correctional alternatives, "OFFICE" SHALL MEAN THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND "DIVISION" SHALL MEAN THE DIVISION OF CRIMINAL JUSTICE SERVICES.

S 2. Section 241 of the executive law is REPEALED.

S 3. Section 836 of the executive law is amended by adding a new subdivision 7 to read as follows:

7. THE FUNCTIONS, POWERS AND DUTIES OF THE FORMER DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES AS ESTABLISHED IN ARTICLE TWELVE OF THIS CHAPTER SHALL NOW BE CONSIDERED A FUNCTION OF THE DIVISION OF CRIMINAL JUSTICE SERVICES.

S 4. Transfer of employees. Notwithstanding any other provision of law, rule, or regulation to the contrary, upon the transfer of functions from the division of probation and correctional alternatives to the division of criminal justice services pursuant to subdivision 7 of section 836 of the executive law, as added by section three of this act, all employees of the division of probation and correctional alternatives shall be transferred to the division of criminal justice services. Employees transferred pursuant to this section shall be transferred without further examination or qualification and shall retain their respective civil service classifications, status and collective bargaining unit designations and collective bargaining agreements.

S 5. Transfer of records. All books, papers, and property of the division of probation and correctional alternatives shall be delivered to the commissioner of the division of criminal justice services. All books, papers, and property of the division of probation and correctional alternatives shall continue to be maintained by the division of criminal justice services.

S 6. Continuity of authority. For the purpose of succession of all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the division of criminal justice services shall be deemed and held to constitute the continuation of the division of probation and correctional alternatives.

S 7. Completion of unfinished business. Any business or other matter undertaken or commenced by the division of probation and correctional alternatives or the director thereof pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the division of criminal justice services and pending on the effective date of this act, may be conducted and completed by the division of criminal justice services in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the division of probation and correctional alternatives.

S 8. Continuation of rules and regulations. All rules, regulations, acts, orders, determinations, and decisions of the division of probation and correctional alternatives pertaining to the functions and powers herein transferred and assigned, in force at the time of such transfer and assumption, shall continue in full force and effect as rules, regulations, acts, orders, determinations and decisions of the division of criminal justice services until duly modified or abrogated by the commissioner of the division of criminal justice services.

S 9. Terms occurring in laws, contracts and other documents. Whenever the division of probation and correctional alternatives or the director thereof, is referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties hereby transferred to and assigned to the division of criminal justice services or the commissioner of the division of criminal justice services, such reference or designation shall be deemed to refer to the division of criminal justice services or commissioner of the division of criminal justice services, as applicable.

S 10. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by any provisions of this act.

S 11. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the division of probation and correctional alternatives or the director thereof, shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the commissioner of the division of criminal justice services or the division of criminal justice services. In all such actions and proceedings, the commissioner of the division of criminal justice services, upon application of the court, shall be substituted as a party.

S 12. Transfer of appropriations heretofore made. All appropriations or reappropriations heretofore made to the division of probation and correctional alternatives to the extent of remaining unexpended or unencumbered balance thereof, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the division of criminal justice services subject to the approval of the director of the budget for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the commissioner of the division of criminal justice services on audit and warrant of the comptroller.

S 13. Transfer of assets and liabilities. All assets and liabilities of the division of probation and correctional alternatives are hereby transferred to and assumed by the division of criminal justice services.

S 14. Subdivision 1 of section 221-a of the executive law, as amended by chapter 107 of the laws of 2004, is amended to read as follows:

1. The superintendent, in consultation with the division of criminal justice services, office of court administration, the [division] OFFICE

of probation and correctional alternatives[,] AND the [state] office for the prevention of domestic violence [and the division for women], shall develop a comprehensive plan for the establishment and maintenance of a statewide computerized registry of all orders of protection issued pursuant to articles four, five, six and eight of the family court act, section 530.12 of the criminal procedure law and, insofar as they involve victims of domestic violence as defined by section four hundred fifty-nine-a of the social services law, section 530.13 of the criminal procedure law and sections two hundred forty and two hundred fifty-two of the domestic relations law, and orders of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction, special orders of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the criminal procedure law insofar as they involve a victim or victims of domestic violence as defined by subdivision one of section four hundred fifty-nine-a of the social services law or a designated witness or witnesses to such domestic violence, and all warrants issued pursuant to sections one hundred fifty-three and eight hundred twenty-seven of the family court act, and arrest and bench warrants as defined in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of the criminal procedure law, insofar as such warrants pertain to orders of protection or temporary orders of protection; provided, however, that warrants issued pursuant to section one hundred fifty-three of the family court act pertaining to articles three, seven and ten of such act and section 530.13 of the criminal procedure law shall not be included in the registry. The superintendent shall establish and maintain such registry for the purposes of ascertaining the existence of orders of protection, temporary orders of protection, warrants and special orders of conditions, and for enforcing the provisions of paragraph (b) of subdivision four of section 140.10 of the criminal procedure law.

S 15. The article heading of article 12 of the executive law, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

[DIVISION] OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES

S 16. Subdivision 2 of section 242 of the executive law, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

2. The present members of the state probation commission who were appointed to such commission by the governor shall continue as the members of said commission appointed pursuant to paragraph (a) of subdivision one of this section at the pleasure of the governor, and until their successors are appointed and have qualified. The director shall be chairman of the commission. No member of said probation commission shall receive any compensation for his OR HER services as a member of such commission, but the members shall be entitled to their actual necessary expenses incurred in the performance of their duties. The [director] COMMISSIONER may from time to time assign an employee of the division to act as secretary to said probation commission. The duties of the members of said probation commission shall be to attend the meetings of such probation commission, at the time fixed by said commission, or called by the chairman of said commission, and to consider all matters relating to probation in the state, within the jurisdiction of the [division of probation and correctional alternatives] OFFICE, and to advise and consult with the director in regard thereto.

S 17. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and the opening paragraph of subdivision 4 of section 243 of the executive law,

subdivision 1 as amended by chapter 134 of the laws of 1985, subdivision 2 as amended by chapter 574 of the laws of 1985, paragraph (a) of subdivision 3 as added by chapter 609 of the laws of 1997 and the opening paragraph of subdivision 4 as added by chapter 568 of the laws of 2008, are amended to read as follows:

1. The [director] OFFICE shall exercise general supervision over the administration of probation services throughout the state, including probation in family courts and shall collect statistical and other information and make recommendations regarding the administration of probation services in the courts. [He] THE OFFICE shall endeavor to secure the effective application of the probation system and the enforcement of the probation laws and the laws relating to family courts throughout the state. After consultation with the state probation commission, [he] THE OFFICE shall [adopt] RECOMMEND TO THE COMMISSIONER general rules which shall regulate methods and procedure in the administration of probation services, including investigation of defendants prior to sentence, and children prior to adjudication, supervision, case work, record keeping, and accounting, program planning and research so as to secure the most effective application of the probation system and the most efficient enforcement of the probation laws throughout the state. Such rules shall provide that the probation investigations ordered by the court in designated felony act cases under subdivision one of section 351.1 of the family court act shall have priority over other cases arising under articles three and seven of such act. [Such] WHEN DULY ADOPTED BY THE COMMISSIONER, SUCH rules shall be binding upon all probation officers and when duly adopted shall have the force and effect of law, but shall not supersede rules that may be adopted pursuant to the family court act. [He] THE OFFICE shall keep [himself] informed as to the work of all probation officers and shall from time to time inquire into and report upon their conduct and efficiency. [He] THE OFFICE may investigate the work of any probation bureau or probation officer and shall have access to all records and probation offices. [He] THE OFFICE may issue subpoenas to compel the attendance of witnesses or the production of books and papers. [He] THE OFFICE may administer oaths and examine persons under oath. [He] THE OFFICE may recommend to the appropriate authorities the removal of any probation officer. [He shall transmit to the governor not later than February first of each year an annual report of the work of the division of probation and correctional alternatives for the preceding calendar year, which shall include such information relative to the administration of probation and correctional alternatives throughout the state as may be appropriate. He] THE OFFICE may from time to time publish reports regarding probation including probation in family courts, and the operation of the probation system including probation in family courts and any other information regarding probation as [he] THE OFFICE may determine provided expenditures for such purpose are within amounts appropriated therefor.

2. The [director] OFFICE shall exercise general supervision over the utilization of correctional alternative programs throughout the state. [He] THE OFFICE shall collect statistical and other information and make recommendations regarding the availability, identification, coordination and utilization of such programs. The [director] OFFICE shall endeavor to facilitate communication and coordination among and between correctional alternative programs and probation services in order to assist in making effective use of such programs. A correctional alternative program shall be deemed to refer to those programs, including eligible programs as defined in paragraph b of subdivision one of section two

hundred sixty-one of this chapter, which by themselves, or when used in conjunction with one or more programs or with probation services, may serve as an alternative to a sentence or disposition of incarceration or a portion thereof, and which shall serve the interests of justice. The [director] OFFICE shall further exercise general supervision over the administration and implementation of alternatives to incarceration service plans under the provisions of article thirteen-A of this chapter. [He] THE OFFICE shall [adopt] RECOMMEND TO THE COMMISSIONER general rules and regulations which shall regulate methods and procedures in the administration and funding of alternative to incarceration service plans, and any other correctional alternative program funded by the state through the division, including but not limited to issuance of quarterly reports as specified by section two hundred sixty-three of this chapter. [Such] WHEN DULY ADOPTED BY THE COMMISSIONER, SUCH rules and regulations shall be binding upon all counties and eligible programs that may be funded in such plans and when duly adopted shall have the force and effect of law. [He] THE OFFICE shall keep [himself] informed as to the development, implementation and utilization of plans and funded eligible programs therein and shall from time to time inquire into and report upon their work and efficiency. [He] THE OFFICE shall investigate the work of any funded plan or eligible program and shall have access to their records and offices for such purpose.

(a) The [director] OFFICE shall have the authority to certify to the commissioner [of the division of criminal justice services] those correctional alternative programs subject to supervision of the [division] OFFICE and determined to perform a criminal justice function, as defined in subdivision ten of section eight hundred thirty-five of this chapter, for the purpose of permitting access to criminal history records for criminal justice purposes, subject to the approval of the commissioner [of the division of criminal justice services]. Any such correctional alternative program may apply for certification to the [division] OFFICE in writing, on forms prescribed by the [division] OFFICE. Such application shall specify, at a minimum, the following: the nature and scope of the program; the necessity for access to such records related to their criminal justice function; the names of employees, and their job titles or positions, for whom access is being sought; and any other information the [division] OFFICE deems necessary. Certification shall include the designation of those employees of such programs for whom access to such records is authorized. No designated employee shall have access to such records until such person has satisfactorily completed appropriate training, required by the division [of criminal justice services].

The [director] OFFICE shall [promulgate] RECOMMEND TO THE COMMISSIONER rules and regulations which shall include guidelines and procedures on the placement of sex offenders designated as level two or level three offenders pursuant to article six-C of the correction law. Such regulations shall instruct local probation departments to consider certain factors when investigating and approving the residence of level two or level three sex offenders sentenced to a period of probation. Such factors shall include the following:

S 18. Subdivision 1 of section 483-d of the social services law, as added by chapter 392 of the laws of 2005, is amended to read as follows:

1. Committee established. There is hereby established within the council an out-of-state placement committee comprised of the commissioner of children and family services, the commissioner of mental health, the commissioner of mental retardation and developmental disabilities,

the commissioner of education, the commissioner of alcoholism and substance abuse services, the commissioner of health, and the director of the [division] OFFICE of probation and correctional alternatives.

S 19. Section 244 of the executive law, as amended by chapter 906 of the laws of 1974, is amended to read as follows:

S 244. Hostels and foster homes. 1. The [director] OFFICE is hereby authorized to provide or to pay for care in a hostel or foster home approved by [him] THE OFFICE as suitable for such cases for any probationer or parolee under the age of twenty-one years when the parole board or a judge of a court determines that there is no other suitable home for such probationer or parolee and that such probationer or parolee should be placed in such hostel or foster home. In addition to payment for such care, when ordered by the board or court, the [director] OFFICE is authorized to provide or pay for clothing and other necessities, including medical and psychiatric treatment, required for the welfare of such probationer or parolee. The [director] OFFICE may also provide or contract for such care in any suitable facility operated by a department of correction or by any other public or voluntary social welfare agency, institution or organization. A court with respect to such a probationer and the parole board with respect to such a parolee shall, subject to regulation by the [director] DIVISION control admissions to and discharges from such hostels and foster homes. When placement is made in any hostel or foster home, or in any facility other than a public institution, such placement whenever practicable shall be in a hostel, or facility operated by or in the home of a person or persons of the same religious faith as the probationer or parolee.

2. The [director] OFFICE shall have authority and the duty to stimulate programs for the development of hostels and foster homes for the care of probationers and parolees under the age of twenty-one years.

S 20. Section 245 of the executive law, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

S 245. Probation staff training and development. The [division] OFFICE of probation and correctional alternatives shall conduct training programs for city, county and state probation personnel, prepare and execute programs of information and education to interest persons in the field of probation as a vocation, encourage the development by schools within the state of courses of study in fields related to and bearing upon probation and engage in other activities of an educational or informational nature designed to increase the number of qualified probation personnel and improve the caliber of probation service within the state. In order to effectuate the provisions of this section, the [division] OFFICE of probation and correctional alternatives shall be authorized to prepare and disseminate printed materials, utilize media of public information, cooperate with public and private institutions of learning and employ qualified persons as lecturers or consultants on a fee basis to supplement services to be performed by its personnel hereunder. Such fees shall be payable out of funds appropriated for these purposes on the audit and warrant of the comptroller on vouchers certified or approved by the [director] OFFICE.

S 21. Intentionally omitted.

S 22. Section 247 of the executive law is REPEALED.

S 23. Section 248 of the executive law, as added by chapter 479 of the laws of 1970, the opening paragraph as amended by chapter 134 of the laws of 1985, is amended to read as follows:

S 248. Establishment of probation scholarships. The [division of probation and correctional alternatives] OFFICE, [under regulations

which it shall prescribe, and] out of moneys appropriated to it for that purpose, is authorized to grant scholarships for graduate training in any course of study that would be of substantial value in the field of probation at graduate schools located within the state whose programs are registered by the regents.

Each such scholarship shall entitle the holder thereof to a sum not to exceed four thousand dollars annually while in attendance at any of the said schools for a period not to exceed two years of graduate professional study.

Scholarships under this section shall be awarded only to residents of the state of New York who hold a degree of bachelor of arts or bachelor of science from a college or university, or the equivalent thereof.

The [director] OFFICE, after consultation with the state probation commission, shall [make] RECOMMEND TO THE COMMISSIONER rules governing the award of such scholarships, the publication of notices offering scholarships, the issuance and cancellation of certificates entitling persons to the benefits thereof, the use of such scholarships by the persons entitled thereto, the courses that may be included under such scholarships, the schools which may be attended under such scholarships, the rights and duties of scholarship holders and of the schools which they attend, and providing generally for the carrying into effect of the provisions of this section; and may, by appropriate rule, require that holders of such scholarships be available for employment in probation work in the state of New York upon the completion of the training for which the scholarship is provided. The [director] OFFICE shall, after consultation with the state probation commission, award such scholarships within such established rules, and any scholarship may be revoked for cause.

Payments of money under this section may be made to the holder of the scholarship or to the school or college attended under the scholarship, on behalf of, and for the benefit of, the holder of the scholarship.

Payments of money shall be ordered by the comptroller upon vouchers of the [director] OFFICE certifying that the person named therein is entitled to receive the sum either directly, or for his or her benefit.

S 24. Subdivision 5 of section 256 of the executive law, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

5. The director of each probation department, other than a joint county department, shall be appointed by the chief executive officer of the county. The director of a joint county probation department shall be appointed by agreement between the chief executive officers of the counties participating in such agreement or a majority of them and in the event of a deadlock the [state] director of THE OFFICE OF probation and correctional alternatives shall participate in the making of the decision. Where a county has no chief executive officer, the appointment of, or agreement to appoint, the director shall be made by the chairman of the board of supervisors or county legislatures. The director of a probation department shall have the power to appoint all deputies, supervisors, probation officers and other employees in such department within appropriations made available therefor by the board of supervisors or county legislatures. The board of supervisors or county legislatures shall fix the salaries of all personnel in the department and make the necessary appropriations therefor as well as for the expenses actually and necessarily incurred by such officers and employees in the performance of their duties. In the case of a joint county department the salaries of personnel and the amounts of other expenditures to be made available for operation of the department shall be set forth in the

agreement between the counties, and the boards of supervisors or county legislatures shall make the appropriations required for the respective proportionate costs thereof.

S 25. Subdivisions 2, 3 and 4 of section 257 of the executive law, as amended by chapter 134 of the laws of 1985, are amended to read as follows:

2. The [state director] OFFICE of probation and correctional alternatives may when necessary certify in writing the need of one or more salaried probation officers to the official body charged with responsibility for appropriating funds for support of government in the political subdivision of the state wherein a probation department is located. Such body shall then determine whether such need exists and if found to exist it shall fix the salary of such probation officer and appropriate the necessary funds, as well as provide for the necessary expenses of such officer.

3. Each probation officer who collects or has custody of money, before entering upon the duties of his OR HER office, shall execute a bond, pursuant to the provisions of section eleven of the public officers law, in a penal sum to be fixed by the local director of probation with sufficient sureties approved thereby, conditioned for the honest accounting for all money received by him OR HER as such probation officer. In the discretion of the local director of probation, a position scheduled bond covering all such probation officers may be procured and executed in lieu of such individual bonds. The accounts of all probation officers shall be subject to audit at any time by the proper fiscal authorities and the [division] OFFICE of probation and correctional alternatives.

4. It shall be the duty of every probation officer to furnish to each of his OR HER probationers a statement of the conditions of probation, and to instruct him OR HER with regard thereto; to keep informed concerning his OR HER conduct, habits, associates, employment, recreation and whereabouts; to contact him OR HER at least once a month pursuant to rules promulgated by the [state director of probation and correctional alternatives] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES; to aid and encourage him OR HER by friendly advice and admonition; and by such other measures as may seem most suitable to bring about improvement in his OR HER conduct, condition and general attitude toward society. Probation officers shall report to the head of the probation bureau or department who shall in turn report in writing to the court and the [state director] OFFICE of probation and correctional alternatives at least monthly or where there is no bureau or department, directly to the court and the [state director] OFFICE of probation and correctional alternatives concerning the conduct and condition of probationers; keep records of their work as probation officers; keep accurate and complete accounts of all money collected from probationers; give receipts therefor and make prompt returns thereof at least monthly; aid in securing employment; perform such other duties in connection with such probationer as the court may direct or as required by the general rules adopted pursuant to section two hundred forty-three of this chapter; and make such reports to the [state division] OFFICE of probation and correctional alternatives as it may require.

S 26. Subdivision 6 of section 257-c of the executive law is REPEALED.

S 27. Paragraphs a, b, e and i of subdivision 1 of section 261 of the executive law, paragraphs a, e and i as amended by chapter 338 of the laws of 1989 and paragraph b as amended by chapter 461 of the laws of 1990, are amended to read as follows:

a. "Service plan" or "plan" means a county plan designed to identify and provide eligible programs as determined by either an advisory board established pursuant to this article, or by an existing criminal justice coordinating council, provided, however, the membership of such council includes a majority of those persons set forth in subdivision two of this section, provided that one person shall be the chief administrative officer. The following factors considered, utilized and incorporated in the plan shall include but not be limited to:

(i) an analysis of the jail population to assist in determining incarceration practices and trends, including, if submitting an approved amendment pursuant to section two hundred sixty-six of this article, an analysis of the relationship between alcohol, drugs and crime and the effects of alcohol and substance abuse on the local criminal justice system and jail, probation and alternatives to incarceration populations, consistent with planning guidelines established by the [division] OFFICE; the types and nature of alternative programming needed, and appropriate eligibility requirements;

(ii) an analysis of recent overcrowding problems and measures taken by the county to relieve them;

(iii) a summary of existing alternatives programs and/or related services and previous efforts made by the county to develop alternatives to incarceration and if an approved amendment is submitted, pursuant to section two hundred sixty-six of this article, a summary of existing alcohol and substance abuse programs;

(iv) a comprehensive plan for the development of alternatives programs that addresses the specific needs identified in subparagraph (i) of this paragraph and furthers the county's long-range goals in the area of alternatives to incarceration;

(v) specific proposals for the use of state aid available under this chapter, including a description of services to be provided, characteristics of the target populations, steps to be taken to identify eligible participants, the goals and objectives to be accomplished through the proposals;

(vi) a detailed time frame for the implementation and evaluation of the specific proposals described in subparagraph (v) of this paragraph;

(vii) a summary of those criteria by which the [division] OFFICE and the state commission of correction may measure the proposal's impact on jail overcrowding; and

(viii) any other information which the [division] OFFICE may request consistent with the purposes of this chapter.

Nothing in this article shall prohibit the development of regional programs by two or more counties.

b. "Eligible programs" means existing programs, enhancement of existing programs or initiation of new programs or, if submitting an approved amendment pursuant to section two hundred sixty-six of this article, eligible alcohol and substance abuse programs as defined in paragraph c of this subdivision which serve to assist the court, public officers or others in identifying and avoiding the inappropriate use of incarceration. Such programs may be administered by either the county or private, community-based organizations and may include, but shall not be limited to: new or enhanced specialized probation services which exceed those probation services otherwise required to be performed in accordance with applicable law, rule or regulation of the [state] division of [probation and correctional alternatives] CRIMINAL JUSTICE SERVICES subject to the provisions of this article; a pre-trial alternative to detention program, including a comprehensive pre-arraignment program which screens

all defendants and ensures that the court is fully advised of the availability of alternatives based upon the defendant's suitability and needs prior to its determination regarding the issuance of a securing order, or an effective bail review program; alternatives to post-adjudicatory incarceration programs, including community service, substance abuse or alcohol intervention programs; and management information systems designed to improve the county's ability to identify appropriate persons for alternatives to detention or incarceration, as well as for improved classification of persons within jail. For purposes of this paragraph, community service programs may place persons performing community service at worksites identified by the commissioner of the department of environmental conservation and the commissioner of the office of parks, recreation and historic preservation.

e. "Approved plan" means a plan submitted by the county executive upon approval by the advisory board or council and by the local legislative body, which has been determined by the [division of probation and correctional alternatives] OFFICE to meet the requirements set forth in paragraph a of this subdivision.

i. ["Division"] "OFFICE" means the [division] OFFICE of probation and correctional alternatives.

S 28. Section 262 of the executive law, as added by chapter 907 of the laws of 1984, paragraph a of subdivision 4 as amended by chapter 421 of the laws of 1988, is amended to read as follows:

S 262. [Division] OFFICE assistance; plan; approval. 1. Upon request of either the county executive or the advisory board, through the chairperson, the [division] OFFICE shall assist the county in the development of its plan by providing technical assistance either directly or through contract with persons or organizations which have expertise in the area of pre-trial services or alternatives to incarceration programs.

2. Upon development of a proposed plan but at least thirty days prior to approval by the board, public comment shall be solicited for consideration by the board prior to final action.

3. Upon approval by the board, by a majority of its members, any county outside the city of New York acting through its county executive, and upon approval of the local legislative body, may submit a proposed service plan to the [division] OFFICE for approval. The city of New York acting through the mayor and upon approval by the board of estimate may submit a proposed service plan to the [division] OFFICE for approval.

4. a. Each such plan shall be submitted to the [division] OFFICE no later than one hundred eighty days after the effective date of the chapter of the laws of nineteen hundred eighty-eight which amended this paragraph and added these words or by the first day of April of each subsequent year and shall provide that upon approval it shall become effective. Annual renewals of service plans are required and shall be submitted to the [division] OFFICE no later than the first day of April of each year following submission of the original plan. A plan may be amended from time to time by the advisory board, subject to the approval of the local legislative body and the [division] OFFICE. The [division] OFFICE may recommend amendments to a plan, subject to the approval of the advisory board and the local legislative body. Reasons for such amendments may include but shall not be limited to the addition or deletion of eligible programs with due consideration to their utilization by the court, their effect on diverting the jail bound population, reducing the overcrowding problem and their cost-effectiveness.

b. The [division] OFFICE shall either approve or deny the plan no later than sixty days following its submission. If the plan is denied,

the [division] OFFICE shall notify the county executive in writing of such denial and the reasons therefor and shall specify any measures which should be undertaken to secure the approval of the [division] OFFICE. Nothing herein shall prohibit the amendment of a plan to overcome the [division's] OFFICE'S stated reasons for denial or the resubmission of such proposed plan for approval.

S 29. Section 263 of the executive law, as added by chapter 907 of the laws of 1984, is amended to read as follows:

S 263. Reports. The advisory board, through its chairperson, shall submit to the [division] OFFICE a quarterly report relative to the status of compliance with the plan, pursuant to rules and regulations promulgated by the [division] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES UPON RECOMMENDATION OF THE OFFICE. The report shall include, but not be limited to: compliance with specific goals and objectives as reflected in the plan; ability of programs to meet performance criteria; compliance with timetables; utilization by the court of the programs included in the plan; effect of such programs on diverting the jail bound population and reducing the over crowding problem; and any other information requested by the [division] OFFICE and available to the advisory board with respect to this article.

S 30. Section 264 of the executive law, as added by chapter 907 of the laws of 1984, the opening paragraph of subdivision 1 as amended by chapter 908 of the laws of 1984, is amended to read as follows:

S 264. Noncompliance with plan. 1. If at any time the [division] OFFICE determines that a county plan is not being complied with, it shall notify the advisory board through the chairperson and the state commission of correction in writing of such fact, and it shall withhold any portion of state funds not theretofore allocated. Such notice shall state the particular reasons for the determination and demand compliance with the plan within sixty days of the notice, setting forth the specific actions deemed necessary to secure compliance. If compliance is forthcoming the board and the state commission of correction shall be notified of such fact in writing and any state funds heretofore withheld shall be released. If compliance with the plan is not fulfilled within such time or within a thirty day extension period as authorized herein, the [division] OFFICE shall notify the advisory board through the chairperson and the state commission of correction. Upon such notification, the county shall be deemed in noncompliance with the approved plan and the provisions of subdivision eight of section five hundred-b of the correction law shall be applied.

An extension may be granted by the [division] OFFICE for a thirty day period upon a request by the board through the chairperson, where the [division] OFFICE determines it to be appropriate, setting forth specific reasons for a need for an extension and the steps which shall be undertaken to be in compliance at the end of such period.

Any notification by the [division] OFFICE of non-compliance pursuant to this section shall be deemed a final determination for purposes of judicial review.

2. The advisory board, through its chairperson, may reapply for continuation of its approved plan or modified plan, provided it certifies that it has complied with the specific actions deemed necessary by the [division] OFFICE to secure compliance. Within thirty days of receipt of the application the [division] OFFICE shall verify compliance with its notice and notify the board and the state commission of correction of its decision.

S 31. The section heading, subdivision 1, paragraph b of subdivision 2, and the opening paragraph and paragraphs a and b of subdivision 3 of section 265 of the executive law, the section heading and paragraph a of subdivision 3 as added by chapter 907 of the laws of 1984, subdivision 1, paragraph b of subdivision 2 and the opening paragraph of subdivision 3 as amended by chapter 338 of the laws of 1989 and paragraph b of subdivision 3 as amended by chapter 320 of the laws of 1989, are amended to read as follows:

Further authority of the [division] OFFICE; state assistance. 1. In administering the provisions of this article, the [division] OFFICE may perform such other and further acts and [promulgate] RECOMMEND TO THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES such rules and regulations it deems necessary, proper or desirable to carry out the purpose of this article and not otherwise inconsistent with the other provisions of this article, chapter or any other provision of law. This shall include, but not be limited to, the [division's] OFFICE'S consultation with the chief administrative judge of the office of court administration, the chairman of the state commission of correction[,] AND the [director of the division of alcoholism and alcohol abuse and the director of the division of] COMMISSIONER OF ALCOHOLISM AND substance abuse services.

b. Except as provided in section two hundred sixty-six of this article, applications for such assistance must be made and submitted no later than one hundred eighty days after the effective date of the chapter of the laws of nineteen hundred eighty-eight which amended this paragraph and added these words or by the first day of April of each subsequent year and shall be either approved or denied by the [division] OFFICE no later than sixty days following such submission. Any part of the moneys so made available and not apportioned pursuant to a plan approved and contract entered into with the [division] OFFICE within the time limits required shall be apportioned by the [division] OFFICE in its discretion to such a city or counties on a need basis, taking into consideration inmate population or prior commitment by a county in the development of alternatives to detention or incarceration programs.

The [division] OFFICE may receive applications from and may enter into contracts with municipalities to undertake implementation of the service plan and any such municipality may enter into a contract with the [division] OFFICE and with such private organization or organizations for such purpose. Except as provided in section two hundred sixty-six of this article, any such contract may include such provisions as may be agreed upon by the parties thereto, but shall include in substance at least the following:

a. An estimate of the reasonable cost and need of the programs as approved by the [division] OFFICE;

b. In the first year of the approved service plan an agreement by the [division] OFFICE to reimburse to the municipality up to fifty percent of the state's share of the costs at the initial approval of the plan; one-half of the remaining fifty percent of the state's share shall be allocated to municipalities during the implementation of the plan, provided there is substantial compliance with timetables and any other provisions of the plan deemed necessary by the [division] OFFICE. The balance of the state's share of the costs shall be allocated to the municipality in a manner determined by the [division] OFFICE. In any subsequent year, the [division] OFFICE shall reimburse to the municipality the state's share of actual costs incurred under the plan. In no event shall the state's share exceed fifty percent of the total cost of

the plan, nor shall it be used to replace current expenditures by the municipality for such alternatives programs. However, in determining the amount of the municipal share of the cost of a program, the [division] OFFICE shall reduce the amount of the municipal share by an amount equal to the costs incurred by such municipality on implementation of any of the plan's provisions during the year immediately preceding approval of the plan by the [division] OFFICE. Any such amount resulting in a reduction of the municipal share shall not be considered in calculating the municipal share of any future program;

S 32. The section heading and subdivisions 3 and 4 of section 266 of the executive law, as added by chapter 338 of the laws of 1989, are amended to read as follows:

Additional authority of the [division] OFFICE; state assistance; approved amendments for eligible alcohol and substance abuse programs.

3. For the purposes of carrying out the purpose of this section, of the amount made available in paragraph a of subdivision two of section two hundred sixty-five, state assistance of not less than seven million dollars shall be made available for approved amendments. Of this amount, no more than forty percent shall be made available for such state assistance to cities with a population of one million or more. The remaining amount shall be made available for such state assistance to counties outside such cities. The [division] OFFICE shall apportion the amount available for approved amendments on an as needed basis, taking into consideration the analysis of the relationship between alcohol, drugs and crime, as required in this article, as well as other factors as may be required by the [division] OFFICE.

4. The [division] OFFICE may receive approved amendments and may amend approved plans in accordance with such approved amendments at any time. The [division] OFFICE may enter into contracts to undertake the implementation of the approved amendments and any such municipality may enter into contracts with the [division] OFFICE and with private organizations for such implementation. Any such contracts may include such provisions as may be agreed upon by the parties thereto, but shall include at least the following:

a. An estimate of the reasonable costs and need for the eligible alcohol and substance abuse programs;

b. An agreement by the [division] OFFICE to reimburse the municipality in accordance with the following:

(i) In the first year of implementation and operation of the eligible alcohol and substance abuse program, the [division] OFFICE shall reimburse to the municipality one hundred percent of the costs incurred, provided that, upon approval of the contract and consistent with implementation plans approved by the [division] OFFICE, up to one-half of the state's share of the cost of such program may be immediately allocated to the municipality for purposes of implementation of the program. The balance of the state's share of the costs shall be allocated to the municipality in a manner determined by the [division] OFFICE.

(ii) In the second year of operation of such eligible alcohol and substance abuse program, such program shall be included in the approved service plan submitted by the municipality and the [division] OFFICE shall reimburse to the municipality seventy-five percent of the costs of approved expenditures. Municipalities shall provide at least twenty-five percent of costs of approved expenditures of the contract.

(iii) In the third and any subsequent year of operation of such alcohol and substance abuse program, such program shall be included in the approved service plan submitted by the municipality and the [division]

OFFICE shall reimburse to the municipality fifty percent of the costs of approved expenditures. Municipalities shall provide at least fifty percent of costs of approved expenditures of the contract.

In no event shall the state's share be used to replace expenditures previously incurred by the municipality for such alcohol and substance abuse programs;

c. An agreement by the municipality to provide for the payment of the municipality's share of the costs of the alcohol and substance abuse program or programs, and to proceed expeditiously with, and implement, such program or programs, as approved by the [division] OFFICE; and

d. Any costs in excess of the amount provided for in this subdivision shall be the responsibility of the municipality, except as otherwise provided in this article.

S 33. Section 267 of the executive law, as amended by chapter 338 of the laws of 1989, is amended to read as follows:

S 267. [Division] OFFICE reports. The [division] OFFICE shall submit to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the senate crime and correction committee and the chairman of the assembly committee on codes by October first of each year its evaluation and assessment of this alternatives planning and programming effort by the counties. Such report shall include, but not be limited to, the status of the development of such plans, the approval and implementation of such plans, the success of the programs, in terms of their utilization, effect on jail population, results of the analyses provided counties and the city of New York on the relationship between alcohol, drugs and crime and the success of the eligible alcohol and substance abuse programs and sentencing decisions together with any recommendations with respect to the proper operation or improvement of planning and implementation of effective alternatives to detention and alternatives to incarceration programs in counties.

S 34. Section 354-a of the executive law, as amended by chapter 355 of the laws of 2004, is amended to read as follows:

S 354-a. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of alcoholism and substance abuse services, office of mental health, [division] OFFICE of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office of mental retardation and developmental disabilities, department of correctional services and division of parole, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the division of veterans' affairs and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the

veteran to the division of veterans' affairs for information and assistance with regard to benefits and entitlements under federal and state law.

S 35. Intentionally Omitted.

S 36. Intentionally Omitted.

S 37. Paragraph (a) of subdivision 20 of section 623 of the executive law, as amended by chapter 418 of the laws of 1986, is amended to read as follows:

(a) Information transmitted by the [state division] OFFICE of probation and correctional alternatives under subdivision five of section 390.30 of the criminal procedure law and subdivision seven of section 351.1 of the family court act which the board shall compile, review and make recommendations on how to promote the use of restitution and encourage its enforcement.

S 38. Subdivision 1 of section 643 of the executive law, as added by chapter 94 of the laws of 1984, is amended to read as follows:

1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the [department of social services] OFFICE OF CHILDREN AND FAMILY SERVICES, the office [of] FOR the aging, the division of veterans affairs, [the division of probation,] the division of parole, [the crime victims board,] the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the department of health, the division of criminal justice services, the office of mental health, every transportation authority and the division of state police, and (b) any other agency so designated by the governor within ninety days of the effective date of this section.

S 39. Subdivision 9 of section 835 of the executive law, as amended by chapter 602 of the laws of 2008, is amended to read as follows:

9. "Qualified agencies" means courts in the unified court system, the administrative board of the judicial conference, probation departments, sheriffs' offices, district attorneys' offices, the state department of correctional services[, the state division of probation], the department of correction of any municipality, the insurance frauds bureau of the state department of insurance, the office of professional medical conduct of the state department of health for the purposes of section two hundred thirty of the public health law, the child protective services unit of a local social services district when conducting an investigation pursuant to subdivision six of section four hundred twenty-four of the social services law, the office of Medicaid inspector general, the temporary state commission of investigation, the criminal investigations bureau of the banking department, police forces and departments having responsibility for enforcement of the general criminal laws of the state and the Onondaga County Center for Forensic Sciences Laboratory when acting within the scope of its law enforcement duties.

S 40. Subdivision 8 of section 92 of the public officers law, as amended by chapter 336 of the laws of 1992, is amended to read as follows:

(8) Public safety agency record. The term "public safety agency record" means a record of the commission of correction, the temporary state commission of investigation, the department of correctional services, the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, the division of parole, the [crime victims board] OFFICE OF VICTIM SERVICES, the [division] OFFICE of probation and correctional

alternatives or the division of state police or of any agency or component thereof whose primary function is the enforcement of civil or criminal statutes if such record pertains to investigation, law enforcement, confinement of persons in correctional facilities or supervision of persons pursuant to criminal conviction or court order, and any records maintained by the division of criminal justice services pursuant to sections eight hundred thirty-seven, eight hundred thirty-seven-a, eight hundred thirty-seven-b, eight hundred thirty-seven-c, eight hundred thirty-eight, eight hundred thirty-nine, eight hundred forty-five, and eight hundred forty-five-a of the executive law and by the department of state pursuant to section ninety-nine of the executive law.

S 41. The opening paragraph of paragraph (b) of subdivision 6 of section 1198 of the vehicle and traffic law, as amended by chapter 669 of the laws of 2007, is amended to read as follows:

After consultation with manufacturers of ignition interlock devices and the national highway traffic safety administration, the commissioner of the department of health, in consultation with the commissioner and the [director of the division] OFFICE of probation and correctional alternatives, shall promulgate regulations regarding standards for, and use of, ignition interlock devices. Such standards shall include provisions for setting a minimum and maximum calibration range and shall include, but not be limited to, requirements that the devices:

S 42. Paragraph hh of subdivision 1 of section 3-0301 of the environmental conservation law, as amended by chapter 461 of the laws of 1990, is amended to read as follows:

hh. Cooperate with the [division] OFFICE of probation and correctional alternatives by identifying appropriate worksites where persons performing community service as part of a criminal disposition may be assigned to provide cleanup and other maintenance services in order to preserve and enhance the state's natural beauty and human-made scenic qualities. Such sites may include but are not limited to the state's shorelines, beaches, parks, roadways, historic sites and other natural or human-made resources.

S 43. Paragraph (m) of subdivision 1 of section 2782 of the public health law, as amended by chapter 193 of the laws of 1991, is amended to read as follows:

(m) an employee or agent of the [division] OFFICE of probation and correctional alternatives or any local probation department, in accordance with paragraph (a) of subdivision two of section twenty-seven hundred eighty-six of this article, to the extent the employee or agent is authorized to access records containing such information in order to carry out the [division's] OFFICE'S or department's functions, powers and duties with respect to the protected individual, pursuant to articles twelve and twelve-A of the executive law;

S 44. Subdivision 2-f of section 3.09 of the parks, recreation and historic preservation law, as amended by chapter 461 of the laws of 1990 and as separately renumbered by chapters 460 and 552 of the laws of 2001, is amended to read as follows:

2-f. Cooperate with the [division] OFFICE of probation and correctional alternatives by identifying appropriate worksites where persons performing community service as part of a criminal disposition may be assigned to provide cleanup and other maintenance services in order to preserve and enhance the state's natural beauty and human-made scenic qualities. Such sites may include but are not limited to the state's shorelines, beaches, parks, roadways, historic sites and other natural or human-made resources.

S 45. Paragraph 2 of subdivision (a) of section 19.09 of the mental hygiene law, as added by chapter 223 of the laws of 1992, is amended to read as follows:

(2) Upon the request of a state agency, including but not limited to the department of correctional services, the [state division] OFFICE of probation and correctional alternatives, the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, and the board of parole, the commissioner shall have the power to provide alcoholism, substance abuse, and chemical dependence services either directly or through agreements with local certified or approved providers to persons in the custody or under the jurisdiction of the requesting agency within amounts available and within priorities established through the planning process.

S 46. Subdivision 4 of section 65.10 of the penal law, as added by chapter 653 of the laws of 1996, is amended to read as follows:

4. Electronic monitoring. When imposing a sentence of probation the court may, in addition to any conditions imposed pursuant to subdivisions two and three of this section, require the defendant to submit to the use of an electronic monitoring device and/or to follow a schedule that governs the defendant's daily movement. Such condition may be imposed only where the court, in its discretion, determines that requiring the defendant to comply with such condition will advance public safety, probationer control or probationer surveillance. Electronic monitoring shall be used in accordance with uniform procedures developed by the [division] OFFICE of probation and correctional alternatives.

S 47. Subdivision 1 of section 89-e of the correction law, as amended by chapter 550 of the laws of 1987, is amended to read as follows:

1. The alternate correctional facility review panel is hereby established and shall consist of the commissioner, the chairman of the state commission of correction, the chairman of the board of parole, the director of the [division] OFFICE of probation and correctional alternatives, the commissioner of correction of the city of New York, the president of the New York State Sheriffs' Association Institute, Inc., and the president of the Correctional Association of New York or their designees. The governor shall appoint a chairman and vice-chairman from among the members.

S 48. Subdivision 4 of section 270 of the correction law, as added by section 1 of part SS of chapter 56 of the laws of 2009, is amended to read as follows:

4. "Division" means the division of [probation and correctional alternatives] CRIMINAL JUSTICE SERVICES.

S 49. Subdivision 1 of section 705 of the correction law, as amended by chapter 193 of the laws of 1991, is amended to read as follows:

1. All applications, certificates and orders of revocation necessary for the purposes of this article shall be upon forms prescribed pursuant to agreement among the state commissioner of correctional services, the chairman of the state board of parole and the administrator of the state judicial conference. Such forms relating to certificates of relief from disabilities shall be distributed by the [director of the state division] OFFICE of probation and correctional alternatives and forms relating to certificates of good conduct shall be distributed by the chairman of the board of parole.

S 50. The opening paragraph of subdivision 4 and subdivision 5 of section 390.30 of the criminal procedure law, the opening paragraph of subdivision 4 as amended by chapter 618 of the laws of 1992 and subdivision 5 as added by chapter 14 of the laws of 1985, are amended to read as follows:

In lieu of the procedure set forth in subdivisions one, two and three OF THIS SECTION, where the conviction is of a misdemeanor the scope of the pre-sentence investigation may be abbreviated and a short form report may be made. The use of abbreviated investigations and short form reports, the matters to be covered therein and the form of the reports shall be in accordance with the general rules regulating methods and procedures in the administration of probation as adopted from time to time by the [state director of probation and correctional alternatives] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES pursuant to the provisions of article twelve of the executive law. No such rule, however, shall be construed so as to relieve the agency conducting the investigation of the duty of investigating and reporting upon:

5. Information to be forwarded to the [state division] OFFICE of probation AND CORRECTIONAL ALTERNATIVES. Investigating agencies under this article shall be responsible for the collection, and transmission to the [state division] OFFICE of probation AND CORRECTIONAL ALTERNATIVES, of data on the number of victim impact statements prepared, pursuant to regulations of the [division] OFFICE. Such information shall be transmitted to the [crime victims board] OFFICE OF VICTIM SERVICES and included in the [board's] OFFICE'S annual report pursuant to subdivision twenty of section six hundred twenty-three of the executive law.

S 51. Subdivision 1 of section 410.80 of the criminal procedure law, as amended by chapter 191 of the laws of 2007, is amended to read as follows:

1. Authority to transfer supervision. Where a probationer at the time of sentencing resides in another jurisdiction within the state, the sentencing court shall transfer supervision to the appropriate probation department in such other jurisdiction. Where, after a probation sentence is pronounced, a probationer desires to reside in another jurisdiction within the state that is not served by the sentencing court, such court, in its discretion, may approve a change in residency and, upon approval, shall transfer supervision to the appropriate probation department serving the county of the probationer's proposed new residence. Any transfer under this subdivision must be in accordance with rules adopted by the [director] COMMISSIONER of the [state] division of [probation and correctional alternatives] CRIMINAL JUSTICE SERVICES.

S 52. Subdivision 8 of section 420.10 of the criminal procedure law, as amended by chapter 506 of the laws of 1985, paragraph (a) as separately amended by chapters 134, 233 and 506 of the laws of 1985 and paragraph (b) as separately amended by chapters 134 and 506 of the laws of 1985, is amended to read as follows:

8. Designation of restitution agency. (a) The chief elected official in each county, and in the city of New York the mayor, shall designate an official or organization other than the district attorney to be responsible for the collection and administration of restitution and reparation payments under provisions of the penal law and this chapter[; provided, however, that where the state division of probation and correctional alternatives provides for and delivers probation services pursuant to the provisions of section two hundred forty-seven of the executive law the state division of probation and correctional alternatives shall have the first option of designating such agency as the restitution agency for such county]. This official or organization shall be eligible for the designated surcharge provided for by subdivision eight of section 60.27 of the penal law.

(b) The restitution agency, as designated by paragraph (a) of this subdivision, shall be responsible for the collection of data on a monthly basis regarding the numbers of restitution and reparation orders issued, the numbers of satisfied restitution and reparation orders and information concerning the types of crimes for which such orders were required. A probation department designated as the restitution agency shall then forward such information to the [director of the state division] OFFICE of probation and correctional alternatives within the first ten days following the end of each month [who shall transmit such information to the division of criminal justice services]. In all other cases the restitution agency shall report to the division of criminal justice services directly. The division of criminal justice services shall compile and review all such information and make recommendations to promote the use of restitution and encourage its enforcement.

S 53. Section 252-a of the family court act, as added by chapter 55 of the laws of 1992, is amended to read as follows:

S 252-a. Fees. (a) Notwithstanding any other provision of law, every county, including the city of New York, may adopt a local law authorizing its probation department which is ordered to conduct an investigation pursuant to section six hundred fifty-three of this [chapter] ACT, to be entitled to a fee of not less than fifty dollars and not more than five hundred dollars from the parties in such proceeding for performing such investigation. Such fee shall be based on the party's ability to pay the fee and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the [director of the division] OFFICE of probation and correctional alternatives, and may in the discretion of the court be waived when the parties lack sufficient means to pay the fee. The court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

(b) Fees pursuant to this section shall be paid directly to the local probation department to be retained and utilized for local probation services, and shall not be considered by the [division] OFFICE of probation AND CORRECTIONAL ALTERNATIVES when determining state aid [reimbursement] pursuant to section two hundred forty-six of the executive law.

S 54. Subdivision 7 of section 351.1 of the family court act, as added by chapter 418 of the laws of 1986, is amended to read as follows:

7. The probation services which prepare the investigation reports shall be responsible for the collection and transmission to the [state division] OFFICE of probation and correctional alternatives, of data on the number of victim impact statements prepared, pursuant to regulations of the division. Such information shall be transmitted to the [crime victims board] OFFICE OF VICTIM SERVICES and included in the [board's] OFFICE'S annual report pursuant to subdivision twenty of section six hundred twenty-three of the executive law.

S 55. Subdivision 2 of section 385.1 of the family court act, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

2. The [division] OFFICE of probation and correctional alternatives shall include in its annual report to the legislature and the governor information, by county, showing the total number of delinquency cases adjusted prior to filing.

S 56. Section 177-e of the judiciary law is REPEALED.

S 57. Paragraph (g) of subdivision 1 of section 1193 of the vehicle and traffic law, as added by chapter 496 of the laws of 2009, is amended to read as follows:

(g) The [division] OFFICE of probation and correctional alternatives shall [promulgate] RECOMMEND TO THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES regulations governing the monitoring of compliance by persons ordered to install and maintain ignition interlock devices to provide standards for monitoring by departments of probation, and options for monitoring of compliance by such persons, that counties may adopt as an alternative to monitoring by a department of probation.

S 58. Subdivision 5 of section 257-c of the executive law, as added by chapter 55 of the laws of 1992, is amended to read as follows:

5. Monies collected pursuant to this section shall be utilized for probation services by the local probation department. Such moneys shall not be considered by the division when determining state aid [reimbursement] pursuant to section two hundred forty-six of the executive law. Monies collected shall not be used to replace federal funds otherwise utilized for probation services.

S 59. Section 385.2 of the family court act, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

S 385.2. Consolidation of records within a city having a population of one million or more. Notwithstanding any other provision of law, in a city having a population of one million or more, an index of the records of the local probation departments located in the counties comprising such city for proceedings under article three shall be consolidated and filed in a central office for use by the family court and local probation service in each such county. After consultation with the state administrative judge, THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES IN CONSULTATION WITH the [state] director of THE OFFICE OF probation and correctional alternatives shall specify the information to be contained in such index and the organization of such consolidated file.

S 60. Section 783-a of the family court act, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

S 783-a. Consolidation of records within a city having a population of one million or more. Notwithstanding any other provision of law, in a city having a population of one million or more, an index of the records of the local probation departments located in the counties comprising such city for proceedings under article seven shall be consolidated and filed in a central office for use by the family court and local probation service in each such county. After consultation with the state administrative judge, THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, IN CONSULTATION WITH the [state] director of THE OFFICE OF probation and correctional alternatives shall specify the information to be contained in such index and the organization of such consolidated file.

S 61. Paragraph (b) of subdivision 4 of section 34-a of the social services law, as added by section 18 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(b) The commissioner of the office of children and family services shall review and approve or disapprove the diversion services portion of the plan jointly with the director of THE OFFICE OF probation and correctional alternatives or any other successor agency or entity. The requirements for the portion of the plan and report regarding the provision of diversion services shall be jointly established by the commissioner of the office of children and family services and the

director of THE OFFICE OF probation and correctional alternatives or any other successor agency or entity. The multi-year services plan and where appropriate the annual implementation reports shall be based upon a written understanding between the local social services district and the probation department which outlines the cooperative procedures to be followed by both parties regarding diversion services pursuant to section seven hundred thirty-five of the family court act, consistent with their respective obligations as otherwise required by law.

S 62. Subdivision 1 of section 483 of the social services law, as added by section 2 of part F2 of chapter 62 of the laws of 2003, is amended to read as follows:

1. There shall be a council on children and families established within the office of children and family services consisting of the following members: the state commissioner of children and family services, the commissioner of temporary and disability assistance, the commissioner of mental health, the commissioner of mental retardation and developmental disabilities, the commissioner of the office of alcoholism and substance abuse services, the commissioner of education, the [state] director of THE OFFICE OF probation and correctional alternatives, the commissioner of health, the commissioner of the division of criminal justice services, the state advocate for persons with disabilities, the director of the office for the aging, the commissioner of labor, and the chair of the commission on quality of care for the mentally disabled. The governor shall designate the chair of the council and the chief executive officer (CEO).

S 63. Subparagraph (i) of paragraph (a) of subdivision 3 of section 483-c of the social services law, as added by section 2 of part F2 of chapter 62 of the laws of 2003, is amended to read as follows:

(i) State tier III team. There is hereby established a state team designated as the "tier III team", which shall consist of the chair of the council, the commissioners of children and family services, mental health, health, education, alcohol and substance abuse services, and mental retardation and developmental disabilities, and the director of THE OFFICE OF probation and correctional alternatives, or their designated representatives, and representatives of families of children with emotional and/or behavioral disorders. Other representatives may be added at the discretion of such team.

S 64. Subdivision 3 of section 702 of the correction law, as amended by chapter 134 of the laws of 1985, is amended to read as follows:

3. Where a certificate of relief from disabilities is not issued at the time sentence is pronounced it shall only be issued thereafter upon verified application to the court. The court may, for the purpose of determining whether such certificate shall be issued, request its probation service to conduct an investigation of the applicant, or if the court has no probation service it may request the probation service of the county court for the county in which the court is located to conduct such investigation[, or if there be no such probation service the court may request the state director of probation and correctional alternatives to arrange for such investigation]. Any probation officer requested to make an investigation pursuant to this section shall prepare and submit to the court a written report in accordance with such request.

S 65. Subdivision 4 of section 995-c of the executive law, as added by chapter 737 of the laws of 1994, is amended to read as follows:

4. The commissioner of the division of criminal justice services, in consultation with the commission, the commissioner of health, the [divi-

sions] DIVISION of parole [and], THE DIRECTOR OF THE OFFICE of probation and correctional alternatives and the department of correctional services, shall promulgate rules and regulations governing the procedures for notifying designated offenders of the requirements of this section.

S 66. Paragraph (c) of subdivision 1 of section 169 of the executive law, as amended by chapter 634 of the laws of 1998, is amended to read as follows:

(c) commissioner of agriculture and markets, commissioner of alcoholism and substance abuse services, adjutant general, commissioner and president of state civil service commission, commissioner of economic development, chair of the energy research and development authority, executive director of the board of real property services, president of higher education services corporation, commissioner of motor vehicles, member-chair of board of parole, [director of probation and correctional alternatives,] chair of public employment relations board, secretary of state, chair of the state racing and wagering board, commissioner of alcoholism and substance abuse services, executive director of the housing finance agency, commissioner of housing and community renewal, executive director of state insurance fund, commissioner-chair of state liquor authority, chair of the workers' compensation board;

S 67. Subdivision 1 of section 221-a of the executive law, as amended by chapter 107 of the laws of 2004, is amended to read as follows:

1. The superintendent, in consultation with the division of criminal justice services, office of court administration, [the division of probation and correctional alternatives,] the state office for the prevention of domestic violence and the division for women, shall develop a comprehensive plan for the establishment and maintenance of a statewide computerized registry of all orders of protection issued pursuant to articles four, five, six and eight of the family court act, section 530.12 of the criminal procedure law and, insofar as they involve victims of domestic violence as defined by section four hundred fifty-nine-a of the social services law, section 530.13 of the criminal procedure law and sections two hundred forty and two hundred fifty-two of the domestic relations law, and orders of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction, special orders of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the criminal procedure law insofar as they involve a victim or victims of domestic violence as defined by subdivision one of section four hundred fifty-nine-a of the social services law or a designated witness or witnesses to such domestic violence, and all warrants issued pursuant to sections one hundred fifty-three and eight hundred twenty-seven of the family court act, and arrest and bench warrants as defined in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of the criminal procedure law, insofar as such warrants pertain to orders of protection or temporary orders of protection; provided, however, that warrants issued pursuant to section one hundred fifty-three of the family court act pertaining to articles three, seven and ten of such act and section 530.13 of the criminal procedure law shall not be included in the registry. The superintendent shall establish and maintain such registry for the purposes of ascertaining the existence of orders of protection, temporary orders of protection, warrants and special orders of conditions, and for enforcing the provisions of paragraph (b) of subdivision four of section 140.10 of the criminal procedure law.

S 68. Section 354-a of the executive law, as amended by chapter 355 of the laws of 2004, is amended to read as follows:

S 354-a. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of alcoholism and substance abuse services, office of mental health, [division] OFFICE of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office of mental retardation and developmental disabilities, department of correctional services and division of parole, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the division of veterans' affairs and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the division of veterans' affairs for information and assistance with regard to benefits and entitlements under federal and state law.

S 69. Paragraph (b) of subdivision 4 of section 575 of the executive law, as amended by chapter 255 of the laws of 2008, is amended to read as follows:

(b) The advisory council shall consist of nine members and fourteen ex-officio members. Each member shall be appointed to serve for a term of three years and shall continue in office until a successor appointed member is made. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she is to succeed. All of the members shall be individuals with expertise in the area of domestic violence. Three members shall be appointed by the governor, two members shall be appointed upon the recommendation of the temporary president of the senate, two members shall be appointed upon the recommendation of the speaker of the assembly, one member shall be appointed upon the recommendation of the minority leader of the senate, and one member shall be appointed upon the recommendation of the minority leader of the assembly. The ex-officio members of the advisory board shall consist of one representative from the staff of each of the following state departments and divisions: office of temporary and disability services; department of health; education department; office of mental health; division of alcoholism and alcohol abuse; division of criminal justice services; [division] OFFICE of probation and correctional alternatives; office of children and family services; crime victims board; office of court administration; department of labor; state office for the aging; department of correctional services; and the division of parole.

S 70. Paragraphs (a) and (b) of subdivision 5 of section 576 of the executive law, as added by chapter 463 of the laws of 1992, is amended to read as follows:

(a) The office shall, in conjunction with the [division] OFFICE of probation and correctional alternatives, provide or arrange to be provided technical assistance and training as requested or necessary to programs approved pursuant to this act to develop appropriate services and train staff, improve coordination with the domestic violence program, other appropriate support services, the criminal justice system, including the judiciary, the police, the district attorney, and other appropriate officials and services.

(b) The office shall, in conjunction with the [division] OFFICE of probation and correctional alternatives, provide any requested or necessary assistance to local departments of probation to assist in the development of local plans, policies and procedures for case referral, coordination, and monitoring of clients with appropriate agencies and persons.

S 71. Paragraph (a) of subdivision 20 of section 623 of the executive law, as amended by chapter 418 of the laws of 1986, is amended to read as follows:

(a) Information transmitted by the [state division] OFFICE of probation and correctional alternatives under subdivision five of section 390.30 of the criminal procedure law and subdivision seven of section 351.1 of the family court act which the board shall compile, review and make recommendations on how to promote the use of restitution and encourage its enforcement.

S 72. This act shall take effect immediately; provided, however, that:

(a) the amendments to paragraphs a, b, e and i of subdivision 1 of section 261 of the executive law made by section twenty-seven of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(b) the amendments to sections 262, 263, 264, 265, 266 and 267 of the executive law made by sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of this act, shall not affect the repeal of such sections and shall be deemed repealed therewith;

(c) the amendments to the opening paragraph of paragraph (b) of subdivision 6 of section 1198 of the vehicle and traffic law made by section forty-one of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(d) the amendments to section 252-a of the family court act made by section fifty-three of this act shall not affect the expiration of such section and shall be deemed to expire therewith; and

(e) the amendments to subdivision 5 of section 257-c of the executive law made by section fifty-eight of this act shall not affect the expiration of such section and shall be deemed expired therewith.

PART A-1

Section 1. Subdivision 1 of section 643 of the executive law, as added by chapter 94 of the laws of 1984, is amended to read as follows:

1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the [department of social services] OFFICE OF CHILDREN AND FAMILY SERVICES, the office [of] FOR the aging, the division of veterans affairs, the division of probation AND CORRECTIONAL ALTERNATIVES, the division of parole, the [crime victims board] OFFICE OF VICTIM SERVICES, the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the department of health, the division of criminal justice services, the

office of mental health, every transportation authority and the division of state police, and (b) any other agency so designated by the governor within ninety days of the effective date of this section.

S 2. Subdivision 8 of section 92 of the public officers law, as amended by chapter 336 of the laws of 1992, is amended to read as follows:

(8) Public safety agency record. The term "public safety agency record" means a record of the commission of correction, the temporary state commission of investigation, the department of correctional services, the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, the division of parole, the [crime victims board] OFFICE OF VICTIM SERVICES, the division of probation and correctional alternatives or the division of state police or of any agency or component thereof whose primary function is the enforcement of civil or criminal statutes if such record pertains to investigation, law enforcement, confinement of persons in correctional facilities or supervision of persons pursuant to criminal conviction or court order, and any records maintained by the division of criminal justice services pursuant to sections eight hundred thirty-seven, eight hundred thirty-seven-a, eight hundred thirty-seven-b, eight hundred thirty-seven-c, eight hundred thirty-eight, eight hundred thirty-nine, eight hundred forty-five, and eight hundred forty-five-a of the executive law and by the department of state pursuant to section ninety-nine of the executive law.

S 3. Subdivision 7 of section 351.1 of the family court act, as added by chapter 418 of the laws of 1986, is amended to read as follows:

7. The probation services which prepare the investigation reports shall be responsible for the collection and transmission to the state division of probation and correctional alternatives, of data on the number of victim impact statements prepared, pursuant to regulations of the division. Such information shall be transmitted to the [crime victims board] OFFICE OF VICTIM SERVICES and included in the [board's] OFFICE'S annual report pursuant to subdivision twenty of section six hundred twenty-three of the executive law.

S 4. Paragraph (b) of subdivision 4 of section 575 of the executive law, as amended by chapter 255 of the laws of 2008, is amended to read as follows:

(b) The advisory council shall consist of nine members and fourteen ex-officio members. Each member shall be appointed to serve for a term of three years and shall continue in office until a successor appointed member is made. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she is to succeed. All of the members shall be individuals with expertise in the area of domestic violence. Three members shall be appointed by the governor, two members shall be appointed upon the recommendation of the temporary president of the senate, two members shall be appointed upon the recommendation of the speaker of the assembly, one member shall be appointed upon the recommendation of the minority leader of the senate, and one member shall be appointed upon the recommendation of the minority leader of the assembly. The ex-officio members of the advisory board shall consist of one representative from the staff of each of the following state departments and divisions: office of temporary and disability services; department of health; education department; office of mental health; [division] OFFICE of alcoholism and [alcohol] SUBSTANCE abuse SERVICES; division of criminal justice services; division of probation and correctional alternatives; office of children and family services; [crime victims board] OFFICE OF VICTIM SERVICES; office of court adminis-

tration; department of labor; state office for the aging; department of correctional services; and the division of parole.

S 5. Subdivision (a) of section 483-ee of the social services law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

(a) There is established an interagency task force on trafficking in persons, which shall consist of the following members or their designees: (1) the commissioner of the division of criminal justice services; (2) the commissioner of the office of temporary and disability assistance; (3) the commissioner of health; (4) the commissioner of the office of mental health; (5) the commissioner of labor; (6) the commissioner of the office of children and family services; (7) the commissioner of the office of alcoholism and substance abuse services; (8) the [chairperson] DIRECTOR of the [crime victims board] OFFICE OF VICTIM SERVICES; (9) the executive director of the office for the prevention of domestic violence; and (10) the superintendent of the division of state police; and others as may be necessary to carry out the duties and responsibilities under this section. The task force will be co-chaired by the commissioners of the division of criminal justice services and the office of temporary and disability assistance, or their designees. It shall meet as often as is necessary and under circumstances as are appropriate to fulfilling its duties under this section.

S 6. Subdivision 1 of section 621 of the executive law, as amended by chapter 17 of the laws of 1982, is amended to read as follows:

1. ["Board" shall mean the crime victims board] "OFFICE" SHALL MEAN THE OFFICE OF VICTIM SERVICES.

S 7. Section 622 of the executive law is REPEALED and a new section 622 is added to read as follows:

S 622. OFFICE OF VICTIM SERVICES. THERE IS HEREBY CREATED IN THE EXECUTIVE DEPARTMENT THE OFFICE OF VICTIM SERVICES, HEREINAFTER IN THIS ARTICLE REFERRED TO AS THE "OFFICE". THE OFFICE SHALL BE HEADED BY A DIRECTOR, WHO SHALL BE APPOINTED BY THE GOVERNOR FOR A TERM OF THREE YEARS. THE DIRECTOR SHALL COORDINATE AND RECOMMEND POLICY RELATING TO THE PROVISION OF SERVICES TO CRIME VICTIMS. THE DIRECTOR SHALL APPOINT STAFF AND PERFORM SUCH OTHER FUNCTIONS TO ENSURE THE EFFICIENT OPERATION OF THE OFFICE WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR BY APPROPRIATION.

S 8. Section 623 of the executive law, as added by chapter 894 of the laws of 1966, subdivisions 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 as added by chapter 688 of the laws of 1985, subdivision 18 as amended by chapter 74 of the laws of 1986, paragraph (a) of subdivision 20 as amended by chapter 418 of the laws of 1986 and subdivision 22 as added by chapter 346 of the laws of 1986, is amended to read as follows:

S 623. Powers and duties of the [board] OFFICE. The [board] OFFICE shall have the following powers and duties:

1. To establish and maintain a principal office and such other offices within the state as it may deem necessary.

2. To appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

3. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this article, including RULES FOR THE DETERMINATION OF CLAIMS, rules for the approval of attorneys' fees for representation before the [board] OFFICE and/or before the appellate division upon judicial review as provided for in section six hundred twenty-nine of this article, and rules for the

authorization of qualified persons to assist claimants in the preparation of claims for presentation to the [board or board members] OFFICE.

4. To request from the division of state police, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, and the same are hereby authorized to provide, such assistance and data as will enable the [board] OFFICE to carry out its functions and duties.

5. To hear and determine all claims for awards filed with the [board] OFFICE pursuant to this article, and to reinvestigate or reopen cases as [the board deems] necessary.

6. To direct medical examination of victims.

7. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided in this subdivision may be delegated by the [board] DIRECTOR to any member or employee [thereof] OF THE OFFICE. A subpoena issued under this subdivision shall be regulated by the civil practice law and rules.

8. To take or cause to be taken affidavits or depositions within or without the state.

9. To establish and maintain a special investigative unit to expedite processing of claims by senior citizens and special emergency situations, and to promote the establishment of a volunteer program of home visitation to elderly and invalid victims of violent crime.

10. To advise and assist the governor in developing policies designed to recognize the legitimate rights, needs and interests of crime victims.

11. To coordinate state programs and activities relating to crime victims.

12. To cooperate with and assist political subdivisions of the state and not-for-profit organizations in the development of local programs for crime victims.

13. To study the operation of laws and procedures affecting crime victims and recommend to the governor AND LEGISLATURE proposals to improve the administration and effectiveness of such laws.

14. To establish an advisory council to assist in formulation of policies on the problems of crime victims AND TO PROVIDE RECOMMENDATIONS TO THE DIRECTOR TO IMPROVE THE DELIVERY OF SERVICES TO VICTIMS BY THE OFFICE.

15. To [advocate] WORK WITH NATIONAL ASSOCIATIONS, STATEWIDE COALITIONS, REGIONAL COALITIONS, VICTIM SERVICE PROVIDERS, AND OTHER ADVOCATES TO ADDRESS AND ADVANCE the rights and interests of crime victims of the state [before federal, state and local administrative, regulatory, legislative, judicial and criminal justice agencies].

16. To promote and conduct studies, research, analyses and investigations of matters affecting the interests of crime victims.

17. To [sponsor conferences relating to the problems of crime victims] COORDINATE TRAINING OPPORTUNITIES FOR CRIME VICTIM ADVOCATES AND SERVICE PROVIDERS.

18. To serve as a clearinghouse for information relating to crime victims' problems and programs.

19. To accept, with the approval of the governor, as agent of the state, any grant including federal grants, or any gift for the purposes of this article. Any monies so received may be expended by the [board]

OFFICE to effectuate any purpose of this article, subject to the applicable provisions of the state finance law.

20. To render each year to the governor and to the legislature, on or before December first of each year, a written report on the [board's] OFFICE'S activities including, but not limited to, specific information on each of the subdivisions of this section, and the manner in which the rights, needs and interests of crime victims are being addressed by the state's criminal justice system. Such report shall also include, but not be limited to:

(a) Information transmitted by the state division of probation and correctional alternatives under subdivision five of section 390.30 of the criminal procedure law and subdivision seven of section 351.1 of the family court act which the [board] OFFICE shall compile, review and make recommendations on how to promote the use of restitution and encourage its enforcement.

(b) Information relating to the implementation of and compliance with article twenty-three of this chapter by the criminal justice agencies and the "crime victim-related agencies" of the state. SUCH REPORT SHALL ALSO INCLUDE BUT NOT BE LIMITED TO INFORMATION REGARDING CRIME VICTIM SERVICE PROGRAMS, INCLUDING:

(1) THE PROGRAMS FUNDED BY THE OFFICE;

(2) OTHER SOURCES OF FUNDING FOR CRIME VICTIMS SERVICE PROGRAMS;

(3) AN ASSESSMENT OF THE ADEQUACY OF THE CURRENT LEVEL OF APPROPRIATION TO THE OFFICE TO MEET THE REASONABLE NEEDS OF CRIME VICTIMS SERVICE PROGRAMS FOR FUNDING UNDER SECTION SIX HUNDRED THIRTY-ONE-A OF THIS ARTICLE; AND

(4) AN ESTIMATE OF THE REASONABLE NEEDS OF PROGRAMS IN THE NEXT FISCAL YEAR.

21. To make grants to local crime victim service programs and carry out related duties under section six hundred thirty-one-a of this article.

22. To delegate to specified employees of the [board] OFFICE the power to disallow claims under circumstances where regulations of the [board] OFFICE provide for disallowance without prejudice to the reopening of claims.

S 9. Paragraph (i) of subdivision 1 and subdivision 2 of section 624 of the executive law, paragraph (i) of subdivision 1 as amended by chapter 427 of the laws of 1999 and subdivision 2 as amended by chapter 859 of the laws of 1990, are amended to read as follows:

(i) a surviving spouse of a crime victim who died from causes not directly related to the crime when such victim died prior to filing a claim with the [board] OFFICE or subsequent to filing a claim but prior to the rendering of a decision by the [board] OFFICE. Such award shall be limited to out-of-pocket loss incurred as a direct result of the crime; and

2. A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive an award with respect to such claim. A member of the family of a person criminally responsible for the crime upon which a claim is based or a member of the family of an accomplice of such person, shall be eligible to receive an award, unless the [board] OFFICE determines pursuant to regulations [adopted by the board] PROMULGATED TO CARRY OUT THE PROVISIONS AND PURPOSES OF THIS ARTICLE, that the person criminally responsible will receive substantial economic benefit or unjust enrichment from the compensation. In such circumstances the award may be

reduced or structured in such way as to remove the substantial economic benefit or unjust enrichment to such person or the claim may be denied.

S 10. Section 625 of the executive law, as added by chapter 894 of the laws of 1966, subdivision 1 as amended by chapter 115 of the laws of 1981, subdivision 2 as amended by chapter 359 of the laws of 2001 and subdivision 4 as amended by chapter 726 of the laws of 1969, is amended to read as follows:

S 625. Filing of claims. 1. A claim may be filed by a person eligible to receive an award, as provided in section six hundred twenty-four of this article, or, if such person is under the age of eighteen years, an incompetent, or a conservatee, by his relative, guardian, committee, conservator, or attorney.

2. A claim must be filed by the claimant not later than one year after the occurrence or discovery of the crime upon which such claim is based, one year after a court finds a lawsuit to be frivolous, or not later than one year after the death of the victim, provided, however, that upon good cause shown, the [board] OFFICE may extend the time for filing. The [board] OFFICE shall extend the time for filing where the claimant received no notice pursuant to section six hundred twenty-five-a of this article and had no knowledge of eligibility pursuant to section six hundred twenty-four of this article.

3. Claims shall be filed [in the office of the secretary of the board] in person [or], by mail OR ELECTRONICALLY, IN SUCH MANNER AS THE OFFICE MAY PRESCRIBE. The [secretary of the board] OFFICE shall accept for filing all claims submitted by persons eligible under subdivision one of this section and alleging the jurisdictional requirements set forth in this article and meeting the requirements as to form in the rules and regulations [of the board] PROMULGATED TO CARRY OUT THE PROVISIONS AND PURPOSES OF THIS ARTICLE.

4. Upon filing of a claim pursuant to this article, the [board] OFFICE shall promptly notify the district attorney of the county wherein the crime is alleged to have occurred. If, within ten days after such notification, such district attorney advises the [board] OFFICE that a criminal prosecution is pending upon the same alleged crime and requests that action by the [board] OFFICE be deferred, the [board] OFFICE shall defer all proceedings under this article until such time as such criminal prosecution has been concluded and shall so notify such district attorney and the claimant. When such criminal prosecution has been concluded, such district attorney shall promptly so notify the [board] OFFICE. Nothing in this section shall limit the authority of the [board] OFFICE to grant emergency awards pursuant to section six hundred thirty of this article.

S 11. 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] DIRECTOR OF THE OFFICE OF VICTIM SERVICES, 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 12. Subdivision 4-b of section 257 of the executive law, as added by chapter 62 of the laws of 2001, is amended to read as follows:

4-b. It shall be the duty of every probation officer to provide written notice to probationers under the officer's supervision who may be subject to any requirement to report to the [crime victims board] OFFICE OF VICTIM SERVICES any funds of a convicted person as defined in section six hundred thirty-two-a of this chapter, the procedures for such reporting and any potential penalty for a failure to comply.

S 13. Subdivision 6-a of section 259-a of the executive law, as added by chapter 62 of the laws of 2001, is amended to read as follows:

6-a. The division shall have the duty to provide written notice to persons who are serving a term of parole, parole supervision, conditional release or post release supervision of any requirement to report to the [crime victims board] OFFICE OF VICTIM SERVICES any funds of a convicted person as defined in section [six hundred thirty-a] SIX HUNDRED THIRTY-TWO-A of this chapter, the procedure for such reporting and any potential penalty for a failure to comply.

S 14. Subdivision 16 of section 259-c of the executive law, as amended by section 7 of part E of chapter 62 of the laws of 2003 and as renumbered by chapter 67 of the laws of 2008, is amended to read as follows:

16. have the duty to provide written notice to such inmates prior to release on presumptive release, parole, parole supervision, conditional release or post release supervision or pursuant to subdivision six of section 410.91 of the criminal procedure law of any requirement to report to the [crime victims board] OFFICE OF VICTIM SERVICES any funds of a convicted person as defined in section six hundred thirty-two-a of this chapter, the procedure for such reporting and any potential penalty for a failure to comply.

S 15. Subdivision 1 of section 625-a of the executive law, as amended by chapter 173 of the laws of 2006, is amended to read as follows:

1. Every police station, precinct house, any appropriate location where a crime may be reported and any location required by the rules and regulations of the [board] OFFICE shall have available informative booklets, pamphlets and other pertinent written information, including information cards, to be supplied by the [board] OFFICE, relating to the availability of crime victims compensation including all necessary application blanks required to be filed with the [board] OFFICE and shall display prominently posters giving notification of the existence and general provisions of this article, those provisions of the penal law that prohibit the intimidation of crime victims and the location of the nearest crime victim service program. The [board] OFFICE may issue guidelines for the location of such display and shall provide posters, application forms, information cards and general information. Every victim who reports a crime in any manner whatsoever shall be given notice about the rights of crime victims and the existence of all relevant local victim's assistance programs and services pursuant to section six hundred twenty-five-b of this article, and supplied by the person receiving the report with information, application blanks, and information cards which shall clearly state: (a) that crime victims may be eligible for state compensation benefits; (b) the address and phone

number of the [nearest board] office; (c) that police and district attorneys can help protect victims against harassment and intimidation; (d) the addresses and phone numbers of local victim service programs, where appropriate, or space for inserting that information; or (e) any other information the [board] OFFICE deems appropriate. Such cards shall be designed by the [board] OFFICE in consultation with local police, and shall be printed and distributed by the [board] OFFICE. The [crime victims board] OFFICE shall develop a system for distributing a sufficient supply of the information cards referred to in this subdivision, to all the appropriate designated locations, which shall include a schedule for meeting that requirement.

S 16. Section 625-b of the executive law, as added by chapter 173 of the laws of 2006, is amended to read as follows:

S 625-b. Standardized victim notification and verification procedures for police officers. 1. The commissioner of the division of criminal justice services in cooperation with the [crime victims board] OFFICE shall develop and implement a standardized procedure to be used by police officers, county sheriffs' departments and state police officers whereby victims of crime are notified about the rights of crime victims and the existence of programs designed to assist crime victims.

2. In establishing a victims assistance notification procedure, consideration shall be given to (a) developing a uniform method of informing victims of crime of their rights and services available, (b) including notification as part of a routine task performed in the course of law enforcement duties, and (c) documenting a victim's receipt of such notice.

3. All state or municipal printed forms for a police primary investigation report shall include a space to indicate that the victim did or did not receive information on victim's rights, [crime victims board] OFFICE OF VICTIM SERVICES assistance and relevant local assistance pursuant to subdivision one of section six hundred twenty-five-a of this article.

S 17. Subdivisions 1 and 2 of section 626 of the executive law, subdivision 1 as amended by chapter 408 of the laws of 2005 and subdivision 2 as amended by chapter 276 of the laws of 1998, are amended to read as follows:

1. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based, including such expenses incurred as a result of the exacerbation of a pre-existing disability or condition directly resulting from the crime or causally related to the crime. Such expenses or indebtedness shall include the cost of counseling for the eligible spouse, grandparents, parents, stepparents, guardians, brothers, sisters, stepbrothers, stepsisters, children or stepchildren of a homicide victim, and crime victims who have sustained a personal physical injury as the direct result of a crime and the spouse, children or stepchildren of such physically injured victim. For the purposes of this subdivision, the victim of a sex offense as defined in article one hundred thirty of the penal law is presumed to have suffered physical injury. Such counseling may be provided by local victim service programs, where available. It shall also include the cost of residing at or utilizing services provided by shelters for battered spouses and children who are eligible pursuant to subdivision two of section six hundred twenty-four of this article, and the cost of reasonable attorneys' fees for representation before the

[board] OFFICE and/or before the appellate division upon judicial review not to exceed one thousand dollars.

2. Out-of-pocket loss shall also include the cost of counseling for a child victim and the parent, stepparent, grandparent, guardian, brother, sister, stepbrother or stepsister of such victim, pursuant to regulations [of the board] PROMULGATED TO CARRY OUT THE PROVISIONS AND PURPOSES OF THIS ARTICLE.

S 18. Section 627 of the executive law is REPEALED and a new section 627 is added to read as follows:

S 627. DETERMINATION OF CLAIMS. 1. THE OFFICE SHALL DETERMINE CLAIMS IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR. SUCH RULES AND REGULATIONS MUST PROVIDE FOR:

(A) WRITTEN NOTIFICATION TO AN APPLYING VICTIM OF THEIR RIGHT TO REPRESENTATION BY COUNSEL, AS WELL AS THEIR POTENTIAL ELIGIBILITY FOR AN AWARD OF ATTORNEY'S FEES PURSUANT TO SUBDIVISION ONE OF SECTION SIX HUNDRED TWENTY-SIX OF THIS ARTICLE;

(B) ADMINISTRATIVE PROCEDURES REGARDING THE INTAKE AND INITIAL PROCESSING OF CLAIMS, INCLUDING MANDATORY TIMELINES FOR THE INITIATION OF INVESTIGATION OF A PROPERLY FILED CLAIM;

(C) THE INVESTIGATION AND DETERMINATION OF CLAIMS REGARDLESS OF WHETHER THE ALLEGED CRIMINAL HAS BEEN APPREHENDED OR PROSECUTED FOR OR CONVICTED OF ANY CRIME BASED UPON THE SAME INCIDENT, OR HAS BEEN ACQUITTED, OR FOUND NOT GUILTY OF THE CRIME IN QUESTION OWING TO CRIMINAL IRRESPONSIBILITY OR OTHER LEGAL EXEMPTION;

(D) THE REBUTTABLE PRESUMPTION THAT A CHILD REPORTED MISSING FOR A TIME PERIOD EXCEEDING SEVEN DAYS IS A VICTIM OF A CRIME;

(E) THE GENERATION OF A WRITTEN DECISION FOR EACH PROPERLY FILED CLAIM, AND WRITTEN NOTICE TO THE CLAIMANT OF THE WRITTEN DECISION AND THEIR RIGHT TO A COPY OF SUCH A DECISION, AS WELL AS ANY RIGHTS TO APPEAL THAT THE CLAIMANT MAY HAVE OF THE DECISION AND A PROJECTED DATE OF PAYMENT IN THE CASE OF AN AWARD TO THE CLAIMANT;

(F) EXPEDITED DETERMINATION OF CLAIMS WITH RESPECT TO A LIVERY OPERATOR WITHIN THIRTY DAYS OF THE DATE UPON WHICH THE CLAIM WAS ACCEPTED FOR FILING, AS WELL AS STANDARDS FOR AWARDS OF LOSS OF EARNINGS OR SUPPORT GRANTED PURSUANT TO RULES AND REGULATIONS PROMULGATED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION AND SUBDIVISION THREE OF SECTION SIX HUNDRED THIRTY-ONE OF THIS ARTICLE. EACH AWARD FOR LOSS OF EARNINGS PURSUANT TO RULES AND REGULATIONS PROMULGATED IN ACCORDANCE WITH THIS SUBDIVISION MADE WITH RESPECT TO A CLAIM INVOLVING A LIVERY OPERATOR ASSAULT VICTIM SHALL BE FOR SUCH PERIOD OF TIME AS THE OFFICE DETERMINES THAT THE LIVERY OPERATOR ASSAULT VICTIM IS UNABLE TO WORK AND HAS LOST EARNINGS AS A RESULT OF SUCH ASSAULT, IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS. SUCH AWARD SHALL BE DISTRIBUTED IN INCREMENTS OF FIVE HUNDRED DOLLARS PER WEEK. EACH AWARD FOR LOSS OF SUPPORT PURSUANT TO RULES AND REGULATIONS PROMULGATED IN ACCORDANCE WITH THIS SUBDIVISION MADE WITH RESPECT TO A CLAIM INVOLVING A LIVERY OPERATOR HOMICIDE VICTIM SHALL BE IN THE AMOUNT OF TWENTY THOUSAND DOLLARS, DISTRIBUTED IN INCREMENTS OF FIVE HUNDRED DOLLARS PER WEEK; AND

(G) PROVISIONS FOR ANY CLAIMANT TO SUBMIT AN ADDITIONAL CLAIM FOR ANY LOSS OF EARNINGS OR SUPPORT IN EXCESS OF THE AMOUNT AWARDED PURSUANT TO RULES AND REGULATIONS IN ACCORDANCE WITH PARAGRAPH (F) OF THIS SUBDIVISION, OR AN ADDITIONAL CLAIM FOR ANY OTHER AWARD PURSUANT TO RULES AND REGULATIONS PROMULGATED IN ACCORDANCE WITH THIS ARTICLE, IN EACH CASE PURSUANT TO AND IN ACCORDANCE WITH THE OTHER PROVISIONS OF THIS ARTICLE OR ANY RULES AND REGULATIONS PROMULGATED IN ACCORDANCE THEREOF AND

SUBJECT TO ANY APPLICABLE MAXIMUM AWARD LIMITATIONS CONTAINED IN THIS ARTICLE.

2. THE CLAIMANT MAY, WITHIN THIRTY DAYS AFTER RECEIPT OF THE DECISION OF THE OFFICE REGARDING A CLAIM, MAKE AN APPLICATION IN WRITING TO THE DIRECTOR OF THE OFFICE FOR RECONSIDERATION OF SUCH DECISION. THE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL CONSIDER SUCH APPLICATIONS IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR AND MAY AFFIRM OR MODIFY THE DECISION. THE DECISION OF THE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL BECOME THE FINAL DETERMINATION OF THE OFFICE REGARDING THE CLAIM.

S 19. Section 628 of the executive law is REPEALED.

S 20. Section 629 of the executive law, as added by chapter 894 of the laws of 1966, subdivision 1 as amended by chapter 688 of the laws of 1985, is amended to read as follows:

S 629. Judicial review. 1. Within fifteen days after receipt of the copy of the report containing the final decision of the [board] OFFICE, the comptroller shall, if in his judgment the award is illegal or excessive, notify the [board] OFFICE of his conclusion, state the reasons for that conclusion, and provide specific recommendations for modification. Upon receiving such notification, the [board] OFFICE shall have fifteen days within which to review and either modify or re-affirm its award. If after such modification or reaffirmation the comptroller continues to adjudge the award to be illegal or excessive, he may within fifteen days after receipt of such modification or reaffirmation, commence a proceeding in the appellate division of the supreme court, third department, to review the decision of the [board] OFFICE. Such proceeding shall be heard in a summary manner and shall have precedence over all other civil cases in such court. Any claimant aggrieved by a final decision of the [board] OFFICE may commence a proceeding to review that decision pursuant to article seventy-eight of the civil practice law and rules.

2. Any such proceeding shall be commenced [by the service of notice thereof upon the claimant and the board in person or by mail] IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

S 21. Section 630 of the executive law, as amended by chapter 346 of the laws of 1986, subdivision 1 as amended by chapter 318 of the laws of 2007, is amended to read as follows:

S 630. Emergency awards. 1. Notwithstanding the provisions of section six hundred twenty-seven of this article, if it appears to the [board member to whom a claim is assigned] OFFICE, that such claim is one with respect to which an award probably will be made, and undue hardship will result to the claimant if immediate payment is not made, [such board member] THE OFFICE may make one or more emergency awards to the claimant pending a final decision of the [board] OFFICE or payment of an award in the case, provided, however, that the total amount of such emergency awards shall not exceed twenty-five hundred dollars. The amount of such emergency awards shall be deducted from any final award made to the claimant, and the excess of the amount of any such emergency award over the amount of the final award, or the full amount of any emergency awards if no final award is made, shall be repaid by the claimant to the [board] OFFICE.

2. Notwithstanding the provisions of section six hundred twenty-seven of this article, local crime victim service programs shall be authorized to provide emergency awards to crime victims for essential personal property, medical treatment, shelter costs, security services, counseling and transportation the total amount of such emergency awards not to exceed five hundred dollars. These programs shall be reimbursed by

the [board] OFFICE, pursuant to the provisions of this article, if it is subsequently determined that the victim is an eligible claimant. Local crime victim service programs shall be authorized to establish special accounts for this purpose. The [board] OFFICE shall initiate a program to assist local crime victim service programs in establishing special accounts to provide emergency awards, within amounts designated for that purpose.

S 22. Subdivisions 1, 1-a, 3, 4, 5, 6, 13, 14, 15 and 16 of section 631 of the executive law, subdivision 1 as amended by chapter 74 of the laws of 2007, subdivision 1-a as added by chapter 620 of the laws of 1997, subdivisions 3 and 4 as amended by chapter 148 of the laws of 2000, subdivision 5 as amended by chapter 351 of the laws of 1982, paragraph (c) of subdivision 5 as amended by chapter 74 of the laws of 1986, paragraph (d) of subdivision 5 as amended by chapter 309 of the laws of 1996, paragraph (e) of subdivision 5 as amended by chapter 763 of the laws of 1990, subdivision 6 as amended by chapter 810 of the laws of 1983, the opening paragraph of paragraph (a) of subdivision 6 as amended by chapter 400 of the laws of 1991, subparagraph 1 of paragraph (b) of subdivision 6 as amended by chapter 322 of the laws of 2005, subparagraph 7 of paragraph (b) of subdivision 6 as amended by chapter 309 of the laws of 1987, subdivision 13 as amended by section 1 of part E of chapter 56 of the laws of 2009, subdivisions 14, 15 and 16 as added by chapter 21 of the laws of 2007, are amended to read as follows:

1. No award shall be made unless the [board or board member as the case may be,] OFFICE finds that (a) a crime was committed, (b) such crime directly resulted in personal physical injury to or the exacerbation of a preexisting disability, or condition, or death of, the victim, and (c) criminal justice agency records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the criminal justice agency records show that such report was made more than one week after the occurrence of such crime unless the [board] OFFICE, for good cause shown, finds the delay to have been justified; provided, however, in cases involving an alleged sex offense as contained in article one hundred thirty of the penal law or incest as defined in section 255.25, 255.26 or 255.27 of the penal law or labor trafficking as defined in section 135.35 of the penal law or sex trafficking as defined in section 230.34 of the penal law or an offense chargeable as a family offense as described in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, the criminal justice agency report need only be made within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation. For the purposes of this subdivision, "criminal justice agency" shall include, but not be limited to, a police department, a district attorney's office, and any other governmental agency having responsibility for the enforcement of the criminal laws of the state provided, however, that in cases involving such sex offense a criminal justice agency shall also mean a family court, a governmental agency responsible for child and/or adult protective services pursuant to title six of article six of the social services law and/or title one of article nine-B of the social services law, and any medical facility established under the laws of the state that provides a forensic physical examination for victims of rape and sexual assault.

1-a. No award shall be made for a frivolous lawsuit unless the [board or board member, as the case may be,] OFFICE finds that the victim has been awarded costs pursuant to section eighty-three hundred three-a of

the civil practice law and rules and the individual responsible for the payment of costs is unable to pay such costs provided, however, that in no event shall the amount of such costs exceed two thousand five hundred dollars.

3. Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this article, be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed six hundred dollars for each week of lost earnings or support. Awards with respect to livery operator victims pursuant to [paragraph (b)] PARAGRAPHS (F) AND (G) of subdivision [six] ONE of section six hundred twenty-seven of this article shall be granted in the amount and in the manner provided therein. The aggregate award for all such losses pursuant to this subdivision, including any awards made pursuant to [paragraph (b)] PARAGRAPHS (F) AND (G) of subdivision [six] ONE of section six hundred twenty-seven of this article, shall not exceed thirty thousand dollars. If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned by the [board] OFFICE among the claimants.

4. Any award made pursuant to this article shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury (a) from or on behalf of the person who committed the crime, (b) under insurance programs mandated by law, (c) from public funds, (d) under any contract of insurance wherein the claimant is the insured or beneficiary, (e) as an emergency award pursuant to section six hundred thirty of this article. Notwithstanding the foregoing, where the person injured is a livery operator victim, because undue hardship may result to the claimant if immediate payment is not made, any award pursuant to [paragraph (b)] PARAGRAPHS (F) AND (G) of subdivision [six] ONE of section six hundred twenty-seven of this article shall be granted without reduction for workers' compensation benefits to be received, if any.

5. (a) In determining the amount of an award, the [board or board member, as the case may be,] OFFICE shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the [board or board member] OFFICE shall reduce the amount of the award or reject the claim altogether, in accordance with such determination.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the [board or board member, as the case may be,] OFFICE shall disregard for this purpose the responsibility of the victim for his own injury where the record shows that the person injured was acting as a good samaritan, as defined in this article.

(c) Notwithstanding any inconsistent provision of this article, where the person injured acted as a good samaritan, the [board or board member, as the case may be,] OFFICE may, without regard to the financial difficulty of the claimant, make an award for out-of-pocket losses. Such award may also include compensation for any loss of property up to five thousand dollars suffered by the victim during the course of his actions as a good samaritan.

(d) Notwithstanding any inconsistent provision of this article, where a person acted as a good samaritan, and was killed as a direct result of the crime, the [board or the board member, as the case may be,] OFFICE may, without regard to the financial difficulty of the claimant, make a lump sum award to such claimant for actual loss of support not to exceed thirty thousand dollars.

(e) Notwithstanding any inconsistent provision of this article, where a police officer or firefighter, both paid and volunteer, dies from injuries received in the line of duty as a direct result of a crime, the [board or the board member, as the case may be,] OFFICE may, without regard to the financial difficulty of the claimant, make an award for the unreimbursed counseling expenses of the eligible spouse, parents, brothers, sisters or children of such victim, and/or the reasonable burial expenses incurred by the claimant.

6. (a) Claims may be approved only if the [board or board member, as the case may be,] OFFICE finds that unless the claimant's award is approved he will suffer financial difficulty. However, no finding of financial difficulty is required for a claim for an emergency award or an award less than five thousand dollars. In determining financial difficulty, the [board or board member] OFFICE shall consider all relevant factors, including but not limited to:

(1) the number of claimant's dependents;

(2) reasonable living expenses of the claimant and his family;

(3) any special health, rehabilitative or educational needs of the claimant and his dependents;

(4) the claimant's employment situation including income and potential earning capacity;

(5) the claimant's net financial resources after authorized deduction as provided in paragraphs (b) and (c) of this subdivision;

(6) whether claimant's financial resources will become exhausted during his lifetime; and

(7) the nature and the amount of claimant's total debt and liabilities, including the amount of debt incurred or to be incurred to pay for losses and expenses of the crime, and the extent to which claimant's essential assets will have to be liquidated.

(b) Claimant's net financial resources do not include the present value of future earnings, and shall be determined by the [board] OFFICE by deducting from his total financial resources the value, within reasonable limits, of the following items:

(1) a homestead, not exceeding five hundred thousand dollars, or a total of ten years' rent for a renter;

(2) personal property consisting of clothing and strictly personal effects;

(3) household furniture, appliances and equipment;

(4) tools and equipment necessary for the claimant's trade, occupation or business;

(5) a family automobile;

(6) life insurance, except in death claims; and

(7) retirement, education and health plans or contributions to a retirement or pension program including but not limited to contributions to: (i) employee profit sharing plans, (ii) employee money purchase plans, (iii) 401 (k) plans, (iv) simplified employee pensions (SEP), (v) individual retirement accounts (IRA), (vi) 403 (b) plans, (vii) 457 plans, (viii) Keogh plans, (self employed), and (ix) any other plan or account for which contributions are made primarily for retirement purposes.

(c) The [board or board member] OFFICE, after taking into consideration the claimant's financial resources, may exempt that portion of the victim's or claimant's annual income required to meet reasonable living expenses and the value of inventory or other property necessary for the claimant's business or occupation or the production of income required to meet reasonable living expenses. In no event shall the aggregate

value of exemptions under this paragraph exceed one hundred thousand dollars.

(d) Nothing contained in this subdivision shall be construed to mean that the [board] OFFICE must maintain the same standard of living enjoyed by the claimant prior to the death or injury.

(e) The [board] DIRECTOR shall [establish] PROMULGATE such rules and regulations as are necessary for the implementation of this section.

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] OFFICE directly. The [board] OFFICE, 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] OFFICE procedure. The [board] OFFICE, 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] OFFICE 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] OFFICE. 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] OFFICE; 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] OFFICE. 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] OFFICE.

14. Notwithstanding any inconsistent provision of this article, where a victim dies from injuries received as a direct result of the World Trade Center terrorist attacks on September eleventh, two thousand one, the [board or the board member, as the case may be,] OFFICE may make an award for the unreimbursed and unreimbursable expense or indebtedness

reasonably incurred for the cost of counseling for the eligible spouse, grandparents, parents, stepparents, guardians, brothers, sisters, step-brothers, stepsisters, children, or stepchildren of such victim. Any award for such expense incurred on or before December thirty-first, two thousand seven, shall be made without regard to the financial difficulty of the claimant.

15. Notwithstanding any inconsistent provision of this article, where a victim is injured as a direct result of the World Trade Center terrorist attacks on September eleventh, two thousand one, the [board or the board member, as the case may be,] OFFICE may make an award for the unreimbursed and unreimbursable expense or indebtedness reasonably incurred by the claimant for medical care or counseling services necessary as a result of such injury. Any award for such expense or indebtedness incurred on or before December thirty-first, two thousand seven, shall be made without regard to the financial difficulty of the claimant.

16. Notwithstanding any inconsistent provision of this article, and without regard to the financial difficulty of the claimant, where a victim dies from injuries received as a direct result of the World Trade Center terrorist attacks on September eleventh, two thousand one, the [board or the board member, as the case may be,] OFFICE may make an award of reasonable burial expenses for such victim.

S 23. Subdivision 2 of section 632 of the executive law, as amended by chapter 115 of the laws of 1981, is amended to read as follows:

2. Where a person entitled to receive an award is a person under the age of eighteen years, an incompetent, or a conservatee, the award may be paid to a relative, guardian, committee, conservator, or attorney of such person on behalf of and for the benefit of such person. In such case the payee shall be required to file a periodic accounting of the award with the [board] OFFICE and to take such other action as the [board] OFFICE shall determine is necessary and appropriate for the benefit of the person under the age of eighteen years, incompetent or conservatee.

S 24. Section 632-a of the executive law, as amended by chapter 62 of the laws of 2001, is amended to read as follows:

S 632-a. Crime victims. 1. For the purposes of this section:

(a) "Crime" means (i) any felony defined in the laws of the state; or (ii) an offense in any jurisdiction which includes all of the essential elements of any felony defined in the laws of this state and: (A) the crime victim, as defined in subparagraph (i) of paragraph (d) of this subdivision, was a resident of this state at the time of the commission of the offense; or (B) the act or acts constituting the offense occurred in whole or in part in this state.

(b) "Profits from a crime" means (i) any property obtained through or income generated from the commission of a crime of which the defendant was convicted; (ii) any property obtained by or income generated from the sale, conversion or exchange of proceeds of a crime, including any gain realized by such sale, conversion or exchange; and (iii) any property which the defendant obtained or income generated as a result of having committed the crime, including any assets obtained through the use of unique knowledge obtained during the commission of, or in preparation for the commission of, a crime, as well as any property obtained by or income generated from the sale, conversion or exchange of such property and any gain realized by such sale, conversion or exchange.

(c) "Funds of a convicted person" means all funds and property received from any source by a person convicted of a specified crime, or

by the representative of such person as defined in subdivision six of section six hundred twenty-one of this article excluding child support and earned income, where such person:

(i) is an inmate serving a sentence with the department of correctional services or a prisoner confined at a local correctional facility or federal correctional institute, and includes funds that a superintendent, sheriff or municipal official receives on behalf of an inmate or prisoner and deposits in an inmate account to the credit of the inmate pursuant to section one hundred sixteen of the correction law or deposits in a prisoner account to the credit of the prisoner pursuant to section five hundred-c of the correction law; or

(ii) is not an inmate or prisoner but who is serving a sentence of probation or conditional discharge or is presently subject to an undischarged indeterminate, determinate or definite term of imprisonment or period of post-release supervision or term of supervised release, but shall include earned income earned during a period in which such person was not in compliance with the conditions of his or her probation, parole, conditional release, period of post-release supervision by the division of parole or term of supervised release with the United States probation office or United States parole commission. For purposes of this subparagraph, such period of non-compliance shall be measured, as applicable, from the earliest date of delinquency determined by the board or division of parole, or from the earliest date on which a declaration of delinquency is filed pursuant to section 410.30 of the criminal procedure law and thereafter sustained, or from the earliest date of delinquency determined in accordance with applicable federal law, rules or regulations, and shall continue until a final determination sustaining the violation has been made by the trial court, board or division of parole, or appropriate federal authority; or

(iii) is no longer subject to a sentence of probation or conditional discharge or indeterminate, determinate or definite term of imprisonment or period of post-release supervision or term of supervised release, and where within the previous three years: the full or maximum term or period terminated or expired or such person was granted a discharge by a board of parole pursuant to applicable law, or granted a discharge or termination from probation pursuant to applicable law or granted a discharge or termination under applicable federal or state law, rules or regulations prior to the expiration of such full or maximum term or period; and includes only: (A) those funds paid to such person as a result of any interest, right, right of action, asset, share, claim, recovery or benefit of any kind that the person obtained, or that accrued in favor of such person, prior to the expiration of such sentence, term or period; (B) any recovery or award collected in a lawsuit after expiration of such sentence where the right or cause of action accrued prior to the expiration or service of such sentence; and (C) earned income earned during a period in which such person was not in compliance with the conditions of his or her probation, parole, conditional release, period of post-release supervision by the division of parole or term of supervised release with the United States probation office or United States parole commission. For purposes of this subparagraph, such period of non-compliance shall be measured, as applicable, from the earliest date of delinquency determined by the board or division of parole, or from the earliest date on which a declaration of delinquency is filed pursuant to section 410.30 of the criminal procedure law and thereafter sustained, or from the earliest date of delinquency determined in accordance with applicable federal law, rules or

regulations, and shall continue until a final determination sustaining the violation has been made by the trial court, board or division of parole, or appropriate federal authority.

(d) "Crime victim" means (i) the victim of a crime; (ii) the representative of a crime victim as defined in subdivision six of section six hundred twenty-one of this article; (iii) a good samaritan as defined in subdivision seven of section six hundred twenty-one of this article; (iv) the [crime victims board] OFFICE OF VICTIM SERVICES or other governmental agency that has received an application for or provided financial assistance or compensation to the victim.

(e) (i) "Specified crime" means:

(A) a violent felony offense as defined in subdivision one of section 70.02 of the penal law;

(B) a class B felony offense defined in the penal law;

(C) an offense for which a merit time allowance may not be received against the sentence pursuant to paragraph (d) of subdivision one of section eight hundred three of the correction law;

(D) an offense defined in the penal law that is titled in such law as a felony in the first degree;

(E) grand larceny in the fourth degree as defined in subdivision six of section 155.30 or grand larceny in the second degree as defined in section 155.40 of the penal law;

(F) criminal possession of stolen property in the second degree as defined in section 165.52 of the penal law; or

(G) an offense in any jurisdiction which includes all of the essential elements of any of the crimes specified in clauses (A) through (F) of this subparagraph and either the crime victim as defined in subparagraph (i) of paragraph (d) of this subdivision was a resident of this state at the time of the commission of the offense or the act or acts constituting the crime occurred in whole or in part in this state.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph a "specified crime" shall not mean or include an offense defined in any of the following articles of the penal law: articles one hundred fifty-eight, one hundred seventy-eight, two hundred twenty, two hundred twenty-one, two hundred twenty-five, and two hundred thirty.

(f) "Earned income" means income derived from one's own labor or through active participation in a business as distinguished from income from, for example, dividends or investments.

2. (a) Every person, firm, corporation, partnership, association or other legal entity, or representative of such person, firm, corporation, partnership, association or entity, which knowingly contracts for, pays, or agrees to pay: (i) any profits from a crime as defined in paragraph (b) of subdivision one of this section, to a person charged with or convicted of that crime, or to the representative of such person as defined in subdivision six of section six hundred twenty-one of this article; or (ii) any funds of a convicted person, as defined in paragraph (c) of subdivision one of this section, where such conviction is for a specified crime and the value, combined value or aggregate value of the payment or payments of such funds exceeds or will exceed ten thousand dollars, shall give written notice to the [crime victims board] OFFICE of the payment or obligation to pay as soon as practicable after discovering that the payment or intended payment constitutes profits from a crime or funds of a convicted person.

(b) Notwithstanding subparagraph (ii) of paragraph (a) of this subdivision, whenever the payment or obligation to pay involves funds of a convicted person that a superintendent, sheriff or municipal official

receives or will receive on behalf [on] OF an inmate serving a sentence with the department of correctional services or prisoner confined at a local correctional facility and deposits or will deposit in an inmate account to the credit of the inmate or in a prisoner account to the credit of the prisoner, and the value, combined value or aggregate value of such funds exceeds or will exceed ten thousand dollars, the superintendent, sheriff or municipal official shall also give written notice to the [crime victims board] OFFICE.

Further, whenever the state or subdivision of the state makes payment or has an obligation to pay funds of a convicted person, as defined in subparagraph (ii) or (iii) of paragraph (c) of subdivision one of this section, and the value, combined value or aggregate value of such funds exceeds or will exceed ten thousand dollars, the state or subdivision of the state shall also give written notice to the [crime victims board] OFFICE.

In all other instances where the payment or obligation to pay involves funds of a convicted person, as defined in subparagraph (ii) or (iii) of paragraph (c) of subdivision one of this section, and the value, combined value or aggregate value of such funds exceeds or will exceed ten thousand dollars, the convicted person who receives or will receive such funds, or the representative of such person as defined in subdivision six of section six hundred twenty-one of this article, shall give written notice to the [crime victims board] OFFICE.

(c) The [board] OFFICE, upon receipt of notice of a contract, an agreement to pay or payment of profits from a crime or funds of a convicted person pursuant to paragraph (a) or (b) of this subdivision, or upon receipt of notice of funds of a convicted person from the superintendent, sheriff or municipal official of the facility where the inmate or prisoner is confined pursuant to section one hundred sixteen or five hundred-c of the correction law, shall notify all known crime victims of the existence of such profits or funds at their last known address.

3. Notwithstanding any inconsistent provision of the estates, powers and trusts law or the civil practice law and rules with respect to the timely bringing of an action, any crime victim shall have the right to bring a civil action in a court of competent jurisdiction to recover money damages from a person convicted of a crime of which the crime victim is a victim, or the representative of that convicted person, within three years of the discovery of any profits from a crime or funds of a convicted person, as those terms are defined in this section. Notwithstanding any other provision of law to the contrary, a judgment obtained pursuant to this section shall not be subject to execution or enforcement against the first one thousand dollars deposited in an inmate account to the credit of the inmate pursuant to section one hundred sixteen of the correction law or in a prisoner account to the credit of the prisoner pursuant to section five hundred-c of the correction law. In addition, where the civil action involves funds of a convicted person and such funds were recovered by the convicted person pursuant to a judgment obtained in a civil action, a judgment obtained pursuant to this section may not be subject to execution or enforcement against a portion thereof in accordance with subdivision (k) of section fifty-two hundred five of the civil practice law and rules. If an action is filed pursuant to this subdivision after the expiration of all other applicable statutes of limitation, any other crime victims must file any action for damages as a result of the crime within three years of the actual discovery of such profits or funds, or within three years of

actual notice received from or notice published by the [crime victims board] OFFICE of such discovery, whichever is later.

4. Upon filing an action pursuant to subdivision three of this section, the crime victim shall give notice to the [crime victims board] OFFICE of the filing by delivering a copy of the summons and complaint to the [board] OFFICE. The crime victim may also give such notice to the [board] OFFICE prior to filing the action so as to allow the [board] OFFICE to apply for any appropriate provisional remedies which are otherwise authorized to be invoked prior to the commencement of an action.

5. Upon receipt of a copy of a summons and complaint, or upon receipt of notice from the crime victim prior to filing the action as provided in subdivision four of this section, the [board] OFFICE shall immediately take such actions as are necessary to:

(a) notify all other known crime victims of the alleged existence of profits from a crime or funds of a convicted person by certified mail, return receipt requested, where the victims' names and addresses are known by the [board] OFFICE;

(b) publish, at least once every six months for three years from the date it is initially notified by a victim, pursuant to subdivision four of this section, a legal notice in newspapers of general circulation in the county wherein the crime was committed and in counties contiguous to such county advising any crime victims of the existence of profits from a crime or funds of a convicted person. For crimes committed in a county located within a city having a population of one million or more, the notice shall be published in newspapers having general circulation in such city. The [board] OFFICE may, in its discretion, provide for such additional notice as it deems necessary;

(c) avoid the wasting of the assets identified in the complaint as the newly discovered profits from a crime or as funds of a convicted person, in any manner consistent with subdivision six of this section.

6. The [board] OFFICE, acting on behalf of the plaintiff and all other victims, shall have the right to apply for any and all provisional remedies that are also otherwise available to the plaintiff.

(a) The provisional remedies of attachment, injunction, receivership and notice of pendency available to the plaintiff under the civil practice law and rules, shall also be available to the [board] OFFICE in all actions under this section.

(b) On a motion for a provisional remedy, the moving party shall state whether any other provisional remedy has previously been sought in the same action against the same defendant. The court may require the moving party to elect between those remedies to which it would otherwise be entitled.

7. (a) (i) Whenever it appears that a person or entity has knowingly and willfully failed to give notice in violation of paragraph (a) or (b) of subdivision two of this section, other than the state, a subdivision of the state, or a person who is a superintendent, sheriff or municipal official required to give notice pursuant to this section or section one hundred sixteen or section five hundred-c of the correction law, the [board] OFFICE shall be authorized to serve a notice of hearing upon the person or entity by personal service or by registered or certified mail. The notice shall contain the time, place and purpose of the hearing. In addition, the notice shall be accompanied by a petition alleging facts of an evidentiary character that support or tend to support that the person or entity, who shall be named therein as a respondent, knowingly and willfully failed to give notice in violation of paragraph (a) or (b)

of subdivision two of this section. Service of the notice and petition shall take place at least fifteen days prior to the date of the hearing.

(ii) The [chairperson of the board,] DIRECTOR or any [board member] INDIVIDUAL designated by the [chairperson] DIRECTOR, shall preside over the hearing[. The presiding member], shall administer oaths [and], may issue subpoenas[. The presiding member] AND shall not be bound by the rules of evidence or civil procedure, but his or her determination shall be based on a preponderance of the evidence. At the hearing, the burden of proof shall be on the [board, which shall be represented by the counsel to the board or another person designated by the board] OFFICE. The [board] OFFICE shall produce witnesses and present evidence in support of the alleged violation, which may include relevant hearsay evidence. The respondent, who may appear personally at the hearing, shall have the right of counsel and may cross-examine witnesses and produce evidence and witnesses in his or her behalf, which may include relevant hearsay evidence. The issue of whether the person who received an alleged payment or obligation to pay committed the underlying crime shall not be re-litigated at the hearing. Where the alleged violation is the failure to give notice of a payment amount involving two or more payments the combined value or aggregate value of which exceeds ten thousand dollars, no violation shall be found unless it is shown that such payments were intentionally structured to conceal their character as funds of a convicted person, as defined in this section.

(iii) At the conclusion of the hearing, if the [presiding member] DIRECTOR OR DESIGNATED INDIVIDUAL is not satisfied that there is a preponderance of evidence in support of a violation, the [member] DIRECTOR OR DESIGNATED INDIVIDUAL shall dismiss the petition. If the [presiding member] DIRECTOR OR DESIGNATED INDIVIDUAL is satisfied that there is a preponderance of the evidence that the respondent committed one or more violations, the [member] DIRECTOR OR DESIGNATED INDIVIDUAL shall so find. Upon such a finding, the [presiding member] DIRECTOR OR DESIGNATED INDIVIDUAL shall prepare a written statement, to be made available to the respondent and respondent's counsel, indicating the evidence relied on and the reasons for finding the violation.

(iv) The [board] DIRECTOR shall adopt, promulgate, amend and repeal administrative rules and regulations governing the procedures to be followed with respect to hearings, including rules and regulations for the administrative appeal of a decision made pursuant to this paragraph, provided such rules and regulations are consistent with the provisions of this subdivision.

(b)(i) Whenever it is found pursuant to paragraph (a) of this subdivision that a respondent knowingly and willfully failed to give notice in violation of paragraph (a) or (b) of subdivision two of this section, the [board] OFFICE shall impose an assessment of up to the amount of the payment or obligation to pay and a civil penalty of up to one thousand dollars or ten percent of the payment or obligation to pay, whichever is greater. If a respondent fails to pay the assessment and civil penalty imposed pursuant to this paragraph, the assessment and civil penalty may be recovered from the respondent by an action brought by the attorney general, upon the request of the [board] OFFICE, in any court of competent jurisdiction. The [board] OFFICE shall deposit the assessment in an escrow account pending the expiration of the three year statute of limitations authorized by subdivision three of this section to preserve such funds to satisfy a civil judgment in favor of a person who is a victim of a crime committed by the convicted person to whom such failure to give notice relates. The [board] OFFICE shall pay the civil penalty to

the state comptroller who shall deposit the money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law.

(ii) The [board] OFFICE shall then notify any crime victim or crime victims, who may have a claim against the convicted person, of the existence of such moneys. Such notice shall instruct such person or persons that they may have a right to commence a civil action against the convicted person, as well as any other information deemed necessary by the [board] OFFICE.

(iii) Upon a crime victim's presentation to the [board] OFFICE of a civil judgment for damages incurred as a result of the crime, the [board] OFFICE shall satisfy up to one hundred percent of that judgment, including costs and disbursements as taxed by the clerk of the court, with the escrowed fund obtained pursuant to this paragraph, but in no event shall the amount of all judgments, costs and disbursements satisfied from such escrowed funds exceed the amount in escrow. If more than one such crime victim indicates to the [board] OFFICE that they intend to commence or have commenced a civil action against the convicted person, the [board] OFFICE shall delay satisfying any judgment, costs and disbursements until the claims of all such crime victims are reduced to judgment. If the aggregate of all judgments, costs and disbursement obtained exceeds the amount of escrowed funds, the amount used to partially satisfy each judgment shall be reduced to a pro rata share.

(iv) After expiration of the three year statute of limitations period established in subdivision three of this section, the [board] OFFICE shall review all judgments that have been satisfied from such escrowed funds. In the event no claim was filed or judgment obtained prior to the expiration of the three year statute of limitations, the [board] OFFICE shall return the escrowed amount to the respondent. In the event a claim or claims are pending at the expiration of the statute of limitations, such funds shall remain escrowed until the final determination of all such claims to allow the [board] OFFICE to satisfy any judgment which may be obtained by the crime victim. Upon the final determination of all such claims and the satisfaction of up to one hundred percent of such claims by the [board] OFFICE, the [board] OFFICE shall be authorized to impose an additional civil penalty of up to one thousand dollars or ten percent of the payment or obligation to pay, whichever is greater. Prior to imposing any such penalty, the [board] OFFICE shall serve a notice upon the respondent by personal service or by registered or certified mail of the intent of the [board] OFFICE to impose such penalty thirty days after the date of the notice and of the opportunity to submit documentation concerning the [board's] OFFICE'S determination. After imposing and deducting any such additional civil penalty, the [board] OFFICE shall distribute such remaining escrowed funds, if any, as follows: fifty percent to the state comptroller, who shall deposit the money in the state treasury pursuant TO section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law; and fifty percent to the respondent.

(v) Notwithstanding any provision of law, an alleged failure by a convicted person to give notice under this section may not result in proceedings for an alleged violation of the conditions of probation, parole, conditional release, post release supervision or supervised release unless: one or more claims were made by a crime victim against the convicted person pursuant to this section, and the [crime victims

board] OFFICE imposes an assessment and/or penalty upon the convicted person pursuant to this section, and the convicted person fails to pay the total amount of the assessment and/or penalty within sixty days of the imposition of such assessment and/or penalty.

(vi) Records maintained by the [board] OFFICE and proceedings by the [board or a board member] OFFICE based thereon regarding a claim submitted by a victim or a claimant shall be deemed confidential, subject to the exceptions that appear in subdivision one of section six hundred thirty-three of this article.

S 25. Section 633 of the executive law, as added by chapter 64 of the laws of 1998, is amended to read as follows:

S 633. Confidentiality of records. 1. Records maintained by the [board] OFFICE and proceedings by [the board or a board member] THE OFFICE based thereon regarding a claim submitted by a victim or a claimant shall be deemed confidential with the following exceptions:

(a) requests for information based upon legitimate criminal justice purposes;

(b) judicial subpoenas;

(c) requests for information by the victim or claimant or his or her authorized representative;

(d) for purposes necessary and proper for the administration of this article.

2. All other records, including but not limited to, records maintained pursuant to sections six hundred thirty-one-a and six hundred thirty-two-a of this article and proceedings by [the board or a board member] THE OFFICE based thereon shall be public record.

3. Any report or record obtained by the [board] OFFICE, the confidentiality of which is protected by any other law or regulation, shall remain confidential subject to such law or regulation.

S 26. Section 634 of the executive law, as amended by chapter 513 of the laws of 1982, subdivision 1 as amended and subdivision 6 as added by chapter 477 of the laws of 1986, paragraph (c) of subdivision 1 as amended by chapter 397 of the laws of 1993, is amended to read as follows:

S 634. Subrogation. 1. (a) Acceptance of an award made pursuant to this article shall subrogate the state, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made. Upon the payment of an award, the [board] OFFICE may, by writing, notify the claimant that such claimant has ninety days, or thirty days prior to the date of expiration of the applicable statute of limitations, whichever period is shorter, within which to commence an action against his assailant or any third party who, as a result of the crime, may be liable in damages to the claimant. If the claimant fails to commence an action within the time provided herein, such failure shall, after written notification by the [board] OFFICE to the claimant, operate as an assignment of the claimant's cause of action against the assailant or such other third party to the state; provided, however, that should the claimant's cause of action be in an amount in excess of the [board's] OFFICE'S award, such assignment shall be for only that portion of the cause of action which equals the amount of the award.

(b) The [crime victims board] OFFICE OF VICTIM SERVICES shall review those claims that have been approved by the [board] OFFICE and that have resulted in an award in excess of one thousand dollars for the purpose of identifying those causes of action that are likely to result in

recovery of the state's payment to the victim. The [board] OFFICE shall submit a list of these claims on a monthly basis to the attorney general with all necessary information relating to the case including whether the [claiment's] CLAIMANT'S cause of action has been assigned to the [board] OFFICE.

(c) The attorney general may commence an action against the defendant convicted of the crime or third party for money damages to the extent of the award paid, and the claimant shall retain a right of action, subject to defenses, to recover damages for the full amount of loss incurred by him as a result of the crime less the amount assigned to the state by operation of this subdivision. Notwithstanding any other provision of law, an action brought by the attorney general pursuant to this paragraph against the defendant convicted of the crime must be commenced within seven years of the crime or pursuant to the time frames authorized in subdivision three of section six hundred thirty-two-a of this article. A claimant who retains such right of action shall be permitted to intervene in any action brought pursuant to this subdivision by the attorney general. Any action brought by the attorney general may be compromised or settled provided the attorney general and the [board] OFFICE find that such action is in the best interests of the state.

2. Acceptance of an award made pursuant to this article shall create a lien in favor of the state on the proceeds of any recovery from the person or persons liable for the injury or death giving rise to the award by the [board] OFFICE, whether by judgment, settlement or otherwise, after the deduction of the reasonable and necessary expenditures, including attorney's fees, incurred in effecting such recovery, to the total amount of the award made by the [board] OFFICE. Such lien shall attach to any moneys received or to be received by the claimant or victim on account of losses resulting from the crime. Should the claimant or victim secure a recovery from the person or persons liable for the injury or death giving rise to the award by the [board] OFFICE, whether by judgment, settlement or otherwise, such claimant may, upon notice to the [board] OFFICE, apply to the court in which the action was instituted, or to any court of competent jurisdiction if no action was instituted, for an order apportioning the reasonable and necessary expenditures, including attorney's fees, incurred in effecting such recovery. Such expenditures shall be equitably apportioned by the court between the claimant and the [board] OFFICE. A copy of such lien shall be mailed to the clerk of the county within which the crime occurred and such clerk will file the copy in accordance with the duties of such clerk as set forth in section five hundred twenty-five of the county law. The amount of such lien may be compromised or settled by the [board] OFFICE provided the [board] OFFICE finds that such action is in the best interests of the state, or payment of the full amount of the lien to the state would cause undue hardship for the victim.

3. Any claimant who has received an award under this article, or his guardian, judicially appointed personal representative, or his estate, who brings an action for damages against the person or persons liable for the injury or death giving rise to an award by the [board] OFFICE under this article shall give written notice to the [board] OFFICE of the commencement of such action at the time such action is commenced. Such notice shall be served personally or by certified mail, return receipt requested.

4. The attorney general may intervene, as of right, in any such action on behalf of the state of New York for the purpose of recovering the

subrogated interest due the state of New York under the provisions of this article.

5. The [board] DIRECTOR shall adopt rules and regulations to carry out the provisions and purposes of this section.

6. The [board] OFFICE shall compile information on the number of cases submitted to the attorney general, the number of actions instituted by the attorney general to recover payments made to crime victims, the dollar amount of recoveries made in such actions both on behalf of the state and any awards made to victims who intervene in such actions. The [board] OFFICE shall include this information, and any recommendations to the governor and legislature to improve the collection of awards, in its annual report.

S 27. Subdivisions 1 and 2 of section 631-a of the executive law, subdivision 1 as added by chapter 688 of the laws of 1985 and subdivision 2 as amended by chapter 263 of the laws of 1986, are amended to read as follows:

1. The [crime victims board] OFFICE shall make grants, within amounts appropriated for that purpose, for crime victim service programs to provide services to crime victims and witnesses. These programs shall be operated at the community level by not-for-profit organizations, by agencies of local government or by any combination thereof. Crime victim service programs may be designed to serve crime victims and witnesses in general in a particular community, or may be designed to serve a category of persons with special needs relating to a particular kind of crime.

2. The [crime victims board] DIRECTOR shall promulgate regulations, relating to these grants, including guidelines for its determinations.

(a) These regulations shall be designed to promote:

(i) alternative funding sources other than the state, including local government and private sources;

(ii) coordination of public and private efforts to aid crime victims; and

(iii) long range development of services to all victims of crime in the community and to all victims and witnesses involved in criminal prosecutions.

(b) These regulations shall also provide for services including, but not limited to:

(i) assistance to claimants seeking crime victims compensation benefits;

(ii) referrals, crisis intervention and other counseling services;

(iii) services to elderly victims and to child victims and their families;

(iv) transportation and household assistance; and

(v) outreach to the community and education and training of law enforcement and other criminal justice officials to the needs of crime victims.

S 28. Subdivision 3 of section 631-a of the executive law is REPEALED.

S 29. Subdivision 5 of section 390.30 of the criminal procedure law, as added by chapter 14 of the laws of 1985, is amended to read as follows:

5. Information to be forwarded to the state division of probation AND CORRECTIONAL ALTERNATIVES. Investigating agencies under this article shall be responsible for the collection, and transmission to the state division of probation AND CORRECTIONAL ALTERNATIVES, of data on the number of victim impact statements prepared[, pursuant to regulations of the division]. Such information shall be transmitted ANNUALLY to the [crime victims board] OFFICE OF VICTIM SERVICES and included in the

[board's] OFFICE'S annual report pursuant to subdivision twenty of section six hundred twenty-three of the executive law.

S 30. Subdivision 7 of section 351.1 of the family court act, as added by chapter 418 of the laws of 1986, is amended to read as follows:

7. The probation services which prepare the investigation reports shall be responsible for the collection and transmission to the state division of probation and correctional alternatives, of data on the number of victim impact statements prepared[, pursuant to regulations of the division]. Such information shall be transmitted ANNUALLY to the [crime victims board] OFFICE OF VICTIM SERVICES and included in the [board's] OFFICE'S annual report pursuant to subdivision twenty of section six hundred twenty-three of the executive law.

S 31. Subdivision 1 of section 640 of the executive law, as amended by chapter 414 of the laws of 1985, is amended to read as follows:

1. The commissioner of the division of criminal justice services, in consultation with the [chairman of the crime victims board] DIRECTOR OF THE OFFICE OF VICTIM SERVICES and other appropriate officials, shall promulgate standards for the treatment of the innocent victims of crime by the agencies which comprise the criminal justice system of the state.

S 32. The article heading of article 22 of the executive law, as amended by chapter 17 of the laws of 1982, is amended to read as follows:

[CRIME VICTIMS BOARD] OFFICE OF VICTIM SERVICES

S 33. Section 644 of the executive law, as added by chapter 94 of the laws of 1984, is amended to read as follows:

S 644. Implementation. The commissioner of the division of criminal justice services and the [chairman of the crime victims board] DIRECTOR OF THE OFFICE OF VICTIM SERVICES shall assist criminal justice agencies in implementing the guidelines promulgated by the commissioner.

S 34. Section 645 of the executive law, as added by chapter 893 of the laws of 1986, is amended to read as follows:

S 645. Fair treatment standards for crime victims in the courts. The chief administrator of the courts, in consultation with the commissioner of the division of criminal justice services, the [chairman of the crime victims board] DIRECTOR OF THE OFFICE OF VICTIM SERVICES and other appropriate officials, shall promulgate standards for the treatment of the innocent victims of crime by the unified court system. These standards shall conform to and be consistent with the regulations promulgated pursuant to section six hundred forty of this article.

S 35. Subdivisions 1, 3 and 4 of section 646-a of the executive law, subdivisions 1 as amended and 4 as added by chapter 173 of the laws of 2006 and subdivision 3 as added by chapter 67 of the laws of 1994, are amended to read as follows:

1. The district attorney shall provide the victim, at the earliest time possible, with an informational pamphlet detailing the rights of crime victims which shall be prepared by the division of criminal justice services in [cooperation with the crime victims board,] CONSULTATION WITH THE DIRECTOR OF THE OFFICE OF VICTIM SERVICES and distributed to each district attorney's office.

3. This pamphlet shall provide space for the insertion of the following information:

(a) the address and phone number of the [nearest crime victims board] office OF VICTIM SERVICES;

(b) the address and phone numbers of local victim service programs, where appropriate;

(c) the name, phone number and office location of the person in the district attorney's office to whom inquiries concerning the victims case may be directed; and

(d) any other information the division deems appropriate.

4. (a) The commissioner of the division of criminal justice services in [cooperation] CONSULTATION with the [crime victims board] DIRECTOR OF THE OFFICE OF VICTIM SERVICES shall develop and prepare a standardized form for the use of district attorney offices for the purpose of reporting compliance with this section. The form is to be distributed to each district attorney. Every district attorney's office in the state shall complete the reporting form annually and send it to the [chair of the crime victims board] DIRECTOR OF THE OFFICE OF VICTIM SERVICES by the first day of January each year subsequent to the effective date of this subdivision.

(b) A copy of the report shall be retained by the district attorney and upon request, a victim of a crime or relative of a victim shall be entitled to receive from the district attorney a copy of their district attorney's annual report without charge. Any other person requesting a copy of the report shall pay a fee not to exceed the actual cost of reproduction.

S 36. Paragraph (a) of subdivision 2 and subdivision 3-a of section 844-b of the executive law, paragraph (a) of subdivision 2 as amended by chapter 393 of the laws of 1995 and subdivision 3-a as added by chapter 626 of the laws of 1997, are amended to read as follows:

(a) The committee shall consist of a representative of the commissioner, representative of the superintendent of the New York state police, two representatives of the New York state sheriffs association, two representatives of the New York state association of chiefs of police, two representatives of the New York state district attorneys' association, a representative of the attorney general, a representative of the [chairperson of the crime victims board] DIRECTOR OF THE OFFICE OF VICTIM SERVICES, a representative of the director of the state office for the aging, a representative of the commissioner of social services, a representative of the commissioner of the New York city police department, a representative of the New York state crime prevention coalition and two elderly representatives one to be appointed by the temporary president of the senate and the other by the speaker of the assembly. The commissioner shall make appointments to the committee in accordance with nominations submitted by the relevant agencies or organizations. Each member of the committee shall be appointed by the commissioner to serve a two year term. Any member appointed by the commissioner may be reappointed for additional terms. Any vacancies shall be filled in the same manner as the original appointment and vacancies created otherwise than by expiration of term shall be filled for the remainder of that unexpired term.

3-a. Reports. On or before March first, nineteen hundred ninety-eight and annually thereafter the committee shall report to the temporary president of the senate, the speaker of the assembly, the chair of the assembly committee on aging and the chair of the senate committee on aging, on the incidence of reports of abuse of elderly persons. Such report shall consist of information from reports forwarded to the committee by local law enforcement agencies pursuant to section 140.10 of the criminal procedure law including number of reported incidents, ages of victims and alleged offenders, circumstances of the incident whether arrests were made and the sentence, if any, of the offenders. Such report shall also recommend policies and programs to aid law

enforcement agencies, the courts and the New York state [crime victims board] OFFICE OF VICTIM SERVICES in efforts to assist elder victims of domestic violence. The report shall also include recommendations designed to assist law enforcement agencies in implementing "Triad Programs".

S 37. Subdivision 12-g of section 8 of the state finance law, as added by chapter 62 of the laws of 2001, is amended to read as follows:

12-g. Notwithstanding any other provision of the court of claims act or any other law to the contrary, thirty days before the comptroller issues a check for payment to an inmate serving a sentence of imprisonment with the state department of correctional services or to a prisoner confined at a local correctional facility for any reason, including a payment made in satisfaction of any damage award in connection with any lawsuit brought by or on behalf of such inmate or prisoner against the state or any of its employees in federal court or any other court, the comptroller shall give written notice, if required pursuant to subdivision two of section six hundred thirty-two-a of the executive law, to the [state crime victims board] OFFICE OF VICTIM SERVICES that such payment shall be made thirty days after the date of such notice.

S 38. Subdivision 3 of section 97-bb of the state finance law, as amended by section 1 of part A of chapter 56 of the laws of 2009, 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 and expenses of programs to provide services to crime victims and witnesses, including operations of the [crime victims board] OFFICE OF VICTIM SERVICES, 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 39. Paragraph (c) of subdivision 1 of section 2805-i of the public health law, as added by chapter 571 of the laws of 2007, is amended to read as follows:

(c) offering and making available appropriate HIV post-exposure treatment therapies in cases where it has been determined, in accordance with guidelines issued by the commissioner, that a significant exposure to HIV has occurred, and informing the victim that payment assistance for such therapies may be available from the [crime victims board] OFFICE OF VICTIM SERVICES pursuant to the provisions of article twenty-two of the executive law.

S 40. Section 70 of the general municipal law, as amended by chapter 62 of the laws of 2001, is amended to read as follows:

S 70. Payment of judgments against municipal corporation. When a final judgment for a sum of money shall be recovered against a municipal corporation, and the execution thereof shall not be stayed pursuant to law, or the time for such stay shall have expired, the treasurer or other financial officer of such corporation having sufficient moneys in his hands belonging to the corporation not otherwise specifically appropriated, shall pay such judgment upon the production of a certified copy of the docket thereof. Notwithstanding the provisions of any other law to the contrary, in any case where payment for any reason is to be made to an inmate serving a sentence of imprisonment with the state department of correctional services or to a prisoner confined at a local correctional facility, the treasurer or other financial officer shall give written notice, if required pursuant to subdivision two of section six hundred thirty-two-a of the executive law, to the [state crime

victims board] OFFICE OF VICTIM SERVICES that such payment shall be made thirty days after the date of such notice.

S 41. Paragraph (b) of subdivision 4 of section 60.27 of the penal law, as amended by chapter 619 of the laws of 2002, is amended to read as follows:

(b) the term "victim" shall include the victim of the offense, the representative of a crime victim as defined in subdivision six of section six hundred twenty-one of the executive law, an individual whose identity was assumed or whose personal identifying information was used in violation of section 190.78, 190.79 or 190.80 of this chapter, or any person who has suffered a financial loss as a direct result of the acts of a defendant in violation of section 190.78, 190.79, 190.80, 190.82 or 190.83 of this chapter, a good samaritan as defined in section six hundred twenty-one of the executive law and the [crime victims' board] OFFICE OF VICTIM SERVICES or other governmental agency that has received an application for or has provided financial assistance or compensation to the victim.

S 42. Section 116 of the correction law, as amended by chapter 62 of the laws of 2001, is amended to read as follows:

S 116. Inmates' funds. The warden or superintendent of each of the institutions within the jurisdiction of the department of correction shall deposit at least once in each week to his credit as such warden, or superintendent, in such bank or banks as may be designated by the comptroller, all the moneys received by him as such warden, or superintendent, as inmates' funds, and send to the comptroller and also to the commissioner of correction monthly, a statement showing the amount so received and deposited. Such statement of deposits shall be certified by the proper officer of the bank receiving such deposit or deposits. The warden, or superintendent, shall also verify by his affidavit that the sum so deposited is all the money received by him as inmates' funds during the month. Any bank in which such deposits shall be made shall, before receiving any such deposits, file a bond with the comptroller of the state, subject to his approval, for such sum as he shall deem necessary. Upon a certificate of approval issued by the director of the budget, pursuant to the provisions of section fifty-three of the state finance law, the amount of interest, if any, heretofore accrued and hereafter to accrue on moneys so deposited, heretofore and hereafter credited to the warden, or superintendent, by the bank from time to time, shall be available for expenditure by the warden, or superintendent, subject to the direction of the commissioner, for welfare work among the inmates in his custody. The withdrawal of moneys so deposited by such warden, or superintendent, as inmates' funds, including any interest so credited, shall be subject to his check. Each warden, or superintendent, shall each month provide the comptroller and also the commissioner with a record of all withdrawals from inmates' funds. As used in this section, the term "inmates' funds" means the funds in the possession of the inmate at the time of his admission into the institution, funds earned by him as provided in section one hundred eighty-seven of this chapter and any other funds received by him or on his behalf and deposited with such warden or superintendent in accordance with the rules and regulations of the commissioner. Whenever the total unencumbered value of funds in an inmate's account exceeds ten thousand dollars, the superintendent shall give written notice to the [state crime victims board] OFFICE OF VICTIM SERVICES.

S 43. Subdivisions 7 and 8 of section 500-c of the correction law, as added by chapter 62 of the laws of 2001, are amended to read as follows:

7. A sheriff, the New York city commissioner of correction, or the Westchester county commissioner of correction, as the case may be, shall maintain an institutional fund account on behalf of every lawfully sentenced inmate or prisoner in his custody and shall for the benefit of the person make deposits into said accounts of any prisoner funds. As used in this section, the term "prisoner funds" means (i) funds in the possession of the prisoner at the time of admission into the institution; (ii) funds earned by a prisoner as provided in section one hundred eighty-seven of this chapter; and (iii) any other funds received by or on behalf of the prisoner and deposited with such sheriff or municipal official in accordance with the written procedures established by the commission. Whenever the total value of unencumbered funds in a prisoner's account exceeds ten thousand dollars, such sheriff or official shall give written notice to the [state crime victims board] OFFICE OF VICTIM SERVICES.

8. A sheriff, the New York city commissioner of correction, or the Westchester county commissioner of correction, as the case may be, shall provide written notice to all inmates serving a definite sentence for a specified crime defined in paragraph (e) of subdivision one of section six hundred thirty-two-a of the executive law who may be subject to any requirement to report to the [crime victims board] OFFICE OF VICTIM SERVICES any funds of a convicted person as defined in section six hundred thirty-two-a of the executive law, the procedures for such reporting and any potential penalty for a failure to comply.

S 44. Subdivision 3 of section 410.10 of the criminal procedure law, as added by chapter 62 of the laws of 2001, is amended to read as follows:

3. When the court pronounces a sentence of probation or conditional discharge for a specified crime defined in paragraph (e) of subdivision one of section six hundred thirty-two-a of the executive law, in addition to specifying the conditions of the sentence, the court shall provide written notice to such defendant concerning any requirement to report to the [crime victims board] OFFICE OF VICTIM SERVICES funds of a convicted person as defined in section six hundred thirty-two-a of the executive law, the procedures for such reporting and any potential penalty for a failure to comply.

S 45. Section 2222-a of the surrogate's court procedure act, as added by chapter 62 of the laws of 2001, is amended to read as follows:

S 2222-a. Notice of legacy or distributive share payable to inmate or prisoner

Where the legatee, distributee or beneficiary is an inmate serving a sentence of imprisonment with the state department of correctional services or a prisoner confined at a local correctional facility, the court shall give prompt written notice to the [state crime victims board] OFFICE OF VICTIM SERVICES, and at the same time direct that no payment be made to such inmate or prisoner for a period of thirty days following the date of entry of the order containing such direction.

S 46. Subdivision 6-a of section 20 of the court of claims act, as added by chapter 62 of the laws of 2001, is amended to read as follows:

6-a. Notwithstanding the provisions of subdivisions five, five-a and six of this section, in any case where a judgment or any part thereof is to be paid to an inmate serving a sentence of imprisonment with the state department of correctional services or to a prisoner confined at a local correctional facility, the comptroller shall give written notice, if required pursuant to subdivision two of section six hundred thirty-two-a of the executive law, to the [state crime victims board] OFFICE OF

VICTIM SERVICES that such judgment shall be paid thirty days after the date of such notice.

S 47. Subdivision 11 of section 1311 of the civil practice law and rules, as added by chapter 655 of the laws of 1990, is amended to read as follows:

11. (a) Any stipulation or settlement agreement between the parties to a forfeiture action shall be filed with the clerk of the court in which the forfeiture action is pending. No stipulation or settlement agreement shall be accepted for filing unless it is accompanied by an affidavit from the claiming authority that written notice of the stipulation or settlement agreement, including the terms of such, has been given to the [state crime victims board] OFFICE OF VICTIM SERVICES, the state division of criminal justice services, and in the case of a forfeiture based on a felony defined in article two hundred twenty or section 221.30 or 221.55 of the penal law, to the state division of substance abuse services.

(b) No judgment or order of forfeiture shall be accepted for filing unless it is accompanied by an affidavit from the claiming authority that written notice of judgment or order, including the terms of such, has been given to the [state crime victims board] OFFICE OF VICTIM SERVICES, the state division of criminal justice services, and in the case of a forfeiture based on a felony defined in article two hundred twenty or section 221.30 or 221.55 of the penal law, to the state division of substance abuse services.

(c) Any claiming authority or claiming agent which receives any property pursuant to chapter thirteen of the food and drug laws (21 U.S.C. S801 et seq.) of the United States and/or chapter four of the customs duties laws (19 U.S.C. S1301 et seq.) of the United States and/or chapter 96 of the crimes and criminal procedure laws (18 U.S.C. S1961 et seq.) of the United States shall provide an affidavit to the commissioner of the division of criminal justice services stating the estimated present value of the property received.

S 48. Subdivision 4 of section 1349 of the civil practice law and rules, as added by chapter 655 of the laws of 1990, is amended to read as follows:

4. The claiming authority shall report the disposal of property and collection of assets pursuant to this section to the [state crime victims board] OFFICE OF VICTIM SERVICES, the state division of criminal justice services and the state division of substance abuse services.

S 49. Subdivision (d) of section 4510 of the civil practice law and rules, as added by chapter 432 of the laws of 1993, is amended to read as follows:

(d) Limitation on waiver. A client who, for the purposes of obtaining compensation under article twenty-two of the executive law or insurance benefits, authorizes the disclosure of any privileged communication to an employee of the [crime victims board] OFFICE OF VICTIM SERVICES or an insurance representative shall not be deemed to have waived the privilege created by this section.

S 50. Section 5011 of the civil practice law and rules, as amended by chapter 62 of the laws of 2001, is amended to read as follows:

S 5011. Definition and content of judgment. A judgment is the determination of the rights of the parties in an action or special proceeding and may be either interlocutory or final. A judgment shall refer to, and state the result of, the verdict or decision, or recite the default upon which it is based. A judgment may direct that property be paid into court when the party would not have the benefit or use or control of

such property or where special circumstances make it desirable that payment or delivery to the party entitled to it should be withheld. In any case where damages are awarded to an inmate serving a sentence of imprisonment with the state department of correctional services or to a prisoner confined at a local correctional facility, the court shall give prompt written notice to the [state crime victims board] OFFICE OF VICTIM SERVICES, and at the same time shall direct that no payment be made to such inmate or prisoner for a period of thirty days following the date of entry of the order containing such direction.

S 51. Subdivision 2 of section 459-b of the real property tax law, as added by chapter 269 of the laws of 1996, is amended to read as follows:

2. To qualify as a physically disabled crime victim or good samaritan for the purposes of this section, an individual shall submit to the assessor a certified statement from a physician licensed to practice in the state of New York on a form prescribed and made available by the state board which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the state commission for the blind and visually handicapped stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement. In addition, a copy of a police report pertaining to the crime from which the injury resulted, a report from the [crime victims board] OFFICE OF VICTIM SERVICES or other evidence or documentation which would tend to substantiate that a physical disability was inflicted upon an individual as the result of a crime shall also be submitted to the assessor.

S 52. Paragraph 2 of subdivision c of section 17-193 of the administrative code of the city of New York, as added by local law number 62 of the city of New York for the year 2007, is amended to read as follows:

2. contact information for the New York state [crime victims board] OFFICE OF VICTIM SERVICES and information indicating how such owner, resident or occupant can apply to such [board] OFFICE for financial assistance to help cover the cost of professional clean up of a trauma scene, including how application forms can be obtained at the [board's] OFFICE'S local office or website;

S 53. Transfer of records. The crime victims board shall deliver to the office of victim services all books, papers, records, and property as requested by the office of victim services pursuant to this act.

S 54. Completion of unfinished business. Any business or other matter undertaken or commenced by the crime victims board pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the office of victim services and pending on the effective date of this act may be conducted and completed by the office of victim services in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the former crime victims board; provided, however, that claims accepted by the crime victims board but not determined before the effective date of this act shall be determined by the office of victim services pursuant to the regulations promulgated pursuant to section 627 of the executive law as added by section eighteen of this act.

S 55. Terms occurring in laws, contracts and other documents. Whenever the crime victims board is referred to or designated in any law, contract or documents pertaining to the functions, powers, obligations and duties hereby transferred and assigned to the office of victim services, such reference or designation shall be deemed to refer to the office of victim services.

S 56. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

S 57. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect brought by or against the crime victims board relating to the functions, powers, obligations or duties transferred to or devolved upon the office of victim services shall be affected by this act, but the same may be prosecuted or defended in the name of the office of victim services and, upon application to the court, the office of victim services shall be substituted as a party.

S 58. This act shall take effect immediately; provided, however, that:

(a) the amendments to subdivision (a) of section 483-ee of the social services law made by section five of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and

(b) the amendments to subdivisions 7 and 8 of section 500-c of the correction law made by section forty-three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART B

Section 1. Section 20 of the executive law, as added by chapter 640 of the laws of 1978, paragraph a of subdivision 2 as amended by chapter 781 of the laws of 1988, is amended to read as follows:

S 20. Natural and man-made disasters; policy; definitions. 1. It shall be the policy of the state that:

a. local government and emergency service organizations continue their essential role as the first line of defense in times of disaster, and that the state provide appropriate supportive services to the extent necessary;

b. local chief executives take an active and personal role in the development and implementation of disaster preparedness programs and be vested with authority and responsibility in order to insure the success of such programs;

c. state and local natural disaster and emergency response functions be coordinated USING RECOGNIZED PRACTICES IN INCIDENT MANAGEMENT in order to bring the fullest protection and benefit to the people;

d. state resources be organized and prepared for immediate effective response to disasters which are beyond the capability of local governments and emergency service organizations; and

e. state and local plans, organizational arrangements, and response capability required to execute the provisions of this article shall at all times be the most effective that current circumstances and existing resources allow.

2. As used in this article the following terms shall have the following meanings:

a. "disaster" means occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, TERRORISM, CYBER EVENT, blight, drought, infestation, explosion, radiological accident, NUCLEAR, CHEMICAL, BIOLOGICAL, OR BACTERIOLOGICAL RELEASE, water contamination, bridge failure or bridge collapse.

b. "state disaster emergency" means a period beginning with a declaration by the governor that a disaster exists and ending upon the termination thereof.

c. "municipality" means a public corporation as defined in subdivision one of section sixty-six of the general construction law and a special district as defined in subdivision sixteen of section one hundred two of the real property tax law.

d. "commission" means the disaster preparedness commission created pursuant to section twenty-one of this article.

e. "emergency services organization" means a public or private agency, VOLUNTARY organization or group organized and functioning for the purpose of providing fire, medical, ambulance, rescue, housing, food or other services directed toward relieving human suffering, injury or loss of life or damage to property as a result of an emergency, including non-profit and governmentally-supported organizations, but excluding governmental agencies.

f. "chief executive" means:

(1) a county executive or manager of a county;

(2) in a county not having a county executive or manager, the chairman or other presiding officer of the county legislative body;

(3) a mayor of a city or village, except where a city or village has a manager, it shall mean such manager; and

(4) a supervisor of a town, except where a town has a manager, it shall mean such manager.

G. "DISASTER EMERGENCY RESPONSE PERSONNEL" MEANS AGENCIES, PUBLIC OFFICERS, EMPLOYEES, OR AFFILIATED VOLUNTEERS HAVING DUTIES AND RESPONSIBILITIES UNDER OR PURSUANT TO A COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

H. "EMERGENCY MANAGEMENT DIRECTOR" MEANS THE GOVERNMENT OFFICIAL RESPONSIBLE FOR EMERGENCY PREPAREDNESS, RESPONSE AND RECOVERY FOR A COUNTY, CITY, TOWN, OR VILLAGE.

S 2. Section 21 of the executive law, as added by chapter 640 of the laws of 1978, subdivision 1 as amended by chapter 346 of the laws of 2002, subdivision 2 as amended by chapter 158 of the laws of 1994, paragraph c of subdivision 3 as amended by chapter 42 of the laws of 2004, and paragraphs f, g, h, i, and j of subdivision 3 as amended and paragraph k of subdivision 3 as added by chapter 171 of the laws of 2006, is amended to read as follows:

S 21. Disaster preparedness commission established; meetings; powers and duties. 1. There is hereby created in the executive department a disaster preparedness commission consisting of the commissioners of transportation, health, division of criminal justice services, education, social services, economic development, agriculture and markets, housing and community renewal, general services, labor, environmental conservation, mental health, PARKS, RECREATION AND HISTORIC PRESERVATION, CORRECTIONAL SERVICES AND CHILDREN AND FAMILY SERVICES, the president of the New York state energy research and development authority, the superintendents of state police, insurance, banking, the secretary of state, the state fire administrator, the chair of the public service commission, the adjutant general, the [director] DIRECTORS of the [state] OFFICES WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE office for technology, AND the [chairman] OFFICE OF VICTIM SERVICES, THE CHAIRS of the thruway authority, THE METROPOLITAN TRANSPORTATION AUTHORITY, THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, the chief professional officer of the state coordinating chapter of the American Red Cross and three additional members, to be appointed by the

governor, two of whom shall be chief executives. EACH MEMBER AGENCY MAY DESIGNATE AN OFFICER OF THAT AGENCY, WITH RESPONSIBILITY FOR DISASTER PREPAREDNESS MATTERS, WHO MAY REPRESENT THAT AGENCY ON THE COMMISSION. The COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL SERVE AS CHAIR OF THE COMMISSION, AND THE governor shall designate the VICE chair of the commission. The members of the commission, except those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

2. The commission, on call of the chairperson, shall meet at least twice each year and at such other times as may be necessary. The agenda and meeting place of all regular meetings shall be made available to the public in advance of such meetings and all such meetings shall be open to the public. The commission shall establish quorum requirements and other rules and procedures regarding conduct of its meetings and other affairs. [The adjutant general shall serve as secretary to the commission and provide staff services as may be necessary through the state emergency management office.]

3. The commission shall have the following powers and responsibilities:

a. study all aspects of man-made or natural disaster prevention, response and recovery;

b. request and obtain from any state or local officer or agency any information necessary to the commission for the exercise of its responsibilities;

c. prepare [state disaster preparedness plans, to be approved by the governor, and review such plans and report thereon] AND, AS APPROPRIATE, REVISE A STATE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN. THE COMMISSION SHALL REPORT ALL REVISIONS TO SUCH PLAN by March thirty-first of each year to the governor, the legislature and the chief judge of the state, UNLESS A CURRENT VERSION OF THE PLAN IS AVAILABLE TO THE PUBLIC ON THE WEBSITE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES. In preparing such plans, the commission shall consult with federal and local officials, emergency service organizations INCLUDING BOTH VOLUNTEER AND COMMERCIAL EMERGENCY RESPONSE ORGANIZATIONS, and the public as it deems appropriate. To the extent such plans impact upon administration of the civil and criminal justice systems of the state, including their operational and fiscal needs in times of disaster emergency, the commission, its staff and any working group, task force, agency or other instrumentality to which it may delegate responsibility to assist it in its duties shall consult with the chief administrator of the courts and coordinate their preparation with him or her or with his or her representatives;

d. prepare, keep current and distribute to chief executives and others an inventory of programs directly relevant to prevention, minimization of damage, readiness, operations during disasters, and recovery following disasters;

e. direct state disaster operations and coordinate state disaster operations with local disaster operations following the declaration of a state disaster emergency;

f. unless it deems it unnecessary, create, following the declaration of a state disaster emergency, a temporary organization in the disaster area to provide for integration and coordination of efforts among the various federal, state, municipal and private agencies involved. The commission, upon a finding that a municipality is unable to manage local

disaster operations, may, with the approval of the governor, direct the temporary organization to assume direction of the local disaster operations of such municipality, for a specified period of time, and in such cases such temporary organization shall assume direction of such local disaster operations, subject to the supervision of the commission. In such event, such temporary organization may utilize such municipality's local resources, provided, however, that the state shall not be liable for any expenses incurred in using such municipality's resources;

g. assist in the coordination of federal recovery efforts and coordinate recovery assistance by state and private agencies;

h. provide for periodic briefings, drills, exercises or other means to assure that all state personnel with direct responsibilities in the event of a disaster are fully familiar with response and recovery plans and the manner in which they shall carry out their responsibilities, and coordinate with federal, local or other state personnel. Such activities may take place on a regional or county basis, and local and federal participation shall be invited and encouraged;

i. submit to the governor, the legislature and the chief judge of the state by March thirty-first of each year an annual report which shall include but need not be limited to:

(1) a summary of commission and state agency activities for the year and plans for the ensuing year with respect to the duties and responsibilities of the commission;

(2) recommendations on ways to improve state and local capability to prevent, prepare for, respond to and recover from disasters;

(3) the status of the state and local plans for disaster preparedness and response, including the name of any locality which has failed or refused to develop and implement its own disaster preparedness plan and program; AND THE EXTENT TO WHICH ALL FORMS OF LOCAL EMERGENCY RESPONSE ASSETS HAVE BEEN INCLUDED, AND ACCOUNTED FOR IN PLANNING AND PREPARATION FOR DISASTER PREPAREDNESS AND RESPONSE; AND

j. [coordinate and, to the extent possible and feasible, integrate commission activities, responsibilities and duties with those of the civil defense commission; and

k.] develop public service announcements to be distributed to television and radio stations and other media throughout the state informing the public how to prepare and respond to disasters. Such public service announcements shall be distributed in English and such other languages as such commission deems appropriate.

4. ALL POWERS OF THE STATE CIVIL DEFENSE COMMISSION ARE ASSIGNED TO THE COMMISSION.

5. THE OFFICE OF EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL SERVE AS THE STAFF ARM OF THE COMMISSION AND SHALL BE RESPONSIBLE FOR IMPLEMENTING PROVISIONS OF THIS ARTICLE AND THE RULES AND POLICIES ADOPTED BY THE COMMISSION.

S 3. Subdivision 3 of section 22 of the executive law, as added by chapter 640 of the laws of 1978, subparagraph 8 of paragraph b as amended by chapter 42 of the laws of 2004 and subparagraphs 14 and 15 of paragraph b as amended and subparagraph 16 of paragraph b as added by chapter 677 of the laws of 2006, is amended to read as follows:

3. Such plans shall be prepared with such assistance from other agencies as the commission deems necessary, and shall include, but not be limited to:

a. Disaster prevention AND MITIGATION. Plans to prevent and minimize the effects of disasters shall include, but not be limited to:

(1) identification of [potential disasters and disaster sites] HAZARDS AND ASSESSMENT OF RISK;
(2) recommended disaster prevention AND MITIGATION projects, policies, priorities and programs, with suggested implementation schedules, which outline federal, state and local roles;
(3) suggested revisions and additions to building and safety codes, and zoning and other land use programs;
(4) suggested ways in which state agencies can provide technical assistance to municipalities in the development of local disaster prevention AND MITIGATION plans and programs;
(5) such other measures as reasonably can be taken to [prevent disasters or mitigate their impact] PROTECT LIVES, PREVENT DISASTERS, AND REDUCE THE IMPACT OF DISASTERS.
b. Disaster response. Plans to coordinate the use of resources and manpower for service during and after disaster emergencies and to deliver services to aid citizens and reduce human suffering resulting from a disaster emergency shall include, but not be limited to:
(1) [centralized] coordination of resources, manpower and services, USING RECOGNIZED PRACTICES IN INCIDENT MANAGEMENT AND utilizing existing organizations and lines of authority and centralized direction of requests for assistance;
(2) the location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution, DISPOSAL or use of materials, INCLUDING THOSE DONATED, AND facilities and services;
(3) a system for warning populations who are or may be endangered;
(4) arrangements for activating state, municipal and volunteer forces, through normal chains of command so far as possible and for continued communication and reporting;
(5) a specific plan for rapid and efficient communication, and for the integration of state communication facilities during a state disaster emergency, including the assignment of responsibilities and the establishment of communication priorities, and liaison with municipal, private and federal communication facilities;
(6) a plan for coordinated evacuation procedures, including the establishment of temporary housing and other necessary facilities;
(7) criteria for establishing priorities with respect to the restoration of vital services and debris removal;
(8) plans for the continued effective operation of the civil and criminal justice systems;
(9) provisions for training state and local government personnel and volunteers in disaster response operations;
(10) providing information to the public;
(11) care for the injured and needy and identification and disposition of the dead;
(12) utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, [the handicapped] INDIVIDUALS WITH DISABILITIES and other groups which may be especially affected;
(13) control of ingress and egress to and from a disaster area;
(14) arrangements to administer federal disaster assistance;
(15) a system for obtaining and coordinating [disaster information] SITUATIONAL AWARENESS including the centralized assessment of disaster effects and resultant needs; and
(16) utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with

particular attention to means of evacuation, shelter and transportation options.

c. Recovery. Plans to provide for recovery and redevelopment after disaster emergencies shall include, but not be limited to:

(1) measures to coordinate state agency assistance in recovery efforts;

(2) arrangements to administer federal recovery assistance; and

(3) such other measures as reasonably can be taken to assist in the development and implementation of local disaster recovery plans.

S 4. Section 23 of the executive law, as added by chapter 640 of the laws of 1978, subdivision 1 as amended by chapter 603 of the laws of 1993, subdivision 5 and subparagraph 8 of paragraph b of subdivision 7 as amended by chapter 42 of the laws of 2004, and subparagraphs 16 and 17 of paragraph b of subdivision 7 as amended and subparagraph 18 of paragraph b of subdivision 7 as added by chapter 677 of the laws of 2006, is amended to read as follows:

S 23. Local [disaster preparedness] COMPREHENSIVE EMERGENCY MANAGEMENT plans. 1. Each county, except those contained within the city of New York, and each city, town and village is authorized to prepare [disaster preparedness] COMPREHENSIVE EMERGENCY MANAGEMENT plans. The disaster preparedness commission shall provide assistance and advice for the development of such plans. City, town and village plans shall be coordinated with the county plan.

2. The purpose of such plans shall be to minimize the effect of disasters by (i) identifying appropriate local measures to prevent disasters, (ii) developing mechanisms to coordinate the use of local resources and manpower for service during and after disasters and the delivery of services to aid citizens and reduce human suffering resulting from a disaster, and (iii) providing for recovery and redevelopment after disasters.

3. Plans for coordination of resources, manpower and services shall provide for a centralized coordination and direction of requests for assistance.

4. Plans for coordination of assistance shall provide for utilization of existing organizations and lines of authority.

5. In preparing such plans, cooperation, advice and assistance shall be sought from local government officials, regional and local planning agencies, police agencies, fire departments and fire companies, local [civil defense] EMERGENCY MANAGEMENT agencies, commercial and volunteer ambulance services, health and social services officials, community action agencies, the chief administrator of the courts, organizations for the elderly and the handicapped, other interested groups and the general public. Such advice and assistance may be obtained through public hearings held on public notice, or through other appropriate methods.

6. All plans for [disaster preparedness] COMPREHENSIVE EMERGENCY MANAGEMENT developed by local governments or any revisions thereto shall be submitted to the commission by December thirty-first of each year to facilitate state coordination of disaster operations.

7. Such plans shall include, but not be limited to:

a. Disaster prevention AND MITIGATION. Plans to prevent and minimize the effects of disasters shall include, but not be limited to:

(1) [identification of potential disasters and disaster sites] IDENTIFICATION OF HAZARDS AND ASSESSMENT OF RISK;

(2) recommended disaster prevention AND MITIGATION projects, policies, priorities and programs, with suggested implementation schedules, which outline federal, state and local roles;
(3) suggested revisions and additions to building and safety codes and zoning and other land use programs;
(4) such other measures as reasonably can be taken to [prevent disasters or mitigate their impact] PROTECT LIVES, PREVENT DISASTERS, AND REDUCE THEIR IMPACT.
b. Disaster response. Plans to coordinate the use of resources and manpower for service during and after disasters and to deliver services to aid citizens and reduce human suffering resulting from a disaster shall include, but not be limited to:
(1) [centralized] coordination of resources, manpower and services, USING RECOGNIZED PRACTICES IN INCIDENT MANAGEMENT, utilizing existing organizations and lines of authority and centralized direction of requests for assistance;
(2) the location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution, DISPOSAL or use of materials, INCLUDING THOSE DONATED, AND facilities and services which may be required in time of disaster;
(3) a system for warning populations who are or may be endangered;
(4) arrangements for activating municipal and volunteer forces, through normal chains of command so far as possible, and for continued communication and reporting;
(5) a specific plan for rapid and efficient communication and for the integration of local communication facilities during a disaster including the assignment of responsibilities and the establishment of communication priorities and liaison with municipal, private, state and federal communication facilities;
(6) a plan for coordination evacuation procedures including the establishment of temporary housing and other necessary facilities;
(7) criteria for establishing priorities with respect to the restoration of vital services and debris removal;
(8) plans for the continued effective operation of the civil and criminal justice systems;
(9) provisions for training local government personnel and volunteers in disaster response operations;
(10) providing information to the public;
(11) care for the injured and needy and identification and disposition of the dead;
(12) utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, [the handicapped] INDIVIDUALS WITH DISABILITIES and other groups which may be especially affected;
(13) control of ingress and egress to and from a disaster area;
(14) arrangements to administer state and federal disaster assistance;
(15) procedures under which the county, city, town, village or other political subdivision and emergency organization personnel and resources will be used in the event of a disaster;
(16) a system for obtaining and coordinating disaster information including the centralized assessment of local disaster effects and resultant needs;
(17) continued operation of governments of political subdivisions; and
(18) utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with

particular attention to means of evacuation, shelter and transportation options.

c. Recovery. Local plans to provide for recovery and redevelopment after disasters shall include, but not be limited to:

(1) recommendations for replacement, reconstruction, removal or relocation of damaged or destroyed public or private facilities, proposed new or amendments to zoning, subdivision, building, sanitary or fire prevention regulations and recommendations for economic development and community development in order to minimize the impact of any potential future disasters on the community.

(2) provision for cooperation with state and federal agencies in recovery efforts.

(3) provisions for training and educating local disaster officials or organizations in the preparation of applications for federal and state disaster recovery assistance.

S 5. Paragraph f of subdivision 1 of section 24 of the executive law, as added by chapter 158 of the laws of 1994, is amended to read as follows:

f. the establishment or designation of emergency shelters [and/or], emergency medical shelters, AND IN CONSULTATION WITH THE STATE COMMISSIONER OF HEALTH, ALTERNATE MEDICAL CARE SITES;

S 6. Subdivisions 2 and 3 of section 26 of the executive law, subdivision 2 as added by chapter 640 of the laws of 1978 and subdivision 3 as amended by chapter 158 of the laws of 1994, are amended to read as follows:

2. Coordination of assistance shall utilize existing organizations and lines of authority and shall utilize any [disaster preparedness or civil defense plans] COMPREHENSIVE EMERGENCY MANAGEMENT PLANS prepared by the affected municipality.

3. A chief executive or any elected or appointed county, city, town or village official shall not be held responsible for acts or omissions of municipal employees, disaster preparedness forces or civil defense forces when performing disaster assistance pursuant to a declared disaster emergency or when exercising [disaster preparedness] COMPREHENSIVE EMERGENCY MANAGEMENT plans.

S 7. Section 29-b of the executive law, as added by chapter 640 of the laws of 1978, is amended to read as follows:

S 29-b. Use of [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL in disasters. 1. The governor may, in his OR HER discretion, direct the state [civil defense commission] DISASTER PREPAREDNESS COMMISSION to conduct [a civil defense drill] AN EMERGENCY EXERCISE OR DRILL, under its direction, in which all or any of the [civil defense forces] PERSONNEL AND RESOURCES OF THE AGENCIES OF THE COMMISSION of the state may be utilized to perform the duties assigned to them in a [civil defense emergency] DISASTER, for the purpose of protecting and preserving human life or property in a disaster. [In such event, civil defense forces] DURING A DISASTER OR SUCH DRILL OR EXERCISE, DISASTER EMERGENCY RESPONSE PERSONNEL in the state shall operate under the direction and command of the [state director of civil defense] CHAIR OF SUCH COMMISSION, and shall possess the same powers, duties, rights, privileges and immunities as are applicable in a civil defense drill held at the direction of the state civil defense commission under the provisions of the New York state defense emergency act.

2. Local use of [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL. a. Upon the threat or occurrence of a disaster, and during and immediately following the same, and except as otherwise provided in

paragraph d of this subdivision, the county chief executive may direct the [civil defense director] EMERGENCY MANAGEMENT DIRECTOR of a county to assist in the protection and preservation of human life or property by [holding a civil defense drill and training exercise at the scene of the disaster and at any other appropriate places within the county, in which all or any civil defense forces may be called upon] CALLING UPON DISASTER EMERGENCY RESPONSE PERSONNEL EMPLOYED BY OR SUPPORTING THAT COUNTY, AS SPECIFIED IN THE COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN, to perform the [civil defense] EMERGENCY RESPONSE duties assigned to them.

b. The [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL of the county shall be regarded as a reserve disaster force to be activated, in whole [in] OR in part, by the county [civil defense director] EMERGENCY MANAGEMENT DIRECTOR upon the direction of the county chief executive when the county chief executive, in his OR HER discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient adequately to cope with the disaster.

c. Except as provided in paragraph d of this subdivision, the county chief executive may exercise the power conferred upon him in paragraph a of this subdivision, or may deactivate the [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL of the county in whole or in part, on his own motion or upon the request of the chief executive officer of a village, town or city located within the county of which he is an officer.

d. Where the local office of [civil defense] PUBLIC SAFETY OR EMERGENCY MANAGEMENT in a city is independent of the county office of [civil defense] PUBLIC SAFETY OR EMERGENCY MANAGEMENT and is not consolidated therewith, the county chief executive may direct the [civil defense director] EMERGENCY MANAGEMENT DIRECTOR of the county to render assistance within such city only when the chief executive officer of such city has certified to him that the [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL of the city have been activated pursuant to the provisions of subdivision three of this section and that all resources available locally are insufficient adequately to cope with the disaster.

e. When performing disaster assistance pursuant to this section, county [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL shall operate under the direction and command of the county [civil defense] EMERGENCY MANAGEMENT director and his OR HER duly authorized deputies, and shall possess the same powers, duties, rights, privileges and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the civil or political subdivision in which they are enrolled, employed or assigned [civil defense] EMERGENCY RESPONSE responsibilities.

f. The chief executive officer of a city shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county [civil defense] EMERGENCY MANAGEMENT director when rendering disaster assistance within a city pursuant to this section.

g. Outside of a city, the sheriff of the county, and in Nassau county the commissioner of police of the county of Nassau, shall supervise the operations of the [civil defense director] EMERGENCY MANAGEMENT DIRECTOR when rendering peace officer duties incident to disaster assistance. The sheriff and such commissioner may delegate such supervisory power to an elected or appointed town or village official in the area affected.

h. Neither the chief executive officer of a city, nor the county chief executive, nor any elected or appointed town or village official to whom the county chief executive has delegated supervisory power as aforesaid shall be held responsible for acts or omissions of [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL when performing disaster assistance.

3. City use of [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL. a. Upon the threat or occurrence of a disaster, and during and immediately following the same, and except as otherwise provided in paragraph d of this subdivision, the chief executive of a city may direct the [civil defense] EMERGENCY MANAGEMENT director of the city to assist in the protection and preservation of human life or property by [holding a civil defense drill and training exercise at the scene of the disaster and at any other appropriate places within the city, in which all or any civil defense forces may be called upon] CALLING UPON CITY DISASTER EMERGENCY RESPONSE PERSONNEL to perform the [civil defense] EMERGENCY RESPONSE duties assigned to them.

b. The [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL of the city shall be regarded as a reserve disaster force to be activated, in whole or in part, by the city [civil defense] EMERGENCY MANAGEMENT director upon the direction of the chief executive officer of the city when the latter, in his OR HER discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient adequately to cope with the disaster.

c. Except as provided in paragraph d of this subdivision, the chief executive officer of a city may exercise the power conferred upon him in paragraph a of this subdivision, or may deactivate the [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL of the city in whole or in part, on his own motion or upon the request of the head of the city police force.

d. Where the local office of [civil defense] EMERGENCY MANAGEMENT in a city is under the jurisdiction of a consolidated county office of civil defense as provided in the New York state defense emergency act, the chief executive officer of such city seeking the assistance of [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL in the protection and preservation of human life or property within such city because of such disaster, must request the same from the county chief executive in which such city is located, in the same manner as provided for assistance to towns and villages in subdivision two of this section.

e. When performing disaster assistance pursuant to this subdivision, [city civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL shall operate under the direction and command of the city [civil defense director] EMERGENCY MANAGEMENT DIRECTOR and his OR HER duly authorized deputies, and shall possess the same powers, duties, rights, privileges, and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the city in which they are enrolled, employed or assigned [civil defense] EMERGENCY RESPONSE responsibilities.

f. Where the city [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL have been directed to assist in local disaster operations pursuant to paragraph a of this subdivision, and the chief executive officer of the city is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance, including local [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL, are insufficient adequately to cope with the disas-

ter, he OR SHE may certify the fact to the county chief executive and request the county chief executive to direct the county [civil defense] EMERGENCY MANAGEMENT director to render assistance in the city, as provided in subdivision two of this section.

g. The chief executive officer of a city shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county [civil defense] EMERGENCY MANAGEMENT director, when rendering disaster assistance within a city pursuant to this subdivision.

h. Neither the chief executive officer of a city, nor the county chief executive, shall be held responsible for acts or omissions of [civil defense forces] DISASTER EMERGENCY RESPONSE PERSONNEL when performing disaster assistance.

S 8. Paragraph (e) of subdivision 1 of section 29-e of the executive law, as added by chapter 603 of the laws of 1993, is amended to read as follows:

(e) "The [state] OFFICE OF emergency management [office]" shall mean the office within the [office of military and naval affairs that assists the disaster preparedness commission in implementing the powers and duties of the disaster preparedness commission] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

S 9. Paragraphs (a), (f) and (g) of subdivision 3 of section 29-e of the executive law, as added by chapter 603 of the laws of 1993, are amended to read as follows:

(a) Upon the issuance of a declaration of significant economic distress due to unanticipated natural disaster by the governor, a municipality recognized by the governor as being affected by such disaster which occurred on or after December first, nineteen hundred ninety-two, may apply to the [state emergency management office] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES on a form prescribed by such office, for reimbursement from the state's contingency reserve fund for reimbursement of extraordinary and unanticipated costs associated with the reconstruction or repair of public buildings, facilities or infrastructure.

(f) In providing assistance pursuant to this section, the [state emergency management office] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES may give preference to applicants which demonstrate the greatest need or which document that such assistance will be utilized to bring the applicant into compliance with federal or state law.

(g) In the event that amounts appropriated are insufficient to provide for full reimbursement of all extraordinary and unanticipated costs incurred by such municipality approved for reimbursement pursuant to this section, the [state emergency management office] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES is authorized to provide a pro rata share of the appropriations, appropriated herein, to such municipality.

S 10. Paragraphs (a) and (b) of subdivision 4 of section 29-e of the executive law, as added by chapter 603 of the laws of 1993, are amended to read as follows:

(a) The [adjutant general] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES as defined in article [nine] TWENTY-SIX of this chapter with the [advise] ADVICE and consent of the disaster preparedness commission created pursuant to this article, shall have the power to make such rules and regulations as may be necessary and proper to effectuate the purposes of this section.

(b) The [adjutant general] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall by March fifteenth of each year

report to the governor and the legislature describing the activities and operation of the program authorized by this section. Such report shall set forth the number of reimbursement applications received and approved; the identities of the counties, cities, towns and villages receiving reimbursement together with the amount and purpose of the reimbursement.

S 10-a. The executive law is amended by adding a new section 29-h to read as follows:

S 29-H. INTRASTATE MUTUAL AID PROGRAM. 1. CREATION. THERE IS HEREBY CREATED THE INTRASTATE MUTUAL AID PROGRAM TO COMPLEMENT EXISTING MUTUAL AID AGREEMENTS IN THE EVENT OF A DISASTER THAT RESULTS IN A FORMAL DECLARATION OF AN EMERGENCY BY A PARTICIPATING LOCAL GOVERNMENT. ALL LOCAL GOVERNMENTS WITHIN THE STATE, EXCEPTING THOSE WHICH AFFIRMATIVELY CHOOSE NOT TO PARTICIPATE IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION, ARE DEEMED TO BE PARTICIPANTS IN THE PROGRAM.

2. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "EMPLOYEE" MEANS ANY PERSON HOLDING A POSITION BY ELECTION, APPOINTMENT, OR EMPLOYMENT BY A LOCAL GOVERNMENT;

B. "LOCAL GOVERNMENT" MEANS ANY COUNTY, CITY, TOWN OR VILLAGE OF THE STATE;

C. "LOCAL EMERGENCY MANAGEMENT OFFICER" MEANS THE LOCAL GOVERNMENT OFFICIAL RESPONSIBLE FOR EMERGENCY PREPAREDNESS, RESPONSE AND RECOVERY;

D. "REQUESTING LOCAL GOVERNMENT" MEANS THE LOCAL GOVERNMENT THAT ASKS ANOTHER LOCAL GOVERNMENT FOR ASSISTANCE DURING A DECLARED EMERGENCY, OR FOR THE PURPOSES OF CONDUCTING TRAINING, OR UNDERTAKING A DRILL OR EXERCISE;

E. "ASSISTING LOCAL GOVERNMENT" MEANS ONE OR MORE LOCAL GOVERNMENTS THAT PROVIDE ASSISTANCE PURSUANT TO A REQUEST FOR ASSISTANCE FROM A REQUESTING LOCAL GOVERNMENT DURING A DECLARED EMERGENCY, OR FOR THE PURPOSES OF CONDUCTING TRAINING, OR UNDERTAKING A DRILL OR EXERCISE; AND

F. "DISASTER" SHALL HAVE THE SAME MEANING AS IN SECTION TWENTY OF THIS ARTICLE.

3. INTRASTATE MUTUAL AID PROGRAM COMMITTEE ESTABLISHED; MEETINGS; POWERS AND DUTIES. A. THERE IS HEREBY CREATED WITHIN THE DISASTER PREPAREDNESS COMMISSION AN INTRASTATE MUTUAL AID PROGRAM COMMITTEE, FOR PURPOSES OF THIS SECTION TO BE REFERRED TO AS THE COMMITTEE, WHICH SHALL BE CHAIRED BY THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND SHALL INCLUDE THE STATE FIRE ADMINISTRATOR, THE COMMISSIONER OF HEALTH, AND THE COMMISSIONER OF AGRICULTURE AND MARKETS, PROVIDED THAT EACH SUCH OFFICIAL MAY APPOINT A DESIGNEE TO SERVE IN HIS OR HER PLACE ON THE COMMITTEE. THE COMMITTEE SHALL ALSO INCLUDE FIVE REPRESENTATIVES FROM LOCAL PUBLIC SAFETY OR EMERGENCY RESPONSE AGENCIES, WHO SHALL SERVE A MAXIMUM TWO-YEAR TERM, TO BE APPOINTED BY THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, WITH REGARD TO A BALANCE OF GEOGRAPHIC REPRESENTATION AND DISCIPLINE EXPERTISE.

B. THE COMMITTEE, ON THE CALL OF THE CHAIRPERSON, SHALL MEET AT LEAST TWICE EACH YEAR AND AT SUCH OTHER TIMES AS MAY BE NECESSARY. THE AGENDA AND MEETING PLACE OF ALL REGULAR MEETINGS SHALL BE MADE AVAILABLE TO THE PUBLIC IN ADVANCE OF SUCH MEETINGS AND ALL SUCH MEETINGS SHALL BE OPEN TO THE PUBLIC.

C. THE COMMITTEE SHALL HAVE THE FOLLOWING POWERS AND RESPONSIBILITIES:

(1) TO PROMULGATE RULES AND REGULATIONS, ACTING THROUGH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, TO IMPLEMENT THE INTRASTATE MUTUAL AID PROGRAM AS DESCRIBED IN THIS SECTION;

(2) TO DEVELOP POLICIES, PROCEDURES AND GUIDELINES ASSOCIATED WITH THE PROGRAM, INCLUDING A PROCESS FOR THE REIMBURSEMENT OF ASSISTING LOCAL GOVERNMENTS BY REQUESTING LOCAL GOVERNMENTS;

(3) TO EVALUATE THE USE OF THE INTRASTATE MUTUAL AID PROGRAM;

(4) TO EXAMINE ISSUES FACING PARTICIPATING LOCAL GOVERNMENTS REGARDING THE IMPLEMENTATION OF THE INTRASTATE MUTUAL AID PROGRAM; AND

(5) TO PREPARE REPORTS TO THE DISASTER PREPAREDNESS COMMISSION DISCUSSING THE EFFECTIVENESS OF MUTUAL AID IN THE STATE AND MAKING RECOMMENDATIONS FOR IMPROVING THE EFFICACY OF THE SYSTEM, IF APPROPRIATE.

4. LOCAL GOVERNMENT PARTICIPATION IN THE INTRASTATE MUTUAL AID PROGRAM. A. A LOCAL GOVERNMENT MAY ELECT NOT TO PARTICIPATE IN THE INTRASTATE MUTUAL AID PROGRAM, OR TO WITHDRAW FROM THE PROGRAM, BY ITS GOVERNING BODY ENACTING A RESOLUTION DECLARING THAT IT ELECTS NOT TO PARTICIPATE IN THE PROGRAM AND PROVIDING SUCH RESOLUTION TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES. PARTICIPATION IN THE PROGRAM WILL CONTINUE UNTIL A COPY OF SUCH RESOLUTION IS RECEIVED AND CONFIRMED BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

B. A LOCAL GOVERNMENT THAT HAS DECLINED TO PARTICIPATE IN THE PROGRAM MAY, ACTING BY RESOLUTION THROUGH ITS GOVERNING BODY AND PROVIDING A COPY OF THE RESOLUTION TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, ELECT TO PARTICIPATE IN THE PROGRAM.

C. NOTHING IN THIS SECTION SHALL PRECLUDE A LOCAL GOVERNMENT FROM ENTERING INTO MUTUAL AID AGREEMENTS WITH OTHER LOCAL GOVERNMENTS OR OTHER ENTITIES WITH TERMS THAT SUPPLEMENT OR DIFFER FROM THE PROVISIONS OF THIS SECTION.

D. NOTHING IN THIS SECTION SHALL AFFECT ANY OTHER AGREEMENT TO WHICH A LOCAL GOVERNMENT MAY CURRENTLY BE A PARTY, OR LATER ENTER INTO, INCLUDING, BUT NOT LIMITED TO, THE STATE FIRE MOBILIZATION AND MUTUAL AID PLAN.

5. FIRE RELATED RESOURCES. NOTWITHSTANDING THE AUTHORITY VESTED PURSUANT TO THIS SECTION, ALL FIRE RELATED RESOURCES SHALL BE ADMINISTERED PURSUANT TO SECTION TWO HUNDRED NINE-E OF THE GENERAL MUNICIPAL LAW.

6. REQUESTING ASSISTANCE UNDER THE INTRASTATE MUTUAL AID PROGRAM. A. A PARTICIPATING LOCAL GOVERNMENT MAY REQUEST ASSISTANCE OF OTHER PARTICIPATING LOCAL GOVERNMENTS IN PREVENTING, MITIGATING, RESPONDING TO AND RECOVERING FROM DISASTERS THAT RESULT IN LOCALLY-DECLARED EMERGENCIES, OR FOR THE PURPOSE OF CONDUCTING MULTI-JURISDICTIONAL OR REGIONAL TRAINING, DRILLS OR EXERCISES. REQUESTS FOR ASSISTANCE MAY BE MADE VERBALLY OR IN WRITING; VERBAL REQUESTS SHALL BE MEMORIALIZED IN WRITING AS SOON THEREAFTER AS IS PRACTICABLE.

B. ONCE AN EMERGENCY IS DECLARED AT THE COUNTY LEVEL, ALL REQUESTS AND OFFERS FOR ASSISTANCE, TO THE EXTENT PRACTICAL, SHALL BE MADE THROUGH THE COUNTY EMERGENCY MANAGEMENT OFFICE, OR IN THE CASE OF THE CITY OF NEW YORK, THROUGH THE CITY EMERGENCY MANAGEMENT OFFICE. ALL REQUESTS FOR ASSISTANCE SHOULD INCLUDE:

(1) A DESCRIPTION OF THE DISASTER;

(2) A DESCRIPTION OF THE ASSISTANCE NEEDED;

(3) A DESCRIPTION OF THE MISSION FOR WHICH ASSISTANCE IS REQUESTED;

(4) AN ESTIMATE OF THE LENGTH OF TIME THE ASSISTANCE WILL BE NEEDED;

(5) THE SPECIFIC PLACE AND TIME FOR STAGING OF THE ASSISTANCE AND A POINT OF CONTACT AT THAT LOCATION; AND

(6) ANY OTHER INFORMATION THAT WILL ENABLE AN ASSISTING LOCAL GOVERNMENT TO RESPOND APPROPRIATELY TO THE REQUEST.

C. ASSISTING LOCAL GOVERNMENTS SHALL SUBMIT TO THE REQUESTING LOCAL GOVERNMENT AN INVENTORY OF THE RESOURCES BEING DEPLOYED.

D. THE WRITTEN REQUEST FOR ASSISTANCE AND ALL INVENTORIES OF RESOURCES BEING DEPLOYED SHALL BE SUBMITTED TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES WITHIN THREE CALENDAR DAYS OF THE REQUEST FOR OR DEPLOYMENT OF SUCH RESOURCES.

7. DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES RESPONSIBILITIES UNDER THE INTRASTATE MUTUAL AID PROGRAM. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL PROVIDE NOTIFICATION BY MAIL TO EACH LOCAL GOVERNMENT WITH A COMPREHENSIVE DESCRIPTION OF THE INTRASTATE MUTUAL AID PROGRAM, INCLUDING A STATEMENT THAT ALL LOCAL GOVERNMENTS ARE PARTICIPANTS OF THE PROGRAM UNLESS THEY EXPRESSLY OPT OUT PURSUANT TO SUBDIVISION FOUR OF THIS SECTION; MAINTAIN A CURRENT LIST OF PARTICIPATING LOCAL GOVERNMENTS WITH THEIR AUTHORIZED REPRESENTATIVES AND CONTACT INFORMATION, AND PROVIDE A COPY OF THE LIST TO EACH OF THE PARTICIPATING LOCAL GOVERNMENTS ON AN ANNUAL BASIS DURING THE SECOND QUARTER OF EACH CALENDAR YEAR; MONITOR AND REPORT TO THE INTRASTATE MUTUAL AID PROGRAM COMMITTEE ON THE USE OF THE INTRASTATE MUTUAL AID PROGRAM; COORDINATE THE PROVISION OF MUTUAL AID RESOURCES IN ACCORDANCE WITH THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND SUPPORTING PROTOCOLS; IDENTIFY MUTUAL AID BEST PRACTICES; WHEN PRACTICAL, PROVIDE THE COMMITTEE WITH STATISTICAL INFORMATION RELATED TO THE USE OF MUTUAL AID DURING RECENT REGIONAL DISASTER RESPONSES; AND ASSIST WITH THE DEVELOPMENT, IMPLEMENTATION AND MANAGEMENT OF A STATE-WIDE RESOURCE TYPING SYSTEM.

8. REIMBURSEMENT OF ASSISTING JURISDICTION BY REQUESTING JURISDICTION; RESOLVING DISPUTES REGARDING REIMBURSEMENT. A. ANY ASSISTING LOCAL GOVERNMENT REQUESTING AID UNDER THIS PROGRAM FOR LOSS, DAMAGE OR EXPENSES INCURRED IN CONNECTION WITH THE PROVISION OF AID THAT SEEKS REIMBURSEMENT BY THE REQUESTING LOCAL GOVERNMENT SHALL MAKE SUCH REQUEST IN ACCORDANCE WITH PROCEDURES DEVELOPED BY THE INTRASTATE MUTUAL AID COMMITTEE.

B. WHERE A DISPUTE ARISES BETWEEN AN ASSISTING LOCAL GOVERNMENT AND A REQUESTING LOCAL GOVERNMENT REGARDING REIMBURSEMENT FOR LOSS, DAMAGES OR EXPENSES INCURRED IN CONNECTION WITH THE PROVISION OF AID, THE PARTIES WILL MAKE EVERY EFFORT TO RESOLVE THE DISPUTE WITHIN THIRTY BUSINESS DAYS OF WRITTEN NOTICE OF THE DISPUTE BY THE PARTY ASSERTING NONCOMPLIANCE.

9. LIABILITY. A. EACH LOCAL GOVERNMENT IS RESPONSIBLE FOR PROCURING AND MAINTAINING INSURANCE OR OTHER COVERAGE AS IT DEEMS APPROPRIATE.

B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROVIDE ANY PROTECTION AGAINST LIABILITY, OR TO CREATE ANY LIABILITY, FOR AN INDIVIDUAL WHO RESPONDS TO A STATE OF EMERGENCY WHERE AID HAS NOT BEEN REQUESTED, OR WHERE AID HAS NOT BEEN AUTHORIZED BY THE INDIVIDUAL'S LOCAL GOVERNMENT.

10. OBLIGATION OF INSURERS. NOTHING IN THIS SECTION SHALL IMPAIR, ALTER, LIMIT OR MODIFY THE RIGHTS OR OBLIGATIONS OF ANY INSURER UNDER ANY POLICY OF INSURANCE.

S 11. Section 31 of the executive law, as amended by chapter 37 of the laws of 1962, subdivision 11 as amended by chapter 827 of the laws of 1972 and subdivision 13 as added by chapter 430 of the laws of 1997, is amended to read as follows:

S 31. Divisions. There shall be in the executive department the following divisions:

1. The division of the budget.

2. The division of military and naval affairs.

3. The office of general services.

4. The division of state police.
5. The division of parole.
6. The division of housing.
7. The division of alcoholic beverage control.
8. [Commission against discrimination] THE DIVISION OF HUMAN RIGHTS.
9. [The division of safety.
10.] The division of veterans' affairs.
[11. The office of planning services.
12. State civil defense commission] 10. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.
[13.] 11. Office for technology.
The governor may establish, consolidate, or abolish additional divisions and bureaus.

S 12. (a) Findings. The functions of the office for fire prevention and control and the state office of emergency management are critical to public health and safety, as is the function of the office of homeland security. The purpose of this section is to preserve and enhance these functions by consolidating these agencies. The goal of consolidation is not to reduce the performance of either function, but rather to integrate them so as to perform them in the most effective possible way.

(b) Consolidation. The powers, duties and unfinished business of the state emergency management office in the executive department and the office for fire prevention and control in the department of state are transferred to the division of homeland security and emergency services, created in article 26 of the executive law and formerly known as the office of homeland security. All assets, liabilities and records of the state emergency management office and the office for fire prevention and control are transferred to the division of homeland security and emergency services. For the purpose of succession to functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the division of homeland security and emergency services shall be deemed and held to constitute the continuation of the state emergency management office, and the office for fire prevention and control.

(c) Transfer of employees. (i) All employees of the state emergency management office shall be transferred to the division of homeland security and emergency services. This transfer of employees shall be deemed to be a transfer of function pursuant to subdivision 2 of section 70 of the civil service law. Officers and employees of the state emergency management office who are in the classified service shall be transferred without further examination or qualification, and shall retain their respective civil service classification, status and bargaining unit representation. Officers and employees of the state emergency management office in the unclassified service of the state shall be transferred to the division of homeland security and emergency services in accordance with the provisions of section 45 of the civil service law as if the state had taken over a private entity.

(ii) Those employees in the department of state substantially engaged in the performance of fire prevention and control shall be transferred to the division of homeland security and emergency services. This transfer of employees shall be deemed to be a transfer of function pursuant to subdivision 2 of section 70 of the civil service law. The heads of the department of state and the division of homeland security and emergency services shall confer to determine the officers and employees who are substantially engaged in the performance of such function. Officers and employees identified as substantially engaged in such function shall

be transferred without further examination or qualification, and shall retain their respective civil service classification, status and bargaining unit representation.

(iii) Those employees of the office for technology substantially engaged in interoperable and emergency communications shall be transferred to the division of homeland security and emergency services. This transfer of employees shall be deemed to be a transfer of function pursuant to subdivision 2 of section 70 of the civil service law. The heads of the office for technology and the division of homeland security and emergency services shall confer to determine the officers and employees who are substantially engaged in the performance of such function. Officers and employees identified as substantially engaged in such function shall be transferred without further examination or qualification, and shall retain their respective civil service classification, status and bargaining unit representation.

(d) Pending actions and proceedings. No action pending as of the effective date of this act brought by or against the state office of emergency management or the office for fire prevention and control or their directors shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the commissioner of the division of homeland security and emergency services who shall, upon application to the court, be substituted as a party.

(e) Continuation of rules and regulations. All rules, regulations, acts, determinations and decisions of the state office of emergency management or office for fire prevention and control in force at the time of the effective date of this act shall continue in force and effect as rules, regulations, acts, determinations and decisions of the commissioner of the division of homeland security and emergency services until duly modified or abrogated by the commissioner of the division of homeland security and emergency services.

(f) Transfer of appropriations. All appropriations and reappropriations heretofore made to the state office of emergency management, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, shall be transferred to and made available for use and expenditure by the division of homeland security and emergency services.

S 13. The article heading of article 26 of the executive law, as added by section 1 of part B of chapter 1 of the laws of 2004, is amended to read as follows:

[STATE OFFICE OF HOMELAND SECURITY]
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

S 14. Section 709 of the executive law, as added by section 2 of part B of chapter 1 of the laws of 2004, paragraphs (p) and (q) of subdivision 2 as amended and paragraph (r) of subdivision 2 as added by chapter 620 of the laws of 2005, paragraph (q) of subdivision 2 as separately amended and paragraph (r) of subdivision 2 as added by chapter 537 of the laws of 2005, is amended to read as follows:

S 709. [State office of homeland security] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES; creation; powers and duties. 1. There is hereby created within the executive department the [office of homeland security] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, which shall have and exercise the powers and duties set forth in this article. Any reference to the 'office of public security', THE 'OFFICE OF HOMELAND SECURITY', THE 'STATE EMERGENCY MANAGEMENT OFFICE', THE 'OFFICE OF CYBER SECURITY' OR THE 'OFFICE OF FIRE PREVENTION AND CONTROL' in the laws of New York state, executive orders, or contracts entered into on

behalf of the state shall be deemed to refer to the [state office of homeland security] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

2. The [office] DIVISION shall have the power and duty to:

(a) oversee and coordinate the state's homeland security AND COMPREHENSIVE EMERGENCY MANAGEMENT resources, subject to any laws, rules or regulations governing the budgeting and appropriation of funds;

(b) review homeland security AND COMPREHENSIVE EMERGENCY MANAGEMENT policies, protocols and strategies of state agencies. The agencies shall include, but not be limited to, [the division of state police, division of military and naval affairs, state emergency management office, department of health, department of environmental conservation, division of criminal justice services, department of state, office for technology, and the department of transportation] THE STATE AGENCIES INCLUDED ON THE DISASTER PREPAREDNESS COMMISSION AS IDENTIFIED IN SECTION TWENTY-ONE OF THIS CHAPTER;

(c) develop policies, protocols and strategies, which may be used to prevent, detect, respond to and recover from terrorist acts or threats AND OTHER NATURAL AND MAN-MADE DISASTERS, WHICH FOR PURPOSES OF THIS SECTION SHALL HAVE THE SAME MEANING AS DEFINED IN ARTICLE TWO-B OF THIS CHAPTER;

(d) identify potential inadequacies in the state's policies, protocols and strategies to detect, respond to and recover from terrorist acts or threats AND OTHER NATURAL AND MAN-MADE DISASTERS;

(e) undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats AND OTHER NATURAL AND MAN-MADE DISASTERS;

(f) coordinate state resources for the collection and analysis of information relating to terrorist threats and terrorist activities AND OTHER NATURAL AND MAN-MADE DISASTERS throughout the state subject to any applicable laws, rules, or regulations;

(g) coordinate and facilitate information sharing among local, state, and federal law enforcement agencies to ensure appropriate intelligence to assist in the early identification of and response to potential terrorist activities AND OTHER NATURAL AND MAN-MADE DISASTERS, subject to any applicable laws, rules, or regulations governing the release, disclosure or sharing of any such information;

(h) assess the preparedness of state and local public health systems to respond to terrorist acts AND OTHER NATURAL AND MAN-MADE DISASTERS, including ensuring the availability of early warning systems designed to detect potential threats and determining adequacy and availability of necessary vaccines and pharmaceuticals and hospital capacity;

(i) coordinate strategies, protocols and first-responder equipment needs that may be used to monitor, detect, respond to and mitigate the consequences of a potential biological, chemical or radiological terrorist act or threat;

(j) work with local, state and federal agencies and private entities to conduct assessments of the vulnerability of critical infrastructure to terrorist attack AND OTHER NATURAL AND MAN-MADE DISASTERS, including, but not limited to, nuclear facilities, power plants, telecommunications systems, mass transportation systems, public roadways, railways, bridges and tunnels, and develop strategies that may be used to protect such infrastructure from terrorist attack AND OTHER NATURAL AND MAN-MADE DISASTERS;

(k) develop plans that may be used to promote rapid recovery from terrorist attacks AND OTHER NATURAL AND MAN-MADE DISASTERS, to ensure

prompt restoration of transportation, utilities, critical communications and information systems and to protect such infrastructure;

(l) develop plans that may be used to contain and remove hazardous materials used in a terrorist attack OR RELEASED AS A RESULT OF NATURAL OR MAN-MADE DISASTER;

(m) act as primary contact with the federal department of homeland security;

(n) adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions and purposes of this article and the powers and duties of the [office] DIVISION in connection therewith;

(o) consult with appropriate state and local governments, institutions of higher learning, first responders, health care providers and private entities as necessary to effectuate the provisions of this article, and work with those entities to establish, facilitate and foster cooperation to better prepare the state to prevent and respond to threats and acts of terrorism AND OTHER NATURAL AND MAN-MADE DISASTERS;

(p) to serve as a clearinghouse for the benefit of municipalities regarding information relating to available federal, state and regional grant programs in connection with homeland security, disaster preparedness, communication infrastructure and emergency first responder services, and to promulgate rules and regulations necessary to ensure that grant information is timely posted on the [office's] DIVISION'S website;

(q) request from any department, division, office, commission or other agency of the state or any political subdivision thereof, and the same are authorized to provide, such assistance, services and data as may be required by the [office of homeland security] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES in carrying out the purposes of this article, subject to applicable laws, rules, and regulations; [and]

(r) develop standards and a certification process for training programs for training of private security officers in commercial buildings which shall:

(i) improve observation, detection and reporting skills;

(ii) improve coordination with local police, fire and emergency services;

(iii) provide and improve skills in working with advanced security technology including surveillance and access control procedures;

(iv) require at least forty hours of training including three hours of training devoted to terrorism awareness; and

(v) have been certified as a qualified program by the [state office of homeland security.] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES;

[(r)] (S) work in consultation with or make recommendations to the commissioner of agriculture and markets in developing rules and regulations relating to ammonium nitrate security[.]; AND

(T) DEVELOP, MAINTAIN, AND DEPLOY STATE, REGIONAL AND LOCAL ALL-HAZARD INCIDENT MANAGEMENT TEAMS.

3. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL CONSIST OF SEVERAL OFFICES INCLUDING, BUT NOT LIMITED TO, THE OFFICE OF COUNTERTERRORISM, WHICH SHALL HAVE THE POWERS, AND BE RESPONSIBLE FOR CARRYING OUT THE DUTIES, INCLUDING BUT NOT LIMITED TO THOSE SET FORTH IN SECTION SEVEN HUNDRED NINE-A OF THIS ARTICLE; THE OFFICE OF EMERGENCY MANAGEMENT, WHICH SHALL HAVE THE POWERS, AND BE RESPONSIBLE FOR CARRYING OUT THE DUTIES, INCLUDING BUT NOT LIMITED TO THOSE SET FORTH IN ARTICLE TWO-B OF THIS CHAPTER; THE OFFICE OF FIRE PREVENTION AND CONTROL, WHICH SHALL HAVE THE POWERS, AND BE RESPONSIBLE FOR CARRYING OUT THE DUTIES,

INCLUDING BUT NOT LIMITED TO THOSE SET FORTH IN ARTICLE SIX-C OF THIS CHAPTER; THE OFFICE OF CYBER SECURITY, WHICH SHALL HAVE THE POWERS, AND BE RESPONSIBLE FOR CARRYING OUT THE DUTIES, INCLUDING BUT NOT LIMITED TO THOSE SET FORTH IN SECTION SEVEN HUNDRED FIFTEEN OF THIS ARTICLE; AND THE OFFICE OF INTEROPERABLE AND EMERGENCY COMMUNICATIONS, WHICH SHALL HAVE THE POWERS, AND BE RESPONSIBLE FOR CARRYING OUT THE DUTIES, INCLUDING BUT NOT LIMITED TO THOSE SET FORTH IN SECTION SEVEN HUNDRED SEVENTEEN OF THIS ARTICLE.

4. AS SET FORTH IN SECTION SEVEN HUNDRED TEN OF THIS ARTICLE, THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, AND HOLD OFFICE AT THE PLEASURE OF THE GOVERNOR. THE DIRECTORS OF THE OFFICES OF COUNTERTERRORISM, EMERGENCY MANAGEMENT, FIRE PREVENTION AND CONTROL, CYBER SECURITY, AND INTEROPERABLE AND EMERGENCY COMMUNICATIONS, AND SUCH OTHER OFFICES AS MAY BE ESTABLISHED, SHALL BE APPOINTED BY, AND HOLD OFFICE AT THE PLEASURE OF, THE GOVERNOR AND THEY SHALL REPORT TO THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

5. THE DIRECTORS OF THE OFFICES OF COUNTERTERRORISM, EMERGENCY MANAGEMENT, FIRE PREVENTION AND CONTROL, CYBER SECURITY, INTEROPERABLE AND EMERGENCY COMMUNICATIONS, AND OF SUCH OTHER OFFICES AS MAY BE ESTABLISHED, SHALL, IN CONSULTATION WITH THE COMMISSIONER, HAVE THE AUTHORITY TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE DUTIES OF THEIR OFFICE, INCLUDING THE ESTABLISHMENT OF FEES NECESSARY TO COMPENSATE FOR COSTS ASSOCIATED WITH THE DELIVERY OF TRAINING AND SERVICES.

6. THE DIRECTORS OF THE OFFICES OF COUNTERTERRORISM, EMERGENCY MANAGEMENT, FIRE PREVENTION AND CONTROL, CYBER SECURITY, INTEROPERABLE AND EMERGENCY COMMUNICATIONS, AND SUCH OTHER OFFICES AS MAY BE ESTABLISHED, SHALL HAVE THE AUTHORITY TO ENTER INTO CONTRACTS WITH ANY PERSON, FIRM, CORPORATION, MUNICIPALITY, OR GOVERNMENT ENTITY.

7. ANNUAL REPORT OF THE DIVISION. THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL, ON OR BEFORE JANUARY FIRST IN EACH YEAR, SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, A REPORT CONCERNING THE PERFORMANCE OF THE DIVISION WITH RESPECT TO OUTREACH TO BUSINESSES, NOT-FOR-PROFIT ORGANIZATIONS, AND THE GENERAL PUBLIC, WHICH SHALL INCLUDE INFORMATION REGARDING THE CONTENT AND SCOPE OF SEMINARS, CONFERENCES, SURVEYS, PROGRAMS, AND OTHER PROGRAMMATIC MEANS OF ENGAGING SUCH PARTIES TO IDENTIFY AND MEET THE NEEDS OF SUCH PARTIES WITH RESPECT TO EMERGENCY MITIGATION, PREPAREDNESS, RESPONSE, AND RECOVERY, AND THE PARTICIPATION OF SUCH PARTIES THEREIN.

S 15. 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:

S 710. [Director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES; appointment of the [director] COMMISSIONER; powers and duties. 1. The [director of the office of homeland security (director)] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (COMMISSIONER) shall be appointed by the governor, by and with the advice and consent of the senate, and hold office at the pleasure of the governor. [The salary of the director shall be fixed at a level commensurate with that of the state officers identified in paragraph (a) of subdivision one of section one hundred sixty-nine of this chapter.]

2. The [director] COMMISSIONER, acting by and through the [office] DIVISION, shall have the power and duty to:

(a) administer the duties of the [office] DIVISION pursuant to this section;
(b) administer such other duties as may be devolved upon the [office] DIVISION from time to time pursuant to law;
(c) cooperate with and assist other state and federal departments, boards, commissions, agencies and public authorities in the development and administration of policies and protocols which will enhance the SAFETY AND security of the citizens of the state;
(d) enter into contracts with any person, firm, corporation or governmental agency, and do all things necessary to carry out the functions, powers and duties expressly set forth in this article, subject to any applicable laws, rules or regulations;
(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] DIVISION[. 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]
(f) subject to the provisions of this article and the civil service law, and the rules and regulations adopted pursuant thereto, the [director] COMMISSIONER may appoint other officers, employees, agents and consultants as may be necessary, prescribe their duties, fix their compensation, and provide for payment of their reasonable expenses, all within amounts available therefor by appropriation. The [director] COMMISSIONER may transfer officers or employees from their positions to other positions in the [office] DIVISION, or abolish or consolidate such positions[.]; AND
(G) ACCEPT AND CONTRACT AS AGENT OF THE STATE FOR ANY GIFT TO SUPPORT THE DEVELOPMENT AND TRAINING MISSIONS OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.
S 15-a. The executive law is amended by adding a new section 709-a to read as follows:
S 709-A. OFFICE OF COUNTERTERRORISM. THE OFFICE OF COUNTERTERRORISM SHALL DEVELOP AND ANALYZE THE STATE'S POLICIES, PROTOCOLS AND STRATEGIES RELATING TO THE PREVENTION AND DETECTION OF TERRORIST ACTS AND TERRORIST THREATS. THE OFFICE SHALL ALSO BE RESPONSIBLE FOR THE COLLECTION, ANALYSIS AND SHARING OF INFORMATION RELATING TO TERRORIST THREATS AND TERRORIST ACTIVITIES THROUGHOUT THE STATE; COORDINATING STRATEGIES, PROTOCOLS AND FIRST RESPONDER EQUIPMENT NEEDS TO DETECT A BIOLOGICAL, CHEMICAL OR RADIOLOGICAL TERRORIST ACT OR THREAT; WORKING WITH PRIVATE ENTITIES AND LOCAL, STATE AND FEDERAL AGENCIES TO CONDUCT ASSESSMENTS OF THE VULNERABILITY OF CRITICAL INFRASTRUCTURE TO TERRORIST ATTACK; AND CONSULTING WITH APPROPRIATE STATE AND LOCAL GOVERNMENTS AND PRIVATE ENTITIES TO FACILITATE AND FOSTER COOPERATION TO BETTER PREPARE THE STATE TO PREVENT AND DETECT THREATS AND ACTS OF TERRORISM.
S 16. Section 713 of the executive law, as added by chapter 403 of the laws of 2003, paragraphs (a) and (b) of subdivision 2 as amended by chapter 426 of the laws of 2004, and such section as renumbered by section 2 of part B of chapter 1 of the laws of 2004, is amended to read as follows:
S 713. Protection of critical infrastructure including energy generating and transmission facilities. 1. Notwithstanding any other provision of law, the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall conduct a review and analysis of measures being taken by the public service commission and any other agency or authority of the state or any political subdivision

thereof and, to the extent practicable, of any federal entity, to protect the security of critical infrastructure related to energy generation and transmission located within the state. The [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall have the authority to review any audits or reports related to the security of such critical infrastructure, including audits or reports conducted at the request of the public service commission or any other agency or authority of the state or any political subdivision thereof or, to the extent practicable, of any federal entity. The owners and operators of such energy generating or transmission facilities shall, in compliance with any federal and state requirements regarding the dissemination of such information, provide access to the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES to such audits or reports regarding such critical infrastructure provided, however, that exclusive custody and control of such audits and reports shall remain solely with the owners and operators of such energy generating or transmission facilities. For the purposes of this article, the term "critical infrastructure" has the meaning ascribed to that term in subdivision five of section eighty-six of the public officers law.

2. (a) On or before December thirty-first, two thousand four, and not later than three years after such date, and every five years thereafter, the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall report to the governor, the temporary president of the senate, the speaker of the assembly, the chairperson of the public service commission and the chief executive of any such affected generating or transmission company or his or her designee. Such report shall review the security measures being taken regarding critical infrastructure related to energy generating and transmission facilities, assess the effectiveness thereof, and include recommendations to the legislature or the public service commission if the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES determines that additional measures are required to be implemented, considering, among other factors, the unique characteristics of each energy generating or transmission facility. [On or before April thirtieth, two thousand four, the director of public security shall make a preliminary report to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the public service commission, and the chief executive of any such affected generating or transmission company or his or her designee.]

(b) Before the receipt of such report identified in paragraph (a) of this subdivision, each recipient of such report shall develop confidentiality protocols, which shall be binding upon the recipient who issues the protocols and anyone to whom the recipient shows a copy of the report, in consultation with the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein, provided, however, that such protocols shall not be binding upon a person who is provided access to such report or any information contained therein pursuant to section eighty-nine of the public officers law after a final determination that access to such report or any information contained therein could not be denied pursuant to subdivision two of section eighty-seven of the public officers law. The [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY

SERVICES shall also develop protocols for his or her office related to the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein. On each report, the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall prominently display the following statement: "this report may contain information that if disclosed could endanger the life or safety of the public, and therefore, pursuant to section seven hundred [ten] ELEVEN of the executive law, this report is to be maintained and used in a manner consistent with protocols established to preserve the confidentiality of the information contained herein in a manner consistent with law".

(c) Except in the case of federally licensed electric generating facilities, the public service commission shall have the discretion to require that the recommendations of the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES be implemented by any owner or operator of an energy generating or transmission facility. Recommendations regarding federally licensed electric generating facilities shall instead only be made available by the [director of public security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES to the appropriate federal agency in compliance with any federal and state requirements regarding the dissemination of such information.

3. Any reports prepared pursuant to this article shall not be subject to disclosure pursuant to section eighty-eight of the public officers law.

S 17. Section 714 of the executive law, as added by section 1 of part C of chapter 1 of the laws of 2004, is amended to read as follows:

S 714. Protection of critical infrastructure; storage facilities for hazardous substances. 1. Notwithstanding any other provision of law and subject to the availability of an appropriation, the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall conduct a review and analysis of measures being taken by the owners and operators of facilities identified pursuant to paragraph (b) of subdivision two of this section to protect the security of critical infrastructure related to such facilities. The [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall have the authority to review all audits or reports related to the security of such critical infrastructure, including all such audits or reports mandated by state and federal law or regulation, including spill prevention reports and risk management plans, audits and reports conducted at the request of the department of environmental conservation or at the request of any federal entity, or any other agency or authority of the state or any political subdivision thereof, and reports prepared by owners and operators of such facilities as required in this subdivision. The owners and operators of such facilities shall, in compliance with any federal and state requirements regarding the dissemination of such information, provide access to the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES to such audits and reports regarding such critical infrastructure provided, however, exclusive custody and control of such audits and reports shall remain solely with the owners and operators of such facilities to the extent not inconsistent with any other law. For the purposes of this section, the term "critical infrastructure" has the meaning ascribed to that term in subdivision five of section eighty-six of the public officers law.

2. To effectuate his or her duties pursuant to this section and identify risks to the public, the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall:

(a) within six months of the effective date of this section, in consultation with the commissioner of environmental conservation, the commissioner of health, and such representatives of the chemical industry and higher education as may be appropriate, prepare a list that identifies toxic or hazardous substances, including but not limited to those substances listed as hazardous to public health, safety or the environment in regulations promulgated pursuant to article thirty-seven of the environmental conservation law, as well as those substances for which the state possesses insufficient or limited toxicological information but for which there exists preliminary evidence that the substance or the class of chemicals with similar physical and chemical properties to which it belongs has the potential to cause death, injury, or serious adverse effects to human health or the environment, based on the severity of the threat posed to the public by the unauthorized release of such substances. Such list will be promulgated in accord with the provisions of the state administrative procedure act;

(b) upon completion of the list required pursuant to paragraph (a) of this subdivision, but no later than one hundred twenty days after such date, in consultation with the commissioner of environmental conservation, the commissioner of health and such representatives of the chemical industry and any state, local and municipal officials as may be appropriate, identify facilities, including facilities regulated pursuant to title nine and title eleven of article twenty-seven and article forty of the environmental conservation law, but excluding facilities that hold liquified petroleum gas for fuel at retail sale as described in section 112(1)(4)(B) of the Clean Air Act (42 U.S.C. section 7412(r)(4)(b)) and those facilities that are defined as "water suppliers" in subdivision one of section eleven hundred twenty-five of the public health law, which because of their storage of or relationship to such substances identified pursuant to paragraph (a) of this subdivision pose risks to the public should an unauthorized release of such hazardous substances occur; and

(c) require such facilities identified pursuant to paragraph (b) of this subdivision, as the [director] COMMISSIONER so determines, to prepare a vulnerability assessment of the security measures taken by such facilities to prevent and respond to the unauthorized release of hazardous substances as may be stored therein, which assessments the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall review and consider in light of the seriousness of the risk posed and vulnerability of such facility and, where appropriate, make recommendations with respect thereto.

3. (a) On or before June first, two thousand five, the [director of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall make a preliminary report to the governor, the temporary president of the senate, the speaker of the assembly, the commissioner of environmental conservation, the commissioner of health and the chief executive officer of any such affected facility or his or her designee, and on or before December thirty-first, two thousand five, and not later than three years after such date, and every five years thereafter, the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall

report to the governor, the temporary president of the senate, the speaker of the assembly, the commissioner of environmental conservation, the commissioner of health and the chief executive officer of any such affected facility or his or her designee. Such report shall review the security measures being taken regarding critical infrastructure related to such facilities, assess the effectiveness thereof, and include recommendations to the legislature, the department of environmental conservation or the department of health if the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES determines that additional measures are required to be implemented.

(b) Before the receipt of such report identified in paragraph (a) of this subdivision, each recipient of such report shall develop confidentiality protocols which shall be binding upon the recipient who issues the protocols and anyone to whom the recipient shows a copy of the report in consultation with the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein, provided, however, that such protocols shall not be binding upon a person who is provided access to such report or any information contained therein pursuant to section eighty-nine of the public officers law after a final determination that access to such report or any information contained therein could not be denied pursuant to subdivision two of section eighty-seven of the public officers law. The [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall also develop protocols for such [office] DIVISION related to the maintenance and use of such report so as to ensure the confidentiality of all sensitive information contained in such report. On each report, the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall prominently display the following statement: "This report may contain information that if disclosed could endanger the life or safety of the public, and therefore, pursuant to section seven hundred eleven of the executive law[, as added by a chapter of the laws of two thousand four], this report is to be maintained and used in a manner consistent with protocols established to preserve the confidentiality of the information contained herein in a manner consistent with law."

(c) The department of environmental conservation shall have the discretion to require that recommendations of the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES be implemented by any owner or operator of a hazardous substances storage facility as defined in this section.

S 18. Section 715 of the executive law, as added by chapter 604 of the laws of 2007, is amended to read as follows:

S 715. [Records and data] OFFICE OF CYBER SECURITY. 1. THE OFFICE OF CYBER SECURITY SHALL BE DEDICATED TO THE PROTECTION OF THE STATE'S CYBER SECURITY INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, THE IDENTIFICATION AND MITIGATION OF VULNERABILITIES, DETERRING AND RESPONDING TO CYBER EVENTS, AND PROMOTING CYBER SECURITY AWARENESS WITHIN THE STATE. THE OFFICE SHALL ALSO BE RESPONSIBLE FOR STATEWIDE POLICIES, STANDARDS, PROGRAMS, AND SERVICES RELATING TO CYBER SECURITY AND GEOGRAPHIC INFORMATION SYSTEMS, INCLUDING THE STATEWIDE COORDINATION OF GEOGRAPHICALLY REFERENCED CRITICAL INFRASTRUCTURE INFORMATION. THE DIRECTOR OF THE OFFICE SHALL BE THE CHIEF CYBER SECURITY OFFICER OF NEW YORK STATE.

2. THE DIRECTOR 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 SUCH ASSISTANCE, INFORMATION AND DATA AS WILL ENABLE THE OFFICE PROPERLY TO CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES.

3. The director of the office [of cyber security and critical infrastructure coordination] is authorized to maintain, in electronic or paper formats, maps, geographic images, geographic data and metadata.

[2.] 4. The director of the office [of cyber security and critical infrastructure coordination] is authorized to promulgate any rules and regulations necessary to implement the provisions of this section.

5. NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF SUBDIVISION EIGHT OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, FORMER OFFICERS OR EMPLOYEES OF THE OFFICE OF CYBER SECURITY EMPLOYED BY THE NOT-FOR-PROFIT CORPORATION THAT OPERATES THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER MAY APPEAR BEFORE AND RENDER SERVICES TO ANY FEDERAL, STATE, LOCAL, TERRITORIAL OR TRIBAL GOVERNMENT RELATING TO CYBER SECURITY.

6. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW, SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW, ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW, OR ANY OTHER PROVISION OF LAW RELATING TO THE AWARD OF PUBLIC CONTRACTS, ANY OFFICER, BODY, OR AGENCY OF NEW YORK STATE, PUBLIC CORPORATION, OR OTHER PUBLIC ENTITY SUBJECT TO SUCH PROVISIONS OF LAW SHALL BE AUTHORIZED TO ENTER INDIVIDUALLY OR COLLECTIVELY INTO CONTRACTS WITH THE NOT-FOR-PROFIT CORPORATION THAT OPERATES THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER FOR THE PROVISION OF SERVICES THROUGH SEPTEMBER THIRTIETH, TWO THOUSAND THIRTEEN RELATED TO CYBER SECURITY INCLUDING, BUT NOT LIMITED TO, MONITORING, DETECTING, AND RESPONDING TO CYBER INCIDENTS, AND SUCH CONTRACTS MAY BE AWARDED WITHOUT COMPLIANCE WITH THE PROCEDURES RELATING TO THE PROCUREMENT OF SERVICES SET FORTH IN SUCH PROVISIONS OF LAW. SUCH CONTRACTS SHALL, HOWEVER, BE SUBJECT TO THE COMPTROLLER'S EXISTING AUTHORITY TO APPROVE CONTRACTS WHERE SUCH APPROVAL IS REQUIRED BY SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR OTHERWISE. SUCH OFFICERS, BODIES, OR AGENCIES MAY PAY THE FEES OR OTHER AMOUNTS SPECIFIED IN SUCH CONTRACTS IN CONSIDERATION OF THE CYBER SECURITY SERVICES TO BE RENDERED PURSUANT TO SUCH CONTRACTS.

S 19. Section 715 of the executive law, as added by chapter 630 of the laws of 2007, is amended to read as follows:

S [715.] 716. Protection of critical infrastructure; commercial aviation, petroleum and natural gas fuel transmission facilities and pipelines. 1. Notwithstanding any other provision of law, the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall conduct a review and analysis of measures being taken by any other agency or authority of the state or any political subdivision thereof and, to the extent practicable, of any federal entity, to protect the security of critical infrastructure related to commercial aviation fuel, petroleum and natural gas transmission facilities and pipelines in this state which are not located upon the premises of a commercial airport. As deemed appropriate by such [director] COMMISSIONER, the [office of homeland security] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall have the authority to physically inspect the premises and review any audits or reports related to the security of such critical infrastructure, including audits or reports conducted at the request of any other agency or authority of the state or any political subdivision thereof or, to the

extent practicable, of any federal entity. The operators of such commercial aviation fuel, petroleum or natural gas transmission facilities and pipelines shall, in compliance with any federal and state requirements regarding the dissemination of such information, provide access to the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES to such audits or reports regarding such critical infrastructure provided, however, that exclusive custody and control of such audits and reports shall remain solely with the operators of such commercial aviation fuel, petroleum or natural gas transmission facilities and pipelines. For the purposes of this article, the term "critical infrastructure" has the meaning ascribed to that term in subdivision five of section eighty-six of the public officers law.

2. (a) On or before December thirty-first, two thousand [eight, and not later than three years after such date] ELEVEN, and every five years thereafter, the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall report to the governor, the temporary president of the senate, the speaker of the assembly, the public service commission, and the operator of any such affected commercial aviation fuel, petroleum or natural gas transmission facility or pipeline. Such report shall review the security measures being taken regarding critical infrastructure related to commercial aviation fuel, petroleum or natural gas transmission facilities and pipelines, assess the effectiveness thereof, and include recommendations to the legislature, the public service commission, or the operator of a commercial aviation fuel, petroleum or natural gas transmission facility or pipeline, or any appropriate state or federal regulating entity or agency if the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES determines that additional measures are required to be implemented, considering among other factors, the unique characteristics of each commercial aviation fuel, petroleum or natural gas transmission facility or pipeline. [On or before April thirtieth, two thousand eight, the director of the office of homeland security shall make a preliminary report to the governor, the temporary president of the senate, the speaker of the assembly, the public service commission, and the operator of any such affected commercial aviation fuel, petroleum or natural gas transmission facility or pipeline.]

(b) Before the receipt of such report identified in paragraph (a) of this subdivision, each recipient of such report shall develop confidentiality protocols, which shall be binding upon the recipient who issues the protocols and anyone to whom the recipient shows a copy of the report, in consultation with the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein, provided, however, that such report and any information contained or used in its preparation shall be exempt and not made available pursuant to article six of the public officers law. The [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall also develop protocols for his or her office related to the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein. On each report, the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall prominently display the following statement: "this report may

contain information that if disclosed could endanger the life or safety of the public, and therefore, pursuant to section seven hundred [ten] ELEVEN of the executive law, this report is to be maintained and used in a manner consistent with protocols established to preserve the confidentiality of the information contained herein in a manner consistent with law".

(c) The public service commission shall have the discretion to require, through regulation or otherwise, that the recommendations of the [director of the office of homeland security] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES be implemented at an affected commercial aviation fuel, petroleum or natural gas transmission facility or pipeline.

(d) The [office of homeland security] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall receive necessary appropriations for the performance of its duties pursuant to this section.

S 20. Paragraph (a) of subdivision 1 of section 169 of the executive law, as amended by section 1 of part F of chapter 56 of the laws of 2005, is amended to read as follows:

(a) commissioner of correctional services, commissioner of education, commissioner of health, commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of children and family services, commissioner of temporary and disability assistance, chancellor of the state university of New York, commissioner of transportation, commissioner of environmental conservation, superintendent of state police, [and] commissioner of general services AND COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES;

S 21. The executive law is amended by adding a new section 717 to read as follows:

S 717. OFFICE OF INTEROPERABLE AND EMERGENCY COMMUNICATIONS. 1. THE OFFICE OF INTEROPERABLE AND EMERGENCY COMMUNICATIONS SHALL BE THE PRINCIPAL STATE AGENCY FOR ALL INTEROPERABLE AND EMERGENCY COMMUNICATIONS ISSUES AND OVERSEE AND DIRECT THE DEVELOPMENT, COORDINATION AND IMPLEMENTATION OF POLICIES, PLANS, STANDARDS, PROGRAMS AND SERVICES RELATED TO INTEROPERABLE AND EMERGENCY COMMUNICATIONS, INCLUDING THOSE RELATED TO PUBLIC SAFETY LAND MOBILE RADIO COMMUNICATIONS. THE OFFICE SHALL COORDINATE WITH FEDERAL, STATE, LOCAL, TRIBAL, NON-GOVERNMENTAL AND OTHER APPROPRIATE ENTITIES.

2. THE OFFICE SHALL BE RESPONSIBLE FOR COORDINATING RELEVANT GRANT PROGRAMS AND OTHER FUNDING SOURCES TO ENHANCE INTEROPERABLE AND EMERGENCY COMMUNICATIONS, AS CONSISTENT WITH THE MISSION OF THE DIVISION. THE DIRECTOR SHALL MAKE FINAL DETERMINATIONS REGARDING THE DISTRIBUTION OF GRANTS, IN CONSULTATION WITH THE BOARD.

3. THE DIRECTOR OF THIS OFFICE SHALL SERVE AS THE STATEWIDE INTEROPERABLE AND EMERGENCY COMMUNICATIONS COORDINATOR.

4. TO ENSURE APPROPRIATE COORDINATION AND CONSULTATION WITH RELEVANT ENTITIES, THE DIRECTOR SHALL BE THE CHAIRPERSON OF THE STATEWIDE INTEROPERABLE AND EMERGENCY COMMUNICATION BOARD AS DEFINED IN SECTION THREE HUNDRED TWENTY-SEVEN OF THE COUNTY LAW, AND WHOSE DUTIES SHALL INCLUDE, BUT NOT BE LIMITED TO ALL THE DUTIES REGULARLY ASSIGNED TO THE BOARD AS DEFINED BY SECTION THREE HUNDRED TWENTY-EIGHT OF THE COUNTY LAW.

5. THE COMMISSIONER, IN CONSULTATION WITH THE DIRECTOR OF THE OFFICE, SHALL PROMULGATE RULES AND REGULATIONS WHICH REQUIRE MUNICIPALITIES TO REPORT, NO LESS THAN ANNUALLY, ON PRIOR AND PLANNED EXPENDITURES TO DEVELOP AND OPERATE INTEROPERABLE AND EMERGENCY COMMUNICATIONS. THE REGULATIONS SHALL PERMIT MUNICIPALITIES WHICH PARTICIPATE IN COUNTY OR

MULTI-COUNTY REGIONAL COORDINATED INTEROPERABILITY EFFORTS TO SUBMIT A SINGLE REPORT TO THE DIVISION FOR ALL PARTICIPATING MUNICIPALITIES, SO LONG AS ALL EXPENSES WHICH WOULD HAVE BEEN REPORTED IF THE PARTICIPATING MUNICIPALITIES HAD SUBMITTED INDIVIDUAL REPORTS ARE CONTAINED IN THE COMBINED REPORT. THE REGULATIONS SHALL NOT REQUIRE A MUNICIPALITY THAT INCURRED NO RELEVANT EXPENSES AND ANTICIPATES NO RELEVANT EXPENSES TO SUBMIT SUCH A REPORT. THE DIVISION SHALL INCLUDE A SUMMARY OF SUCH INFORMATION IN ITS ANNUAL REPORT TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, AND SPEAKER OF THE ASSEMBLY PROVIDED FOR IN SUBDIVISION SEVEN OF SECTION SEVEN HUNDRED NINE OF THIS ARTICLE, AS WELL AS SUBMITTING SUCH INFORMATION AT THE SAME TIME TO THE STATE COMPTROLLER.

S 22. Subdivision 2 of section 709 of the executive law is amended by adding a new paragraph (u) to read as follows:

(U) NOTWITHSTANDING ARTICLE SIX-C OF THIS CHAPTER, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL ESTABLISH BEST PRACTICES REGARDING TRAINING AND EDUCATION FOR FIREFIGHTERS AND FIRST RESPONDERS WHICH SHALL INCLUDE BUT NOT BE LIMITED TO: MINIMUM BASIC TRAINING FOR FIREFIGHTERS AND FIRST RESPONDERS; IN-SERVICE TRAINING AND CONTINUING EDUCATION; AND SPECIALIZED TRAINING AS IT MAY APPLY TO THE SPECIFIC DUTIES OF A CATEGORY OF EMERGENCY PERSONNEL.

S 23. Section 155 of the executive law, as added by chapter 225 of the laws of 1979, is amended to read as follows:

S 155. Office of fire prevention and control; creation; state fire administrator; employees. There is hereby created in the [department of state] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES an office of fire prevention and control. The head of such office shall be the state fire administrator, who shall be appointed by the [secretary of state] GOVERNOR and shall hold office during the pleasure of the [secretary of state] GOVERNOR. He shall receive an annual salary to be fixed by the [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES within the amount available by appropriation. He shall also be entitled to receive reimbursement for expenses actually and necessarily incurred by him in the performance of his duties within the amount available by appropriation. [The state fire administrator may, from time to time, with the approval of the secretary of state, create, abolish, transfer and consolidate divisions, bureaus, and other units within the office of fire prevention and control as he may determine necessary for the efficient operation of such office. The state fire administrator may, with the approval of the secretary of state, appoint such deputies, directors and others within the office as he may deem necessary to the proper implementation of this article, prescribe their duties, fix their compensation and provide for reimbursement of their actual and necessary expenses within the amounts available by appropriation.]

S 24. Intentionally omitted.

S 25. Intentionally omitted.

S 26. Section 156-g of the executive law, as added by chapter 303 of the laws of 2007, is amended to read as follows:

S 156-g. Establishment of teams for urban search and rescue, specialty rescue and incident support. 1. Authorization to establish urban search and rescue task force teams, specialty rescue teams, and incident support teams. The [state fire administrator] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AFTER CONSULTATION WITH THE STATE FIRE ADMINISTRATOR shall have the authority to establish, organize, administer, support, train, and fund urban search and rescue

task force teams, specialty rescue teams, and incident support teams created pursuant to this section.

2. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "urban search and rescue task force team" shall mean a specialized team or group of teams, formed pursuant to this section, organized with capabilities equivalent to urban search and rescue task force teams established under the federal emergency management agency in order to assist in the removal of trapped victims in emergency situations including, but not limited to, collapsed structures, trench excavations, elevated locations, and other technical rescue situations.

(b) "specialty rescue team" shall mean a specialized team, formed pursuant to this section, organized to provide technical rescue assistance to first responders including, but not limited to, canine search and rescue/disaster response, cave search and rescue, collapse search and rescue, mine and tunnel search and rescue, and swift water/flood search and rescue teams. Such teams shall be aligned with one or more of the search and rescue categories within the federal emergency management agency's national resource typing system.

(c) "incident support team" shall mean a team of trained response personnel, formed pursuant to this section, organized to provide coordination with governmental agencies and non-governmental organizations as well as technical, and logistical support to urban search and rescue task force teams and specialty rescue teams.

3. Appointment and training of team members; equipment. (a) The [state fire administrator] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES is hereby authorized to appoint members to any team created pursuant to this section. Team membership shall consist of local emergency response personnel, state agency personnel and specialty personnel as required.

(b) The [state fire administrator] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall be responsible for training and equipping the teams established pursuant to this section and for training such other teams located within the state for response to man-made or natural disasters to the extent appropriations are provided. The [state fire administrator] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall support the capabilities of each team established pursuant to this section with the necessary training and equipment to ensure mobilization and deployment for rapid response to emergencies and disasters to the extent appropriations are provided.

4. Accreditation of teams. The [state fire administrator] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall have the authority to establish an accreditation program to review and evaluate new and existing local and regional technical rescue capabilities, and provide recommendations for capability enhancement in accordance with the national incident management system, the national response plan, and nationally recognized standards.

5. Defense, indemnification and insurance coverage of team members. Members of the teams formed pursuant to this section who are volunteer firefighters, volunteer ambulance workers, municipal or state employees, or employees of a non-governmental entity shall be provided coverage by their respective municipalities, organizations, and entities for purposes of sections seventeen and eighteen of the public officers law and/or other defense and indemnification coverage and workers' compensation coverage pursuant to applicable provisions of the workers' compensation law or benefits pursuant to applicable provisions of the

volunteer firefighters' [benefits] BENEFIT law or the volunteer ambulance workers' benefit law. Individuals appointed to an urban search and rescue task force team, a specialty rescue team or an incident support team, for which such coverage is not available, shall be deemed volunteer state employees for purposes of section seventeen of the public officers law and section three of the workers' compensation law.

6. Rules and regulations. The [state fire administrator] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AFTER CONSULTATION WITH THE STATE FIRE ADMINISTRATOR shall have the authority to promulgate rules and regulations as deemed necessary relating to the accreditation of urban search and rescue task force teams, specialty rescue teams, and incident support teams and to the formation and operation of all teams established pursuant to this section.

7. Funding. The [secretary of state and the state fire administrator] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall expend the necessary monies for training, equipment, and other items necessary to support the operations of urban search and rescue task force teams, specialty rescue teams and incident support teams within appropriations provided. The [secretary of state and the state fire administrator] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES also may, pursuant to applicable rules and regulations approved by the director of the division of the budget, approve grants of funds from monies allocated and appropriated for any or all such teams.

S 27. Section 157 of the executive law, as added by chapter 225 of the laws of 1979, is amended to read as follows:

S 157. Granting authority. The [office of fire prevention and control, by and through the state fire administrator] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES BY AND THROUGH THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES or his duly authorized officers and employees, shall administer, carry out and approve grants of funds from moneys allocated and appropriated therefor, for authorized arson, fire prevention and control expenditures as defined herein, that are conducted by municipal corporations. "Authorized arson, fire prevention and control expenditures" shall mean those expenditures utilized by a municipal corporation for fire or arson prevention, fire or arson investigation and arson prosecution. No expenditure which has not been specifically designated by the local legislative body for arson, fire prevention and control and approved by the office of fire prevention and control pursuant to rules and regulations promulgated thereby shall be considered an "authorized arson, fire prevention and control expenditure." The [office of fire prevention and control] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall adopt, amend and rescind such rules, regulations and guidelines as may be necessary for the performance of its functions, powers and duties under this section. The [office of fire prevention and control] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall allocate grants under this article among the municipalities whose applications have been approved in such a manner as will most nearly provide an equitable distribution of the grants among municipalities, taking into consideration such factors as the level of suspected arson activity, population and population density, the need for state funding to carry out local programs, and the potential of the municipalities to effectively employ such grants.

S 28. Section 158 of the executive law is REPEALED and a new section 158 is added to read as follows:

S 158. FIREFIGHTING TRAINING. 1. FOR THE PURPOSE OF THIS SECTION, THE TERM FIRE FIGHTER SHALL MEAN A MEMBER OF A FIRE DEPARTMENT WHOSE DUTIES

INCLUDE FIRE SERVICE AS DEFINED IN PARAGRAPH D OF SUBDIVISION ELEVEN OF SECTION THREE HUNDRED TWO OF THE RETIREMENT AND SOCIAL SECURITY LAW.

2. IN ADDITION TO THE FUNCTIONS, POWERS AND DUTIES OTHERWISE PROVIDED BY THIS ARTICLE, THE STATE FIRE ADMINISTRATOR MAY PROMULGATE RULES AND REGULATIONS WITH RESPECT TO:

(A) THE APPROVAL, OR REVOCATION THEREOF, OF FIRE TRAINING PROGRAMS FOR FIRE FIGHTERS;

(B) MINIMUM COURSES OF STUDY, ATTENDANCE REQUIREMENTS, AND EQUIPMENT AND FACILITIES TO BE REQUIRED FOR APPROVED FIRE TRAINING PROGRAMS FOR FIRE FIGHTERS;

(C) MINIMUM QUALIFICATIONS FOR INSTRUCTORS FOR APPROVED FIRE TRAINING PROGRAMS FOR FIRE FIGHTERS;

(D) THE REQUIREMENTS OF MINIMUM BASIC TRAINING WHICH FIRE FIGHTERS APPOINTED TO PROBATIONARY TERMS SHALL COMPLETE BEFORE BEING ELIGIBLE FOR PERMANENT APPOINTMENT, AND THE TIME WITHIN WHICH SUCH BASIC TRAINING MUST BE COMPLETED FOLLOWING SUCH APPOINTMENT TO A PROBATIONARY TERM;

(E) THE REQUIREMENTS OF MINIMUM BASIC TRAINING WHICH FIRE FIGHTERS NOT APPOINTED FOR PROBATIONARY TERMS BUT APPOINTED ON OTHER THAN A PERMANENT BASIS SHALL COMPLETE IN ORDER TO BE ELIGIBLE FOR CONTINUED EMPLOYMENT OR PERMANENT APPOINTMENT, AND THE TIME WITHIN WHICH SUCH BASIC TRAINING MUST BE COMPLETED FOLLOWING SUCH APPOINTMENT ON A NON-PERMANENT BASIS;

(F) THE REQUIREMENTS FOR IN-SERVICE TRAINING PROGRAMS DESIGNED TO ASSIST FIRE FIGHTERS IN MAINTAINING SKILLS AND BEING INFORMED OF TECHNOLOGICAL ADVANCES;

(G) CATEGORIES OR CLASSIFICATIONS OF ADVANCED IN-SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY AND ATTENDANCE REQUIREMENTS WITH RESPECT TO SUCH CATEGORIES OR CLASSIFICATIONS;

(H) EXEMPTIONS FROM PARTICULAR PROVISIONS OF THIS ARTICLE IN THE CASE OF ANY COUNTY, CITY, TOWN, VILLAGE OR FIRE DISTRICT, IF IN THE OPINION OF THE STATE FIRE ADMINISTRATOR THE STANDARDS OF FIRE TRAINING ESTABLISHED AND MAINTAINED BY SUCH COUNTY, CITY, TOWN, VILLAGE OR FIRE DISTRICT ARE EQUAL TO OR HIGHER THAN THOSE ESTABLISHED PURSUANT TO THIS ARTICLE; OR REVOCATION IN WHOLE OR IN PART OF SUCH EXEMPTION, IF IN HIS OR HER OPINION THE STANDARDS OF FIRE TRAINING ESTABLISHED AND MAINTAINED BY SUCH COUNTY, CITY, TOWN, VILLAGE OR FIRE DISTRICT ARE LOWER THAN THOSE ESTABLISHED PURSUANT TO THIS ARTICLE; AND

(I) EDUCATION, HEALTH AND PHYSICAL FITNESS REQUIREMENTS FOR ELIGIBILITY OF PERSONS FOR PROVISIONAL OR PERMANENT APPOINTMENT IN THE COMPETITIVE CLASS OF THE CIVIL SERVICE AS FIRE FIGHTERS AS IT DEEMS NECESSARY AND PROPER FOR THE EFFICIENT PERFORMANCE OF SUCH DUTIES;

3. IN FURTHERANCE OF HIS OR HER FUNCTIONS, POWERS AND DUTIES AS SET FORTH IN THIS SECTION, THE STATE FIRE ADMINISTRATOR MAY:

(A) RECOMMEND STUDIES, SURVEYS AND REPORTS TO BE MADE BY THE STATE FIRE ADMINISTRATOR REGARDING THE CARRYING OUT OF THE OBJECTIVES AND PURPOSES OF THIS SECTION;

(B) VISIT AND INSPECT ANY FIRE TRAINING PROGRAMS APPROVED BY THE STATE FIRE ADMINISTRATOR OR FOR WHICH APPLICATION FOR SUCH APPROVAL HAS BEEN MADE; AND

(C) RECOMMEND STANDARDS FOR PROMOTION TO SUPERVISORY POSITIONS.

4. IN ADDITION TO THE FUNCTIONS, POWERS AND DUTIES OTHERWISE PROVIDED BY THIS SECTION, THE STATE FIRE ADMINISTRATOR SHALL:

(A) APPROVE FIRE TRAINING PROGRAMS FOR FIRE FIGHTERS AND ISSUE CERTIFICATES OF APPROVAL TO SUCH PROGRAMS, AND REVOKE SUCH APPROVAL OR CERTIFICATE;

(B) CERTIFY, AS QUALIFIED, INSTRUCTORS FOR APPROVED FIRE TRAINING PROGRAMS FOR FIRE FIGHTERS AND ISSUE APPROPRIATE CERTIFICATES TO SUCH INSTRUCTORS;

(C) CERTIFY FIRE FIGHTERS WHO HAVE SATISFACTORILY COMPLETED BASIC TRAINING PROGRAMS AND IN-SERVICE TRAINING PROGRAMS, AND ISSUE APPROPRIATE CERTIFICATES TO SUCH FIRE FIGHTERS AND REVOKE SUCH CERTIFICATES;

(D) CAUSE STUDIES AND SURVEYS TO BE MADE RELATING TO THE ESTABLISHMENT, OPERATION, EFFECTIVENESS AND APPROVAL OF FIRE TRAINING PROGRAMS;

(E) CAUSE STUDIES AND SURVEYS TO BE MADE RELATING TO THE COMPLETION OR PARTIAL COMPLETION OF TRAINING PROGRAMS BY VIDEO OR COMPUTER TO THE MAXIMUM EXTENT PRACTICABLE; AND

(F) CONSULT WITH AND COOPERATE WITH THE STATE UNIVERSITY OF NEW YORK AND PRIVATE UNIVERSITIES, COLLEGES AND INSTITUTES IN THE STATE FOR THE DEVELOPMENT OF SPECIALIZED COURSES OF STUDY FOR FIRE FIGHTERS IN FIRE SCIENCE AND FIRE ADMINISTRATION.

S 29. The executive law is amended by adding a new section 376-a to read as follows:

S 376-A. CODE ENFORCEMENT TRAINING. 1. FOR THE PURPOSE OF THIS SECTION, THE TERM CODE ENFORCEMENT PERSONNEL SHALL MEAN A CODE ENFORCEMENT OFFICIAL CHARGED WITH ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE OR THE STATE ENERGY CONSERVATION CONSTRUCTION CODE.

2. IN ADDITION TO THE FUNCTIONS, POWERS AND DUTIES OTHERWISE PROVIDED BY THIS ARTICLE, THE SECRETARY OF STATE MAY PROMULGATE RULES AND REGULATIONS WITH RESPECT TO:

(A) THE APPROVAL, OR REVOCATION THEREOF, OF CODE ENFORCEMENT TRAINING PROGRAMS FOR CODE ENFORCEMENT PERSONNEL;

(B) MINIMUM COURSES OF STUDY, ATTENDANCE REQUIREMENTS, AND EQUIPMENT AND FACILITIES TO BE REQUIRED FOR APPROVED CODE ENFORCEMENT TRAINING PROGRAMS FOR CODE ENFORCEMENT PERSONNEL;

(C) MINIMUM QUALIFICATIONS FOR INSTRUCTORS FOR APPROVED CODE ENFORCEMENT TRAINING PROGRAMS FOR CODE ENFORCEMENT PERSONNEL;

(D) THE REQUIREMENTS OF MINIMUM BASIC TRAINING WHICH CODE ENFORCEMENT PERSONNEL SHALL COMPLETE IN ORDER TO BE ELIGIBLE FOR CONTINUED EMPLOYMENT OR PERMANENT APPOINTMENT, AND THE TIME WITHIN WHICH SUCH BASIC TRAINING MUST BE COMPLETED FOLLOWING SUCH APPOINTMENT;

(E) THE REQUIREMENTS FOR IN-SERVICE TRAINING PROGRAMS DESIGNED TO ASSIST CODE ENFORCEMENT PERSONNEL IN MAINTAINING SKILLS AND BEING INFORMED OF TECHNOLOGICAL ADVANCES;

(F) CATEGORIES OR CLASSIFICATIONS OF ADVANCED IN-SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY AND ATTENDANCE REQUIREMENTS WITH RESPECT TO SUCH CATEGORIES OR CLASSIFICATIONS;

(G) EXEMPTIONS FROM PARTICULAR PROVISIONS OF THIS ARTICLE IN THE CASE OF ANY COUNTY, CITY, TOWN, OR VILLAGE IF IN THE OPINION OF THE SECRETARY OF STATE THE STANDARDS OF CODE ENFORCEMENT TRAINING ESTABLISHED AND MAINTAINED BY SUCH COUNTY, CITY, TOWN, OR VILLAGE ARE EQUAL TO OR HIGHER THAN THOSE ESTABLISHED PURSUANT TO THIS ARTICLE; OR REVOCATION IN WHOLE OR IN PART OF SUCH EXEMPTION, IF IN HIS OR HER OPINION THE STANDARDS OF CODE ENFORCEMENT TRAINING ESTABLISHED AND MAINTAINED BY SUCH COUNTY, CITY, TOWN, OR VILLAGE ARE LOWER THAN THOSE ESTABLISHED PURSUANT TO THIS ARTICLE;

3. IN FURTHERANCE OF HIS OR HER FUNCTIONS, POWERS AND DUTIES AS SET FORTH IN THIS SECTION, THE SECRETARY OF STATE MAY:

(A) RECOMMEND STUDIES, SURVEYS AND REPORTS TO BE MADE BY THE DEPARTMENT OF STATE REGARDING THE CARRYING OUT OF THE OBJECTIVES AND PURPOSES OF THIS SECTION;

(B) VISIT AND INSPECT ANY CODE ENFORCEMENT TRAINING PROGRAMS APPROVED BY THE SECRETARY OF STATE OR FOR WHICH APPLICATION FOR SUCH APPROVAL HAS BEEN MADE; AND

(C) RECOMMEND STANDARDS FOR PROMOTION TO SUPERVISORY POSITIONS.

4. IN ADDITION TO THE FUNCTIONS, POWERS AND DUTIES OTHERWISE PROVIDED BY THIS SECTION, THE SECRETARY OF STATE SHALL:

(A) APPROVE CODE ENFORCEMENT TRAINING PROGRAMS FOR CODE ENFORCEMENT PERSONNEL AND ISSUE CERTIFICATES OF APPROVAL TO SUCH PROGRAMS, AND REVOKE SUCH APPROVAL OR CERTIFICATE;

(B) CERTIFY, AS QUALIFIED, INSTRUCTORS FOR APPROVED CODE ENFORCEMENT TRAINING PROGRAMS FOR CODE ENFORCEMENT PERSONNEL AND ISSUE APPROPRIATE CERTIFICATES TO SUCH INSTRUCTORS;

(C) CERTIFY CODE ENFORCEMENT PERSONNEL WHO HAVE SATISFACTORILY COMPLETED BASIC TRAINING PROGRAMS AND IN-SERVICE TRAINING PROGRAMS, AND ISSUE APPROPRIATE CERTIFICATES TO SUCH CODE ENFORCEMENT PERSONNEL, AND REVOKE SUCH CERTIFICATE;

(D) CAUSE STUDIES AND SURVEYS TO BE MADE RELATING TO THE ESTABLISHMENT, OPERATION, EFFECTIVENESS AND APPROVAL OF CODE ENFORCEMENT TRAINING PROGRAMS;

(E) CAUSE STUDIES AND SURVEYS TO BE MADE RELATING TO THE COMPLETION OR PARTIAL COMPLETION OF TRAINING PROGRAMS BY VIDEO OR COMPUTER TO THE MAXIMUM EXTENT PRACTICABLE;

(F) CONSULT WITH AND COOPERATE WITH THE STATE UNIVERSITY OF NEW YORK AND PRIVATE UNIVERSITIES, COLLEGES AND INSTITUTES IN THE STATE FOR THE DEVELOPMENT OF SPECIALIZED COURSES OF STUDY FOR CODE ENFORCEMENT PERSONNEL.

S 29-a. Sections 159, 159-a, 159-b, 159-c, and 159-d of the executive law are REPEALED.

S 29-b. The executive law is amended by adding a new section 159 to read as follows:

S 159. ADVISORY COUNCIL FOR FIRE PREVENTION AND CONTROL. 1. THERE IS HEREBY CREATED WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AN ADVISORY COUNCIL FOR FIRE PREVENTION AND CONTROL FOR THE PURPOSE OF ADVISING THE COMMISSIONER AND THE STATE FIRE ADMINISTRATOR WITH REGARD TO: (A) EXECUTION OF THE FUNCTIONS, POWERS AND DUTIES OF THE OFFICE WITH RESPECT TO FIRE AND ARSON PREVENTION AND CONTROL SERVICES, POLICIES AND PROGRAMS; (B) RECOMMENDATIONS ON COURSES OF INSTRUCTION AND STANDARDS FOR TRAINING OF FIREFIGHTERS OF FIRE DEPARTMENTS, FIRE COMPANIES, MUNICIPAL CORPORATIONS, DISTRICTS, AND PRIVATE INDUSTRY OF THE STATE; (C) RECOMMENDATIONS ON FEDERAL AND STATE LEGISLATION AND PROGRAMS RELATING TO FIRE AND ARSON PREVENTION SERVICES, POLICIES AND PROGRAMS; AND (D) RECOMMENDATIONS UPON SUCH OTHER MATTERS AS THE COMMISSIONER AND THE STATE FIRE ADMINISTRATOR MAY REQUEST.

2. THE COUNCIL SHALL BE COMPOSED OF THE STATE FIRE ADMINISTRATOR, AS CHAIR, OR HIS OR HER DESIGNEE, AND TWELVE OTHER MEMBERS APPOINTED AS FOLLOWS: SIX MEMBERS APPOINTED BY THE GOVERNOR; TWO MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE; TWO MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY; ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. MEMBERS OF THE FIRE SAFETY ADVISORY BOARD, THE ARSON BOARD AND THE FIREFIGHTING AND CODE ENFORCEMENT PERSONNEL STANDARD AND EDUCATION COMMISSION MAY BE APPOINTED TO THIS ADVISORY COUNCIL.

3. MEMBERSHIP OF SUCH COUNCIL SHALL CONSIST OF REPRESENTATIVES FROM THE VOLUNTEER AND CAREER FIRE SERVICE, AT LEAST HALF OF WHICH SHALL SERVE AT THE MUNICIPAL LEVEL.

4. MEMBERS OF THE COUNCIL, OTHER THAN THE STATE FIRE ADMINISTRATOR, SHALL SERVE FOR TERMS OF THREE YEARS, WITH SUCH TERMS TO COMMENCE ON APRIL FIRST AND EXPIRE ON MARCH THIRTY-FIRST.

5. NO MEMBER OF THE COUNCIL SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT BY REASON OF THE APPOINTMENT HEREUNDER, NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE OR CITY CHARTER.

6. THE COUNCIL SHALL MEET AT LEAST TWICE A YEAR. SPECIAL MEETINGS MAY BE CALLED BY THE CHAIRPERSON. THE AGENDA AND MEETING PLACE OF ALL REGULAR OR SPECIAL MEETINGS SHALL BE MADE AVAILABLE TO THE PUBLIC IN ADVANCE OF SUCH MEETING.

7. MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT SALARY OR PER DIEM ALLOWANCE, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES UNDER THIS SECTION, PROVIDED, HOWEVER, THAT SUCH MEMBERS ARE NOT, AT THE TIME SUCH EXPENSES ARE INCURRED, PUBLIC EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

8. THE CHAIRPERSON MAY CREATE SUBCOMMITTEES AS HE OR SHE MAY FROM TIME TO TIME DEEM APPROPRIATE TO PROVIDE THE COUNCIL WITH ADVICE AND RECOMMENDATIONS. MEMBERS OF SUCH SUBCOMMITTEES SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES UNDER THIS SECTION, PROVIDED, HOWEVER, THAT SUCH MEMBERS ARE NOT, AT THE TIME SUCH EXPENSES ARE INCURRED, PUBLIC EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

S 30. Section 97-pp of the state finance law, as amended by chapter 631 of the laws of 1994, subdivisions 4, 5 and 6 as amended by chapter 72 of the laws of 2006, is amended to read as follows:

S 97-pp. New York state emergency services revolving loan account. 1. There is hereby established within the combined expendable trust fund-020 in the custody of the state comptroller a new account to be known as the "New York state emergency services revolving loan account".

2. The account shall consist of all moneys appropriated for its purpose, all moneys transferred to such account pursuant to law, and all moneys required by this section or any other law to be paid into or credited to this account, including all moneys received by the account or donated to it, payments of principal and interest on loans made from the account, and any interest earnings which may accrue from the investment or reinvestment of moneys from the account.

3. Moneys of the account, when allocated, shall be available to the [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES to make loans as provided in this section. Up to five percent of the moneys of the account or two hundred fifty thousand dollars, whichever is less, may be used to pay the expenses, including personal service and maintenance and operation, in connection with the administration of such loans.

4. (a) The [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, on recommendation of the [emergency services loan board] STATE FIRE ADMINISTRATOR, may make, upon application duly made, up to the amounts available by appropriation, loans for:

(i) Purchasing fire fighting apparatus. A loan for purchasing fire fighting apparatus shall not exceed the lesser of two hundred twenty-five thousand dollars or seventy-five percent of the cost of the fire fighting apparatus; provided, however, that loans issued in response to a joint application shall not exceed the lesser of four hundred thousand

dollars or seventy-five percent of the cost of the fire fighting apparatus.

(ii) Purchasing ambulances or rescue vehicles. A loan for purchasing an ambulance or a rescue vehicle shall not exceed the lesser of one hundred fifty thousand dollars or seventy-five percent of the cost of the ambulance or rescue vehicle; provided, however, that loans issued in response to a joint application shall not exceed the lesser of two hundred sixty-five thousand dollars or seventy-five percent of the cost of the ambulance or rescue vehicle.

(iii) Purchasing protective equipment or communication equipment. A loan for purchasing protective equipment or communication equipment or both shall not exceed one hundred thousand dollars. Communication equipment purchased with such loan shall, to the maximum extent practicable, be compatible with the communication equipment of adjacent services and jurisdictions; provided, however, that loans issued in response to a joint application shall not exceed one hundred sixty-five thousand dollars.

(iv) Repairing or rehabilitating fire fighting apparatus, ambulances, or rescue vehicles. A loan for repairing or rehabilitating fire fighting apparatus, ambulances, or rescue vehicles shall not exceed the lesser of seventy-five thousand dollars or one hundred percent of the cost of the repair or rehabilitation; provided, however, that loans issued in response to a joint application shall not exceed the lesser of one hundred thirty-five thousand dollars or one hundred percent of the cost of the repair or rehabilitation.

(v) Purchasing accessory equipment. A loan for purchasing accessory equipment shall not exceed seventy-five thousand dollars; provided, however, that loans issued in response to a joint application shall not exceed one hundred thirty-five thousand dollars.

(vi) Renovating, rehabilitating or repairing facilities that house firefighting equipment, ambulances, rescue vehicles and related equipment. A loan for this purpose shall not exceed the lesser of one hundred fifty thousand dollars or seventy-five percent of the cost of the project; provided, however, that loans issued in response to a joint application shall not exceed the lesser of two hundred sixty-five thousand dollars or seventy-five percent of the cost of the project.

(vii) Construction costs associated with the establishment of facilities that house firefighting equipment, ambulances, rescue vehicles and related equipment. A loan for this purpose shall not exceed the lesser of three hundred thousand dollars or seventy-five percent of the cost of the construction, or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction; provided, however, that loans issued in response to a joint application shall not exceed the lesser of five hundred twenty-five thousand dollars or seventy-five percent of the cost of the construction, or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction.

(viii) Construction costs associated with the establishment of facilities for the purpose of live fire training. A loan for this purpose shall not be granted if another live fire training facility is located within the boundaries of the county or within twenty-five miles. A loan for this purpose shall not exceed the lesser of one hundred fifty thousand dollars or seventy-five percent of the cost of construction, provided, however, joint applications shall not exceed the lesser of two hundred sixty-five thousand dollars or seventy-five percent of the cost

of construction or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction.

(b) No loan authorized by this section shall have an interest rate exceeding two and one-half percent. No applicant shall receive a loan for any purpose under paragraph (a) of this subdivision more than once in any five-year period; provided, however, that joint applicants may receive up to two loans in any five year period. The minimum amount of any loan shall be five thousand dollars. The period of any loan shall not exceed the period of probable usefulness, prescribed by section 11.00 of the local finance law, for the emergency equipment to be purchased with the proceeds of the loan or, if no period be there prescribed, five years. The total amount of any interest earned by the investment or reinvestment of all or part of the principal of any loan made under this section shall be returned to the [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES for deposit in the account and shall not be credited as payment of principal or interest on the loan. The [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES may require security for any loan and may specify the priority of liens against any emergency equipment wholly or partially purchased with moneys loaned under this section. The [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES may make loans under this section subject to such other terms and conditions the [secretary] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES deems proper.

(c) The [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall have the power to make such rules and regulations as may be necessary and proper to effectuate the purposes of this section.

(d) The [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall annually report by March fifteenth to the governor and the legislature describing the activities and operation of the loan program authorized by this section. Such report shall set forth the number of loan applications received and approved; the number of joint applications received and approved; the names of counties, cities, towns, villages and fire districts receiving loans together with the amount and purpose of the loan, the interest rate charged, and the outstanding balance; and the balance remaining in the New York state emergency services revolving loan account, along with fund revenues and expenditures for the previous fiscal year, and projected revenues and expenditures for the current and following fiscal years.

5. (a) Application for loans may be made by a town, village, city, fire district, fire protection district, independent, not-for-profit fire and ambulance corporation or county, other than a county wholly contained within a city, provided that the application is otherwise consistent with its respective powers. Applications may also be submitted jointly by multiple applicants provided that the application is otherwise consistent with each applicant's respective powers.

(b) Every application shall be in a form acceptable to the [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES. Every application shall accurately reflect the conditions which give rise to the proposed expenditure and accurately reflect the ability of the applicant to make such an expenditure without the proceeds of a loan under this section.

(c) (i) The [emergency services loan board] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall give preference to those applications which demonstrate the greatest need, joint applications, and to those applications the proceeds of which will be applied toward attaining compliance with federal and state laws and may disapprove any application which contains no adequate demonstration of need or which would result in inequitable or inefficient use of the moneys in the account.

(ii) In making determinations on loan applications, the [emergency services loan board] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall assure that loan fund moneys are equitably distributed among all sectors of the emergency services community and all geographical areas of the state. Loans for the purpose of personal protective firefighting equipment shall be given preference for a period of two years from the date the first loan is made. Not less than fifty percent of the loans annually made shall be made to applicants whose fire protection or ambulance service is provided by a fire department or ambulance service whose membership is comprised exclusively of volunteers and whose budget for the fiscal year immediately preceding did not exceed one hundred thousand dollars.

(d) [An application or joint application shall be referred by the secretary of state to the emergency services loan board. The board shall consist of the following thirteen members: the secretary of state as chair, or the secretary's designee, the state fire administrator, five members appointed by the governor, two members appointed by the temporary president of the senate, two members appointed by the speaker of the assembly, one member appointed by the minority leader of the senate, and one member appointed by the minority leader of the assembly. Each member of the board shall serve at the pleasure of the appointing official. Members of the board shall serve without salary or per diem allowance, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties under this section, provided, however, that such members are not, at the time such expenses are incurred, public employees otherwise entitled to such reimbursement. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, or political subdivision of the state, any governmental entity operating any public school or college or other public agency or instrumentality or unit of government which exercises governmental powers under the laws of the state, shall forfeit office or employment by reason of acceptance or appointment as a member, representative, officer, employee or agent of the board nor shall service as such member, representative, officer, employee or agent of the board be deemed incompatible or in conflict with such office or employment.

(e)] An application or joint application shall not be approved:

(i) if the applicant or applicants are in arrears on any prior loan under this section,

(ii) if it shall be shown that at any time in the prior ten years the applicant or applicants used state funds to repay all or part of any loan made under this section.

[(f)] (E) The [emergency services loan board] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES shall, to the maximum extent feasible, and consistent with the other provisions of this section, seek to provide that loans authorized by this section reflect an appropriate geographic distribution, are distributed equitably and encourage regional cooperation.

6. For purposes of this section, the following terms shall have the accompanying meanings:

(a) "Fire companies" means (i) a fire company, the members of which are firefighters, volunteer, paid or both, of a county, city, town, village, fire district or fire department, or (ii) a fire corporation, the members of which are firefighters, volunteer, paid or both, providing fire protection pursuant to a fire protection contract within a fire protection district of a town.

(b) "Volunteer ambulance service" means an individual, partnership, association, corporation, municipality or any legal or public entity or subdivision thereof engaged in providing emergency medical services and the transportation of sick, disabled or injured persons by motor vehicle, aircraft or other form of transportation to or from facilities providing hospital services which is (i) operating not for pecuniary profit or financial gain, and (ii) no part of the assets or income of which is distributable to, or inures to the benefit of, its members, directors or officers.

(c) "Ambulance" means a motor vehicle designed, appropriately equipped, and used for carrying sick or injured persons.

(d) "Accessory equipment" means equipment necessary to support the ordinary functions of fire fighting, emergency medical services, or rescue activities other than communication equipment, protective equipment, and motor vehicles together with their fixtures and appointments.

(e) "Account" means the New York state emergency services revolving loan account established by this section within the combined expendable trust fund-020.

(f) "Communication equipment" means any voice or original transmission system or telemetry system used to enhance fire fighter safety on the grounds of a fire or other emergency.

(g) "Emergency equipment" means any or all of the following: ambulances, accessory equipment, communication equipment, fire fighting apparatus, protective equipment, and rescue vehicles.

(h) "Fire fighting apparatus" means elevated equipment, pumpers, tankers, ladder trucks, hazardous materials emergency response vehicles, or other such specially equipped motor vehicles used for fire protection, together with the fixtures and appointments necessary to support their functions.

(i) "Joint application" means an application submitted by two or more towns, villages, cities, fire districts, fire protection districts, not-for-profit fire and ambulance corporations or counties, other than a county wholly contained within a city, for any purposes provided in subdivision four of this section.

(j) "Protective equipment" means any clothing and devices that comply with occupational safety and health administration standards (federal occupational safety and health act regulations) used to protect personnel who provide emergency services from injury while performing their functions, including, but not limited to, helmets, coats, boots, eyeshields, gloves and self contained respiratory protection devices.

(k) "Rescue vehicle" means a motor vehicle, other than an ambulance or fire fighting apparatus, appropriately equipped and used to support fire department operations and includes a vehicle specifically for carrying accessory equipment.

S 31. Section 326 of the county law, as added by section 1 of part G of chapter 81 of the laws of 2002, is amended to read as follows:

S 326. New York state [911] INTEROPERABLE AND EMERGENCY COMMUNICATION board. The "New York state [911] INTEROPERABLE AND EMERGENCY COMMUNI-

CATION board" is hereby established within the [department of state] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES. The board shall assist local governments, service suppliers, wireless telephone service suppliers and appropriate state agencies by facilitating the most efficient and effective routing of 911 emergency calls; developing minimum standards for public safety answering points; promoting the exchange of information, including emerging technologies; and encouraging the use of best practice standards among the public safety answering point community.

S 32. Section 328 of the county law is amended by adding a new subdivision 10 to read as follows:

10. A. THE NEW YORK STATE INTEROPERABLE AND EMERGENCY COMMUNICATION BOARD SHALL MAKE RECOMMENDATIONS TO THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES ON THE EXPENDITURE OF GRANTS AND OTHER FUNDING PROGRAMS RELATED TO INTEROPERABLE AND EMERGENCY COMMUNICATIONS. IN CARRYING OUT THIS RESPONSIBILITY, AND CONSISTENT WITH THE MISSION OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE BOARD WILL MAKE RECOMMENDATIONS RELATED TO THE DEVELOPMENT, COORDINATION AND IMPLEMENTATION OF POLICIES, PLANS, STANDARDS, PROGRAMS AND SERVICES RELATED TO INTEROPERABLE AND EMERGENCY COMMUNICATIONS, INCLUDING BUT NOT LIMITED TO ENSURING COMPLIANCE WITH FEDERAL MANDATES FOR INTEROPERABLE COMMUNICATIONS AND COMPATIBILITY WITH THE NATIONAL INCIDENT MANAGEMENT SYSTEM.

B. THE BOARD, IN FULFILLING ITS ROLE TO PROVIDE ONGOING GUIDANCE REGARDING POLICIES, PLANS, STANDARDS, PROGRAMS AND SERVICES RELATED TO INTEROPERABLE AND EMERGENCY COMMUNICATIONS, SHALL:

(1) ESTABLISH STRUCTURES AND GUIDELINES TO MAINTAIN INTEROPERABLE COMMUNICATIONS PLANNING AND COORDINATION AT THE STATEWIDE LEVEL;

(2) ESTABLISH, PROMULGATE AND REVISE STANDARDS FOR THE OPERATION OF PUBLIC SAFETY ANSWERING POINTS; AND

(3) ESTABLISH GUIDELINES REGARDING THE CREATION OF REGIONALLY BASED RADIO COMMUNICATIONS SYSTEMS COMPATIBLE WITH THE STRUCTURES AND GUIDELINES CREATED UNDER SUBPARAGRAPH ONE OF THIS PARAGRAPH AND WITH FEDERAL MANDATES AND BEST PRACTICES.

S 33. Section 327 of the county law, as added by section 1 of part G of chapter 81 of the laws of 2002, subdivision 5 as amended by section 2 of part Y of chapter 62 of the laws of 2003, is amended to read as follows:

S 327. New York state [911] INTEROPERABLE AND EMERGENCY COMMUNICATION board membership. 1. The board shall consist of [thirteen] TWENTY-FIVE members who shall be selected as follows:

(a) one shall be the [secretary of state] STATEWIDE INTEROPERABLE AND EMERGENCY COMMUNICATION COORDINATOR, or his or her designee, who shall be the chairperson of the board;

(b) one shall be the commissioner of criminal justice services, or his or her designee;

(c) [five] ONE SHALL BE THE SUPERINTENDENT OF THE STATE POLICE, OR HIS OR HER DESIGNEE;

(D) ONE SHALL BE THE ADJUTANT GENERAL OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS, OR HIS OR HER DESIGNEE;

(E) ONE SHALL BE THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, OR HIS OR HER DESIGNEE;

(F) ONE SHALL BE THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, OR HIS OR HER DESIGNEE;

(G) ONE SHALL BE THE COMMISSIONER OF THE DEPARTMENT OF HEALTH, OR HIS OR HER DESIGNEE;

(H) ONE SHALL BE THE DIRECTOR OF THE OFFICE FOR TECHNOLOGY, OR HIS OR HER DESIGNEE;

(I) SEVEN shall be appointed by the governor; provided, however, that no more than two such appointments made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section;

[(d) three] (J) FIVE shall be appointed by the governor upon the recommendation of the temporary president of the senate; provided, however, that no more than one such appointment made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section; and

[(e) three] (K) FIVE shall be appointed by the governor upon the recommendation of the speaker of the assembly; provided, however, that no more than one such appointment made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section.

2. The members appointed upon the recommendation of the temporary president of the senate and the speaker of the assembly, and the members appointed by the governor pursuant to paragraph (c) of subdivision one of this section, SHALL HAVE EXPERIENCE WITH INTEROPERABLE AND EMERGENCY COMMUNICATION ISSUES, AND shall be representative of chiefs of police, sheriffs, fire chiefs and departments, ambulance service providers, including proprietary or volunteer ambulance services, county 911 coordinators, emergency managers, local elected officials, [wireless telephone service suppliers, service suppliers] NON-GOVERNMENTAL ORGANIZATIONS SPECIALIZING IN DISASTER RELIEF, TRIBAL NATION REPRESENTATION, AND STATEWIDE FIRST RESPONDER ASSOCIATIONS, or representatives of consumer interests.

3. Each board member shall be appointed for a term of four years. Vacancies in the board occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. The board shall meet as frequently as it may deem necessary and at least four times each year on such dates as agreed upon by the board. The board may approve and from time to time amend bylaws in relation to its meetings and the transaction of its business. A majority of the members of the board then in office shall constitute a quorum for the transaction of any business or the exercise of any power by the board.

4. Members of the board shall receive no compensation for their services, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. Notwithstanding any inconsistent provisions of law, no officer or employee of the state or any political subdivision of the state shall forfeit such office or employment by reason of acceptance or appointment as a member of the board. For purposes of section thirteen of article thirteen of the state constitution, membership on the board by a sheriff shall not constitute public office.

5. Article two of the state administrative procedure act shall not apply, provided, however, that the board shall publicly post the standards proposed pursuant to section three hundred twenty-eight of this article no later than forty-five days prior to their adoption. Such standards shall be posted in appropriate publications, the state register and on the [department of state's] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES' website. During such forty-five day period, the board shall receive and consider public comment on the proposed standards before adopting final standards. Upon final adoption, those stand-

ards adopted pursuant to section three hundred twenty-eight of this article shall be posted in appropriate publications, the state register and on the [department of state's] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES' website.

6. The board shall be subject to articles six and seven of the public officers law.

S 34. Section 328-a of the county law is REPEALED.

S 35. Section 328-b of the county law, as added by section 1 of part G of chapter 81 of the laws of 2002, is amended to read as follows:

S 328-b. Powers and duties of the chairperson. 1. The chairperson of the board shall coordinate efforts among other executive agencies having an interest in the duties of the board, and shall consult with such agencies in carrying out the duties of the board.

2. The chairperson shall receive such assistance as required to carry out its duties from staff of the [department of state] DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES designated for such purposes, as well as staff members recommended by other state agencies to the chairperson.

3. The board may request and receive from any department, division, board, bureau, commission, or other agency of the state or any political subdivision thereof such assistance, information, and data as will enable the board to properly carry out its functions, powers, and duties under this article.

S 36. Section 331 of the county law is REPEALED.

S 37. Section 332 of the county law is REPEALED.

S 38. Paragraph (c) of subdivision 6 of section 186-f of the tax law, as added by section 3 of part B of chapter 56 of the laws of 2009, is amended to read as follows:

(c) [To fund costs associated with the design, construction, and operation of the statewide wireless network annually pursuant to appropriation by the legislature] UP TO THE SUM OF SEVENTY-FIVE MILLION DOLLARS ANNUALLY MAY BE USED FOR THE PROVISION OF GRANTS OR REIMBURSEMENTS TO COUNTIES FOR THE DEVELOPMENT, CONSOLIDATION, OR OPERATION OF PUBLIC SAFETY COMMUNICATIONS SYSTEMS OR NETWORKS DESIGNED TO SUPPORT STATEWIDE INTEROPERABLE COMMUNICATIONS FOR FIRST RESPONDERS, TO BE DISTRIBUTED PURSUANT TO STANDARDS AND GUIDELINES ISSUED BY THE STATE. ANNUAL GRANTS MAY CONSIDER COSTS BORNE BY A MUNICIPALITY RELATED TO THE ISSUANCE OF LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS PURSUANT TO SECTION TWENTY-FOUR HUNDRED THIRTY-TWO OF THE PUBLIC AUTHORITIES LAW, WHEN THE MUNICIPALITY HAS QUALIFIED AS AN APPROVED PARTICIPANT IN A STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM UNDER THE STANDARDS AND GUIDELINES ISSUED BY THE STATE, AND MAINTAINS COMPLIANCE WITH SUCH STANDARDS AND GUIDELINES. THE GRANT AMOUNT WILL BE PRESCRIBED PURSUANT TO AN AGREEMENT WITH THE MUNICIPALITY, AND MAY NOT EXCEED THIRTY PERCENT OF THE ANNUAL COST BORNE BY THE MUNICIPALITY IN RELATION TO SUCH BONDS;

S 39. Paragraphs (d) and (e) of subdivision 6 of section 186-f of the tax law, as added by section 3 of part B of chapter 56 of the laws of 2009, are amended and a new paragraph (e) is added to read as follows:

(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[.]; AND

(E) SERVICES AND EXPENSES THAT SUPPORT THE OPERATIONS AND MISSION OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AS APPROPRIATED BY THE LEGISLATURE.

S 40. Section 156-e of the executive law, as added by section 2 of part A of chapter 81 of the laws of 2002, is amended to read as follows:

S 156-e. College fire safety. 1. Notwithstanding the provisions of any law to the contrary, the office of fire prevention and control OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, by and through the state fire administrator or their duly authorized officers and employees, shall have the responsibility to annually inspect buildings under the jurisdiction of public colleges and independent colleges, as these terms are defined in section eight hundred seven-b of the education law, for compliance with and violations of the uniform fire prevention and building code; or any other applicable code, rule or regulation pertaining to fire safety. Buildings subject to inspection are all buildings under the jurisdiction of such colleges used for classroom, dormitory, fraternity, sorority, laboratory, physical education, dining, recreational or other purposes.

2. a. The office of fire prevention and control shall have the power to issue a notice of violation and orders requiring the remedying of any condition found to exist in, on or about any such building which violates the uniform fire prevention and building code, or any other code, rule or regulation pertaining to fire safety, fire safety equipment and fire safety devices. Such office is further authorized to promulgate regulations regarding the issuance of violations, compliance with orders, and providing for time for compliance, reinspection procedures, and issuance of certificates of conformance.

b. Where any college authority in general charge of the operation of any public or independent college buildings is served personally or by registered or certified mail with an order of the office of fire prevention and control to remedy any violation and fails to comply with such order immediately or within such other time as specified in the order, the office of fire prevention and control may avail itself of any or all of the following remedies: (1) assess a civil penalty of up to five hundred dollars per day until the violation is corrected; (2) order immediate closure of the building, buildings or parts thereof where a violation exists that poses an imminent threat to public health and safety; (3) [exercise all of the authority conferred upon the secretary of state pursuant to article eighteen of this chapter to obtain compliance with its orders; or (4)] refer violations to the appropriate local government authorities for enforcement pursuant to article eighteen of this chapter.

c. The office of fire prevention and control [by and through the secretary of state] is authorized to commence necessary proceedings in a court of competent jurisdiction seeking enforcement of any of its orders and payment of assessed penalties.

3. a. Except as provided herein, any county, city, town or village, pursuant to resolution of their respective legislative bodies, may apply to the office of fire prevention and control for delegation of all or part of the duties, rights and powers conferred upon the office of fire prevention and control by this section and section eight hundred seven-b of the education law. Upon acceptable demonstration of adequate capability, resources and commitment on the part of the applicant local government, the office of fire prevention and control may make such delegation, in which case the local government shall also have all of the rights, duties and powers provided to local governments in article eigh-

teen of this chapter and in any city charter or code. The authority granted in this section to assess civil penalties[,] AND order closure of buildings [and take action possessed by the secretary of state under article eighteen of this chapter,] shall not be delegated to the local government. Such powers shall continue in the office of fire prevention and control which may exercise them in the case of violations, on its own volition or at the request of the delegee local government. The delegation shall expire after three years, and may be renewed at the discretion of the office of fire prevention and control. All inspection reports conducted pursuant to a delegation of authority shall be promptly filed with the office of fire prevention and control. In the event any such report is not filed or reasonable grounds exist to believe that inspections or enforcement are inadequate or ineffective, the office of fire prevention and control may revoke the delegation or continue it subject to terms and conditions specified by the office of fire prevention and control.

b. The authorities in a city having a population of one million or more shall exercise all of the rights, powers and duties pertaining to inspection of independent and public college buildings and enforcement provided in this section and section eight hundred seven-b of the education law, without impairing any existing authority of such city. A copy of all inspection reports shall be filed with the office of fire prevention and control by the authorities conducting inspections.

S 41. Subdivision 2 and paragraph (b) of subdivision 3 of section 837-o of the executive law, as amended by chapter 689 of the laws of 2002, are amended to read as follows:

2. Within ten business days of receipt from the applicant, the chief of the fire company shall send the completed search request form to either (i) the sheriff's department of the county in which the fire company is located, or (ii) the [department of state,] office of fire prevention and control, as follows:

(a) the sheriff's department of the county in which the fire company is located shall be responsible for receiving the search requests and processing the search requests with the division within ten business days of receipt from the chief of the fire company, unless the county legislative body adopts and files with the [secretary of state] OFFICE OF FIRE PREVENTION AND CONTROL pursuant to the municipal home rule law a local law providing that the sheriff's department shall not have such responsibility;

(b) in all other instances where a county legislative body has adopted a local law pursuant to paragraph (a) of this subdivision, the [department of state,] office of fire prevention and control shall be responsible for receiving search requests and forwarding the search requests to the division.

The [department of state,] office of fire prevention and control is hereby authorized to establish a communication network with the division for the purpose of forwarding search requests and receiving search results pursuant to paragraph (b) of this subdivision.

(b) The results of the search shall be communicated in writing, within ten business days of receipt from the division, to the chief of the fire company from which the search request originated by either the sheriff's department or the [department of state,] office of fire prevention and control, and shall be kept confidential by the chief, except as provided in paragraph (c) of this subdivision. The results of the search shall only state either that: (i) the applicant stands convicted of arson, or (ii) the applicant has no record of conviction for arson. The results of

the search shall not divulge any other information relating to the criminal history of the applicant.

S 42. Subdivisions 1 and 2 of section 225-a of the county law, as amended by chapter 225 of the laws of 1979, are amended to read as follows:

1. In order to develop and maintain programs for fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firemen would be used and to cooperate with the office of fire prevention and control [in the department of state] in furthering such programs, the board of supervisors of any county may create a county fire advisory board and may establish the office of county fire coordinator.

2. A county fire advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the board of supervisors for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members. It shall be the duty of such board to cooperate with the office of fire prevention and control [in the department of state] in relation to such programs for fire training, fire service-related activities and mutual aid; to act as an advisory body to the board of supervisors and to the county fire coordinator, if any, in connection with the county participation in such programs for fire training, fire service-related activities and mutual aid and in connection with the county establishment and maintenance of a county fire training school and mutual aid programs in cases of fire and other emergencies in which the services of firemen would be used; to perform such other duties as the board of supervisors may prescribe in relation to fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firemen would be used. The members of such board shall be county officers, and shall serve without compensation.

S 43. Section 399-n of the general business law, as added by chapter 576 of the laws of 1985, is amended to read as follows:

S 399-n. Approval of electrical devices. Whenever electrical devices or electrical wiring or electrical apparatus are required to be approved by underwriters laboratories for fire safety by any statute, law, rule or regulation, of the state or any municipality thereof, approval by any qualified laboratory or testing organization that tests for fire safety in the state of New York will be deemed to be satisfaction of such requirement. For the purposes of this section, a qualified laboratory or testing organization is one which meets the criteria of (1) the American Society for Testing Materials test E548-76, or (2) any rules or regulations relating thereto that may be promulgated by [the office of fire prevention and control of] the department of state.

S 44. Section 204-d of the general municipal law, as amended by chapter 583 of the laws of 2006, is amended to read as follows:

S 204-d. Duties of the fire chief. The fire chief of any fire department or company shall, in addition to any other duties assigned to him by law or contract, to the extent reasonably possible determine or cause to be determined the cause of each fire or explosion which the fire department or company has been called to suppress. He shall file with the office of fire prevention and control [of the department of state] a report containing such determination and any additional information required by such office regarding the fire or explosion. The report shall be in the form designated by such office. He shall contact or cause to be contacted the appropriate investigatory authority if he has reason to believe the fire or explosion is of incendiary or suspicious

origin. For all fires that are suspected to have been ignited by a cigarette, within fourteen days after completing the investigation into such fire, the fire chief shall forward to the office of fire prevention and control information detailing, to the extent possible: (a) the specific brand and style of the cigarette suspected of having ignited such fire; (b) whether the cigarette package was marked as required by subdivision six of section one hundred fifty-six-c of the executive law; and (c) the location and manner in which such cigarette was purchased.

S 45. Subdivisions 1 and 2 of section 209-e of the general municipal law, as amended by chapter 225 of the laws of 1979, are amended to read as follows:

1. Plan. The state fire administrator shall prepare a state fire mobilization and mutual aid plan which may provide for the establishment of fire mobilization and mutual aid zones of the state. Upon filing of the plan in the office [of the department of state] OF FIRE PREVENTION AND CONTROL such plan shall become the state fire mobilization and mutual aid plan. Such plan may be amended from time to time in the same manner as originally adopted.

2. Regional fire administrators. The state fire administrator may appoint and remove a regional fire administrator for each fire mobilization and mutual aid zone established pursuant to the state fire mobilization and mutual aid plan. Before he enters on the duties of the office, each regional fire administrator shall take and subscribe before an officer authorized by law to administer oaths the constitutional oath of office, which shall be administered and certified by the officer taking the same without compensation and shall be filed in the office of [the department of state] FIRE PREVENTION AND CONTROL.

S 46. Subsection (b) of section 318 of the insurance law is amended to read as follows:

(b) The information contained in such reports shall, in accordance with such regulations, be available to law enforcement agencies, to tax districts which have, pursuant to the provisions of section twenty-two of the general municipal law, filed with the superintendent a notice of intention to claim against the proceeds of a policy of fire insurance, to the office of fire prevention and control [of the department of state,] and to appropriate governmental agencies charged with the responsibility for demolition of structures.

S 47. Section 54-e of the state finance law, as added by chapter 741 of the laws of 1978, paragraph g of subdivision 1 as amended by chapter 225 of the laws of 1979, is amended to read as follows:

S 54-e. State assistance to reimburse municipalities for firefighting costs. 1. As used in this section, unless otherwise expressly stated:

a. "Normal operating expenses" shall mean those costs, losses and expenses which are ordinarily associated with the maintenance, administration and day-to-day operations of the fire department of a municipality. Such expenses shall include, but not be limited to, the ordinary wages of firefighters, administrative and other overhead costs, depreciation, the costs of litigation and the costs of employee's benefits, including insurance, disability, death, or health care whether or not such costs are incurred as the result of firefighting services rendered to property under the jurisdiction of the state of New York.

b. "Firefighting costs" shall mean those expenses and losses which would not have been incurred had not the fire in question taken place. Such costs shall include, but not be limited to, salaries for specially employed personnel, costs of supplies expended, and the lesser of (1) the cost of repairing any destroyed or damaged equipment or (2) the

value of such equipment immediately preceding the fire. Firefighting costs shall not include: normal operating expenses as defined herein, any firefighting cost for which the municipality is reimbursed under a policy of insurance or any costs associated with false alarms, regardless of cause.

c. "Claim" shall mean that amount which is equal to those firefighting costs incurred by a municipality to the extent that such costs exceed the sum of two hundred fifty dollars.

d. "Fire" shall mean any instance of destructive and uncontrolled burning on property under the jurisdiction of the state of New York including scorch burns and explosions of combustible dust or solids, flammable liquids and gases.

e. "Municipality" shall mean any county, city, village, town or fire district, having a fire department consisting of personnel, apparatus and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, or, in the case of a fire protection district or that portion of a town outside a village or fire district, a fire company as defined in section three of the volunteer [firemen's] FIREFIGHTERS' benefit law. The personnel of any such fire department may be paid employees or unpaid volunteers or any combination thereof.

f. "Property under the jurisdiction of the state of New York" shall mean real property and improvements thereon and appurtenances thereto in which the state of New York holds legal fee simple title and further, any real property conveyed or made available to the New York state housing finance agency or the dormitory authority of the state of New York under agreements for the financing and construction of facilities for the state university of New York; provided however, with the exception of property occupied by the state university of New York, such property shall not include leasehold interest; provided further, such property shall not include any property for which a municipality receives any payments-in-lieu of taxes or any other payments, including real property taxes, that are or may be used for providing fire protection to such property.

[g. "Secretary" shall mean the secretary of state or the state fire administrator as his designee.]

2. Any municipality whose fire department has responded to a fire on property under the jurisdiction of the state of New York:

a. shall, within thirty days after such fire, submit a report, on a form prescribed by the [secretary of state] OFFICE OF FIRE PREVENTION AND CONTROL, to the [secretary] OFFICE OF FIRE PREVENTION AND CONTROL stating the location of such a fire and the firefighting costs incurred while fighting such a fire; and

b. may, within thirty days after such a fire, submit a claim, on a form prescribed by the [secretary of state,] OFFICE OF FIRE PREVENTION AND CONTROL to the [secretary] OFFICE OF FIRE PREVENTION AND CONTROL pursuant to the provisions of this section.

3. The [secretary] OFFICE OF FIRE PREVENTION AND CONTROL shall review each claim to determine if such claim shall be approved, reduced, amended or rejected and shall notify the municipality, within sixty days of receipt of such claim, as to his determination. The municipality shall notify the [secretary,] OFFICE OF FIRE PREVENTION AND CONTROL within thirty days after receipt of the [secretary's] OFFICE OF FIRE PREVENTION AND CONTROL'S notification, as to its acceptance or rejection of such determination. Failure to so notify the [secretary] OFFICE OF FIRE PREVENTION AND CONTROL shall constitute an acceptance of the deter-

mination. If accepted by the municipality, such acceptance shall constitute the final and conclusive determination for such claim. If rejected by the municipality, such municipality shall resubmit its claim, within thirty days after receipt of the [secretary's] OFFICE OF FIRE PREVENTION AND CONTROL'S notification, together with its reasons for objection and any additional documentation which may justify its claim. Upon receipt of a resubmitted claim, the [secretary] OFFICE OF FIRE PREVENTION AND CONTROL shall review such claim and within sixty days of receipt of such resubmitted claim, make a final determination as to the amount to be approved for such claim. If the municipality shall dispute such final determination it may commence an action, within sixty days of such final determination, in the court of claims which shall have jurisdiction to adjudicate the claim and enter judgment, which judgment shall be a final determination for purposes of this section and shall be payable in accordance with the provisions of subdivisions four and five of this section.

4. The [secretary] OFFICE OF FIRE PREVENTION AND CONTROL shall certify all claims for which a final determination has been made. The [secretary] OFFICE OF FIRE PREVENTION AND CONTROL shall submit all claims certified during the preceding year to the comptroller of the department of audit and control on or before April first of each year. Any claim that has been received prior to April first of such year, but for which no certification has been made, shall, for purposes of payment, be considered as a claim for the year in which such certification is made.

5. All claims certified by the [secretary] OFFICE OF FIRE PREVENTION AND CONTROL shall be paid annually and shall be paid upon a warrant from the comptroller from funds appropriated in the local assistance fund. In the event such appropriation is insufficient to permit the aggregate annual payments authorized under this section, each municipality's payment for any claim or claims certified during the preceding year shall be decreased proportionally until the total payments are equal to the amount appropriated.

6. The chief fiscal officer of the municipality shall pay the amounts received under this section into the fund or funds from which moneys were expended to provide the firefighting services for which a reimbursement was made under this section.

7. This section shall not in any way impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

8. The [secretary of state] OFFICE OF FIRE PREVENTION AND CONTROL shall annually prepare a report on the effectiveness of this section and shall submit such report to the legislature. Such report shall include the number and location of any fire on property under the jurisdiction of the state of New York, the number of claims and the amount of each such claim filed pursuant to this section and further, the total amount of all claims filed and the total amount of payments made under the provisions of this section. The first such report shall be submitted to the legislature on or before June first, nineteen hundred seventy-nine.

S 48. Subdivisions 4 and 5 of section 99-q of the state finance law, as added by chapter 490 of the laws of 2009, are amended to read as follows:

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the [secretary of state upon the recommendation of the office of fire prevention and control] STATE FIRE ADMINISTRATOR.

5. To the extent practicable, the [secretary of state] STATE FIRE ADMINISTRATOR shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

S 49. Subdivision 1 of section 115-a of the vehicle and traffic law, as amended by chapter 225 of the laws of 1979, is amended to read as follows:

1. a vehicle operated by officials of the office of fire prevention and control [in the department of state],

S 50. Subdivision 79 of section 2.10 of the criminal procedure law, as added by chapter 241 of the laws of 2004, is amended to read as follows:

79. Supervisors and members of the arson investigation bureau and fire inspection bureau of the [department of state's] office of fire prevention and control when acting pursuant to their special duties in matters arising under the laws relating to fires, their prevention, extinguishment, investigation thereof, and fire perils; provided, however, that nothing in this subdivision shall be deemed to authorize such employees to carry, possess, repair, or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

S 51. Section 380 of the executive law, as added by section 707 of the laws of 1981, is amended to read as follows:

S 380. Granting authority. The secretary[, by and through the office of fire prevention and control,] shall administer a program of local assistance to aid local governments in the administration and enforcement of locally adopted or state promulgated building and fire codes. Said program of local assistance shall conform to the requirements of section fifty-four-g of the state finance law. The secretary shall adopt, amend and rescind such rules, regulations and guidelines as may be necessary for the performance of his OR HER functions, powers and duties under this section.

S 52. Notwithstanding any law to the contrary, appropriations and reappropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Administration Program, Cyber Security Program, Homeland Security Program, and Design and Construction Supervision Capital Construction Program shall be available to the current Office of Homeland Security for expenditure by these same programs during the period of April 1, 2010 through December 31, 2010; appropriations and reappropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Disaster Assistance Program and the Emergency Management Program shall be available to the Division of Military and Naval Affairs for expenditure by these same programs during the period of April 1, 2010 through December 31, 2010; appropriations and reappropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Fire Prevention and Control Program shall be available to the Department of State for expenditure by the Office of Fire Prevention and Control during the period of April 1, 2010 through December 31, 2010; and appropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Interoperable Communications Program shall be available to the Office for Technology for expenditure by State Interoperability Program Office during the period of April 1, 2010 through December 31, 2010.

S 53. Annual report on merger. The commissioner of the division of homeland security and emergency services shall, on or before January first, two thousand eleven and two thousand twelve, submit to the governor, the temporary president of the senate, and the speaker of the

assembly, a report concerning the progress of the merger of the former office of homeland security, state emergency management office, state 911 board, office of cyber security and critical infrastructure coordination, and office of fire prevention and control. Such report shall include a current and projected organizational chart, identify and account for cost savings achieved or costs incurred as a result of such merger, evaluate progress made toward (a) improved cooperation with local and federal partners, (b) improved flow of information among the merged entities, (c) development of regional interoperable communication networks, (d) restructuring of the 911 board, (e) creation of a state-of-the-art training facility for first responders, (f) greater efficiency of public safety functions at the local level, (g) standardization and streamlining of grant operations, (h) efficiencies and savings due to combined administrative functions and shared service centers, and provide other information which, in the opinion of the commissioner, is pertinent to an assessment of the performance and cost-effectiveness of the merger in the previous year.

S 54. This act shall take effect July 1, 2010; provided however that sections thirty-six and thirty-seven of this act shall take effect on July 1, 2010 so long as nothing in this act may adversely affect any state agency from distributing funds to political subdivisions of the state in a like manner as the year prior; provided, however, that if anything in this act adversely affects any state agency from distributing funds to political subdivisions of this state in a like manner as the year prior then sections thirty-six and thirty-seven of this act shall take effect upon the cessation of such adverse effects, provided that the director of the division of the budget shall notify the legislative bill drafting commission upon the cessation of such adverse effects provided for in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and provided further that agencies are hereby authorized to promulgate and establish any rules and regulations that are necessary for the implementation of this act on its effective date.

PART C

Intentionally omitted.

PART D

Section 1. Intentionally omitted.

S 2. Intentionally omitted.

S 3. The opening paragraph of subdivision 6 of section 390.50 of the criminal procedure law, as added by chapter 866 of the laws of 1980, is amended to read as follows:

Professional licensing agencies. Probation departments shall provide a copy of presentence reports prepared in the case of individuals who are known to be licensed pursuant to title eight of the education law to the state department of health if the licensee is a physician, a specialist's assistant or a physician's assistant, and to the state education department with respect to all other such licensees. Such reports shall be accumulated and forwarded every three months, shall be in writing, MAY BE SUBMITTED IN A HARD COPY OR ELECTRONICALLY, and shall contain the following information:

S 4. Intentionally omitted.
S 5. Intentionally omitted.
S 6. Intentionally omitted.
S 7. Section 60.27 of the penal law is amended by adding a new subdivision 14 to read as follows:
14. WHERE A TRANSFER OF PROBATION HAS OCCURRED PURSUANT TO SECTION 410.80 OF THE CRIMINAL PROCEDURE LAW AND THE PROBATIONER IS SUBJECT TO A RESTITUTION CONDITION, THE DEPARTMENT OF PROBATION IN THE COUNTY IN WHICH THE ORDER OF RESTITUTION WAS IMPOSED SHALL NOTIFY THE APPROPRIATE DISTRICT ATTORNEY. UPON NOTIFICATION BY THE DEPARTMENT OF PROBATION, SUCH DISTRICT ATTORNEY SHALL FILE A CERTIFIED COPY OF THE JUDGMENT WITH THE CLERK OF THE COUNTY IN THE RECEIVING JURISDICTION FOR PURPOSES OF ESTABLISHING A FIRST LIEN AND TO PERMIT INSTITUTION OF CIVIL PROCEEDINGS PURSUANT TO THE PROVISIONS OF SUBDIVISION SIX OF SECTION 420.10 OF THE CRIMINAL PROCEDURE LAW.
S 8. Paragraph (b) of subdivision 3 of section 65.10 of the penal law is amended to read as follows:
(b) Remain within the jurisdiction of the court unless granted permission to leave by the court or the probation officer[; and]. WHERE A DEFENDANT IS GRANTED PERMISSION TO MOVE OR TRAVEL OUTSIDE THE JURISDICTION OF THE COURT, THE DEFENDANT SHALL SIGN A WRITTEN WAIVER OF EXTRADITION AGREEING TO WAIVE EXTRADITION PROCEEDINGS WHERE SUCH PROCEEDINGS ARE THE RESULT OF THE ISSUANCE OF A WARRANT BY THE COURT PURSUANT TO SUBDIVISION TWO OF SECTION 410.40 OF THE CRIMINAL PROCEDURE LAW BASED ON AN ALLEGED VIOLATION OF PROBATION. WHERE ANY COUNTY OR THE CITY OF NEW YORK INCURS COSTS ASSOCIATED WITH THE RETURN OF ANY PROBATIONER BASED ON THE ISSUANCE OF A WARRANT BY THE COURT PURSUANT TO SUBDIVISION TWO OF SECTION 410.40 OF THE CRIMINAL PROCEDURE LAW, THE JURISDICTION MAY COLLECT THE REASONABLE AND NECESSARY EXPENSES INVOLVED IN CONNECTION WITH HIS OR HER TRANSPORT, FROM THE PROBATIONER; PROVIDED THAT WHERE THE SENTENCE OF PROBATION IS NOT REVOKED PURSUANT TO SECTION 410.70 OF THE CRIMINAL PROCEDURE LAW NO SUCH EXPENSES MAY BE COLLECTED.
S 9. Intentionally omitted.
S 10. The section heading and subdivisions 1, 2, 3 and 4 of section 246 of the executive law, the section heading and subdivisions 2 and 4 as added by chapter 479 of the laws of 1970, subdivisions 1 and 3 as amended by chapter 134 of the laws of 1985, and the second undesignated paragraph of subdivision 4 as amended by chapter 55 of the laws of 1992, are amended to read as follows:
State [reimbursement] AID for probation services. 1. The program of state aid to county probation services shall be [continued. It shall be] administered by the division of [probation and correctional alternatives] CRIMINAL JUSTICE SERVICES with the advice of the state probation commission AND THE DIRECTOR OF THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES. Funds appropriated to the division for distribution as state aid to county probation services and to the probation services of New York city shall be distributed by the division in accordance with [the provisions of this section, and] rules AND REGULATIONS adopted by the [director] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES after consultation with the state probation commission AND THE DIRECTOR OF THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES.
2. State aid shall be granted to the city of New York and the respective counties outside the city of New York [only to the extent of reimbursing fifty per centum of the approved] FOR expenditures TO BE incurred by the county or city in maintaining and improving local probation services SUBJECT TO AMOUNTS APPROPRIATED FOR THIS PURPOSE.

[It] STATE AID GRANTS shall not [include] BE USED FOR expenditures for capital additions or improvements, or for debt service costs for capital improvements.

State aid shall be granted by the [director] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES after consultation with the state probation commission AND THE DIRECTOR OF THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, provided the respective counties or the city of New York conform to standards relating to the administration of probation services as adopted by the [director] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES after consultation with the state probation commission AND THE DIRECTOR OF THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES.

3. Applications from counties or the city of New York for state aid under this section shall be made by filing with the division of [probation and correctional alternatives] CRIMINAL JUSTICE SERVICES, a detailed plan, including cost estimates covering probation services for the fiscal year or portion thereof for which aid is requested. Included in such estimates shall be clerical costs and maintenance and operation costs as well as salaries of probation personnel and such other pertinent information as the [director] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES may require. Items for which [reimbursement] STATE AID is requested under this section shall be duly designated in the estimates submitted. The [director] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, after consultation with the state probation commission AND THE DIRECTOR OF THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, shall approve such plan if it conforms to standards relating to the administration of probation services as specified in the rules adopted by him OR HER.

4. An approved plan and compliance with standards relating to the administration of probation services promulgated by the [director] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES shall be a prerequisite to eligibility for [reimbursement] STATE AID. [At the end of each quarter, each county outside the city of New York approved as eligible for reimbursement under this section, and the city of New York if approved as eligible for reimbursement under this section, shall submit to the division, in such form as the director requires, a verified accounting of all expenditures made by the county, or the city of New York, in providing probation services. Such accounting shall designate those items for which reimbursement is claimed, and shall be presented together with a claim for reimbursement.

In submitting a claim for reimbursement each] THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES MAY TAKE INTO CONSIDERATION GRANTING ADDITIONAL STATE AID FROM AN APPROPRIATION MADE FOR STATE AID FOR COUNTY PROBATION SERVICES FOR COUNTIES OR THE CITY OF NEW YORK WHEN A COUNTY OR THE CITY OF NEW YORK DEMONSTRATES THAT ADDITIONAL PROBATION SERVICES WERE DEDICATED TO INTENSIVE SUPERVISION PROGRAMS, INTENSIVE PROGRAMS FOR SEX OFFENDERS OR PROGRAMS DEFINED AS JUVENILE RISK INTERVENTION SERVICES. THE ADMINISTRATION OF SUCH ADDITIONAL GRANTS SHALL BE MADE ACCORDING TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES. EACH county and the city of New York shall certify the total amount collected pursuant to section two hundred fifty-seven-c of this chapter [during the period for which such reimbursement is claimed]. The [director] COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that

purpose, the amount to which the county or the city of New York shall be entitled under this section.

S 11. Intentionally omitted.

S 12. This act shall take effect immediately; provided, however, that:

(a) sections three, seven and eight of this act shall take effect on the ninetieth day after it shall have become a law; and

(b) the amendments to the second undesignated paragraph of subdivision 4 of section 246 of the executive law made by section ten of this act shall not affect the expiration and reversion of such undesignated paragraph and shall expire therewith.

PART E

Section 1. The executive law is amended by adding a new article 30 to read as follows:

ARTICLE 30
INDIGENT LEGAL SERVICES

SECTION 832. OFFICE OF INDIGENT LEGAL SERVICES.
833. INDIGENT LEGAL SERVICES BOARD.

S 832. OFFICE OF INDIGENT LEGAL SERVICES. 1. THERE IS HEREBY CREATED WITHIN THE EXECUTIVE DEPARTMENT THE OFFICE OF INDIGENT LEGAL SERVICES, HEREINAFTER REFERRED TO IN THIS SECTION AS THE "OFFICE". THE PURPOSE OF SUCH OFFICE IS TO MONITOR, STUDY AND MAKE EFFORTS TO IMPROVE THE QUALITY OF SERVICES PROVIDED PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. THE OFFICE SHALL REPORT TO THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-THREE OF THIS ARTICLE, PROVIDED, HOWEVER, THAT ADMINISTRATIVE MATTERS OF GENERAL APPLICATION WITHIN THE EXECUTIVE DEPARTMENT SHALL ALSO BE APPLICABLE TO SUCH OFFICE.

2. (A) FOLLOWING THE INITIAL APPOINTMENT OF THE MEMBERS OF THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-THREE OF THIS ARTICLE, SUCH BOARD SHALL PROMPTLY NOMINATE A FULL-TIME DIRECTOR OF THE OFFICE AND NOTIFY THE GOVERNOR OF SUCH NOMINATION. AFTER APPROVAL OR DISAPPROVAL OF THE FIRST NOMINEE AS DIRECTOR OF THE OFFICE, OR AT ANY TIME THEREAFTER WHEN A VACANCY SHALL EXIST OR IS ANTICIPATED IN THE POSITION OF DIRECTOR OF THE OFFICE, THE INDIGENT LEGAL SERVICES BOARD SHALL PROMPTLY NOMINATE A FULL-TIME DIRECTOR OF THE OFFICE, AND NOTIFY THE GOVERNOR OF SUCH NOMINATION. NOTHING IN THIS PARAGRAPH SHALL PROHIBIT THE BOARD FROM APPOINTING AN INTERIM DIRECTOR IF THERE IS A VACANCY.

(B) THE GOVERNOR, WITHIN THIRTY DAYS AFTER RECEIVING WRITTEN NOTICE OF ANY NOMINATION OF A DIRECTOR MADE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, MAY APPROVE OR DISAPPROVE THE NOMINATION. IF THE GOVERNOR APPROVES SUCH NOMINATION, OR FAILS TO ACT ON SUCH NOMINATION WITHIN SUCH THIRTY DAY PERIOD, THE NOMINEE SHALL THEREUPON COMMENCE HIS OR HER TERM AS DIRECTOR OF THE OFFICE. IF, WITHIN SUCH THIRTY DAY PERIOD, THE GOVERNOR SERVES UPON THE CHAIR OF SUCH BOARD A WRITTEN NOTICE DISAPPROVING SUCH NOMINATION, THE NOMINEE SHALL NOT BE AUTHORIZED TO SERVE AS DIRECTOR OF THE OFFICE PROVIDED, HOWEVER, THAT SUCH BOARD MAY AUTHORIZE AN INTERIM DIRECTOR APPOINTED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION TO SERVE OR CONTINUE TO SERVE AS INTERIM DIRECTOR UNTIL SUCH TIME AS A DIRECTOR OF THE OFFICE IS APPROVED, OR NOT TIMELY DISAPPROVED, BY THE GOVERNOR. FOLLOWING ANY DISAPPROVAL, THE BOARD SHALL HAVE SIXTY DAYS TO SUBMIT ANOTHER NOMINEE, ALTHOUGH SUCH PERIOD MAY BE EXTENDED, UPON REQUEST OF THE BOARD, BY THE GOVERNOR. A PERSON APPOINTED AS INTERIM

DIRECTOR MAY EXERCISE ALL OF THE POWERS AVAILABLE TO THE DIRECTOR OF SUCH OFFICE.

(C) THE DIRECTOR OF THE OFFICE SHALL SERVE FULL-TIME AND FOR A TERM OF FIVE YEARS. THE DIRECTOR MAY BE REMOVED DURING THIS TERM FOR GOOD CAUSE SHOWN, AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, BY A VOTE OF TWO-THIRDS OR MORE OF THE NINE MEMBERS OF SUCH BOARD. THE PERSON SERVING AS DIRECTOR SHALL, UPON ASSUMING SUCH POSITION, BE ADMITTED TO PRACTICE LAW AND SHALL HAVE NOT LESS THAN FIVE YEARS PROFESSIONAL EXPERIENCE IN THE AREA OF PUBLIC DEFENSE SERVICES, AND HAVE A DEMONSTRATED COMMITMENT TO THE PROVISION OF QUALITY PUBLIC DEFENSE REPRESENTATION AND TO THE COMMUNITIES SERVED BY PUBLIC DEFENSE PROVIDERS.

(D) THE DIRECTOR SHALL APPOINT EMPLOYEES AND PERFORM SUCH OTHER FUNCTIONS AS ARE APPROPRIATE TO ENSURE THE EFFICIENT OPERATION OF THE OFFICE WITHIN THE AMOUNTS AVAILABLE THEREFOR BY APPROPRIATION.

3. DUTIES AND RESPONSIBILITIES. THE OFFICE SHALL, IN CONSULTATION WITH THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-THREE OF THIS ARTICLE, HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(A) TO EXAMINE, EVALUATE AND MONITOR SERVICES PROVIDED IN EACH COUNTY PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW;

(B) TO COLLECT AND RECEIVE INFORMATION AND DATA REGARDING THE PROVISION OF SERVICES PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW INCLUDING, BUT NOT LIMITED TO:

(I) THE TYPES AND COMBINATIONS OF SUCH SERVICES BEING UTILIZED IN EACH COUNTY;

(II) THE SALARIES AND OTHER COMPENSATION PAID TO INDIVIDUAL ADMINISTRATORS, ATTORNEYS AND STAFF PROVIDING SUCH SERVICES;

(III) THE ACTUAL CASELOADS OF ATTORNEYS PROVIDING SUCH SERVICES PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW;

(IV) HOW THE CASELOADS OF ATTORNEYS PROVIDING SUCH SERVICES COMPARE WITH THE CASELOADS OF ATTORNEYS PROVIDING PROSECUTION-RELATED SERVICES IN EACH COUNTY;

(V) THE TYPES, NATURE AND TIMING OF DISPOSITIONS OF CASES HANDLED BY ATTORNEYS PROVIDING SUCH SERVICES AND ATTORNEYS PROVIDING PROSECUTION-RELATED SERVICES;

(VI) THE ACTUAL EXPENDITURES CURRENTLY BEING MADE IN EACH COUNTY ON SUCH SERVICES AND PROSECUTION-RELATED SERVICES;

(VII) THE TIME, FUNDS AND IN-KIND RESOURCES CURRENTLY BEING SPENT ON SUCH SERVICES AND PROSECUTION-RELATED SERVICES AND THE AMOUNT BEING SPENT ON ANCILLARY SERVICES SUCH AS INVESTIGATORS, SUPPORT STAFF, SOCIAL WORKERS AND EXPERT WITNESSES, INCLUDING CONSIDERATION OF ALL FUNDS RECEIVED FOR SUCH SERVICES FROM ALL SOURCES;

(VIII) THE CRITERIA AND PROCEDURES USED TO DETERMINE WHETHER A PERSON IS ELIGIBLE TO RECEIVE SUCH SERVICES, THE NUMBER OF PERSONS CONSIDERED FOR AND APPLICANTS DENIED SUCH SERVICES, THE REASONS FOR THE DENIALS, AND THE RESULTS OF ANY REVIEW OF SUCH DENIALS, INCLUDING THE NUMBER OF ORDERS ISSUED PURSUANT TO SECTION SEVEN HUNDRED TWENTY-TWO-D OF THE COUNTY LAW; AND

(IX) THE STANDARDS AND CRITERIA USED IN PROGRAMS AND BY EACH COUNTY TO DETERMINE WHETHER INDIVIDUAL ATTORNEYS ARE QUALIFIED TO PROVIDE INDIGENT LEGAL SERVICES, ON A CASE BY CASE BASIS;

(C) TO ANALYZE AND EVALUATE THE COLLECTED DATA, AND UNDERTAKE ANY NECESSARY RESEARCH AND STUDIES, IN ORDER TO CONSIDER AND RECOMMEND MEASURES TO ENHANCE THE PROVISION OF INDIGENT LEGAL SERVICES AND TO ENSURE THAT RECIPIENTS OF SERVICES PROVIDED PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW ARE PROVIDED WITH QUALITY REPRESENTATION FROM FISCALLY

RESPONSIBLE PROVIDERS, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO: ESTABLISHING CRITERIA AND PROCEDURES TO GUIDE COURTS IN DETERMINING WHETHER A PERSON IS ELIGIBLE FOR SUCH REPRESENTATION; ESTABLISHING STANDARDS, CRITERIA AND A PROCESS FOR QUALIFYING AND RE-QUALIFYING ATTORNEYS TO PROVIDE SUCH SERVICES PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW;

(D) TO ESTABLISH STANDARDS AND CRITERIA FOR THE PROVISION OF SUCH SERVICES IN CASES INVOLVING A CONFLICT OF INTEREST AND TO ASSIST COUNTIES TO DEVELOP PLANS CONSISTENT WITH SUCH STANDARDS AND CRITERIA;

(E) TO DEVELOP RECOMMENDATIONS TO IMPROVE THE DELIVERY OF SUCH SERVICES IN A MANNER THAT IS CONSISTENT WITH THE NEEDS OF THE COUNTIES, THE EFFICIENCY AND ADEQUACY OF THE PUBLIC DEFENSE PLAN OPERATED IN THE COUNTIES AND THE QUALITY OF REPRESENTATION OFFERED, WHICH MAY INCLUDE RECEIVING APPLICATIONS FOR AND DISTRIBUTING GRANTS PURSUANT TO SPECIFIED CRITERIA;

(F) TO DEVELOP RECOMMENDATIONS REGARDING THE DISTRIBUTION AND EXPENDITURE OF ANY MONIES APPROPRIATED FOR INDIGENT LEGAL SERVICES, INCLUDING BUT NOT LIMITED TO MONIES FROM THE INDIGENT LEGAL SERVICES FUND CREATED PURSUANT TO SECTION NINETY-EIGHT-B OF THE STATE FINANCE LAW, FOR CONSIDERATION BY THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-THREE OF THIS ARTICLE; AND, IN MAKING SUCH RECOMMENDATIONS, MAY CONSIDER, IN ADDITION TO MEASURES OF PERFORMANCE, THE COMMITMENT OF LOCAL RESOURCES TO SUCH SERVICES AND THE CHANGES THERETO; THE GEOGRAPHIC BALANCE OF FUNDING AMONG THE REGIONS OF THE STATE, POPULATION, CRIME RATES, POVERTY RATES AND INDIVIDUAL COMMUNITY NEEDS;

(G) TO TARGET GRANTS IN SUPPORT OF INNOVATIVE AND COST EFFECTIVE SOLUTIONS THAT ENHANCE THE PROVISION OF QUALITY INDIGENT LEGAL SERVICES, INCLUDING COLLABORATIVE EFFORTS SERVING MULTIPLE COUNTIES;

(H) TO INVESTIGATE AND MONITOR ANY OTHER MATTER RELATED TO INDIGENT LEGAL SERVICES THAT THE DIRECTOR DEEMS IMPORTANT;

(I) TO REQUEST AND RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, SUBJECT TO LIMITATIONS ON THE DISCLOSURE OF INFORMATION PROVIDED CONFIDENTIALLY TO INDIGENT LEGAL SERVICE PROVIDERS, AS WILL ENABLE THE OFFICE TO PROPERLY CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES;

(J) TO ESTABLISH MEASURES OF PERFORMANCE WHICH PROGRAMS AND COUNTIES SHALL REGULARLY REPORT TO THE OFFICE, TO ASSIST THE OFFICE IN MONITORING THE QUALITY OF INDIGENT LEGAL SERVICES;

(K) TO APPLY FOR AND ACCEPT ANY GRANT OR GIFT FOR ANY OF THE PURPOSES OF THE OFFICE OR THE INDIGENT LEGAL SERVICES BOARD. ANY MONIES SO RECEIVED MAY BE EXPENDED BY THE OFFICE TO EFFECTUATE ANY SUCH PURPOSE, SUBJECT TO THE SAME LIMITATIONS AS TO APPROVAL OF EXPENDITURES AND AUDIT AS ARE PRESCRIBED FOR STATE MONIES APPROPRIATED FOR SUCH PURPOSES;

(L) TO PRESENT FINDINGS AND MAKE RECOMMENDATIONS FOR CONSIDERATION BY THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-THREE OF THIS ARTICLE; AND

(M) TO EXECUTE DECISIONS OF THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-THREE OF THIS ARTICLE, INCLUDING THE DISTRIBUTION OF FUNDS.

S 833. INDIGENT LEGAL SERVICES BOARD. 1. THERE IS HEREBY CREATED THE INDIGENT LEGAL SERVICES BOARD HEREINAFTER REFERRED TO IN THIS SECTION AS THE "BOARD". THE PURPOSE OF SUCH BOARD SHALL BE TO MONITOR, STUDY AND MAKE EFFORTS TO IMPROVE THE QUALITY OF SERVICES PROVIDED PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. NO ACTIVE PROSECUTOR, LAW ENFORCEMENT OFFICIAL OR PERSON PROVIDING PROSECUTION-RELATED SERVICES, OR

EMPLOYEE OF SUCH A PROSECUTOR, OFFICIAL OR PERSON, SHALL BE APPOINTED TO OR SERVE ON SUCH BOARD. THE BOARD SHALL CONSIST OF NINE MEMBERS WHO SHALL BE APPOINTED AS FOLLOWS:

(A) ONE SHALL BE THE CHIEF JUDGE OF THE COURT OF APPEALS, WHO SHALL BE THE CHAIR OF THE BOARD;

(B) ONE SHALL BE APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE;

(C) ONE SHALL BE APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY;

(D) ONE SHALL BE APPOINTED BY THE GOVERNOR FROM A LIST OF AT LEAST THREE ATTORNEY NOMINEES SUBMITTED BY THE NEW YORK STATE BAR ASSOCIATION;

(E) TWO SHALL BE APPOINTED BY THE GOVERNOR FROM A LIST OF AT LEAST FOUR NOMINEES SUBMITTED BY THE NEW YORK STATE ASSOCIATION OF COUNTIES;

(F) ONE SHALL BE APPOINTED BY THE GOVERNOR AND SHALL BE AN ATTORNEY WHO HAS PROVIDED PUBLIC DEFENSE SERVICES FOR AT LEAST FIVE YEARS;

(G) ONE ATTORNEY WHO SHALL BE APPOINTED BY THE GOVERNOR; AND

(H) ONE SHALL BE APPOINTED BY THE GOVERNOR, FROM A LIST OF NO MORE THAN TWO NOMINEES SUBMITTED BY THE CHIEF ADMINISTRATOR OF THE COURTS, EACH OF WHOM SHALL BE A JUDGE OR JUSTICE, OR RETIRED JUDGE OR JUSTICE, WHO WAS ELECTED TO THE SUPREME, COUNTY OR FAMILY COURT, OR APPOINTED TO THE CRIMINAL COURT OR FAMILY COURT IN THE CITY OF NEW YORK, AND HAS SUBSTANTIAL EXPERIENCE PRESIDING AS SUCH A JUDGE OR JUSTICE IN TRIAL MATTERS BEFORE SUCH COURT.

2. ALL MEMBERS OF THE BOARD SHALL BE APPOINTED FOR TERMS OF THREE YEARS SUCH TERMS TO COMMENCE ON AUGUST FIRST, AND EXPIRE JULY THIRTY-FIRST, PROVIDED, HOWEVER, THAT THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL SERVE EX OFFICIO; AND PROVIDED FURTHER, THAT THE INITIAL TERM OF THE MEMBER APPOINTED PURSUANT TO PARAGRAPH (D), THE FIRST OF THE TWO MEMBERS APPOINTED PURSUANT TO PARAGRAPH (E) AND THE MEMBER APPOINTED UNDER PARAGRAPH (G) OF SUBDIVISION ONE OF THIS SECTION SHALL BE FOR TWO YEARS. INITIAL APPOINTMENTS MUST BE MADE WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION. ANY MEMBER CHOSEN TO FILL A VACANCY CREATED OTHERWISE THAN BY EXPIRATION OF TERM SHALL BE APPOINTED FOR THE UNEXPIRED TERM OF THE MEMBER WHOM HE OR SHE IS TO SUCCEED. VACANCIES CAUSED BY EXPIRATION OF A TERM OR OTHERWISE SHALL BE FILLED PROMPTLY AND IN THE SAME MANNER AS ORIGINAL APPOINTMENTS. ANY MEMBER MAY BE REAPPOINTED FOR ADDITIONAL TERMS.

A MEMBER OF THE BOARD SHALL CONTINUE IN SUCH POSITION UPON THE EXPIRATION OF HIS OR HER TERM UNTIL SUCH TIME AS HE OR SHE IS REAPPOINTED OR HIS OR HER SUCCESSOR IS APPOINTED, AS THE CASE MAY BE.

3. MEMBERSHIP ON THE BOARD SHALL NOT CONSTITUTE THE HOLDING OF AN OFFICE, AND MEMBERS OF THE BOARD SHALL NOT BE REQUIRED TO TAKE AND FILE OATHS OF OFFICE BEFORE SERVING ON THE BOARD. THE BOARD SHALL NOT HAVE THE RIGHT TO EXERCISE ANY PORTION OF THE SOVEREIGN POWER OF THE STATE.

4. THE BOARD SHALL MEET AT LEAST FOUR TIMES IN EACH YEAR. THE FIRST MEETING OF THE BOARD SHALL BE HELD WITHIN THIRTY DAYS OF THE APPOINTMENT OF THE FULL BOARD OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, WHICHEVER OCCURS EARLIER. SPECIAL MEETINGS MAY BE CALLED BY THE CHAIR AND SHALL BE CALLED BY THE CHAIR UPON THE REQUEST OF FIVE MEMBERS OF THE BOARD. THE BOARD MAY ESTABLISH ITS OWN PROCEDURES WITH RESPECT TO THE CONDUCT OF ITS MEETINGS AND OTHER AFFAIRS; PROVIDED, HOWEVER, THAT THE QUORUM AND MAJORITY PROVISIONS OF SECTION FORTY-ONE OF THE GENERAL CONSTRUCTION LAW SHALL GOVERN ALL ACTIONS TAKEN BY THE BOARD.

5. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS HEREUNDER.

6. NO MEMBER OF THE BOARD SHALL BE DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT, BY REASON OF HIS OR HER APPOINTMENT PURSUANT TO THIS SECTION, NOTWITHSTANDING THE PROVISIONS OF ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE OR CITY CHARTER.

7. THE BOARD SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(A) TO EVALUATE EXISTING INDIGENT LEGAL SERVICES PROGRAMS AND DETERMINE THE TYPE OF INDIGENT LEGAL SERVICES THAT SHOULD BE PROVIDED IN NEW YORK STATE TO BEST SERVE THE INTERESTS OF PERSONS RECEIVING SUCH SERVICES;

(B) TO CONSULT WITH AND ADVISE THE OFFICE OF INDIGENT LEGAL SERVICES IN CARRYING OUT THE DUTIES AND RESPONSIBILITIES OF SUCH OFFICE;

(C) TO ACCEPT, REJECT OR MODIFY RECOMMENDATIONS MADE BY THE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE ALLOCATION OF FUNDS AND THE AWARDING OF GRANTS, INCLUDING INCENTIVE GRANTS, FROM THE INDIGENT LEGAL SERVICES FUND CREATED PURSUANT TO SECTION NINETY-EIGHT-B OF THE STATE FINANCE LAW. WHEN ACTING ON SUCH A RECOMMENDATION, THE BOARD SHALL SET FORTH THE BASIS FOR ITS DETERMINATION; AND

(D) TO ADVISE AND TO MAKE AN ANNUAL REPORT TO THE GOVERNOR, LEGISLATURE AND JUDICIARY.

S 2. Section 98-b of the state finance law, as added by section 12 of part J of chapter 62 of the laws of 2003, subdivision 3 as amended by section 1 of part H of chapter 56 of the laws of 2004 and paragraph (b) of subdivision 3 as amended by section 1 of part G of chapter 56 of the laws of 2005, is amended to read as follows:

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

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

[3.] (a) [As provided in this subdivision, moneys received by the indigent legal services fund each calendar year from January first through December thirty-first shall be made available by the state comptroller in the immediately succeeding calendar year] THE PURPOSE OF SUCH FUND SHALL BE to (i) assist counties and, in the case of a county wholly contained within a city, such city, in providing legal representation for persons who are financially unable to afford counsel pursuant to article eighteen-B of the county law; [and] (ii) assist the state, in IMPROVING THE QUALITY OF PUBLIC DEFENSE SERVICES AND funding representation provided by assigned counsel paid in accordance with section thirty-five of the judiciary law; AND (III) PROVIDE SUPPORT FOR THE OPERATIONS, DUTIES, RESPONSIBILITIES AND EXPENSES OF THE OFFICE OF INDIGENT LEGAL SERVICES AND THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED, RESPECTIVELY, PURSUANT TO SECTIONS EIGHT HUNDRED THIRTY-TWO AND EIGHT HUNDRED THIRTY-THREE OF THE EXECUTIVE LAW. [Moneys from the fund shall be distributed at the direction of the state comptroller in accordance with the provisions of this subdivision.

(b) (i) Commencing on March thirty-first, two thousand five, moneys from such fund shall first be made available, in the calendar year next succeeding the calendar year in which collected, to reimburse the state for payments, made in the previous calendar year, for,]

(B) STATE FUNDS RECEIVED BY A COUNTY OR CITY FROM SUCH FUND SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY LOCAL FUNDS WHICH SUCH COUNTY OR CITY WOULD OTHERWISE HAVE HAD TO EXPEND FOR THE PROVISION OF COUNSEL AND EXPERT, INVESTIGATIVE AND OTHER SERVICES PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. ALL SUCH STATE FUNDS RECEIVED BY A COUNTY OR CITY SHALL BE USED TO IMPROVE THE QUALITY OF SERVICES PROVIDED PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE A COUNTY FROM DECREASING LOCAL FUNDS AS LONG AS THE COUNTY DEMONSTRATES TO THE OFFICE OF INDIGENT LEGAL SERVICES ESTABLISHED BY SECTION EIGHT HUNDRED THIRTY-TWO OF THE EXECUTIVE LAW THAT THE QUALITY OF SERVICES HAS BEEN MAINTAINED OR ENHANCED NOTWITHSTANDING THE USE OF STATE FUNDS.

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

3. AMOUNTS DISTRIBUTED FROM SUCH FUND SHALL BE LIMITED TO AMOUNTS APPROPRIATED THEREFOR AND SHALL BE DISTRIBUTED AS FOLLOWS:

(A) THE OFFICE OF COURT ADMINISTRATION MAY EXPEND A PORTION OF THE FUNDS AVAILABLE IN SUCH FUND TO PROVIDE assigned counsel paid in accordance with section thirty-five of the judiciary law, up to an annual sum of twenty-five million dollars.

[(ii) Commencing with the payment on April first, two thousand five or as soon thereafter as practicable, and subsequent quarterly payments thereafter, moneys from such fund shall be available to reimburse the state for providing funding for legal representation in periods and at rates of compensation in effect after January first, two thousand four in accordance with section thirty-five of the judiciary law, in an amount equal to such funding provided during the preceding quarter, less the amount of funding provided during that quarter in accordance with such section at rates of compensation in effect immediately prior to January first, two thousand four, up to but not exceeding six million two hundred fifty thousand dollars per quarter.

(c) The balance of moneys received by such fund shall be distributed by the state comptroller, in the calendar year next succeeding the calendar year in which collected, to counties and, in the case of a county wholly contained within a city, such city, to assist such counties and such city in providing representation pursuant to article eighteen-B of the county law. The amount to be made available each year to such counties and such city shall be calculated by the state comptroller as follows:

(i) The county executive or chief executive officer of each county or, in the case of a county wholly contained within a city, such city shall, in accordance with subdivision two of section seven hundred twenty-two-f of the county law, certify to the state comptroller, by March first of each year, the total expenditure of local funds by each such county or city, during the period January first through December thirty-first of the previous calendar year, for providing legal representation to persons who were financially unable to afford counsel, pursuant to article eighteen-B of the county law.

(ii) The state comptroller shall then total the amount of local funds expended by all such counties and such city to determine the sum of such

moneys expended by all such counties and such city for providing such representation in such calendar year.

(iii) The state comptroller shall then calculate the percentage share of the statewide sum of such expenditures for each county and such city for such calendar year.

(iv) The state comptroller shall then determine:

(A) the fund amount available to be distributed pursuant to this paragraph, which shall be the amount received by the indigent legal services fund in the immediately preceding calendar year, minus the amount to be distributed to the state under paragraph (b) of this subdivision provided, however, that with respect to the first payment made to counties and such city on March thirty-first, two thousand five, such payment shall be made from the amounts received by the indigent legal services fund in the immediately preceding two calendar years, minus the amount to be distributed to the state under paragraph (b) of this subdivision; and

(B) the annual payment amount to be paid to each county and such city pursuant to this subdivision, which shall be the product of the percentage share of statewide local funds expended by each such county and city, as determined pursuant to subparagraph (iii) of this paragraph, multiplied by the fund amount available for distribution, as determined pursuant to clause (A) of this subparagraph.

(d) All payments from this account shall be made upon vouchers approved and certified and upon audit and warrant of the state comptroller. The state comptroller shall, as soon as practicable, make such payments to the state and each county and each city in a lump sum payment.

4. Maintenance of effort. (a) As used in this section, "local funds" shall mean all funds appropriated or allocated by a county or, in the case of a county wholly contained within a city, such city, for services and expenses in accordance with article eighteen-B of the county law, other than funds received from: (i) the federal government or the state; or (ii) a private source, where such city or county does not have authority or control over the payment of such funds by such private source.

(b) State funds received by a county or city pursuant to subdivision three of this section shall be used to supplement and not supplant any local funds which such county or city would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to article eighteen-B of the county law. All such state funds received by a county or city shall be used to improve the quality of services provided pursuant to article eighteen-B of the county law.

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

(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

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, 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. 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.]

(B) AN ANNUAL AMOUNT OF FORTY MILLION DOLLARS SHALL BE MADE AVAILABLE TO THE CITY OF NEW YORK FROM SUCH FUND FOR THE PROVISION OF SERVICES PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW; PROVIDED THAT THE CITY OF NEW YORK SHALL CONTINUE TO PROVIDE AT MINIMUM THE AGGREGATE AMOUNT OF FUNDING FOR PUBLIC DEFENSE SERVICES INCLUDING, BUT NOT LIMITED TO, THE AMOUNT OF FUNDING FOR CONTRACTORS OF PUBLIC DEFENSE SERVICES AND INDIVIDUAL DEFENSE ATTORNEYS, THAT IT PROVIDED, PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW DURING ITS TWO THOUSAND NINE--TWO THOUSAND TEN FISCAL YEAR.

(C) WITHIN THE FIRST FIFTEEN DAYS OF MARCH TWO THOUSAND ELEVEN, EACH COUNTY OTHER THAN A COUNTY WHOLLY CONTAINED WITHIN THE CITY OF NEW YORK, SHALL RECEIVE NINETY PERCENT OF THE AMOUNT PAID TO SUCH COUNTY IN MARCH TWO THOUSAND TEN. WITHIN THE FIRST FIFTEEN DAYS OF MARCH TWO THOUSAND TWELVE, EACH COUNTY OTHER THAN A COUNTY WHOLLY CONTAINED WITHIN THE CITY OF NEW YORK SHALL RECEIVE SEVENTY-FIVE PERCENT OF THE AMOUNT PAID TO SUCH COUNTY IN MARCH TWO THOUSAND TEN. WITHIN THE FIRST FIFTEEN DAYS OF MARCH TWO THOUSAND THIRTEEN, EACH COUNTY OTHER THAN A COUNTY WHOLLY CONTAINED WITHIN THE CITY OF NEW YORK SHALL RECEIVE FIFTY PERCENT OF THE AMOUNT PAID TO SUCH COUNTY IN MARCH TWO THOUSAND TEN. WITHIN THE FIRST FIFTEEN DAYS OF MARCH TWO THOUSAND FOURTEEN, EACH COUNTY OTHER THAN A COUNTY WHOLLY CONTAINED WITHIN THE CITY OF NEW YORK SHALL RECEIVE TWENTY-FIVE PERCENT OF THE AMOUNT PAID TO SUCH COUNTY IN MARCH TWO THOUSAND TEN. FOR ALL STATE FISCAL YEARS FOLLOWING THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN FISCAL YEAR, THERE SHALL BE NO REQUIRED ANNUAL PAYMENTS PURSUANT TO THIS PARAGRAPH. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, FOR EACH OF THE FOUR REQUIRED PAYMENTS MADE TO COUNTIES WITHIN THE FIRST FIFTEEN DAYS OF MARCH TWO THOUSAND ELEVEN, TWO THOUSAND TWELVE, TWO THOUSAND THIRTEEN AND TWO THOUSAND FOURTEEN, HAMILTON AND ORLEANS COUNTIES SHALL RECEIVE SUCH PERCENTAGE PAYMENTS BASED ON THE AMOUNTS THAT EACH COUNTY WOULD HAVE RECEIVED IN MARCH TWO THOUSAND TEN HAD IT SATISFIED THE MAINTENANCE OF EFFORT

REQUIREMENT SET FORTH IN PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION IN EFFECT ON SUCH DATE.

(D) REMAINING AMOUNTS WITHIN SUCH FUND, AFTER ACCOUNTING FOR ANNUAL PAYMENTS REQUIRED IN PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION AND SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION SHALL BE DISTRIBUTED IN ACCORDANCE WITH SECTIONS EIGHT HUNDRED THIRTY-TWO AND EIGHT HUNDRED THIRTY-THREE OF THE EXECUTIVE LAW.

S 3. Subdivision 3 of section 722 of the county law, as amended by chapter 682 of the laws of 1977, is amended to read as follows:

3. (A) Representation by counsel furnished pursuant to EITHER OR BOTH OF THE FOLLOWING: a plan of a bar association in each county or the city in which a county is wholly contained whereby: (I) the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service; OR (II) SUCH REPRESENTATION IS PROVIDED BY AN OFFICE OF CONFLICT DEFENDER.

(B) Any plan of a bar association must receive the approval of the state administrator before the plan is placed in operation. In the county of Hamilton, [such] representation PURSUANT TO A PLAN OF A BAR ASSOCIATION IN ACCORDANCE WITH SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION may be by counsel furnished by the Fulton county bar association pursuant to a plan of the Fulton county bar association, FOLLOWING APPROVAL OF THE STATE ADMINISTRATOR. WHEN CONSIDERING APPROVAL OF AN OFFICE OF CONFLICT DEFENDER PURSUANT TO THIS SECTION, THE STATE ADMINISTRATOR SHALL EMPLOY THE GUIDELINES ESTABLISHED BY THE OFFICE OF INDIGENT LEGAL SERVICES PURSUANT TO PARAGRAPH (D) OF SUBDIVISION THREE OF SECTION EIGHT HUNDRED THIRTY-TWO OF THE EXECUTIVE LAW.

(C) ANY COUNTY OPERATING AN OFFICE OF CONFLICT DEFENDER, AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS SUBDIVISION, AS OF MARCH THIRTY-FIRST, TWO THOUSAND TEN MAY CONTINUE TO UTILIZE THE SERVICES PROVIDED BY SUCH OFFICE PROVIDED THAT THE COUNTY SUBMITS A PLAN TO THE STATE ADMINISTRATOR WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PROMULGATION OF CRITERIA FOR THE PROVISION OF CONFLICT DEFENDER SERVICES BY THE OFFICE OF INDIGENT LEGAL SERVICES. THE AUTHORITY TO OPERATE SUCH AN OFFICE PURSUANT TO THIS PARAGRAPH SHALL EXPIRE WHEN THE STATE ADMINISTRATOR APPROVES OR DISAPPROVES SUCH PLAN. UPON APPROVAL, THE COUNTY IS AUTHORIZED TO OPERATE SUCH OFFICE IN ACCORDANCE WITH PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION.

S 4. This act shall take effect immediately.

PART F

Intentionally omitted.

PART G

Intentionally omitted.

PART H

Intentionally omitted.

PART I

Intentionally omitted.

PART J

Intentionally omitted.

PART K

Section 1. Paragraph 2 of subdivision (a) of section 1911 of the uniform district court act, as amended by section 33 of part J of chapter 62 of the laws of 2003, is amended and two new paragraphs 2-a and 10 are added to read as follows:

(2) Upon filing the first paper in an action or proceeding, including a special proceeding for the settlement of a claim of an infant or incompetent, forty-five dollars, unless there has been paid a fee of forty-five dollars for the issuance of a summons, order of arrest or attachment, requisition or warrant of seizure, or a notice of petition or order to show cause in lieu thereof in a summary proceeding, as provided for by [subparagraph (1) hereof] PARAGRAPH ONE OF THIS SUBDIVISION.

(2-A) UPON FILING THE FIRST PAPER IN AN ACTION OR PROCEEDING ARISING OUT OF A CONSUMER CREDIT TRANSACTION AS DEFINED IN SUBDIVISION (F) OF SECTION ONE HUNDRED FIVE OF THE CIVIL PRACTICE LAW AND RULES, AN ADDITIONAL NINETY-FIVE DOLLARS.

(10) UPON THE FILING OF A JUDGMENT BY A PLAINTIFF ON OR AFTER SEPTEMBER FIRST, TWO THOUSAND TEN IN AN ACTION OR PROCEEDING ARISING OUT OF A CONSUMER CREDIT TRANSACTION AS DEFINED IN SUBDIVISION (F) OF SECTION ONE HUNDRED FIVE OF THE CIVIL PRACTICE LAW AND RULES, NINETY-FIVE DOLLARS; PROVIDED SUCH ACTION OR PROCEEDING WAS COMMENCED PRIOR TO SUCH DATE AND NO ADDITIONAL FEE WAS PAID THEREIN PURSUANT TO PARAGRAPH TWO-A OF THIS SUBDIVISION.

S 2. Paragraph 1 of subdivision (a) of section 1911 of the uniform city court act, as amended by section 5 of part B of chapter 686 of the laws of 2003, is amended and two new paragraphs 1-a and 12 are added to read as follows:

(1) Upon the filing of the first paper in any action or proceeding, forty-five dollars, unless there has already been paid a fee of forty-five dollars as provided for by paragraph [(11) hereof] ELEVEN OF THIS SUBDIVISION.

(1-A) UPON FILING THE FIRST PAPER IN AN ACTION OR PROCEEDING ARISING OUT OF A CONSUMER CREDIT TRANSACTION AS DEFINED IN SUBDIVISION (F) OF SECTION ONE HUNDRED FIVE OF THE CIVIL PRACTICE LAW AND RULES, AN ADDITION NINETY-FIVE DOLLARS.

(12) UPON THE FILING OF A JUDGMENT BY A PLAINTIFF ON OR AFTER SEPTEMBER FIRST, TWO THOUSAND TEN IN AN ACTION OR PROCEEDING ARISING OUT OF A CONSUMER CREDIT TRANSACTION AS DEFINED IN SUBDIVISION (F) OF SECTION ONE HUNDRED FIVE OF THE CIVIL PRACTICE LAW AND RULES, NINETY-FIVE DOLLARS, PROVIDED SUCH ACTION OR PROCEEDING WAS COMMENCED PRIOR TO SUCH DATE AND NO ADDITIONAL FEE WAS PAID THEREIN PURSUANT TO PARAGRAPH (ONE-A) OF THIS SUBDIVISION.

S 3. Subdivision (b) of section 1911 of the New York city civil court act, as amended by section 36 of part J of chapter 62 of the laws of 2003, is amended and two new subdivisions (b-1) and (n) are added to read as follows:

(b) Upon filing summons with proof of service thereof, or upon filing of the first paper in that county in any action or proceeding, forty-five dollars, unless there has been paid in that county a fee of forty-five dollars pursuant to subdivision (a) [hereof] OF THIS SECTION.

(B-1) UPON FILING THE FIRST PAPER IN AN ACTION OR PROCEEDING ARISING OUT OF A CONSUMER CREDIT TRANSACTION AS DEFINED IN SUBDIVISION (F) OF

SECTION ONE HUNDRED FIVE OF THE CIVIL PRACTICE LAW AND RULES, AN ADDITIONAL NINETY-FIVE DOLLARS.

(N) UPON THE FILING OF A JUDGMENT BY A PLAINTIFF ON OR AFTER SEPTEMBER FIRST, TWO THOUSAND TEN IN AN ACTION OR PROCEEDING ARISING OUT OF A CONSUMER CREDIT TRANSACTION AS DEFINED IN SUBDIVISION (F) OF SECTION ONE HUNDRED FIVE OF THE CIVIL PRACTICE LAW AND RULES, NINETY-FIVE DOLLARS, PROVIDED SUCH ACTION OR PROCEEDING WAS COMMENCED PRIOR TO SUCH DATE AND NO ADDITIONAL FEE WAS PAID THEREIN PURSUANT TO SUBDIVISION (B-1) OF THIS SECTION.

S 4. Paragraph (e) of subdivision 2 of section 39 of the judiciary law, as amended by section 22 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(e) All fees collected pursuant to sections eighteen hundred three, eighteen hundred three-A and nineteen hundred eleven of the New York city civil court act, all fees collected pursuant to state law by the county clerks in the city of New York, except as otherwise provided herein with respect to fees collected pursuant to subdivision (a) of section eight thousand eighteen of the civil practice law and rules and except those fees collected by the clerk of Richmond county which in the other counties of the city of New York are collected by the city registers, all fees collected pursuant to section eight thousand eighteen of the civil practice law and rules except only to the extent of one hundred sixty-five dollars of any fee collected pursuant to SUBPARAGRAPH (I) OF PARAGRAPH ONE OF subdivision (a) of such section and except for those collected pursuant to SUBPARAGRAPH (II) OF PARAGRAPH ONE OF paragraph three of such subdivision (a), all fees collected pursuant to section eight thousand twenty of the civil practice law and rules except for those collected pursuant to subdivisions (f), (g) and (h) of said section, all fees collected pursuant to section eight thousand twenty-two of the civil practice law and rules, all fees collected pursuant to section twenty-four hundred two of the surrogate's court procedure act, all fees collected pursuant to section eighteen hundred three, eighteen hundred three-A and subdivision (a) of section nineteen hundred eleven of the uniform district court act, all fees collected pursuant to section eighteen hundred three, eighteen hundred three-A and subdivision (a) of section nineteen hundred eleven of the uniform city court act and all fines, penalties and forfeitures collected pursuant to subdivision eight of section eighteen hundred three of the vehicle and traffic law, except such fines, penalties and forfeitures collected by the Nassau county traffic and parking violations agency, section 71-0211 of the environmental conservation law, section two hundred one of the navigation law and subdivision one of section 27.13 of the parks, recreation and historic preservation law shall be paid to the state commissioner of taxation and finance on a monthly basis no later than ten days after the last day of each month. The additional fee of five dollars collected by county clerks in New York city pursuant to paragraph three of subdivision (a) of section eight thousand eighteen of the civil practice law and rules shall be distributed monthly by the county clerks as follows: four dollars and seventy-five cents to the commissioner of education for deposit into the local government records management improvement funds; and twenty-five cents to the city of New York.

S 5. Paragraph 1 of subdivision (a) of section 8018 of the civil practice law and rules, as amended by section 23 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

1. A county clerk is entitled, for the assignment of an index number to an action pending in a court of which he or she is clerk, to a fee

of: (I) one hundred ninety dollars[, payable in advance]; AND (II) IN AN ACTION TO FORECLOSE PURSUANT TO ARTICLE THIRTEEN OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW, SUCH CLERK IS ENTITLED TO COLLECT AN ADDITIONAL FEE OF ONE HUNDRED NINETY DOLLARS. SUCH FEES ARE PAYABLE IN ADVANCE.

S 6. Subdivision 1 of section 465 of the judiciary law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

1. Every person applying for examination for admission to practice as an attorney and [counsellor] COUNSELOR at law shall pay a fee of two hundred fifty dollars, OR SEVEN HUNDRED FIFTY DOLLARS IF, TO QUALIFY TO TAKE THE BAR EXAMINATION, THE PERSON MUST SATISFY THE RULES OF THE COURT OF APPEALS FOR THE ADMISSION OF ATTORNEYS AND COUNSELORS AT LAW GOVERNING THE STUDY OF LAW IN A FOREIGN COUNTRY, for each taking or retaking of the examination, or if dispensation has been received from the taking of the examination, four hundred dollars for credential review for admission on motion. All such fees shall be paid into the state treasury in the manner provided by section one hundred twenty-one of the state finance law.

S 7. Section 14 of part J of chapter 62 of the laws of 2003 amending the county law and other laws relating to fees collected, as amended by section 1 of part CC of chapter 56 of the laws of 2008, is amended to read as follows:

S 14. Notwithstanding the provisions of any other law: (a) the fee collected by the office of court administration for the provision of criminal history searches and other searches for data kept electronically by the unified court system shall be [fifty-five] SIXTY-FIVE dollars; (b) [twenty-seven] THIRTY-FIVE dollars of each such fee collected shall be deposited in the indigent legal services fund established by section 98-b of the state finance law, as added by section twelve of this act, (c) nine dollars of each such fee collected shall be deposited in the legal services assistance fund established by section 98-c of the state finance law, as added by section nineteen of this act, (d) sixteen dollars of each such fee collected shall be deposited to the judiciary data processing offset fund established by section 94-b of the state finance law, and (e) the remainder shall be deposited in the general fund.

S 8. Notwithstanding any other provision of law, the monies collected from the imposition of fees charged pursuant to paragraphs (2-a) and (10) of subdivision (a) of section 1911 of the uniform district court act, paragraphs (1-a) and (12) of subdivision (a) of section 1911 of the uniform city court act, and subdivisions (b-1) and (n) of the New York city civil court act shall be deposited to the credit of the general fund.

S 9. Subdivision 4 of section 468-a of the judiciary law, as amended by section 17 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

4. The biennial registration fee shall be three hundred [fifty] SEVENTY-FIVE dollars, sixty dollars of which shall be allocated to and be deposited in a fund established pursuant to the provisions of section ninety-seven-t of the state finance law, fifty dollars of which shall be allocated to and shall be deposited in a fund established pursuant to the provisions of section ninety-eight-b of the state finance law, TWENTY-FIVE DOLLARS OF WHICH SHALL BE ALLOCATED TO BE DEPOSITED IN A FUND ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINETY-EIGHT-C OF THE STATE FINANCE LAW, and the remainder of which shall be deposited in the attorney licensing fund. Such fee shall be required of every attorney

who is admitted and licensed to practice law in this state, whether or not the attorney is engaged in the practice of law in this state or elsewhere, except attorneys who certify to the chief administrator of the courts that they have retired from the practice of law.

S 10. This act shall take effect July 1, 2010; provided that sections one, two, three, four, five, eight and nine of this act shall take effect September 1, 2010.

PART L

Section 1. Subdivision 1 of section 106 of the uniform justice court act, as amended by chapter 499 of the laws of 1977, is amended to read as follows:

1. A justice may hold court anywhere in the municipality including in the case of a town justice anywhere within a village wholly or partly contained within the town of which he is a justice regardless of whether or not said village has a village court and in the event two or more contiguous villages maintain offices in the same building, a village justice of any such village may hold court in such building, notwithstanding that the building is outside the boundaries of such village. A town justice may hold court in an adjacent town providing such justice has been elected or holds office pursuant to a plan established by resolution which was adopted pursuant to the provisions of section one hundred six-a of this [chapter] ARTICLE OR THE PROVISIONS OF SECTION ONE HUNDRED SIX-B OF THIS ARTICLE. A JUSTICE MAY HOLD COURT IN ONE OR MORE MUNICIPALITIES THAT FORM A CONTIGUOUS GEOGRAPHIC AREA, INCLUDING IN A TOWN AND ONE OR MORE VILLAGES EACH OF WHICH IS WHOLLY OR PARTLY CONTAINED WITHIN SUCH TOWN, WITHIN THE SAME COUNTY PROVIDING THERE IS AN AGREEMENT BETWEEN SUCH MUNICIPALITIES PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW TO HOLD ALL COURT PROCEEDINGS IN ANY OF THE SUCH MUNICIPALITIES IN A COURTROOM OR OTHER SUITABLE FACILITY OPEN TO THE PUBLIC.

S 2. Subdivision 1 of section 106-a of the uniform justice court act, as amended by chapter 237 of the laws of 2007, is amended to read as follows:

1. The town boards of two or more towns that form a contiguous geographic area within the same county are hereby authorized to establish a single town court to be comprised of town justices to be elected from each of such towns in the same manner and for the same terms as town justices are so elected except that [such terms shall not expire during the same year] THE NUMBER OF SUCH TERMS EXPIRING IN ANY ONE YEAR MAY NOT EXCEED BY MORE THAN ONE THE NUMBER OF TERMS EXPIRING IN ANY OTHER YEAR IN WHICH TERMS EXPIRE. The procedure to establish such single court may be initiated by the town board or may be initiated by petition. In the event the procedure is initiated by petition, the petition shall be addressed to each town board and shall be signed by at least twenty percent of the registered voters in such towns.

S 3. Subdivision 3 of section 106-a of the uniform justice court act, as amended by chapter 237 of the laws of 2007, is amended to read as follows:

3. Such petition shall be filed in the office of the town clerk of one of such towns and a certified copy shall be filed in the office of the town clerk of the other town OR TOWNS.

S 4. Subdivision 8 of section 106-a of the uniform justice court act, as amended by chapter 237 of the laws of 2007, is amended to read as follows:

8. In the event that each respective town board approves such resolution or petition, such boards shall prepare a joint resolution which shall provide that the office of one justice in each town shall be abolished and that the remaining justice in each town shall have jurisdiction in each town to the same extent as if each such justice was elected in each town. Such joint resolution shall provide for the election of AT LEAST one town justice every two years BUT IN NO CASE SHALL THE NUMBER OF TERMS EXPIRING IN ANY ONE YEAR EXCEED BY MORE THAN ONE THE NUMBER OF TERMS EXPIRING IN ANY OTHER YEAR IN WHICH TERMS EXPIRE, and shall identify each justice whose office shall be abolished, and shall identify each justice whose office shall be continued [to so provide for the election of one justice every two years].

S 5. Subdivision 9 of section 106-a of the uniform justice court act, as amended by chapter 237 of the laws of 2007, is amended to read as follows:

9. In the event no agreement can be reached as to which offices shall be abolished, the [office] OFFICES to be [first] abolished by such resolution shall be chosen from each of the offices of town justice by lot. [In the event it is determined by lot that the office of justice to be first abolished is an office, the term of which will expire in more than two years, such office shall be abolished as provided in such resolution. The office of town justice that shall also then be abolished in the other town shall be that office which would have expired in less than two years. In the event it is determined by lot that the office of town justice to be abolished is an office, the term of which will expire in less than two years, such office shall be abolished as provided in such resolution. The office of town justice that shall also be abolished in any town shall be that office which would have expired in more than two years] HOWEVER IN NO CASE SHALL AN OFFICE BE CHOSEN BY LOT TO BE ABOLISHED THAT WOULD CAUSE THE REMAINING OFFICES TO VIOLATE THE REQUIREMENTS OF SUBDIVISION EIGHT OF THIS SECTION.

S 6. Subdivision 11 of section 106-a of the uniform justice court act, as added by chapter 499 of the laws of 1977, is amended to read as follows:

11. If such resolution is approved by a majority of the qualified persons voting thereon in each town such resolution shall be deemed to be adopted and the plan to establish a single town court shall be implemented in the manner provided in such resolution. If such resolution is disapproved by a majority of the qualified persons voting thereon in one [town] or [in both] MORE towns, such resolution shall be defeated and no further action shall be taken to implement such plan.

S 7. Subdivision 12 of section 106-a of the uniform justice court act, as added by chapter 499 of the laws of 1977, is amended to read as follows:

12. Any town justice continuing in office pursuant to such plan and any town justice hereafter elected pursuant to the plan established in such resolution shall have jurisdiction in each [adjacent] town IN THE CONTIGUOUS GEOGRAPHIC AREA to the same extent and effect as if such town justice were elected in each such town.

S 8. This act shall take effect April 1, 2010.

PART M

Intentionally omitted.

PART N

Section 1. Section 2431 of the public authorities law is amended by adding a new closing paragraph to read as follows:

IT IS FURTHER DECLARED TO BE IN THE PUBLIC INTEREST AND IT IS THE POLICY OF THE STATE TO PROVIDE A MEANS BY WHICH STATE AND LOCAL FIRST-RESPONDER PUBLIC SAFETY AGENCIES CAN ESTABLISH REGIONAL COMMUNICATIONS CAPABILITIES, INTENDED TO SERVE AS A PART OF A STATEWIDE INTEROPERABLE NETWORK, AND TO DO SO BY AUTHORIZING A STATE INSTRUMENTALITY TO BORROW MONEY AND USE THE PROCEEDS TO PURCHASE OBLIGATIONS ISSUED BY A MUNICIPALITY TO FUND THESE COMMUNICATIONS CAPABILITIES, THEREBY RESULTING IN SAVINGS FOR TAXPAYERS.

S 2. Subdivisions 2, 3 and 10 of section 2432 of the public authorities law, as amended by section 2 of part E of chapter 494 of the laws of 2009, are amended, subdivisions 25 and 26 are renumbered subdivisions 26 and 27 and two new subdivisions 25 and 28 are added to read as follows:

(2) "Bonds" and "Notes". The bonds and notes, including any special program bonds, special school purpose bonds, [and] recovery act bonds, AND PUBLIC SAFETY COMMUNICATIONS BONDS respectively issued by the agency pursuant to this title. Bonds and notes shall not include any tax lien collateralized securities issued pursuant to this title.

(3) "Municipal Bond". A bond or note or evidence of debt payable from any local revenues, including taxes, assessments and rents, which a municipality may lawfully issue to finance local improvements and public purposes, including local ARRA bonds AND LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS, but does not include (a) any bond or note or evidence of debt issued by any other state or any public body or municipal corporation thereof, (b) any special program agreement, or (c) any special school purpose agreement or any special school deficit program agreement.

(10) "Debt Service Reserve Fund Requirement". With respect to any debt service reserve fund created by section twenty-four hundred thirty-nine of this title relating to bonds other than special program bonds or special school purpose bonds or special school deficit program bonds or recovery act bonds OR PUBLIC SAFETY COMMUNICATIONS BONDS, as of any particular date of computation, an amount of money equal to the greatest of the respective amounts, for the then current or any succeeding calendar year, of annual debt service payments required to be made to the agency on all municipal bonds purchased with the proceeds of bonds which bonds are secured by such debt service reserve fund, such annual debt service payments for any calendar year being an amount of money equal to the aggregate of (a) all interest payable during such calendar year on all municipal bonds purchased by the agency and then outstanding on said date of computation which are secured by such debt service reserve fund, plus (b) the principal amount of all municipal bonds purchased by the agency and then outstanding on said date of computation which mature during such calendar year and are secured by such debt service reserve fund; and with respect to any debt service reserve fund created by section twenty-four hundred thirty-nine of this title relating to an issue or issues of special program bonds or special school purpose bonds or special school deficit program bonds or recovery act bonds OR PUBLIC SAFETY COMMUNICATIONS BONDS, such amount as shall be determined by the agency.

(25) "PUBLIC SAFETY COMMUNICATIONS BONDS". BONDS OF THE AGENCY, ALL OR A PORTION OF THE PROCEEDS OF WHICH ARE USED TO PURCHASE A LOCAL PUBLIC SAFETY COMMUNICATION BOND. THE AMOUNT OF SUCH BONDS ISSUED BY THE AGENCY SHALL NOT EXCEED ONE BILLION DOLLARS.

(28) "LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS". A MUNICIPAL BOND ISSUED TO FINANCE OR FUND ALL OR A PORTION OF THE COSTS OF BUILDING REGIONAL, INTEROPERABLE PUBLIC COMMUNICATIONS NETWORKS FOR STATEWIDE USE BY FIRST-RESPONDER AGENCIES IN THE STATE, INCLUDING EQUIPMENT AND INCIDENTAL COSTS. LOCAL PUBLIC SAFETY COMMUNICATION BONDS MAY ALSO BE ISSUED TO REFINANCE OUTSTANDING BONDS ISSUED BY MUNICIPALITIES FOR THE PURPOSES DESCRIBED HEREIN PROVIDED THAT PRESENT VALUE SAVINGS ARE REALIZED FROM SUCH A REFUNDING.

S 3. Section 2434 of the public authorities law is amended by adding a new subdivision 7-c to read as follows:

(7-C) TO ACQUIRE AND CONTRACT TO ACQUIRE, AND TO ENTER INTO ARRANGEMENTS WITH A MUNICIPALITY FOR THE PURCHASE OF ITS LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS.

S 4. Subdivision 1 of section 2435 of the public authorities law, as amended by section 4 of part E of chapter 494 of the laws of 2009, is amended to read as follows:

1. The agency may purchase, and contract to purchase, municipal bonds from municipalities at such price or prices, upon such terms and conditions and in such manner, not inconsistent with the provisions of the local finance law, as the agency shall deem advisable; provided, however, that the average interest rate payable on all municipal bonds (taken as a group) purchased with the proceeds of an issue of bonds shall equal or exceed the interest rate on such issue of bonds. The agency shall not purchase the municipal bonds of any municipality if (i) the aggregate principal amount thereof, together with the aggregate principal balances of the municipal bonds of such municipality then outstanding and held by the agency, exceed an amount equal to ten percent of the aggregate principal amount of the statutory authorization at the time for the issuance of bonds and notes, as provided in section twenty-four hundred thirty-eight of this title, and (ii) the aggregate principal amount thereof exceeds an amount equal to fifty percent of the aggregate principal amount of all municipal bonds proposed to be so purchased at the time; provided, however, that this sentence shall not apply to local ARRA bonds OR LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS.

S 5. The public authorities law is amended by adding a new section 2436-c to read as follows:

S 2436-C. LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS. (1) THE AGENCY MAY PURCHASE LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS USING THE PROCEEDS OF PUBLIC SAFETY COMMUNICATION BONDS, SUBJECT TO THE PROVISIONS OF THIS SECTION AND TO ANY OTHER PROVISION OF LAW APPLICABLE TO THE MUNICIPALITY AND BONDS IT ISSUES, INCLUDING ANY DEBT LIMITATION APPLICABLE TO THE MUNICIPALITY THAT ISSUED THE LOCAL PUBLIC SAFETY COMMUNICATIONS BOND, AS WELL AS TO THE OTHER PROVISIONS OF THIS TITLE. TO THE EXTENT THAT ANY SUCH OTHER PROVISION OF LAW CONFLICTS WITH A PROVISION OF THIS SECTION, THE PROVISION OF THIS SECTION SHALL CONTROL, EXCEPT AS OTHERWISE STATED.

(2) LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS SHALL BE PAYABLE FROM FUNDS PROVIDED BY A MUNICIPALITY FOR PAYMENT THEREOF AS WELL AS ANY MONIES AVAILABLE FROM SPECIAL PUBLIC SAFETY COMMUNICATIONS AGREEMENTS.

(3) THE AGENCY'S PUBLIC SAFETY COMMUNICATIONS BONDS SECURED BY PAYMENTS OF PRINCIPAL AND INTEREST DUE WITH RESPECT TO LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS SHALL NOT BE A DEBT OF EITHER THE STATE OR ANY MUNICIPALITY, AND NEITHER THE STATE NOR ANY MUNICIPALITY SHALL BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE OF THE AGENCY; AND SUCH LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT.

(4) SUBJECT TO THE PROVISIONS OF ANY CONTRACT WITH HOLDERS OF BONDS, NOTES OR OTHER OBLIGATIONS, PROCEEDS OF PUBLIC SAFETY COMMUNICATIONS BONDS TO BE PAID TO A MUNICIPALITY TO PURCHASE ITS LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS SHALL BE PAID TO THE MUNICIPALITY AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEY OF THE AGENCY.

(5) NOTHING CONTAINED IN THIS TITLE SHALL BE CONSTRUED TO CREATE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISIONS.

(6) (A) A MUNICIPALITY MAY COVENANT AND AGREE THAT THE MUNICIPALITY WILL NOT LIMIT, ALTER OR IMPAIR THE RIGHTS HEREBY VESTED IN THE AGENCY TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH HOLDERS OF THE AGENCY'S PUBLIC SAFETY COMMUNICATIONS BONDS, THE PROCEEDS OF WHICH WERE USED TO PURCHASE THE MUNICIPALITY'S LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS, OR IN ANY WAY IMPAIR THE RIGHTS AND REMEDIES OF SUCH HOLDERS OR THE SECURITY FOR SUCH BONDS, UNTIL SUCH BONDS, TOGETHER WITH THE INTEREST THEREON AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY ACTION OR PROCEEDING BY OR ON BEHALF OF SUCH HOLDERS, ARE FULLY PAID AND DISCHARGED.

(B) ANY SUCH AGREEMENT WITH A MUNICIPALITY MAY BE PLEDGED BY THE AGENCY TO SECURE ITS PUBLIC SAFETY COMMUNICATIONS BONDS USED TO PURCHASE LOCAL PUBLIC SAFETY COMMUNICATIONS BONDS ISSUED BY THAT MUNICIPALITY AND MAY NOT BE MODIFIED THEREAFTER EXCEPT AS PROVIDED BY THE TERMS OF THE PLEDGE OR SUBSEQUENT AGREEMENTS WITH THE HOLDERS OF SUCH PUBLIC SAFETY COMMUNICATIONS BONDS.

S 6. Subdivision 5 of section 2437 of the public authorities law, as amended by section 6 of part E of chapter 494 of the laws of 2009, is amended to read as follows:

(5) Any bonds or notes of the agency other than special program bonds, special school purpose bonds, special school deficit program bonds [or], recovery act bonds OR PUBLIC SAFETY COMMUNICATIONS BONDS shall be sold at public sale and from time to time upon such terms and at such prices as may be determined by the agency, and the agency may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof. Any special program bonds, special school purpose bonds, special school deficit program bonds [or], recovery act bonds OR PUBLIC SAFETY COMMUNICATIONS BONDS shall be sold at public or private sale and from time to time upon such terms and at such prices as may be determined by the agency, and the agency may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof provided, however, that special program bonds relating to a special program agreement entered for the purpose described in paragraph (b) of subdivision one of section twenty-four hundred thirty-five-a of this title shall be sold on or before June thirtieth, two thousand one. No special program bonds, special school purpose bonds, special school deficit program bonds, or recovery act bonds, OR PUBLIC SAFETY COMMUNICATIONS BONDS of the agency may be sold by the agency at private sale, however, unless such sale and the terms thereof have been approved in writing by (a) the comptroller, where such sale is not to the comptroller, or (b) the director of the budget, where such sale is to the comptroller.

S 7. Subdivision 1 of section 2438 of the public authorities law, as amended by section 7 of part E of chapter 494 of the laws of 2009, is amended to read as follows:

(1) The agency shall not issue bonds and notes in an aggregate principal amount at any one time outstanding exceeding one billion dollars, excluding tax lien collateralized securities, special school purpose

bonds, special school deficit program bonds, special program bonds issued to finance the reconstruction, rehabilitation or renovation of an educational facility pursuant to the provisions of subdivision (b) of section sixteen of chapter six hundred five of the laws of two thousand, special program bonds issued to finance the cost of a project for design, reconstruction or rehabilitation of a school building pursuant to the provisions of section fourteen of the city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act, recovery act bonds, PUBLIC SAFETY COMMUNICATIONS BONDS and bonds and notes issued to refund outstanding bonds and notes.

S 8. This act shall take effect immediately.

PART O

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 P

Section 1. Section 163-c of the state finance law is REPEALED.

S 2. This act shall take effect immediately.

PART Q

Section 1. (a) For the purpose of this section, "insurance carrier," and "workers' compensation rating board" shall have the meaning set forth in section 2 of the workers' compensation law.

(b) For the purposes of this section, "excess assessment funds" shall mean any excess of the amount collected by an insurance carrier from its policy holders in accordance with a calculation provided by the workers' compensation rating board pursuant to subdivision 8 of section 15, subdivision 3 of section 25-a or section 151 of the workers' compensation law attributable to the period April 1, 2008, through March 31, 2009, over the amount paid to the workers' compensation board pursuant to subdivision 8 of section 15, subdivision 3 of section 25-a or section 151 of the workers' compensation law attributable to the period April 1, 2008, through March 31, 2009. The board may issue guidelines regarding the construction of this section, provided such guidelines are consistent with this section and with part QQ of chapter 56 of the laws of 2009.

(c) Any insurance carrier or affiliated group of insurance carriers that has collected excess assessment funds shall pay over to the chair of the workers' compensation board, within sixty days of the effective date of this subdivision, the amount of such funds. Such funds shall be credited to the workers' compensation account. Any amounts collected pursuant to this section shall be transferred by the comptroller to the general fund, at the request of the director of the budget.

S 2. This act shall take effect immediately.

PART R

Section 1. Subdivisions 2 and 3 of section 50-a of the workers' compensation law, as added by chapter 139 of the laws of 2008, are amended to read as follows:

2. At any time prior to April first, two thousand [nine] ELEVEN, the chair may withdraw funds from the uninsured employers fund provided for under section twenty-six-a of this chapter, up to such amount as the chair determines is sufficient to fund any anticipated additional expenses of such fund, taking into account anticipated available revenues, but in no event to exceed [fifty-two] SEVENTY-FIVE million dollars in the aggregate. Such funds shall be deposited into the group self-insurer offset fund, and used in accordance with subdivision one of this

section. As consistent with this section, the chair may set the timing of such withdrawals in its discretion.

3. Beginning on January first, two thousand [ten] TWELVE, and each year thereafter, the chair shall add to the total of each annual assessment made under paragraph g of subdivision five of section fifty of this article the sum of up to three million dollars, to be allocated to private group and individual self-insurers in accordance with such paragraph. The chair shall assess additional funds under this paragraph as necessary to insure that there are sufficient funds in the fund for uninsured employers to meet its liabilities, or if necessary in accordance with section one hundred fifty-one of this chapter. Such funds as are collected pursuant to this subdivision shall be deposited into the uninsured employer fund until all funds withdrawn therefrom under subdivision one of this section are returned with interest calculated at an annual rate equal to the rate of return on funds in the fund for uninsured employers from the prior year.

S 2. Section 1108 of the insurance law is amended by adding a new subsection (j) to read as follows:

(J) ANY GROUP OF EMPLOYERS AUTHORIZED BY THE WORKERS' COMPENSATION BOARD TO PROVIDE WORKERS' COMPENSATION BENEFITS FOR THE EMPLOYEES OF ALL MEMBER EMPLOYERS PURSUANT TO SUBDIVISION THREE-A OF SECTION FIFTY OF THE WORKERS' COMPENSATION LAW.

S 3. The second undesignated paragraph of subdivision 3 of section 50 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

If for any reason the status of an employer under this subdivision is terminated, the securities or the surety bond, or the securities, cash, or irrevocable letters of credit and surety bond, on deposit referred to herein shall remain in the custody of the chair for [a period of at least twenty-six months. At the expiration of] such time [or such further time period] as the chair may deem proper and warranted under the circumstances[, and so designates, the chair may accept in]. IN lieu thereof, [and for the additional purpose of] AND AT THE DISCRETION OF THE CHAIR, THE EMPLOYER, HIS OR HER HEIRS OR ASSIGNS OR OTHERS CARRYING ON OR LIQUIDATING SUCH BUSINESS, MAY EXECUTE AN ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY securing such further and future contingent liability as may arise from prior injuries to workers and be incurred by reason of any change in condition of such workers warranting the board making subsequent awards for payment of additional compensation[, a policy of insurance furnished by the employer, his heirs or assigns or others carrying on or liquidating such business]. Such policy shall be in a form approved by the superintendent of insurance and issued by the state fund or any insurance company licensed to issue this class of insurance in this state. IN THE EVENT THAT SUCH POLICY IS ISSUED BY AN INSURANCE COMPANY OTHER THAN THE STATE FUND, THEN SAID POLICY SHALL BE DEEMED OF THE KIND SPECIFIED IN PARAGRAPH FIFTEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN OF THE INSURANCE LAW AND COVERED BY THE WORKERS' COMPENSATION SECURITY FUND AS CREATED AND GOVERNED BY ARTICLE SIX-A OF THIS CHAPTER. It shall only be issued for a single complete premium payment in advance by the employer AND IN AN AMOUNT DEEMED ACCEPTABLE BY THE CHAIR AND THE SUPERINTENDENT OF INSURANCE. IN LIEU OF THE APPLICABLE PREMIUM CHARGE ORDINARILY REQUIRED TO BE IMPOSED BY A CARRIER, SAID PREMIUM SHALL INCLUDE A SURCHARGE IN AN AMOUNT TO BE DETERMINED BY THE CHAIR TO: (I) SATISFY ALL ASSESSMENT LIABILITY DUE AND OWING TO THE BOARD AND/OR THE CHAIR UNDER THIS CHAPTER; AND (II) SATISFY ALL FUTURE ASSESSMENT LIABILITY

UNDER THIS SECTION. SAID SURCHARGE SHALL BE PAYABLE TO THE BOARD SIMULTANEOUS TO THE EXECUTION OF THE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY. HOWEVER, THE PAYMENT OF SAID SURCHARGE DOES NOT RELIEVE THE CARRIER FROM ANY OTHER LIABILITY, INCLUDING LIABILITY OWED TO THE SUPERINTENDENT OF INSURANCE PURSUANT TO ARTICLE SIX-A OF THIS CHAPTER. [It shall be given in an amount to be determined by the chair and when] WHEN issued SUCH POLICY shall be non-cancellable WITHOUT RECOURSE for any cause during the continuance of the liability secured and so covered.

S 4. Paragraph 7 of subdivision 3-a of section 50 of the workers' compensation law, as amended by chapter 139 of the laws of 2008, is amended to read as follows:

(7) (a) If for any reason, the status of a group self-insurer under this subdivision is terminated, the securities or cash or the surety bond on deposit referred to herein shall remain in the custody of the chair for [a period of at least twenty-six months. At the expiration of] such time [or such further period] as the chair may deem proper and warranted[, he or she may accept in]. IN lieu thereof, [and for the additional purpose of] AND AT THE DISCRETION OF THE CHAIR, THE GROUP SELF-INSURER, ITS HEIRS OR ASSIGNS OR OTHERS CARRYING ON OR LIQUIDATING SUCH GROUP SELF-INSURER, INCLUDING THE CHAIR ON THE GROUP SELF-INSURER'S BEHALF, MAY EXECUTE AN ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY securing such further and future contingent liability as may arise from prior injuries to workers and be incurred by reason of any change in the condition of such workers warranting the board making subsequent awards for payment of additional compensation[, a policy of insurance furnished by the group self-insurer, its successor or assigns or others carrying on or liquidating such group self-insurer]. Such policy shall be in a form approved by the superintendent of insurance and issued by the state fund or any insurance company licensed to issue this class of insurance in this state. IN THE EVENT THAT SUCH POLICY IS ISSUED BY AN INSURANCE COMPANY OTHER THAN THE STATE FUND, THEN SAID POLICY SHALL BE DEEMED OF THE KIND SPECIFIED IN PARAGRAPH FIFTEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN OF THE INSURANCE LAW AND COVERED BY THE WORKERS' COMPENSATION SECURITY FUND AS CREATED AND GOVERNED BY ARTICLE SIX-A OF THIS CHAPTER. It shall only be issued for a single complete premium payment in advance by the group self-insurer AND IN AN AMOUNT DEEMED ACCEPTABLE BY THE CHAIR AND THE SUPERINTENDENT OF INSURANCE. IN LIEU OF THE APPLICABLE PREMIUM CHARGE ORDINARILY REQUIRED TO BE IMPOSED BY A CARRIER, SAID PREMIUM SHALL INCLUDE A SURCHARGE IN AN AMOUNT TO BE DETERMINED BY THE CHAIR TO: (I) SATISFY ALL ASSESSMENT LIABILITY DUE AND OWING TO THE BOARD AND/OR THE CHAIR UNDER THIS CHAPTER; AND (II) SATISFY ALL FUTURE ASSESSMENT LIABILITY UNDER THIS SECTION. SAID SURCHARGE SHALL BE PAYABLE TO THE BOARD SIMULTANEOUS TO THE EXECUTION OF THE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY. HOWEVER, THE PAYMENT OF SAID SURCHARGE DOES NOT RELIEVE THE CARRIER FROM ANY OTHER LIABILITY, INCLUDING LIABILITY OWED TO THE SUPERINTENDENT OF INSURANCE PURSUANT TO ARTICLE SIX-A OF THIS CHAPTER. [It shall be given in an amount to be determined by the chair and when] WHEN issued SUCH POLICY shall be noncancellable WITHOUT RECOURSE for any cause during the continuance of the liability secured and so covered.

(b) The chair shall levy an assessment on the members of a defaulted group self-insurer within one hundred twenty days of such default or of the effective date of the chapter of the laws of two thousand eight which amended this subdivision, whichever is later, and against the

members of any other terminated group self-insurer when necessary, for such an amount as he or she determines to be necessary to discharge all liabilities of the group self-insurer, including the reasonable cost of liquidation such as claims administration costs, actuarial and accounting services, and the value of future assessments on members of such group self-insurer. The chair may impose subsequent deficit assessments, or return funds to members, to adjust the moneys collected to reflect the time of participation, and percent of group self-insurer liabilities for such time. Notwithstanding any such action by the chair, each member of the group self-insurer shall remain jointly and severally responsible for all liabilities provided by this chapter including but not limited to outstanding and estimated future liabilities and assessments. FURTHER, SEPARATE AND APART FROM, AND IN ADDITION TO A MEMBER'S JOINT AND SEVERAL LIABILITY AND NOTWITHSTANDING ANY PAYMENTS MADE BY ANY OTHER MEMBERS OF THE GROUP SELF-INSURER PURSUANT TO THIS SUBPARAGRAPH, IN THE EVENT THAT A MEMBER NEGLECTS OR FAILS TO PAY AN ASSESSMENT LEVIED PURSUANT TO THIS SUBPARAGRAPH, THE MEMBER SHALL BE DEEMED IN DEFAULT IN THE PAYMENT OF COMPENSATION. SUCH DEFAULTING MEMBER IS SUBJECT TO THE ENFORCEMENT PROVISIONS OF SECTION TWENTY-SIX OF THIS CHAPTER FOR THE PAYMENT OF ALL COMPENSATION RELATIVE TO AWARDS DUE AND OWING ON CLAIMS FILED BY THE EMPLOYEES OF SUCH MEMBER THAT HAVE NEITHER BEEN PAID BY THE MEMBER OR THE GROUP SELF-INSURER. Nothing in this paragraph shall prevent the chair from offering payment plans or settling claims against members of any group self-insurer as necessary to facilitate collection.

(C) UPON THE ASSUMPTION OF THE ASSETS AND LIABILITIES OF A GROUP SELF-INSURER BY THE CHAIR OR HIS OR HER DESIGNEE PURSUANT TO REGULATION OF THE CHAIR, ALL RECORDS, DOCUMENTS AND FILES OF WHATEVER NATURE, PERTAINING TO THE GROUP SELF-INSURER, BE THEY IN THE POSSESSION OF THE GROUP SELF-INSURER OR A THIRD PARTY, AND ALL REMAINING ASSETS OF THE GROUP SELF-INSURER, SHALL BECOME THE PROPERTY OF THE CHAIR. ALL CUSTODIANS OF SUCH RECORDS AND/OR FUNDS SHALL TURN OVER TO THE CHAIR OR HIS DESIGNEE ALL SUCH ORIGINAL RECORDS UPON DEMAND.

S 5. Subdivision 4 of section 50 of the workers' compensation law is amended by adding a new paragraph e to read as follows:

E. IF FOR ANY REASON THE STATUS OF A COUNTY, CITY, VILLAGE, TOWN, SCHOOL DISTRICT, FIRE DISTRICT OR OTHER POLITICAL SUBDIVISION OF STATE IS TERMINATED, AT THE DISCRETION OF THE CHAIR, THE COUNTY, CITY, VILLAGE, TOWN, SCHOOL DISTRICT, FIRE DISTRICT OR OTHER POLITICAL SUBDIVISION OF STATE, MAY EXECUTE AN ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY SECURING SUCH FURTHER AND FUTURE CONTINGENT LIABILITY AS MAY ARISE FROM PRIOR INJURIES TO WORKERS AND BE INCURRED BY REASON OF ANY CHANGE IN THE CONDITION OF SUCH WORKERS WARRANTING THE BOARD MAKING SUBSEQUENT AWARDS FOR PAYMENT OF ADDITIONAL COMPENSATION. SUCH POLICY SHALL BE IN A FORM APPROVED BY THE SUPERINTENDENT OF INSURANCE AND SHALL BE ISSUED BY THE STATE FUND OR ANY INSURANCE COMPANY LICENSED TO ISSUE THIS CLASS OF POLICY IN THIS STATE. IN THE EVENT THAT SUCH POLICY IS ISSUED BY AN INSURANCE COMPANY OTHER THAN THE STATE FUND, THEN SAID POLICY SHALL BE DEEMED TO BE INSURANCE OF THE KIND SPECIFIED IN PARAGRAPH FIFTEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN OF THE INSURANCE LAW AND COVERED BY THE WORKERS' COMPENSATION SECURITY FUND AS CREATED AND GOVERNED BY ARTICLE SIX-A OF THIS CHAPTER. IT SHALL ONLY BE ISSUED FOR A SINGLE COMPLETE PREMIUM PAYMENT IN ADVANCE BY THE COUNTY, CITY, VILLAGE, TOWN, SCHOOL DISTRICT, FIRE DISTRICT OR OTHER POLITICAL SUBDIVISION OF STATE AND IN AN AMOUNT DEEMED ACCEPTABLE BY THE CHAIR AND THE SUPERINTENDENT OF INSURANCE. IN LIEU OF THE APPLICABLE PREMIUM CHARGE ORDINARILY REQUIRED TO BE IMPOSED

BY A CARRIER, SAID PREMIUM SHALL INCLUDE A SURCHARGE IN AN AMOUNT TO BE DETERMINED BY THE CHAIR TO SATISFY ALL ASSESSMENT LIABILITY DUE AND OWING TO THE BOARD AND/OR THE CHAIR UNDER THIS CHAPTER. SAID SURCHARGE SHALL BE PAYABLE TO THE BOARD SIMULTANEOUS TO THE EXECUTION OF THE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY. HOWEVER, THE PAYMENT OF SAID SURCHARGE DOES NOT RELIEVE THE CARRIER FROM ANY OTHER LIABILITY, INCLUDING LIABILITY OWED TO THE SUPERINTENDENT OF INSURANCE PURSUANT TO ARTICLE SIX-A OF THIS CHAPTER. WHEN ISSUED SUCH POLICY SHALL BE NON-CANCELLABLE WITHOUT RECOURSE FOR ANY CAUSE DURING THE CONTINUANCE OF THE LIABILITY SECURED AND SO COVERED.

S 6. Section 73 of the workers' compensation law, as added by chapter 849 of the laws of 1955, is amended to read as follows:

S 73. Abandonment of plan. The board of supervisors of a county may by local law provide for the abandonment of a plan, effective as of the close of the calendar year then in progress. Such plan, however, shall continue to operate thereafter until all liabilities of the plan incurred prior to such effective date shall have been satisfied and all advances to the county self-insurance fund shall have been repaid. Such local law shall provide a method for the distribution of any assets of the plan remaining after all such liabilities have been satisfied. The provisions of this section shall not apply to any plan abandoned pursuant to section sixty-one of this chapter. AT THE DISCRETION OF THE CHAIR, THE BOARD OF SUPERVISORS OF A COUNTY MAY EXECUTE AN ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY SECURING SUCH FURTHER AND FUTURE CONTINGENT LIABILITY AS MAY ARISE FROM PRIOR INJURIES TO WORKERS AND BE INCURRED BY REASON OF ANY CHANGE IN THE CONDITION OF SUCH WORKERS WARRANTING THE BOARD MAKING SUBSEQUENT AWARDS FOR PAYMENT OF ADDITIONAL COMPENSATION. SUCH POLICY SHALL BE IN A FORM APPROVED BY THE SUPERINTENDENT OF INSURANCE AND SHALL BE ISSUED BY THE STATE FUND OR ANY INSURANCE COMPANY LICENSED TO ISSUE THIS CLASS OF INSURANCE IN THIS STATE. IN THE EVENT THAT SUCH POLICY IS ISSUED BY AN INSURANCE COMPANY OTHER THAN THE STATE FUND, THEN SAID POLICY SHALL BE DEEMED TO BE OF THE KIND SPECIFIED IN PARAGRAPH FIFTEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN OF THE INSURANCE LAW AND COVERED BY THE WORKERS' COMPENSATION SECURITY FUND AS CREATED AND GOVERNED BY ARTICLE SIX-A OF THIS CHAPTER. IT SHALL ONLY BE ISSUED FOR A SINGLE COMPLETE PREMIUM PAYMENT IN ADVANCE BY THE COUNTY, CITY, VILLAGE, TOWN, SCHOOL DISTRICT, FIRE DISTRICT OR OTHER POLITICAL SUBDIVISION OF STATE AND IN AN AMOUNT DEEMED ACCEPTABLE BY THE CHAIR AND THE SUPERINTENDENT OF INSURANCE. IN LIEU OF THE APPLICABLE PREMIUM CHARGE ORDINARILY REQUIRED TO BE IMPOSED BY A CARRIER, SAID PREMIUM SHALL INCLUDE A SURCHARGE IN AN AMOUNT TO BE DETERMINED BY THE CHAIR TO SATISFY ALL ASSESSMENT LIABILITY DUE AND OWING TO THE BOARD AND/OR THE CHAIR UNDER THIS CHAPTER. SAID SURCHARGE SHALL BE PAYABLE TO THE BOARD SIMULTANEOUS TO THE EXECUTION OF THE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY. HOWEVER, THE PAYMENT OF SAID SURCHARGE DOES NOT RELIEVE THE CARRIER FROM ANY OTHER LIABILITY, INCLUDING LIABILITY OWED TO THE SUPERINTENDENT OF INSURANCE PURSUANT TO ARTICLE SIX-A OF THIS CHAPTER. WHEN ISSUED SUCH POLICY SHALL BE NON-CANCELLABLE WITHOUT RECOURSE FOR ANY CAUSE DURING THE CONTINUANCE OF THE LIABILITY SECURED AND SO COVERED.

S 7. The eighth undesignated paragraph of section 106 of the workers' compensation law, as amended by chapter 598 of the laws of 2000, is amended to read as follows:

"Carrier" means a stock or mutual corporation or a reciprocal insurer or a nonprofit property/casualty insurance company, if such corporation or insurer is authorized to transact the business of workers' compen-

sation insurance in this state, INCLUDING BUT NOT LIMITED TO THE ISSUANCE OF AN ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY, but not including any such corporation or insurer which is insolvent.

S 8. This act shall take effect immediately.

PART S

Section 1. The division of the budget and office of the state comptroller may dedicate such officers and employees as may be needed to a joint project, which shall be known as the state financial system project, and which shall be responsible for the development, implementation and maintenance of a single, statewide financial management system for use by the state comptroller and all agencies. The division of the budget and the office of the state comptroller shall serve jointly as the appointing authority for all titles within the project, and shall jointly appoint a project manager therefor. For purposes of appointment and promotion under the civil service law, the state financial system project shall be treated as if it were a single department.

S 2. This act shall take effect immediately.

PART T

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.

(A) 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.

(B) IN THE EVENT THE PRESIDENT ELECTS TO PROVIDE HEALTH BENEFITS DIRECTLY TO PLAN PARTICIPANTS IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION:

(I) ANY AND ALL HEALTH INSURANCE COVERAGE MANDATED BY ANY LAW, RULE OR REGULATION, INCLUDING BUT NOT LIMITED TO COVERAGE MANDATED PURSUANT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW, APPLICABLE TO CONTRACTS FOR HEALTH INSURANCE ENTERED INTO UNDER THIS SECTION SHALL BE PROVIDED IN A MANNER ASSURING UNINTERRUPTED CONTINUANCE OF COVERAGE FOR ALL COVERED PERSONS. FOR THE PURPOSES OF THIS PARAGRAPH "COVERAGE" SHALL INCLUDE BUT SHALL NOT BE LIMITED TO ALL BENEFITS, SERVICES, RIGHTS, PRIVILEGES AND GUARANTEES ALLOWED BY LAW;

(II) PLAN PARTICIPANTS SHALL BE AFFORDED ALL INTERNAL AND EXTERNAL REVIEW AND APPEAL RIGHTS AS DESCRIBED IN ARTICLE FORTY-NINE OF THE INSURANCE LAW;

(III) A PLAN PARTICIPANT RECEIVING COVERED SERVICES RENDERED BY A HEALTH CARE PROVIDER PRIOR TO THE DATE UPON WHICH THE PRESIDENT ELECTS TO PROVIDE HEALTH BENEFITS DIRECTLY TO PLAN PARTICIPANTS IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE PERMITTED TO CONTINUE RECEIVING SERVICES FROM SUCH HEALTH CARE PROVIDER AFTER THE EFFECTIVE DATE OF THE ELECTION AT THE DISCRETION OF SUCH PLAN PARTICIPANT. SERVICES PROVIDED BY SUCH HEALTH CARE PROVIDER AFTER THE EFFECTIVE DATE OF THE ELECTION AS DESCRIBED IN THIS PARAGRAPH SHALL BE COVERED IN A

MANNER CONSISTENT WITH COVERED SERVICES PROVIDED DIRECTLY TO PLAN PARTICIPANTS IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION; AND

(IV) NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE PRESIDENT'S ELECTION TO PROVIDE HEALTH BENEFITS DIRECTLY TO PLAN PARTICIPANTS SHALL NOT CONSTITUTE THE DOING OF INSURANCE BUSINESS WITHIN THE MEANING OF ARTICLE ELEVEN OF THE INSURANCE LAW; PROVIDED HOWEVER, THE PROVISION OF DIRECT BENEFITS AS PER THIS SUBDIVISION SHALL BE SUBJECT TO REVIEW BY THE SUPERINTENDENT OF INSURANCE FOR THE PURPOSES OF ENSURING COMPLIANCE WITH APPLICABLE INSURANCE LAW AND ANY AND ALL ASSOCIATED INSURANCE RULES AND REGULATIONS AS NOTED IN THIS SUBDIVISION.

(C) 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 71 of the laws of 2010, 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, including active members of volunteer fire and volunteer ambulance companies serving one or more municipal corporations pursuant to subdivision seven of section ninety-two-a of the general municipal law, 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] SUPPLEMENTARY PLAN. 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, 5 and 6 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, subdivision 5 as amended by chapter 617 of the laws of 1967, and subdivision 6 as amended by section 2 of part C of chapter 56 of the laws of 2006, 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 depen-

dents 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] BENE-

FITS 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.

6. There is hereby created a health insurance fund which shall be available without fiscal year limitation for premium or subscription charge payments, FOR PAYMENT OF HEALTH BENEFITS TO PLAN PARTICIPANTS, AND FOR ADMINISTRATIVE SERVICES under any contract or contracts purchased in accordance with this article. The amounts withheld from employees and retired employees under subdivision three of this section, all amounts appropriated by the state to such health insurance fund, and all amounts contributed by any participating employer pursuant to subdivision two of this section, shall be credited to such health insurance fund. The income derived from any dividends, premium rate adjustments or other refunds under any such contract or contracts shall be credited to such fund and retained therein as a special reserve for adverse fluctuation in future charges under any such contract or contracts. Any interest earned by the investment of moneys in such health insurance fund shall be added to such special reserve, become a part of such special reserve, and be used for the purpose of such special reserve.

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 insur-

ance 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 presi-

dent, 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 such article 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, are 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 OR THE PLAN ADMINISTRATOR OR ADMINISTRATORS 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. Subsection (b) of section 1101 of the insurance law is amended by adding a new subparagraph 6 to read as follows:

(6) NOTWITHSTANDING THE FOREGOING, THE ELECTION BY THE PRESIDENT OF THE CIVIL SERVICE COMMISSION TO PROVIDE HEALTH BENEFITS DIRECTLY TO NEW YORK STATE HEALTH BENEFIT PLAN PARTICIPANTS SHALL NOT CONSTITUTE THE DOING OF INSURANCE BUSINESS WITHIN THE MEANING OF ARTICLE ELEVEN OF THE INSURANCE LAW.

S 19. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

PART U

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 CONTRIB-

UTIONS TO THE HEALTH INSURANCE FUND SHALL BE ADJUSTED AS NECESSARY TO COVER THE COST OF REIMBURSING FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM PREMIUM CHARGES UNDER THIS SECTION. THIS COST SHALL BE INCLUDED IN THE CALCULATION OF PREMIUM OR SUBSCRIPTION CHARGES FOR HEALTH COVERAGE PROVIDED TO STATE EMPLOYEES AND RETIRED STATE EMPLOYEES; PROVIDED, HOWEVER, THE STATE SHALL REMAIN OBLIGATED TO PAY NO LESS THAN ITS SHARE OF SUCH INCREASED COST CONSISTENT WITH ITS SHARE OF PREMIUM OR SUBSCRIPTION CHARGES PROVIDED FOR BY THIS ARTICLE. ALL OTHER EMPLOYER contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

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

PART V

Intentionally omitted.

PART W

Section 1. (a) The purpose of this act is to provide for an orderly transfer of responsibilities relating to real property tax administration to the commissioner of taxation and finance and the department of taxation and finance, from the state board of real property services and the state office of real property services.

(b) Wherever the terms "state board of real property services," "state board" or "state office of real property services" appear in the real property tax law, such terms are hereby changed to "commissioner", provided that in sections 204, 206, 208, 614, 816, 818, 1253 and 1263 of the real property tax law, such terms shall be changed to "state board of real property tax services," and provided further that the text of sections 200, 202, 216, 489-o, 489-11, 1210 and 1218 of the real property tax law shall be changed only as provided by the ensuing provisions of this act, and provided further that the provisions of this subdivision shall not apply to the text of sections 200-a, 201 and 203 of the real property tax law as added by sections five and seven of this act.

(c) Wherever the terms "state board of real property services," "state board" or "state office of real property services" appear in the tax law, such terms are hereby changed to "commissioner", provided further that the text of subdivision (e) of section 15, paragraph 5 of subdivision (b) of section 22, subdivision 25th of section 171 and sections 171-o, 697, and 1564 of the tax law shall only be changed to the extent provided by the ensuing provisions of this act.

(d) Wherever the term "state board of real property services" or "state office of real property services" appears in the consolidated or unconsolidated laws of this state other than the real property tax law or the tax law, such term is hereby changed to "commissioner of taxation and finance". Wherever the term "state board of real property services" is followed by the term "state board" in such a statute, such term is hereby changed to "commissioner".

(e) The legislative bill drafting commission is hereby directed to effectuate this provision, and shall be guided by a memorandum of instruction setting forth the specific provisions of law to be amended. Such memorandum shall be transmitted to the legislative bill drafting commission within sixty days of enactment of this provision. Such memorandum shall be issued jointly by the governor, the temporary president

of the senate, and the speaker of the assembly, or by the delegate of each.

S 2. Paragraph (c) of subdivision 1 of section 169 of the executive law, as amended by chapter 634 of the laws of 1998, is amended to read as follows:

(c) commissioner of agriculture and markets, commissioner of alcoholism and substance abuse services, adjutant general, commissioner and president of state civil service commission, commissioner of economic development, chair of the energy research and development authority, [executive director of the board of real property services,] president of higher education services corporation, commissioner of motor vehicles, member-chair of board of parole, director of probation and correctional alternatives, chair of public employment relations board, secretary of state, chair of the state racing and wagering board, commissioner of alcoholism and substance abuse services, executive director of the housing finance agency, commissioner of housing and community renewal, executive director of state insurance fund, commissioner-chair of state liquor authority, chair of the workers' compensation board;

S 3. Subdivision 18 of section 102 of the real property tax law, as amended by chapter 385 of the laws of 1994, is amended and two new subdivisions 5-a and 9-b are added to read as follows:

18. "State board" or "board" means the state board of real property TAX services.

5-A. "COMMISSIONER" MEANS THE COMMISSIONER OF TAXATION AND FINANCE.

9-B. "DEPARTMENT" MEANS THE DEPARTMENT OF TAXATION AND FINANCE.

S 4. Sections 201, 210, 212 and 214 of the real property tax law are REPEALED.

S 4-a. Section 200 of the real property tax law, as amended by chapter 403 of the laws of 1997, is amended to read as follows:

S 200. State board. There is hereby created in the [executive] department OF TAXATION AND FINANCE a SEPARATE AND INDEPENDENT state board of real property TAX services, to consist of five members to be appointed by the governor, by and with the advice and consent of the senate. Of those five members appointed by the governor, one such person shall be an individual actively engaged in the commercial production for sale of agricultural crops, livestock and livestock products of an average gross sales value of ten thousand dollars or more. Said individual shall be appointed in the first instance to a term of eight years upon expiration of an existing term. Said initial term shall commence on the first day of January next succeeding the year in which the existing term shall expire. The governor shall designate one of the members as the chairman of the board, who shall serve as chairman at the pleasure of the governor. The members of the board shall be appointed for terms of eight years, commencing on the first day of January next following the year in which the term of his predecessor expired, except that the terms of the members first appointed shall expire as follows: one on December thirty-first, nineteen hundred sixty-one, one on December thirty-first, nineteen hundred sixty-three, one on December thirty-first, nineteen hundred sixty-five, one on December thirty-first, nineteen hundred sixty-seven, and one on December thirty-first, nineteen hundred eighty-two. Vacancies occurring otherwise than by expiration of term shall be filled for the unexpired term. All members shall receive necessary expenses incurred in the performance of their duties.

S 5. The real property tax law is amended by adding a new section 201 to read as follows:

S 201. ASSUMPTION OF RESPONSIBILITIES BY THE DEPARTMENT OF TAXATION AND FINANCE. 1. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE FUNCTIONS, POWERS AND DUTIES OF THE STATE BOARD OF REAL PROPERTY SERVICES AS FORMERLY ESTABLISHED BY THIS CHAPTER SHALL BE CONSIDERED FUNCTIONS, POWERS AND DUTIES OF THE COMMISSIONER OF TAXATION AND FINANCE, EXCEPT TO THE EXTENT PROVIDED BY SECTION TWO HUNDRED-A OF THIS ARTICLE.

2. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE FUNCTIONS, POWERS AND DUTIES OF THE OFFICE OF REAL PROPERTY SERVICES AS FORMERLY ESTABLISHED BY THIS CHAPTER SHALL BE CONSIDERED FUNCTIONS, POWERS AND DUTIES OF THE COMMISSIONER OF TAXATION AND FINANCE.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE, OR REGULATION TO THE CONTRARY, UPON THE TRANSFER OF FUNCTIONS FROM THE OFFICE OF REAL PROPERTY SERVICES TO THE DEPARTMENT OF TAXATION AND FINANCE PURSUANT TO THIS SECTION, ALL EMPLOYEES OF THE OFFICE OF REAL PROPERTY SERVICES SUBSTANTIALLY ENGAGED IN THE PERFORMANCE OF THE TRANSFERRED FUNCTIONS SHALL BE TRANSFERRED TO THE DEPARTMENT OF TAXATION AND FINANCE. EMPLOYEES TRANSFERRED PURSUANT TO THIS SECTION SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATION AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS, STATUS AND COLLECTIVE BARGAINING UNIT DESIGNATIONS AND COLLECTIVE BARGAINING AGREEMENTS.

4. ALL BOOKS, PAPERS, AND PROPERTY OF THE OFFICE OF REAL PROPERTY SERVICES SHALL BE DELIVERED TO THE COMMISSIONER. ALL BOOKS, PAPERS, AND PROPERTY OF THE OFFICE OF REAL PROPERTY SERVICES SHALL CONTINUE TO BE MAINTAINED BY THE DEPARTMENT.

5. FOR THE PURPOSE OF SUCCESSION OF ALL FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TRANSFERRED AND ASSIGNED TO, DEVOLVED UPON AND ASSUMED BY IT PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL BE DEEMED AND HELD TO CONSTITUTE THE CONTINUATION OF THE OFFICE OF REAL PROPERTY SERVICES.

6. ANY BUSINESS OR OTHER MATTER UNDERTAKEN OR COMMENCED BY THE STATE BOARD OF REAL PROPERTY SERVICES, THE OFFICE OF REAL PROPERTY SERVICES OR THE EXECUTIVE DIRECTOR THEREOF PERTAINING TO OR CONNECTED WITH THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES HEREBY TRANSFERRED AND ASSIGNED TO THE COMMISSIONER OR THE DEPARTMENT AND PENDING ON THE EFFECTIVE DATE OF THIS SECTION, MAY BE CONDUCTED AND COMPLETED BY THE COMMISSIONER OR THE DEPARTMENT IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS IF CONDUCTED AND COMPLETED BY THE STATE BOARD OF REAL PROPERTY SERVICES, THE OFFICE OF REAL PROPERTY SERVICES OR ITS EXECUTIVE DIRECTOR.

7. (A) ALL RULES, REGULATIONS, ACTS, ORDERS, DETERMINATIONS, AND DECISIONS OF THE STATE BOARD OF REAL PROPERTY SERVICES OR THE OFFICE OF REAL PROPERTY SERVICES, IN FORCE AT THE TIME OF SUCH TRANSFER AND ASSUMPTION, SHALL CONTINUE IN FULL FORCE AND EFFECT AS RULES, REGULATIONS, ACTS, ORDERS, DETERMINATIONS AND DECISIONS OF THE DEPARTMENT UNTIL DULY MODIFIED OR ABROGATED BY THE COMMISSIONER OR THE DEPARTMENT.

(B) ALL ACTS, ORDERS, DETERMINATIONS, AND DECISIONS OF THE STATE BOARD OF REAL PROPERTY SERVICES PERTAINING TO THE FUNCTIONS AND POWERS PROVIDED IN SECTION TWO HUNDRED-A OF THIS ARTICLE SHALL CONTINUE IN FULL FORCE AND EFFECT AS ACTS, ORDERS, DETERMINATIONS AND DECISIONS OF THE STATE BOARD OF REAL PROPERTY TAX SERVICES.

8. WHENEVER THE STATE BOARD OF REAL PROPERTY SERVICES, THE OFFICE OF REAL PROPERTY SERVICES OR ITS EXECUTIVE DIRECTOR IS REFERRED TO OR DESIGNATED IN ANY LAW, CONTRACT OR DOCUMENT PERTAINING TO THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES HEREBY TRANSFERRED TO AND ASSIGNED TO THE COMMISSIONER OR THE DEPARTMENT, SUCH REFERENCE OR DESIGNATION SHALL BE

DEEMED TO REFER TO THE COMMISSIONER OR DEPARTMENT, AS APPLICABLE OR INDICATED BY THE CONTEXT.

9. NO EXISTING RIGHT OR REMEDY OF ANY CHARACTER SHALL BE LOST, IMPAIRED OR AFFECTED BY ANY PROVISIONS OF THIS SECTION.

10. NO ACTION OR PROCEEDING PENDING ON THE EFFECTIVE DATE OF THIS SECTION, BROUGHT BY OR AGAINST THE STATE BOARD OF REAL PROPERTY SERVICES, THE OFFICE OF REAL PROPERTY SERVICES OR ITS EXECUTIVE DIRECTOR SHALL BE AFFECTED BY ANY PROVISION OF THIS SECTION, BUT THE SAME MAY BE PROSECUTED OR DEFENDED IN THE NAME OF THE COMMISSIONER OR THE DEPARTMENT. IN ALL SUCH ACTIONS AND PROCEEDINGS, THE COMMISSIONER, UPON APPLICATION OF THE COURT, SHALL BE SUBSTITUTED AS A PARTY.

11. ALL APPROPRIATIONS OR REAPPROPRIATIONS MADE TO THE OFFICE OF REAL PROPERTY SERVICES TO THE EXTENT OF REMAINING UNEXPENDED OR UNENCUMBERED BALANCE THEREOF, WHETHER ALLOCATED OR UNALLOCATED AND WHETHER OBLIGATED OR UNOBLIGATED, ARE HEREBY TRANSFERRED TO AND MADE AVAILABLE FOR USE AND EXPENDITURE BY THE DEPARTMENT SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET FOR THE SAME PURPOSES FOR WHICH ORIGINALLY APPROPRIATED OR REAPPROPRIATED AND SHALL BE PAYABLE ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER ON AUDIT AND WARRANT OF THE COMPTROLLER.

12. ALL ASSETS AND LIABILITIES OF THE OFFICE OF REAL PROPERTY SERVICES ARE HEREBY TRANSFERRED TO AND ASSUMED BY THE DEPARTMENT.

S 6. Section 202 of the real property tax law, paragraph (c) of subdivision 1 as amended by chapter 615 of the laws of 1972, paragraph (h) of subdivision 1 as amended by chapter 261 of the laws of 1992, paragraph (k) of subdivision 1 as amended, paragraph (m) of subdivision 1 as added and paragraph (n) of subdivision 1 as relettered by chapter 833 of the laws of 1960, paragraph (o) of subdivision 1 as added by chapter 716 of the laws of 1990, paragraph (p) of subdivision 1 as added by chapter 166 of the laws of 1991, paragraph (q) of subdivision 1 as added by chapter 450 of the laws of 2004, subdivision 1-a as added by chapter 739 of the laws of 1978, subdivision 1-b as added by chapter 237 of the laws of 1995, subdivision 2 as added by chapter 522 of the laws of 1981, the opening paragraph of subdivision 2 as amended by chapter 385 of the laws of 1994, and paragraph (a) of subdivision 2 as amended by chapter 776 of the laws of 1988, is amended to read as follows:

S 202. Powers and duties of [state board] THE COMMISSIONER IN RELATION TO REAL PROPERTY TAX ADMINISTRATION. 1. The [board] COMMISSIONER shall:

(a) Assess special franchises;

(b) Establish state equalization rates for each county, city, town and village;

[(c) Hear and determine reviews relating to determinations made by county equalization agencies;

(d)] (C) Approve assessments of state lands subject to taxation;

[(e)] (D) Have general supervision of the function of assessing throughout the state;

[(f)] (E) Investigate, from time to time, the methods of assessment throughout the state, and confer with, advise and assist assessors and other officials whose duties relate to assessments;

[(g)] (F) Furnish assessors with such information and instructions as may be necessary or proper to aid them in making assessments, which instructions shall be followed and compliance with which may be enforced by [the board] HIM OR HER;

[(h)] (G) Prescribe, and in [its] HIS OR HER discretion furnish to assessors at the expense of the state, forms relating to assessments, including applications for exemption from real property taxation, which forms shall be used by the assessors and applicants for an exemption

granted pursuant to this or any other chapter, and the use of which shall be enforced by the [board] COMMISSIONER;

[(i)] (H) Obtain from state and local officers, bodies or other agencies such information as may be necessary for the proper discharge of [its] THE duties CONFERRED UPON HIM OR HER IN RELATION TO REAL PROPERTY TAX ADMINISTRATION, which information shall be furnished on HIS OR HER demand [of the state board];

[(j)] (I) Inquire into the provisions of the laws of other states and confer with the appropriate officials thereof regarding the most effectual and equitable methods of assessing and taxing real property;

[(k)] (J) Prepare an annual report to the legislature which shall include therein recommendations concerning amendments to existing law and such other information as [it] HE OR SHE may deem advisable;

[(l)] (K) Adopt and amend such rules, regulations, orders and determinations, not inconsistent with law, as may be necessary for the exercise of [its] HIS OR HER powers and the performance of [its] HIS OR HER duties under this chapter;

[(m)] (L) Establish railroad ceilings for railroad real property;

[(n)] (M) Exercise and perform such other powers and duties as may be conferred or imposed on [it] HIM OR HER by law.

[(o) monitor] (N) MONITOR the quality of local assessment practices by individual assessing units.

[(p) impose,] (O) IMPOSE, collect and receive such charges or fees as may be authorized by statute.

[(q)] (P) Promulgate rules and regulations for the ascertainment and reporting of "assessment record billing owner" information, as defined in section one hundred three of the eminent domain procedure law, for the purposes of the administration of [said] SUCH law.

[1-a] 2. In any instance where an assessing unit has acted pursuant to the rules, regulations, orders, determinations or instructions of the [state board] COMMISSIONER ACTING PURSUANT TO THE AUTHORITY CONFERRED UPON HIM OR HER BY THIS CHAPTER, and such action is the subject of a judicial review, the [state board] COMMISSIONER may upon request of the assessing unit assist such assessing unit by the filing of a brief amicus curiae or through such other means as may be appropriate.

[1-b] 3. The [state board] COMMISSIONER may adopt rules and regulations, as necessary, to implement the computerized statewide school district address match and income verification system set forth in section one hundred seventy-one of the tax law.

[2. The members of the board, or a majority thereof, shall act as a body when determining reviews relating to county equalization rates and adopting and amending rules, regulations and orders in accordance with law. The board may by resolution delegate to any officer or employee of the office of real property services any other power or duty to be exercised or performed by it under this chapter or any other law subject to the following:

(a) Any resolution which delegates powers and duties relating to the assessment of special franchises, the approval of assessments of state lands subject to taxation, and the establishment of state equalization rates pursuant to article twelve of this chapter shall be adopted annually. Any such resolution shall specify the assessment rolls for which said delegation is made and shall set forth the full value standard which shall be used. However, no such resolution may delegate the power to make a final determination in a matter in which a complaint has been filed pursuant to articles six and twelve of this chapter; provided, however, that the power to adjust a final special franchise assessment

which is affected by a special equalization rate established pursuant to section twelve hundred twenty-two of this chapter may be delegated whether or not a complaint has been filed pursuant to article six of this chapter. The executive director shall report to the members of the board all actions taken pursuant to any such resolution within ten days of taking said actions. Within ten days of receipt of the report of the executive director, if any member of the board has an objection, a meeting of the board shall be convened for the purpose of considering the objection. Failure to make a report shall not, however, affect the legality of any such actions.

(b) Any resolution which delegates powers and duties relating to the establishment of special state equalization rates pursuant to sections eight hundred six and thirteen hundred fourteen of this chapter and special equalization ratios pursuant to articles twelve-A and twelve-B of this chapter and certifications of changes in the level of assessment pursuant to this chapter or any other law shall prescribe the policies or criteria to be observed in the exercise of such powers and duties by the officer or employee to whom they are delegated. However, no such resolution may delegate the power to make a final determination in a matter in which a complaint has been filed pursuant to articles twelve-A and twelve-B of this chapter.]

4. ANY RECORDS THAT COME INTO THE COMMISSIONER'S CUSTODY IN THE COURSE OF DISCHARGING THE DUTIES IMPOSED UPON HIM OR HER BY THIS CHAPTER SHALL BE SUBJECT TO PUBLIC ACCESS TO THE FULL EXTENT PROVIDED BY THIS CHAPTER AND THE PUBLIC OFFICERS LAW, AND SHALL NOT BE SUBJECT TO THE SECRECY PROVISIONS OF THE TAX LAW.

S 7. The real property tax law is amended by adding two new sections 200-a and 203 to read as follows:

S 200-A. POWERS OF THE STATE BOARD OF REAL PROPERTY TAX SERVICES. 1. THE POWERS, FUNCTIONS, DUTIES, AND OBLIGATIONS OF THE STATE BOARD OF REAL PROPERTY TAX SERVICES SHALL BE SEPARATE FROM AND INDEPENDENT OF THE AUTHORITY OF THE DEPARTMENT OF TAXATION AND FINANCE. SUCH BOARD SHALL BE EMPOWERED TO ADOPT SUCH GUIDELINES AS MAY BE NECESSARY FOR THE EFFECTIVE MANAGEMENT OF ITS DECISION-MAKING PROCESS.

2. THE STATE BOARD OF REAL PROPERTY TAX SERVICES SHALL HAVE THE FOLLOWING POWERS IN RELATION TO REAL PROPERTY TAX ADMINISTRATION:

(A) THE POWER TO DETERMINE THE FINAL SPECIAL FRANCHISE VALUE, SPECIAL FRANCHISE ASSESSMENT, RAILROAD CEILING, STATE EQUALIZATION RATE OR ANY OTHER EQUALIZATION PRODUCT ESTABLISHED PURSUANT TO THIS CHAPTER FOR WHICH A COMPLAINT HAS BEEN FILED, AS PROVIDED BY SECTIONS FOUR HUNDRED EIGHTY-NINE-O, FOUR HUNDRED EIGHTY-NINE-LL, SIX HUNDRED FOURTEEN, TWELVE HUNDRED TEN, TWELVE HUNDRED FIFTY-THREE, AND TWELVE HUNDRED SIXTY-THREE OF THIS CHAPTER;

(B) THE POWER TO HEAR AND DETERMINE REVIEWS RELATING TO DETERMINATIONS MADE BY COUNTY EQUALIZATION AGENCIES, AS PROVIDED BY SECTIONS EIGHT HUNDRED SIXTEEN AND EIGHT HUNDRED EIGHTEEN OF THIS CHAPTER.

3. THE PROVISIONS OF SECTION FIVE HUNDRED TWENTY-FIVE OF THIS CHAPTER SHALL APPLY SO FAR AS PRACTICABLE TO A HEARING CONDUCTED BY THE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO THIS CHAPTER.

S 203. OFFICE OF REAL PROPERTY TAX SERVICES. THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF TAXATION AND FINANCE AN OFFICE OF REAL PROPERTY TAX SERVICES. THE HEAD OF THE OFFICE SHALL BE A DEPUTY COMMISSIONER FOR REAL PROPERTY TAX SERVICES, WHO SHALL ALSO BE THE EXECUTIVE OFFICER FOR AND SECRETARY OF THE STATE BOARD OF REAL PROPERTY TAX SERVICES. THE DEPUTY COMMISSIONER FOR REAL PROPERTY TAX SERVICES SHALL BE APPOINTED BY THE GOVERNOR. HE OR SHE SHALL EXERCISE SUCH POWERS AND DUTIES IN

RELATION TO REAL PROPERTY TAX ADMINISTRATION AS MAY BE DELEGATED TO HIM OR HER BY THE COMMISSIONER, SHALL REPORT DIRECTLY TO THE COMMISSIONER ON THE ACTIVITIES OF THE OFFICE, AND SHALL HOLD OFFICE AT THE PLEASURE OF THE COMMISSIONER. THE COMMISSIONER MAY APPOINT SUCH OFFICERS, EMPLOYEES, AGENTS, CONSULTANTS AND SPECIAL COMMITTEES AS HE OR SHE MAY DEEM NECESSARY TO CARRY OUT THE PROVISIONS OF THIS CHAPTER, AND SHALL PRESCRIBE THEIR DUTIES.

S 8. Section 216 of the real property tax law, as added by chapter 490 of the laws of 1988, subdivision 5 as amended by chapter 529 of the laws of 1990, is amended to read as follows:

S 216. Powers of [board] COMMISSIONER upon neglect or refusal of officials to perform duties. 1. Whenever it appears to the satisfaction of the [state board] COMMISSIONER that any assessor or other public officer, employee or board of assessment review whose duties relate directly to real property tax administration has failed to comply with the provisions of this chapter or any other law relating to such duties, or the rules and regulations of the [board] COMMISSIONER made pursuant thereto, after a hearing on the facts, the [board] COMMISSIONER may issue an order directing such assessor, officer, employee or board of assessment review to comply with such law, rule or regulation.

2. If any assessor or other public officer, employee or board of assessment review whose duties relate directly to real property tax administration shall [wilfully] WILLFULLY and intentionally refuse or neglect to perform any duty or do any act required by or pursuant to this chapter, in addition to any other penalty provided by law, such assessor, public officer, employee or member of a board of assessment review shall forfeit to the municipal corporation of which such assessor, public officer, employee or member is an officer a sum not to exceed fifty dollars for each [wilful] WILLFUL and intentional violation, which may be recovered by the [state board] COMMISSIONER.

3. Where a property owner is, in a proceeding conducted pursuant to this section, found to be directly affected by the violation of state law or rule, the [board] COMMISSIONER in its order shall establish procedures by which an assessor, officer, employee or board of assessment review whose duties relate directly to real property tax administration, whether or not a party to the proceeding, shall remedy the failure to comply with such state law or rules with respect to an assessment roll filed not more than three years prior to the commencement of the proceeding. Such remedy may include reconvening the board of assessment review, identifying the class of persons eligible to complain when the board of assessment review reconvenes, and issuing instructions to such board of assessment review on the law and any documentation required of eligible complainants in relation to the findings of the [state board] COMMISSIONER. A copy of such order shall be mailed to such assessor, officer, employee or board of assessment review and to each municipal corporation which utilizes such assessment roll. Such order shall, where appropriate, require the assessing unit to mail a copy of the order to each eligible complainant whose name and address is readily ascertainable from the record of the proceeding.

4. (a) Where the [state board] COMMISSIONER has ordered the board of assessment review to reconvene to receive complaints, a copy of the order shall be mailed by the assessing unit to each eligible complainant, which mailing shall be accompanied by the form prescribed by the [state board] COMMISSIONER for complaints on tentative assessments or such other form as may be prescribed [by the state board] for such purpose. Included with such order and form shall be a notice stating the

date, time and place at which the board of assessment review will reconvene. This material shall be mailed to the eligible complainant no later than fifteen days prior to the meeting of the board of assessment review. On the date and time specified in such notice, the board of assessment review will reconvene to hear any complaints filed pursuant to such order and shall have the powers and duties set forth in section five hundred twenty-five of this chapter, except that it may receive only complaints with respect to assessments of those parcels to which the [state board's] COMMISSIONER'S order applies. A petition for review of the assessment of such property pursuant to either title one or one-A of article seven of this chapter may be filed no later than thirty days after the determination of the board of assessment review is mailed to the petitioner, notwithstanding the provisions of section seven hundred two or seven hundred thirty of this chapter.

(b) The assessor shall correct the assessment roll upon receipt of the verified statement of changes from the board of assessment review. If the assessor no longer has custody of the assessment roll when such verified statement is received, he or she shall forward a copy of such verified statement and a copy of the [state board's] COMMISSIONER'S order to the person having custody of the assessment roll or tax roll, which person shall thereupon make the appropriate corrections. The assessor shall also forward a copy of the verified statement of changes to the clerk of each tax levying body which levies taxes on such assessment roll.

(c) Where a tax, special assessment or special ad valorem levy has been paid prior to the correction of the tax roll pursuant to this section and the order of the board of assessment review results in a reduction of the tax liability of a parcel, the tax levying body shall refund to the person who paid such tax, special assessment or special ad valorem levy the amount which exceeds the tax, special assessment, or special ad valorem levy due upon the corrected tax roll. Any such refund shall be a charge upon each municipal corporation or special district to the extent that the taxes, special assessments or special ad valorem levies were levied on its behalf or as is otherwise provided by law with respect to Nassau and Suffolk counties; provided, however, that no application need be made by the petitioner for such refund. The verified statement of changes provided to the clerk of the tax district shall constitute an application for refund for the purposes of this section. Where a refund is not made within ninety days of the receipt of the verified statement of changes, interest in the amount of one percent per month shall be added to the amount to be refunded for each month or part thereof in excess of ninety days and paid to the property owner.

(d) Where taxes, special assessments or special ad valorem levies have been levied prior to the correction of the tax roll pursuant to this section and the verified statement of changes of the board of assessment review results in an increase in the tax liability of a parcel or the imposition of a tax liability upon a parcel, the additional tax, special assessment, or special ad valorem levy shall be levied, collected and accounted for as provided in the [state board's] COMMISSIONER'S order.

(e) The provisions of title three of article five of this chapter shall apply as far as practicable to the correction of an assessment roll or tax roll and, if applicable, to a refund of taxes pursuant to this section; provided however that no application, except as provided herein, need be made for such correction or refund.

5. If an assessor, or other public officer, employee or board of assessment review whose duties relate directly to real property tax

administration fails or refuses to comply with the [state board's] COMMISSIONER'S order within ten days after service of such order or within such time as is prescribed by the [state board] COMMISSIONER for compliance with its order, the [state board] COMMISSIONER may commence a special proceeding pursuant to article four of the civil practice law and rules to compel compliance with such order. Such special proceeding shall be commenced by the counsel to the [state board] DEPARTMENT OF TAXATION AND FINANCE, except that the attorney general of the state shall commence such proceeding on behalf of the [state board] DEPARTMENT if he or she deems it necessary.

S 9. Section 324 of the real property tax law is REPEALED.

S 10. Subparagraphs (iv) and (v) of paragraph (b) of subdivision 4 of section 425 of the real property tax law, subparagraph (iv) as amended by section 3 of part E of chapter 83 of the laws of 2002, subparagraph (v) as amended by chapter 631 of the laws of 2006, are amended to read as follows:

(iv) Effective with applications for the enhanced exemption on final assessment rolls to be completed in two thousand three, the application form shall indicate that the owners of the property and any owners' spouses residing on the premises may authorize the assessor to have their income eligibility verified annually thereafter by the state department of taxation and finance, in lieu of furnishing copies of the applicable income tax return or returns with the application. If the owners of the property and any owners' spouses residing on the premises elect to participate in this program, which shall be known as the STAR income verification program, they must furnish their taxpayer identification numbers in order to facilitate matching with records of the department [of taxation and finance]. Thereafter, their income eligibility shall be verified annually by the [state] department [of taxation and finance] and the assessor shall not request income documentation from them, unless such department advises the assessor [through the state board] that they do not satisfy the applicable income eligibility requirements, or that it is unable to determine whether they satisfy those requirements.

(v) (A) Except in the case of a city with a population of one million or more, the assessor shall forward to the [state board] DEPARTMENT, in the time and manner required by the [state board] DEPARTMENT, information identifying the persons who have elected to participate in the STAR income verification program. [The state board shall forward such information to the department of taxation and finance in the manner provided by the agreement executed pursuant to section one hundred seventy-one-o of the tax law, and shall notify the assessor of the response or responses it receives from such department pursuant to such agreement.] After receiving [such] THE DEPARTMENT'S response or responses, the assessing authority shall cause notices to be mailed to participants as provided by paragraph (b) of subdivision five of this section. Information [obtained by the state board] PROVIDED TO THE DEPARTMENT identifying such persons, and responses obtained from such department shall be confidential and shall not be subject to disclosure under article six of the public officers law.

(B) In the case of a city of one million or more, the assessor shall forward to the department of taxation and finance, in the time and manner required by the department, information identifying the persons who have elected to participate in the STAR income verification program. The department shall advise the assessor of its findings in the manner provided by the agreement executed pursuant to section one hundred

seventy-one-o of the tax law. After receiving such response or responses, the assessing authority shall cause notices to be mailed to participants as provided by paragraph (b) of subdivision five of this section. Information [obtained by the state board] PROVIDED TO THE DEPARTMENT identifying such persons, and responses obtained from such department shall be confidential and shall not be subject to disclosure under article six of the public officers law.

S 11. The opening paragraph of paragraph (b) of subdivision 5 of section 425 of the real property tax law, as amended by chapter 742 of the laws of 2005, is amended to read as follows:

Informational notice for participants in the STAR income verification program. In the case of a parcel which is owned by an owner or owners who have elected to participate in the STAR income verification program, the assessing authority shall cause a notice, preferably on a postcard, to be mailed to such owner or owners after the assessor has been notified of their income eligibility by the department [of taxation and finance through the state board]. Each such notice shall be mailed without restrictions upon forwarding or delivery, and shall contain, in language prescribed by the [state board] DEPARTMENT, the substance of one of the following statements, whichever is appropriate:

S 12. Paragraph (a) of subdivision 12 of section 425 of the real property tax law, as amended by section 9 of part E of chapter 83 of the laws of 2002, is amended to read as follows:

(a) Generally. In addition to discontinuing the exemption on the next ensuing tentative assessment roll, if the assessor determines that the property improperly received the exemption on one or more of the three preceding assessment rolls, or is advised by the department [of taxation and finance through the state board] that the applicable income standard was not satisfied with regard to a property which received the enhanced exemption on one or more of those rolls, he or she shall proceed to revoke the improperly granted prior exemption or exemptions. If the assessor is advised [through the state board] that the department [of taxation and finance] was unable to verify the income eligibility of one or more participants in the income verification program, the assessor shall mail that person or those persons a notice in a form prescribed by the [state board] DEPARTMENT requesting that the person or persons document their income in the same manner and to the same extent as if the person or persons were submitting an initial application for the enhanced STAR exemption. If such income documentation is not provided within forty-five days of such request, or if the documentation provided does not establish the eligibility of the person or persons to the assessor's satisfaction, the assessor shall treat the exemption as an improperly granted exemption and proceed in the manner provided by this subdivision.

S 13. Section 489-o of the real property tax law, as added by chapter 86 of the laws of 1963, subdivision 2 as amended by chapter 735 of the laws of 1983, and subdivision 3 as added by chapter 841 of the laws of 1986, is amended to read as follows:

S 489-o. Final determination of railroad ceiling; certificate. 1. After the hearing provided for in section four hundred eighty-nine-n of this [chapter] TITLE, the state board OF REAL PROPERTY TAX SERVICES shall finally determine the railroad ceiling for the railroad real property of each railroad company situated in each assessing unit. Whenever upon complaint the state board shall revise the local reproduction cost of a railroad company in an assessing unit, it shall revise the railroad ceiling therefor to reflect such revision, but it shall not, on account

of such revision, modify any other determination with respect to the railroad ceilings for such railroad company for such year. Notwithstanding the fact that no complaint shall have been filed with respect to a tentative determination of a railroad ceiling, the state board shall give effect to any special equalization rate established, pursuant to subdivision two of section four hundred eighty-nine-l of this [chapter] TITLE prior to the final determination of the railroad ceiling.

2. Not later than ten days before the last date prescribed by law for the levy of taxes, the state board shall file a certificate setting forth each railroad ceiling as finally determined with the assessor of the appropriate assessing unit or the town or county assessor who prepares a copy of the applicable part of the town or county assessment roll for village tax purposes as provided in subdivision three of section fourteen hundred two of this chapter, and at the same time shall transmit to each railroad company for which such ceiling has been determined a duplicate copy of such certificate.

3. Any final determination of a railroad ceiling by the state board pursuant to subdivision one of this section shall be subject to judicial review in a proceeding under article seventy-eight of the civil practice law and rules.

S 14. Subdivision 1 of section 489-ll of the real property tax law, as added by chapter 920 of the laws of 1977, is amended to read as follows:

1. After the hearing provided for in section four hundred eighty-nine-kk of this [chapter] TITLE, the state board OF REAL PROPERTY TAX SERVICES shall finally determine the railroad ceiling for the railroad real property of each railroad company situated in each assessing unit. Whenever upon complaint the state board shall revise the local reproduction cost of a railroad company in an assessing unit, it shall revise the appropriate railroad ceiling to reflect such revision, but it shall not, on account of such revision, modify any other determination with respect to the railroad ceilings for such railroad company for such year. Notwithstanding the fact that no complaint shall have been filed with respect to a tentative determination of a railroad ceiling, the state board shall give effect to any special equalization rate established pursuant to subdivision two of section four hundred eighty-nine-jj of this [chapter] TITLE prior to the final determination of the railroad ceiling.

S 15. Section 614 of the real property tax law is amended to read as follows:

S 614. Determination of final assessment of special franchises. After [the hearing of complaints, if any, as provided in] RECEIVING THE COMMISSIONER'S REPORT REGARDING ANY COMPLAINT FILED PURSUANT TO section six hundred twelve of this [chapter] ARTICLE, the state board OF REAL PROPERTY TAX SERVICES shall determine the final assessment of each special franchise.

S 16. Subdivision 2 of section 740 of the real property tax law, as added by chapter 732 of the laws of 1983, is amended to read as follows:

2. A petition and notice shall be served by delivering two copies to [a member of the state board] THE COMMISSIONER or to an officer or employee authorized by [the board] HIM OR HER to accept service, not more than sixty days after the written notice of the final assessment prescribed by section six hundred eighteen of this chapter has been served. Where a proceeding is commenced by an assessing unit in which a special franchise is situated, an additional copy shall be filed by the petitioner with the owner of that special franchise. Where a proceeding is commenced by a special franchise owner, the petitioner, within ten

days after service, shall file an additional copy with the clerk of the city, town or village and with the clerk of the school district in which that special franchise is situated except a school district governed by the provisions of article fifty-two of the education law.

S 17. Section 1210 of the real property tax law, as amended by chapter 355 of the laws of 1990, is amended to read as follows:

S 1210. Establishment of final state equalization rates, class ratios and class equalization rates. After [hearing the complaints, if any, as provided in] RECEIVING THE COMMISSIONER'S REPORT REGARDING ANY COMPLAINT FILED PURSUANT TO section twelve hundred eight of this [chapter] TITLE, the state board OF REAL PROPERTY TAX SERVICES shall establish the final state equalization rate, class ratios, and class equalization rates, if required, for each city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter.

S 18. Section 1218 of the real property tax law, as amended by chapter 685 of the laws of 2004, is amended to read as follows:

S 1218. Review of final determinations of state board OF REAL PROPERTY TAX SERVICES relating to state equalization rates. A final determination of the state board OF REAL PROPERTY TAX SERVICES relating to state equalization rates may be reviewed by commencing an action in the appellate division of the supreme court in the manner provided by article seventy-eight of the civil practice law and rules upon application of the county, city, town or village for which the rate or rates were established. The standard of review in such a proceeding shall be as specified in subdivision four of section seventy-eight hundred three of the civil practice law and rules. Whenever a final order is issued in such a proceeding directing a revised state equalization rate, any county, village or school district that used the former rate in the apportionment of taxes must, upon receipt of such final order, recalculate the levy that used such former rate and credit or debit as appropriate its constituent municipalities in its next levy. Any special franchise assessments that were established using the former rate must, upon receipt of such final order, be revised by the state board in accordance with the new rate, and, if taxes have already been levied upon such assessments, the affected special franchise owners shall either automatically receive a refund if there is a decrease or be taxed on an increase in the next levy in the manner provided for omitted parcels in title three of article five of this chapter.

S 19. Subdivision (e) of section 15 of the tax law, as amended by chapter 161 of the laws of 2005, is amended to read as follows:

(e) Eligible real property taxes. The term "eligible real property taxes" means taxes imposed on real property which is owned by the QEZE and located in an empire zone with respect to which the QEZE is certified pursuant to article eighteen-B of the general municipal law, provided such taxes are paid by the QEZE which is the owner of the real property or are paid by a tenant which either (i) does not meet the eligibility requirements under section fourteen of this article to be a QEZE or (ii) cannot treat such payment as eligible real property taxes pursuant to this paragraph and such taxes become a lien on the real property during a taxable year in which the owner of the real property is both certified pursuant to article eighteen-B of the general municipal law and a qualified empire zone enterprise. In addition, "eligible real property taxes" shall include taxes paid by a QEZE which is a lessee of real property if the following conditions are satisfied: (1)

the taxes must be paid by the lessee pursuant to explicit requirements in a written lease executed or amended on or after June first, two thousand five, (2) such taxes become a lien on the real property during a taxable year in which the lessee of the real property is both certified pursuant to article eighteen-B of the general municipal law and a qualified empire zone enterprise, and (3) the lessee has made direct payment of such taxes to the taxing authority and has received a receipt for such payment of taxes from the taxing authority. In addition, the term "eligible real property taxes" includes payments in lieu of taxes made by the QEZE to the state, a municipal corporation or a public benefit corporation pursuant to a written agreement entered into between the QEZE and the state, municipal corporation, or public benefit corporation. Provided, however, a payment in lieu of taxes made by the QEZE pursuant to a written agreement executed or amended on or after January first, two thousand one, shall not constitute eligible real property taxes in any taxable year to the extent that such payment exceeds the product of (A) the greater of (i) the basis for federal income tax purposes, calculated without regard to depreciation, determined as of the effective date of the QEZE's certification pursuant to article eighteen-B of the general municipal law of real property, including buildings and structural components of buildings, owned by the QEZE and located in empire zones with respect to which the QEZE is certified pursuant to such article eighteen-B of the general municipal law, and provided that if such basis is further adjusted or reduced pursuant to any provision of the internal revenue code, the QEZE may petition the department[,] AND the department of economic development [and the office of real property services] to disregard such reduction or adjustment for the purpose of this subdivision or (ii) the basis for federal income tax purposes of such real property described in clause (i) of this subparagraph, calculated without regard to depreciation, on the last day of the taxable year, and provided that if such basis is further adjusted or reduced pursuant to any provision of the internal revenue code, the QEZE may petition the department, the department of economic development and the office of real property services to disregard such reduction or adjustment for the purpose of this subdivision; and (B) the estimated effective full value tax rate within the county in which such property is located, as most recently [reported to] CALCULATED BY the commissioner [by the secretary of the state board of real property services, or his or her designee]. The [state board] COMMISSIONER shall annually calculate estimated effective full value tax rates within each county for this purpose based upon the most current information available to [it] HIM OR HER in relation to county, city, town, village and school district taxes.

S 20. Paragraph 5 of subdivision (b) of section 22 of the tax law, as amended by section 4 of part H of chapter 577 of the laws of 2004, is amended to read as follows:

(5) Eligible real property taxes. The term "eligible real property taxes" means taxes imposed on real property which consists of a qualified site owned by the developer, provided such taxes become a lien on the real property in a period during which the real property is a qualified site. In addition, the term "eligible real property taxes" includes payments in lieu of taxes by the developer, with respect to a qualified site, to the state, a municipal corporation or a public benefit corporation pursuant to a written agreement entered into between the developer and the state, a municipal corporation or a public benefit corporation. Provided, however, such a payment in lieu of taxes shall not

constitute eligible real property taxes in any taxable year to the extent that such payment exceeds the product of (A) the greater of (i) the basis for federal income tax purposes, determined on the date the taxpayer becomes a developer as defined under this section, of real property, including buildings and structural components of buildings, owned by the developer and located on a qualified site with respect to which the taxpayer is a developer, or (ii) the basis for federal income tax purposes of such real property described in clause (i) of this subparagraph on the last day of the taxable year, and (B) the estimated effective full value tax rate within the county in which such property is located, as most recently [reported to] CALCULATED BY the commissioner [by the secretary of the state board of real property services, or his or her designee]. The [state board] COMMISSIONER shall annually calculate estimated and effective full value tax rates within each county for this purpose based upon the most current information available to [it] HIM OR HER in relation to county, city, town, village and school district taxes. Provided further, where the amount of the credit determined under paragraph two of this subdivision is the total product of the factors and tax specified therein, the term "eligible real property taxes" under this paragraph shall apply only to taxes imposed on real property which is attributed to a qualified site located in an environmental zone. Where the developer is a partner in a partnership or a shareholder in a New York S corporation, such real property shall be owned by the partnership or the New York S corporation, respectively.

S 20-a. Subdivision 2 of section 170 of the tax law, as amended by chapter 282 of the laws of 1986, is amended and a new subdivision 7-a is added to read as follows:

2. Existing divisions or bureaus in the department of taxation and finance or transferred to the department shall continue until consolidated or abolished pursuant to this section. There shall be in the department of taxation and finance a division of taxation, a division of the treasury, a division of the lottery, AN OFFICE OF REAL PROPERTY TAX SERVICES, and a division of tax appeals.

7-A. THE HEAD OF THE OFFICE OF REAL PROPERTY TAX SERVICES SHALL BE AN OFFICER TO BE APPOINTED AND HOLD OFFICE AS PROVIDED BY SECTION TWO HUNDRED THREE OF THE REAL PROPERTY TAX LAW.

S 21. Subdivision twenty-fifth of section 171 of the tax law, as amended by chapter 170 of the laws of 1994, paragraph a as amended by section 93 of part A of chapter 436 of the laws of 1997, paragraph b as amended and paragraph c as added by chapter 474 of the laws of 1996, is amended to read as follows:

Twenty-fifth. a. With respect to the income to be used in the computation of school aid payable in the school year nineteen hundred ninety-four--ninety-five and thereafter, be required to design, develop and implement a permanent computerized statewide school district address match and income verification system in regard to each school district's valuation of total New York adjusted gross income as determined by the department, for use in determining state aid to education. The department shall promulgate rules and regulations to effect the provisions of this paragraph within ninety days of the enactment of the chapter of the laws of nineteen hundred ninety-four amending this paragraph. Commencing September first, nineteen hundred ninety-seven, the commissioner[,] AND the commissioner of education[, and the executive director of the office of real property services], subject to the approval of the director of the budget shall be required to enter into a cooperative agreement by September first of each year, which will govern the validation and

correction and completion of the total New York adjusted gross income of school districts until September first of the following year. Such agreement shall include, but not be limited to: (i) procedures to improve the accuracy of school district income data, in a manner which gives appropriate recognition to computerized processing capabilities, administrative feasibility of manual processes and confidentiality implications; (ii) procedures to verify the school district codes reported by taxpayers; (iii) procedures to correct identified inaccuracies; (iv) procedures to assign school district codes based on the permanent residence addresses of taxpayers who failed to complete the school district code; (v) the schedule for the transmittal of electronic data between the agencies, as necessary, to implement such system; and (vi) beginning in the nineteen hundred ninety-six state fiscal year, procedures for the review process provided for in paragraph c of this subdivision. All state departments and agencies, and school districts and other local governments and agencies, shall cooperate with the parties to such agreement in its implementation.

b. 1. [With respect to income used in the computation of school aid payable in the school years nineteen hundred ninety-four--ninety-five through nineteen hundred ninety-seven--ninety-eight, be required to design, develop and implement a process whereby school districts may request a review of the assignment of taxpayer addresses to their school district. In addition to the cooperative agreement developed pursuant to paragraph a of this subdivision between the commissioner, the commissioner of education and the director of the office of real property services, the parties shall enter into a second cooperative agreement to establish procedures for such a review process. Such procedures shall include but not be limited to: (i) general criteria to be used for the purpose of evaluating suspected inaccuracies in the assignment of tax returns to school districts; (ii) a process for rating the requests for review, giving appropriate recognition to the relative incidence of suspected inaccuracies, the relative effect of suspected inaccuracies on the aggregate income, income per return and relative income per pupil of the school district, and the relative effect of suspected inaccuracies on state aid payable to the school district pursuant to the education law; (iii) a process for identifying the school districts for participation in the review process from the rated list of applicants; (iv) processes by which addresses assigned to identified school districts will be reviewed and by which corrections to inaccuracies will be identified; (v) a process by which corrections to inaccurate assignments will be made to appropriate files; and (vi) deadlines by which school districts must submit requests for review to the commissioner of education and timelines for each of the procedures included in the agreement.

2. School districts requesting a review in accordance with the provisions of this paragraph shall be required, in consultation with the district superintendent of schools for the supervisory district in which the school district is located, appointed pursuant to section nineteen hundred fifty of the education law, to submit to the commissioner of education evidence in support of a contention that the assignment of tax returns to their district is inaccurate. Identified school districts may be required to review ordered listings, prepared by the department or the office of real property services or an authorized vendor contracted by the department, of the permanent resident address of selected taxpayers who filed personal income tax returns with the department reporting a school district code or address which indicates that the taxpayer was a resident of such identified school district at the close of the taxa-

ble year for which the return was filed. In no case shall ordered address listings for school district review include those addresses which the school district had the opportunity to review pursuant to paragraph a of this subdivision. District superintendents of schools appointed pursuant to section nineteen hundred fifty of the education law, having an identified school district within their supervisory district, shall be required to verify any suspected inaccuracies indicated by an identified district as a result of the district's review of ordered address listings pursuant to this paragraph.

3.] Any correction, pursuant to this paragraph, of verified inaccuracies of income data shall only result in the removal of such returns from the identified school district.

[4.] 2. All state departments and agencies, and school districts and other local governments and agencies, shall cooperate with the parties to such agreement in the implementation of the review process provided pursuant to this paragraph.

c. 1. With respect to income used in the computation of school aid payable in the school years nineteen hundred ninety-eight--ninety-nine and thereafter, be required to design, develop and implement a process whereby school districts may request a review of the assignment of taxpayer addresses to their school district. Procedures for such a review process shall be included in the cooperative agreement entered into pursuant to paragraph a of this subdivision.

2. School districts requesting a review in accordance with the provisions of this paragraph shall be required, in consultation with the district superintendent of schools for the supervisory district in which the school district is located, appointed pursuant to section nineteen hundred fifty of the education law, to submit to the commissioner of education evidence in support of a contention that the assignment of tax returns to their district is inaccurate. Identified school districts may be required to review ordered listings, prepared by the department [or the office of real property services] or an authorized vendor contracted by the department, of the permanent resident address of selected taxpayers who filed personal income tax returns with the department reporting a school district code or address which indicates that the taxpayer was a resident of such identified school district at the close of the taxable year for which the return was filed. In no case shall ordered address listings for school district review include those addresses which the school district had the opportunity to review pursuant to paragraph a of this subdivision. District superintendents of schools appointed pursuant to section nineteen hundred fifty of the education law, having an identified school district within their supervisory district, shall be required to verify any suspected inaccuracies indicated by an identified district as a result of the district's review of ordered address listings pursuant to this paragraph.

3. Any correction, pursuant to this paragraph, of verified inaccuracies of income data shall only result in the removal of such returns from the identified school district.

4. All state departments and agencies, and school districts and other local governments and agencies, shall cooperate with the parties to such agreement in the implementation of the review process provided pursuant to this paragraph.

S 22. Section 171-o of the tax law, as amended by chapter 631 of the laws of 2006, is amended to read as follows:

S 171-o. Income verification for [the state board of real property services and] a city with a population of one million or more. (1) The

department shall enter into an agreement with [the state board of real property services to verify, to the extent practicable, whether persons described in paragraph (b) of subdivision four of section four hundred twenty-five of the real property tax law meet the income eligibility requirements prescribed therein for the applicable income tax year, beginning with the income tax year ending in two thousand two. The department shall also enter into an agreement with] a city with a population of one million or more to verify, to the extent practicable, whether persons described in paragraph (b) of subdivision four of section four hundred twenty-five of the real property tax law meet the income eligibility requirements prescribed therein for the applicable income tax year, beginning with the income tax year ending in two thousand five. The department shall advise the [state board of real property services, or] city[, as the case may be,] of its findings, stating in each case either that such person or persons do or do not satisfy such requirements, or that the eligibility of such person or persons cannot be verified, whichever is appropriate. The department shall not provide any other information about the income of such persons to the [state board of real property services or] city.

(2) The provisions of article six of the public officers law shall not apply to any information that the department obtains from or provides to the [state board of real property services or] city pursuant to this section.

(3) Any information furnished by the department pursuant to this section shall be deemed confidential and the assessor, any municipal officer or municipal employees are prohibited from disclosing any such information, except for any disclosure necessary in the performance of their official duties in connection with the school tax relief (STAR) exemption pursuant to section four hundred twenty-five of the real property tax law. Any unauthorized disclosure of such information shall be deemed a violation of section eight hundred five-a of the general municipal law.

S 23. Paragraph 12 of subsection (e) of section 606 of the tax law is REPEALED.

S 24. Paragraphs 3, 4 and 5 of subsection (k) of section 697 of the tax law, as amended by chapter 237 of the laws of 1995, are amended to read as follows:

[(3) Notwithstanding the provisions of subsection (e) of this section, the department or authorized vendor contracted by the department shall furnish annually, as required pursuant to subdivision twenty-fifth of section one hundred seventy-one of this chapter, to the executive director of the office of real property services, electronic file transfers of the permanent residence address of each taxpayer who has filed a personal income tax return with the department. Such transfers shall be in accordance with the schedule established pursuant to the agreement developed in accordance with paragraph d of subdivision twenty-fifth of section one hundred seventy-one of this chapter. Similarly, the office of real property services shall, subject to the availability of funds appropriated for this purpose, verify or correct or determine the school district for each such residence address provided by the department and shall return such updated data to the department in accordance with the provisions of such agreement.]

(4) Notwithstanding the provisions of subsection (e) of this section, the department [or the office of real property services] or an authorized vendor contracted by the department shall furnish, as required pursuant to subdivision twenty-fifth of section one hundred seventy-one

of this chapter, to the superintendents of schools of identified school districts and district superintendents of schools appointed pursuant to section nineteen hundred fifty of the education law, having an identified school district within their supervisory district, an ordered listing, for such identified school districts electing to participate in the appeals process for a limited school district address review validation and correction process.

(5) The information provided pursuant to this section and subdivision twenty-fifth of section one hundred seventy-one of this chapter shall be used solely for the purpose of verifying the legal residence and school district of a taxpayer in determining the distribution of state aid for education and such information may only be disclosed by such commissioner, [director,] superintendents and authorized vendor contracted by the department for such purposes to employees of the state education department, [employees of the state office of real property services] and to employees under the control of such superintendents. In addition, notwithstanding the provisions of subsection (e) of this section, the department may furnish to an authorized vendor contracted by the department the permanent resident address and school code data necessary for the implementation of the temporary school district address review validation and correction process, the pilot computerized address match and income verification project, or the permanent computerized statewide school district address match and income verification system pursuant to subdivision twenty-fifth of section one hundred seventy-one of this chapter. Any violation of the provisions of this section shall be punishable in the manner provided for in subsection (e) of this section. Any information obtained by any agency or person pursuant to the provisions of this section shall not be deemed a "record", as defined in subdivision four of section eighty-six of the public officers law.

S 25. Subdivision 3 of section 1564 of the tax law, as amended by chapter 17 of the laws of 2008, is amended to read as follows:

3. An exemption from the tax which is equal to the median sales price of residential real property within the applicable town or city, as determined by the [office of real property services pursuant to procedures adopted for this purpose by the state board of real property services established pursuant to article two of the real property tax law] COMMISSIONER, shall be allowed on the consideration of the conveyance of improved or unimproved real property or an interest therein.

S 26. This act shall take effect immediately.

PART X

Section 1. Subdivision 1 of section 511 of the real property tax law, as amended by chapter 319 of the laws of 1998, is amended to read as follows:

1. In the year of a revaluation or update of assessments, IF THE STATE EQUALIZATION RATE FOR THE IMMEDIATELY PRECEDING ASSESSMENT ROLL WAS LESS THAN EIGHTY-FIVE, the assessor shall, and in any other year may, not later than sixty days prior to the date set by law for the filing of the tentative assessment roll, mail to each owner of real property therein, an assessment disclosure notice in the format provided in paragraph (a) of subdivision two of this section. However, pursuant to a resolution adopted by the governing board of the assessing unit, other than a special assessing unit or an approved assessing unit which has adopted the provisions of section nineteen hundred three of this chapter, such

assessment disclosure notice shall include in lieu thereof the items specified in paragraph (b) of subdivision two of this section.

S 2. Section 511 of the real property tax law is amended by adding a new subdivision 9 to read as follows:

9. A SPECIAL ASSESSING UNIT SHALL BE DEEMED TO BE IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION IF IT PROVIDES ASSESSMENT DISCLOSURE NOTICES TO PROPERTY OWNERS IN AN ALTERNATIVE MANNER WHICH INCLUDES, AT A MINIMUM, THEIR TENTATIVE ASSESSMENTS, THE MARKET VALUES UPON WHICH THEY WERE BASED, AND THE APPLICABLE LEVEL OF ASSESSMENT.

S 3. Subdivision 1 of section 1590 of the real property tax law, as amended by chapter 316 of the laws of 1992, is amended to read as follows:

1. A municipal corporation, other than a school district or a village, which prepares assessment rolls by means of electronic data processing, shall annually submit to the state board the data files used in the preparation of each TENTATIVE AND final assessment roll and summaries of the information from the final assessment roll including as a minimum the number of parcels, the total assessed value thereof, and the total taxable assessed value thereof. Such information shall be submitted within [thirty] TEN days of the time of filing the TENTATIVE OR final assessment roll, as provided for pursuant to section FIVE HUNDRED SIX OR five hundred sixteen of this chapter OR SUCH OTHER LAW AS MAY BE APPLICABLE. IN ADDITION, IF THE ASSESSING UNIT MAINTAINS A WEBSITE, THEN WITHIN TEN DAYS OF THE FILING OF THE TENTATIVE ASSESSMENT ROLL, IT SHALL POST A COPY OF SUCH ROLL ON ITS WEBSITE, WITH A LINK THERETO PROMINENTLY DISPLAYED ON ITS HOME PAGE, AND SHALL NOT REMOVE THE SAME BEFORE THE FINAL ASSESSMENT ROLL HAS BEEN FILED. IN LIEU OF POSTING A COPY OF SUCH ROLL ON ITS WEBSITE, THE ASSESSING UNIT MAY CAUSE SUCH COPY TO BE POSTED ON THE WEBSITE OF THE COUNTY IN WHICH IT IS LOCATED FOR THE SAME PERIOD OF TIME AS OTHERWISE REQUIRED BY THIS SUBDIVISION, PROVIDED THAT A LINK THERETO SHALL BE PROMINENTLY DISPLAYED ON THE WEBSITE OF THE ASSESSING UNIT.

S 4. Subdivision 5 of section 574 of the real property tax law, as amended by chapter 257 of the laws of 1993, is amended to read as follows:

5. [Forms or reports filed] DATA COLLECTED pursuant to this section or section three hundred thirty-three of the real property law shall be made available for public inspection or copying in accordance with rules promulgated by the state board, EXCEPT THAT WHERE THE STATE BOARD AND THE DEPARTMENT OF TAXATION AND FINANCE HAVE DEVELOPED A COMBINED PROCESS FOR COLLECTING DATA PURSUANT TO PARAGRAPH VIII OF SUBDIVISION ONE-E OF SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW, ANY DATA SO COLLECTED WHICH IS NOT REQUIRED TO BE FURNISHED TO THE STATE BOARD BY STATUTE OR BY THE STATE BOARD'S RULES SHALL NOT BE SUBJECT TO INSPECTION OR COPYING.

S 5. Paragraphs i and v of subdivision 1-e of section 333 of the real property law, as amended by section 1 of part B of chapter 57 of the laws of 2004 and paragraph i as separately amended by chapter 521 of the laws of 2004, are amended and two new paragraphs vii and viii are added to read as follows:

i. A recording officer shall not record or accept for record any conveyance of real property affecting land in New York state unless accompanied by a transfer report form prescribed by the state board of real property services OR IN LIEU THEREOF, CONFIRMATION FROM THE STATE BOARD THAT THE REQUIRED DATA HAS BEEN REPORTED TO IT PURSUANT TO PARA-

GRAPH VII OF THIS SUBDIVISION, and the fee prescribed pursuant to subdivision three of this section.

v. The provisions of this subdivision shall not operate to invalidate any conveyance of real property where one or more of the items designated as subparagraphs one through eight of paragraph ii of this subdivision, have not been reported or which has been erroneously reported, nor affect the record contrary to the provisions of this subdivision, nor impair any title founded on such conveyance or record. Such form shall [be certified] CONTAIN AN AFFIRMATION as to the accuracy of the contents MADE BOTH by the transferor or transferors and BY the transferee or transferees. Provided, however, THAT if the conveyance of real property occurs as a result of a taking by eminent domain, tax foreclosure, or other involuntary proceeding such [form] AFFIRMATION may be [certified] MADE only by either the condemnor, tax district, or other party to whom the property has been conveyed, or by that party's attorney. THE AFFIRMATIONS REQUIRED BY THIS PARAGRAPH SHALL BE MADE IN THE FORM AND MANNER PRESCRIBED BY THE STATE BOARD, PROVIDED THAT NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AFFIRMANTS MAY BE ALLOWED, BUT SHALL NOT BE REQUIRED, TO SIGN SUCH AFFIRMATIONS ELECTRONICALLY.

VI. Any deed executed and delivered prior to July first, nineteen hundred ninety-four may nevertheless be recorded in the office of the county clerk providing there is submitted therewith, and in place of such form, a separate statement signed by the transferor or transferors and the transferee or transferees or any person having sufficient knowledge to sign such form which contains the same information required by the state board of real property services as set forth in subparagraphs one through four of paragraph ii of this subdivision.

VII. THE STATE BOARD IS HEREBY AUTHORIZED TO DEVELOP AND OVERSEE THE IMPLEMENTATION OF A SYSTEM TO ALLOW THE DATA REQUIRED BY THIS SUBDIVISION AND SECTION FIVE HUNDRED SEVENTY-FOUR OF THE REAL PROPERTY TAX LAW TO BE REPORTED TO IT ELECTRONICALLY, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY. THE STATE BOARD IS FURTHER AUTHORIZED TO ADOPT ANY RULES NECESSARY TO IMPLEMENT SUCH A SYSTEM. SUCH RULES SHALL SET FORTH SUCH STANDARDS AND PROCEDURES AS MAY BE NEEDED FOR THE EFFECTIVE AND EFFICIENT ADMINISTRATION OF THE PROGRAM, INCLUDING STANDARDS FOR PROVIDING CONFIRMATION TO RECORDING OFFICERS OF THE REPORTING OF REQUIRED DATA TO THE STATE BOARD.

VIII. UPON AGREEMENT BETWEEN THE STATE BOARD OF REAL PROPERTY SERVICES AND THE DEPARTMENT OF TAXATION AND FINANCE, THE PROCESS FOR COLLECTING DATA PURSUANT TO THIS SUBDIVISION AND SECTION FIVE HUNDRED SEVENTY-FOUR OF THE REAL PROPERTY TAX LAW MAY BE COMBINED IN WHOLE OR IN PART WITH THE PROCESS FOR COLLECTING DATA PURSUANT TO ARTICLES THIRTY-ONE, ELEVEN, TWENTY-TWO AND SUBSECTION (A) OF SECTION SIX HUNDRED SIXTY-THREE OF THE TAX LAW IN CONNECTION WITH THE REAL ESTATE TRANSFER TAX, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY. THE STATE BOARD AND THE COMMISSIONER OF TAXATION AND FINANCE ARE AUTHORIZED TO ADOPT ANY RULES NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS PARAGRAPH, INDIVIDUALLY OR JOINTLY.

S 6. Section 693 of the tax law is amended by adding a new subsection (e) to read as follows:

(E) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF SUBSECTION (E) OF SECTION SIX HUNDRED NINETY-SEVEN OF THIS PART, THE COMMISSIONER MAY FURNISH TO THE STATE BOARD OF REAL PROPERTY SERVICES INFORMATION RELATING TO REAL PROPERTY TRANSFERS OBTAINED OR DERIVED FROM RETURNS FILED PURSUANT TO THIS ARTICLE IN RELATION TO THE REAL ESTATE TRANSFER TAX, TO

THE EXTENT THAT SUCH INFORMATION IS ALSO REQUIRED TO BE REPORTED TO THE STATE BOARD BY SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW AND SECTION FIVE HUNDRED SEVENTY-FOUR OF THE REAL PROPERTY TAX LAW AND THE RULES ADOPTED THEREUNDER, PROVIDED SUCH INFORMATION WAS COLLECTED THROUGH A COMBINED PROCESS ESTABLISHED PURSUANT TO AN AGREEMENT ENTERED INTO WITH THE STATE BOARD PURSUANT TO PARAGRAPH VIII OF SUBDIVISION ONE-E OF SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW. THE STATE BOARD MAY REDISCLOSE SUCH INFORMATION TO THE EXTENT AUTHORIZED BY SECTION FIVE HUNDRED SEVENTY-FOUR OF THE REAL PROPERTY TAX LAW.

S 7. Section 1418 of the tax law is amended by adding a new subdivision (h) to read as follows:

(H) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION, THE COMMISSIONER MAY FURNISH TO THE STATE BOARD OF REAL PROPERTY SERVICES INFORMATION RELATING TO REAL PROPERTY TRANSFERS OBTAINED OR DERIVED FROM RETURNS FILED PURSUANT TO THIS ARTICLE IN RELATION TO THE REAL ESTATE TRANSFER TAX, TO THE EXTENT THAT SUCH INFORMATION IS ALSO REQUIRED TO BE REPORTED TO THE STATE BOARD BY SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW AND SECTION FIVE HUNDRED SEVENTY-FOUR OF THE REAL PROPERTY TAX LAW AND THE RULES ADOPTED THEREUNDER, PROVIDED SUCH INFORMATION WAS COLLECTED THROUGH A COMBINED PROCESS ESTABLISHED PURSUANT TO AN AGREEMENT ENTERED INTO WITH THE STATE BOARD PURSUANT TO PARAGRAPH VIII OF SUBDIVISION ONE-E OF SECTION THREE HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW. THE STATE BOARD MAY REDISCLOSE SUCH INFORMATION TO THE EXTENT AUTHORIZED BY SECTION FIVE HUNDRED SEVENTY-FOUR OF THE REAL PROPERTY TAX LAW.

S 8. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that the state board of real property services and the department of taxation and finance are hereby authorized to adopt any rules needed to implement the provisions of this act prior to such date.

PART Y

Section 1. Paragraphs (a), (b) and (c) of subdivision 1 and subdivision 2 of section 1573 of the real property tax law, paragraph (a) of subdivision 1 as amended and paragraphs (b) and (c) of subdivision 1 as added by chapter 309 of the laws of 1996, subdivision 2 as amended by chapter 655 of the laws of 2004 and paragraph (a) of subdivision 2 as amended by chapter 212 of the laws of 2006, are amended to read as follows:

(a) the assessing unit has satisfied standards of quality assessment administration, as established by the state board pursuant to regulations promulgated by the state board, subject to the approval of the director of the budget[. Such rules shall be based upon but not limited to the following criteria:

(i) quality and maintenance of valuation data;

(ii) presentation of public information and data;

(iii) administration of exemptions;

(iv) an acceptable level of assessment uniformity as measured annually by the state board; and

(v) compliance with statutes and rules.] AND HAS IMPLEMENTED A REVALUATION PURSUANT TO AN APPROVED PLAN AS PROVIDED IN THIS SUBDIVISION;

(b) [any revaluation or update of assessments, implemented on an assessment roll finalized after the first day of January, nineteen hundred ninety-six,] THE REVALUATION is at one hundred percent of value;

however, in special assessing units the revaluation or update of assessments must be at a uniform percentage of value for each class;

(c) [the assessing unit has published, on the tentative assessment roll, the uniform percentage of value at which all real property is assessed, or in special assessing units, the uniform percentage of value at which each class of property is assessed;] THE REVALUATION WAS IMPLEMENTED PURSUANT TO A PLAN, APPROVED PURSUANT TO THE RULES OF THE STATE BOARD, OF NOT LESS THAN FOUR YEARS THAT PROVIDES, AT A MINIMUM, FOR A REVALUATION IN THE FIRST AND LAST YEAR OF SUCH PLAN, BUT IN NO CASE LESS THAN ONCE EVERY FOUR YEARS, AND FOR INVENTORY DATA TO BE COLLECTED AT LEAST ONCE EVERY SIX YEARS;

2. (A) State assistance pursuant to subdivision one of this section shall be payable [as follows] in an amount not to exceed five dollars per parcel for [each separately assessed parcel appearing on the applicable] AN assessment roll[, excluding] UPON WHICH A REVALUATION IS IMPLEMENTED IN ACCORDANCE WITH AN APPROVED PLAN, AND NOT TO EXCEED TWO DOLLARS PER PARCEL FOR ANY ASSESSMENT ROLL UPON WHICH A REVALUATION IS NOT IMPLEMENTED IN ACCORDANCE WITH AN APPROVED PLAN. THE AMOUNT PAYABLE ON A PER PARCEL BASIS SHALL EXCLUDE parcels which are wholly exempt or assessed by the state board[: (a) Triennial aid shall be payable when the state board determines that the assessing unit has implemented a revaluation or update that includes the reinspection and reappraisal of all locally assessed properties. However, no assessing unit may qualify for this payment more than once in a three year period, and no aid may be paid pursuant to this paragraph with respect to any assessment roll filed after the year two thousand eleven.

(b) (i) Annual aid shall be payable when the state board determines that the assessing unit has maintained an equitable assessment roll. Such determination shall be made in accordance with standards established pursuant to regulations promulgated by the state board, subject to the approval of the director of the budget, and shall be based upon criteria including but not limited to:

(A) annually maintaining assessments at the percentage of value specified in subdivision one of this section;

(B) annually conducting a systematic analysis of all locally assessed properties using a methodology specified in such regulations;

(C) annually revising assessments as necessary to maintain the stated uniform percentage of value; and

(D) implementing a local program for physically inspecting and reappraising each parcel at least once every six years.

(E) Such standards shall contain ranges of acceptable performance as determined by the state board in accordance with nationally recognized assessment methods.

(ii) No aid shall be paid pursuant to this paragraph with respect to any assessment roll which receives triennial aid pursuant to paragraph (a) of this subdivision].

[(iii)] (B) ANY ASSESSING UNIT THAT FAILS TO IMPLEMENT A REVALUATION AS PRESCRIBED IN AN APPROVED PLAN SHALL REMIT TO THE STATE THE FULL AMOUNT OF ANY STATE AID RECEIVED PURSUANT TO THIS SUBDIVISION FOR THE ASSESSMENT ROLLS FOLLOWING THE ONE UPON WHICH THE MOST RECENT REVALUATION WAS IMPLEMENTED.

(C) NOTHING HEREIN SHALL BE DEEMED TO PREVENT AN ASSESSING UNIT FROM WITHDRAWING FROM AN APPROVED PLAN. ANY ASSESSING UNIT THAT DOES SO SHALL ONLY BE RESPONSIBLE FOR REMISSION OF PER PARCEL PAYMENTS FOR NON-REVALUATION YEARS.

(D) No grant awarded to any individual assessing unit in any given year pursuant to this subdivision shall exceed five hundred thousand dollars.

S 2. This act shall take effect immediately and shall apply to assessment rolls with taxable status dates occurring on and after March 1, 2010.

PART Z

Section 1. Clause 2 of subparagraph (viii) of paragraph a of subdivision 10 of section 54 of the state finance law, as amended by section 5 of part GG of chapter 56 of the laws of 2009, 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, EXCLUDING ANY DEFICIT REDUCTION ADJUSTMENT PURSUANT TO PARAGRAPH E-1 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 paragraph p of this subdivision.

S 2. Paragraph b of subdivision 10 of section 54 of the state finance law, as amended by section 2 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

b. Base level grants. (I) Within amounts appropriated in the state fiscal year commencing April first, two thousand seven and in each state fiscal year thereafter, there shall be apportioned and paid to a county with a population of less than one million but more than nine hundred twenty-five thousand according to the federal decennial census of two thousand, cities with a population of less than one million, towns and villages a base level grant in an amount equal to the prior year aid received by such county, city, town or village.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, WITHIN AMOUNTS APPROPRIATED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TEN, THERE SHALL BE APPORTIONED AND PAID TO EACH MUNICIPALITY A BASE LEVEL GRANT IN AN AMOUNT EQUAL TO THE PRIOR YEAR AID RECEIVED BY SUCH MUNICIPALITY MINUS A BASE LEVEL GRANT ADJUSTMENT CALCULATED IN ACCORDANCE WITH CLAUSE TWO OF THIS SUBPARAGRAPH.

(1) WHEN USED IN THIS SUBPARAGRAPH, UNLESS OTHERWISE EXPRESSLY STATED:

(A) "2008-09 AIM FUNDING" SHALL MEAN THE SUM OF THE BASE LEVEL GRANT PURSUANT TO THIS PARAGRAPH, ADDITIONAL ANNUAL APPORTIONMENT PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION, PER CAPITA ADJUSTMENT PURSUANT TO PARAGRAPH E OF THIS SUBDIVISION AND SPECIAL AID AND INCENTIVES TO CERTAIN ELIGIBLE CITIES AS APPROPRIATED IN CHAPTER FIFTY OF THE LAWS OF TWO THOUSAND EIGHT, AS AMENDED BY CHAPTER ONE OF THE LAWS OF TWO THOUSAND NINE, APPORTIONED AND PAID TO SUCH MUNICIPALITY IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND EIGHT.

(B) "2008 TOTAL REVENUES" SHALL MEAN "TOTAL REVENUES" FOR SUCH MUNICIPALITY AS REPORTED IN THE STATE COMPTROLLER'S SPECIAL REPORT ON LOCAL GOVERNMENT FINANCES FOR NEW YORK STATE FOR LOCAL FISCAL YEARS ENDED IN TWO THOUSAND EIGHT.

(C) "AIM RELIANCE" SHALL MEAN 2008-09 AIM FUNDING EXPRESSED AS A PERCENTAGE OF 2008 TOTAL REVENUES.

(2) THE BASE LEVEL GRANT ADJUSTMENT SHALL EQUAL:

(A) TWO PERCENT OF PRIOR YEAR AID IF AIM RELIANCE WAS AT LEAST TEN PERCENT, OR

(B) FIVE PERCENT OF PRIOR YEAR AID IF AIM RELIANCE WAS LESS THAN TEN PERCENT.

(III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION BUT MORE THAN NINE HUNDRED TWENTY-FIVE THOUSAND ACCORDING TO THE FEDERAL DECENNIAL CENSUS OF TWO THOUSAND SHALL NOT RECEIVE A BASE LEVEL GRANT IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TEN OR IN ANY STATE FISCAL YEAR THEREAFTER.

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

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

S 4. Paragraph j of subdivision 10 of section 54 of the state finance law, as amended by section 3 of part D of chapter 503 of the laws of 2009, 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] YEARS commencing April first, two thousand nine AND APRIL FIRST, TWO THOUSAND ELEVEN, and in each state fiscal year thereafter, a city with a population of one million or more shall receive three hundred one million six hundred fifty-eight thousand four hundred ninety-five dollars payable on or before December fifteenth. 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. Subdivision c of section 8 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 1 of part F of chapter 61 of the laws of 2000, is amended to read as follows:

c. Whenever a city having a population of one million or more has determined the existence of an emergency pursuant to section three of this act, the provisions of this act and the New York city rent stabilization law of nineteen hundred sixty-nine shall be administered by the state division of housing and community renewal as provided in the New York city rent stabilization law of nineteen hundred sixty-nine, as amended, or as otherwise provided by law. The costs incurred by the state division of housing and community renewal in administering such regulation shall be paid by such city. All payments for such administration shall be transmitted to the state division of housing and community renewal as follows: on or after April first of each year commencing with April, nineteen hundred eighty-four, the commissioner of housing and community renewal shall determine an amount necessary to defray the division's anticipated annual cost, and one-quarter of such amount shall be paid by such city on or before July first of such year, one-quarter of such amount on or before October first of such year, one-quarter of such amount on or before January first of the following year and one-quarter of such amount on or before March thirty-first of the following year. After the close of the fiscal year of the state, the commissioner shall determine the amount of all actual costs incurred in such fiscal year and shall certify such amount to such city. If such certified amount shall differ from the amount paid by the city for such fiscal year, appropriate adjustments shall be made in the next quarterly payment to be made by such city. In the event that the amount thereof is not paid to the commissioner as herein prescribed, the commissioner shall certify the unpaid amount to the comptroller, and the comptroller shall, to the extent not otherwise prohibited by law, withhold such amount from [the next succeeding payment of per capita assistance to be apportioned] ANY STATE AID PAYABLE to such city. In no event shall the amount imposed on the owners exceed ten dollars per unit per year.

S 6. Paragraph (a-1) of subdivision 2 of section 39 of the judiciary law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

(a-1) (i) Effective for each state fiscal year beginning April first, nineteen hundred ninety-five, the state comptroller shall, on or before the end of that fiscal year: (1) deduct from any moneys payable to the

city of New York from the local assistance account as [per capita] state aid for the support of local government [pursuant to section fifty-four of the state finance law] the amount certified to him or her by the chief administrator of the courts immediately following the close of such fiscal year pursuant to subparagraph (ii) of this paragraph, and (2) transfer the amount of such deduction from the local assistance account to the New York city county clerks' operations offset fund.

(ii) On or before March first in each year commencing with March first, nineteen hundred ninety-six, the chief administrator shall determine and certify to the comptroller the difference between (1) the amount of the disbursements under the judiciary budget made during the fiscal year ending the previous March thirty-first for the payment of services and expenses incurred in that fiscal year by the offices of the county clerks of the city of New York, excluding services and expenses incurred by those offices in discharge of a county clerk's powers and duties as commissioner of jurors, and (2) the aggregate receipts derived by the state from the fees specified in paragraphs one and two of subdivision (f) of section eight thousand twenty and section eight thousand twenty-one of the civil practice law and rules during the fiscal year commencing April first, nineteen hundred ninety.

(iii) On or before March first, nineteen hundred ninety-seven, and each March first thereafter, the chief administrator shall determine the actual difference between (1) the amount of the disbursements under the judiciary budget made during the fiscal year ending the previous March thirty-first for the payment of services and expenses incurred in that fiscal year by the offices of the county clerks of the city of New York, excluding services and expenses incurred by those offices in discharge of a county clerk's powers and duties as commissioner of jurors and (2) the aggregate receipts derived from the state from the fees specified in paragraphs one and two of subdivision (f) of section eight thousand twenty and section eight thousand twenty-one of the civil practice law and rules during the preceding fiscal year. The chief administrator shall compare this actual amount of difference with the projected amount of difference calculated pursuant to subparagraph (ii) of this paragraph and certify the difference between the two amounts to the comptroller. Such amount shall be added to, or deleted from, as the case may be, the amount of the deduction made from state [per capita] aid payments to the city of New York pursuant to subparagraph (i) of this paragraph.

S 7. Notwithstanding any other law to the contrary, for the state fiscal year beginning April 1, 2011, and in each state fiscal year thereafter, twenty million eight hundred eight thousand nine hundred three dollars ($20,808,903) of aid and incentives for municipalities otherwise due and payable to the city of Yonkers on or before March 31 shall be paid on or before June 30 in such fiscal year upon written request by the chief elected official of such city to the director of the budget, provided such request is made no later than April 1, 2011.

S 8. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010; provided, however, that the amendments to subdivision c of section 8 of the emergency tenant protection act of nineteen seventy-four made by section five of this act shall not affect the expiration of such act and shall expire therewith.

PART AA

Section 1. Subdivision 2 of section 54-l of the state finance law, as amended by section 1 of part KK of chapter 56 of the laws of 2009, is amended to read as follows:

2. Within amounts appropriated therefor, 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: (1) twenty-five percent shall be apportioned and paid to the county; and (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]: (1) for an eligible municipality which is located in a county that has a poverty rate equal to or greater than seventy-five percent of the New York state poverty rate, an amount equal to the state aid payment received in the state fiscal year commencing April first, two thousand eight; and (2) for an eligible municipality which is located in a county that has a poverty rate less than seventy-five percent of the New York state poverty rate, an amount equal to fifty percent of the state aid payment received in the state fiscal year commencing April first, two thousand eight; AND (III) FOR THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TEN AND FOR EACH STATE FISCAL YEAR THEREAFTER, AN AMOUNT EQUAL TO NINETY PERCENT OF THE STATE AID PAYMENT RECEIVED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND NINE.

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, 2010.

PART BB

Intetionally omitted.

PART CC

Intetionally omitted.

PART DD

Intetionally omitted.

PART EE

Section 1. 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, SUCH 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 2. 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 3. Subdivision 7 of section 176-b of the town law, as separately amended by chapters 302, 314, 468 and 474 of the laws of 2009, is amended to read as follows:

7. (A) The membership of any volunteer firefighter shall not be continued pursuant to subdivision five of this section, and persons shall not be elected to membership pursuant to subdivision six of this section, if, by so doing, the percentage of such non-resident members in the fire company would exceed forty-five per centum of the actual membership of the fire company, provided however, that the provisions of this subdivision shall not apply to the memberships of the Shelter Island Heights fire district, the Cherry Grove fire district, the Fire Island Pines fire district, the Davis Park fire department, and the Cold Spring Harbor fire district in Suffolk county, the New Hampton fire district, the Mechanicstown fire district, the Pocatello fire district, the Washington Heights fire district and the Good Will fire district in Orange county, the Jericho fire district and the Westbury fire district in Nassau county, the Orangeburg fire district in Rockland county, the South Lockport Fire Company and the Terry's Corners volunteer fire company in Niagara County, the Taunton fire district and the Onondaga Hill fire department in Onondaga county, the Town of Batavia fire department in Genesee County, the Schuyler Heights fire district and the Slingerlands fire district I in Albany county, the town of Providence fire district in Saratoga county, the River Road fire district, No. 3 in Erie county, the Sir William Johnson Fire Company in Fulton county, the Fort Johnson Fire district in Montgomery county or the memberships of the Millwood fire district, the Purchase Fire District, the North Castle South Fire District, No. 1 in Westchester county, the Thornwood fire company, No. 1 in Westchester county and the Rockland Lake fire district in Rockland county.

(B) UPON APPLICATION BY A FIRE DISTRICT OR FIRE COMPANY TO THE STATE FIRE ADMINISTRATOR, THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE WAIVED, PROVIDED THAT NO ADJACENT FIRE DISTRICT OBJECTS WITHIN SIXTY DAYS OF NOTICE, PUBLISHED IN THE STATE REGISTER. ANY SUCH OBJECTION SHALL BE MADE IN WRITING TO THE STATE FIRE ADMINISTRATOR SETTING FORTH THE REASONS SUCH WAIVER SHOULD NOT BE GRANTED. IN CASES WHERE AN OBJECTION IS PROPERLY FILED, THE STATE FIRE ADMINISTRATOR SHALL HAVE THE AUTHORITY TO GRANT A WAIVER UPON CONSIDERATION OF (1) THE DIFFICULTY OF THE FIRE COMPANY OR DISTRICT IN RETAINING AND RECRUITING ADEQUATE PERSONNEL; (2) ANY ALTERNATIVE MEANS AVAILABLE TO THE FIRE COMPANY OR DISTRICT TO ADDRESS SUCH DIFFICULTIES; AND (3) THE IMPACT OF SUCH WAIVER ON ADJACENT FIRE DISTRICTS.

S 4. Section 578 of the real property tax law, as added by chapter 636 of the laws of 1970, is amended to read as follows:

S 578. County assistance under cooperative agreements. 1. The legislative bodies of the counties and the governing boards of the cities, towns, villages and school districts or appropriate officers thereof authorized by such legislative body or governing board, as the case may be, shall have power to enter into contracts with each other for data processing and other mechanical assistance in the preparation of assessment rolls, tax rolls, tax bills and other assessment and property tax records and for supplies of field books, assessment rolls and other assessment and property tax forms.

2. (A) THE LEGISLATIVE BODY OF A COUNTY AND THE GOVERNING BODY OF ANY CITY, TOWN, VILLAGE OR SCHOOL DISTRICT THEREIN SHALL HAVE THE POWER TO ENTER INTO CONTRACTS WITH EACH OTHER FOR THE COLLECTION OF TAXES BY THE COUNTY TREASURER. SUCH AN AGREEMENT MAY EITHER AUTHORIZE THE COUNTY

TREASURER TO COLLECT TAXES JOINTLY AND CONCURRENTLY WITH THE TAX COLLECTING OFFICER OF SUCH CITY, TOWN, VILLAGE OR SCHOOL DISTRICT, OR MAY DELEGATE TO THE COUNTY TREASURER THE SOLE AND EXCLUSIVE AUTHORITY TO COLLECT TAXES FOR SUCH CITY, TOWN, VILLAGE OR SCHOOL DISTRICT. SUCH AN AGREEMENT SHALL BE CONSIDERED A MUNICIPAL COOPERATION AGREEMENT FOR PURPOSES OF ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW AND SHALL BE SUBJECT TO ALL PROVISIONS THEREOF. ANY SUCH AGREEMENT SHALL BE APPROVED BY BOTH THE CITY, TOWN, VILLAGE OR SCHOOL DISTRICT AND THE COUNTY, BY A MAJORITY VOTE OF THE VOTING STRENGTH OF EACH GOVERNING BODY.

(B) AN AGREEMENT THAT AUTHORIZES THE COUNTY TREASURER TO COLLECT TAXES JOINTLY AND CONCURRENTLY WITH THE TAX COLLECTING OFFICER OF SUCH CITY, TOWN, VILLAGE OR SCHOOL DISTRICT SHALL HAVE NO EFFECT UPON THE TENURE, POWERS OR DUTIES OF THE INCUMBENT TAX COLLECTING OFFICER, EXCEPT THAT THE COUNTY TREASURER SHALL ALSO BE CONSIDERED A TAX COLLECTING OFFICER OF THE CITY, TOWN, VILLAGE OR SCHOOL DISTRICT, WITH ALL THE POWERS AND DUTIES THEREOF. IN NO CASE SHALL SUCH AN AGREEMENT BE CONSTRUED TO EMPOWER THE TAX COLLECTING OFFICER OF A CITY, TOWN, VILLAGE OR SCHOOL DISTRICT TO COLLECT TAXES THAT HAVE BEEN RETURNED TO THE COUNTY TREASURER AS UNPAID.

(C) AN AGREEMENT THAT DELEGATES TO THE COUNTY TREASURER THE SOLE AND EXCLUSIVE AUTHORITY TO COLLECT TAXES FOR SUCH CITY, TOWN, VILLAGE OR SCHOOL DISTRICT SHALL HAVE THE EFFECT OF MAKING THE COUNTY TREASURER THE SOLE TAX COLLECTING OFFICER OF SUCH CITY, TOWN, VILLAGE OR SCHOOL DISTRICT, AND OF ABOLISHING THE SEPARATE OFFICE OF TAX COLLECTING OFFICER IN SUCH CITY, TOWN, VILLAGE OR SCHOOL DISTRICT, FOR AS LONG AS THE AGREEMENT SHALL BE IN EFFECT. PROVIDED, HOWEVER, THAT IF THE OFFICE TO BE ABOLISHED IS ELECTIVE, THE AGREEMENT SHALL BE SUBMITTED FOR THE APPROVAL OF THE ELECTORS OF THE CONTRACTING CITY, TOWN OR VILLAGE IN THE MANNER PROVIDED BY SECTION TWENTY-THREE OF THE MUNICIPAL HOME RULE LAW. PROVIDED FURTHER, THAT SUCH AN AGREEMENT SHALL NOT TAKE EFFECT DURING THE TERM OF AN INCUMBENT TAX COLLECTING OFFICER, UNLESS THE OFFICE SHOULD BECOME VACANT PRIOR TO THE EXPIRATION OF SUCH TERM. UPON THE TERMINATION OF SUCH AN AGREEMENT, THE OFFICE OF TAX COLLECTING OFFICER SHALL BE DEEMED REESTABLISHED AS AN APPOINTIVE OFFICE OF THE CITY, TOWN, VILLAGE OR SCHOOL DISTRICT, UNLESS SUCH OFFICE HAS BEEN ABOLISHED OR ITS FUNCTIONS TRANSFERRED TO ANOTHER OFFICER PURSUANT TO LAW.

S 5. This act shall take effect immediately.

PART FF

Section 1. Subdivision 1 of section 103 of the general municipal law, as amended by section 1 of part D of chapter 494 of the laws of 2009, 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 thirty-five 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 HER or its discretion, reject all bids and readvertise for new bids in the manner provided by this section. IN DETERMINING WHETHER A PURCHASE IS AN EXPENDITURE WITHIN THE DISCRETIONARY THRESHOLD AMOUNTS ESTABLISHED BY THIS SUBDIVISION, THE OFFICER, BOARD OR AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN SHALL CONSIDER THE REASONABLY EXPECTED AGGREGATE AMOUNT OF ALL PURCHASES OF THE SAME COMMODITIES, SERVICES OR TECHNOLOGY TO BE MADE WITHIN THE TWELVE-MONTH PERIOD COMMENCING ON THE DATE OF PURCHASE. PURCHASES OF COMMODITIES, SERVICES OR TECHNOLOGY SHALL NOT BE ARTIFICIALLY DIVIDED FOR THE PURPOSE OF SATISFYING THE DISCRETIONARY BUYING THRESHOLDS ESTABLISHED BY THIS SUBDIVISION. 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, SERVICES OR TECHNOLOGY 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. For purposes of this section, "sealed bids", as that term applies to purchase contracts, shall include bids submitted in an electronic format INCLUDING SUBMISSION OF THE STATEMENT OF NON-COLLUSION REQUIRED BY SECTION ONE HUNDRED THREE-D OF THIS ARTICLE, 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], FOR TECHNOLOGY CONTRACTS ONLY, 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 2. Subdivision 1 of section 103 of the general municipal law, as amended by chapter 413 of the laws of 1991, 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] THIRTY-FIVE 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 DETERMINING WHETHER A

PURCHASE IS AN EXPENDITURE WITHIN THE DISCRETIONARY THRESHOLD AMOUNTS ESTABLISHED BY THIS SUBDIVISION, THE OFFICER, BOARD OR AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN SHALL CONSIDER THE REASONABLY EXPECTED AGGREGATE AMOUNT OF ALL PURCHASES OF THE SAME COMMODITIES, SERVICES OR TECHNOLOGY TO BE MADE WITHIN THE TWELVE-MONTH PERIOD COMMENCING ON THE DATE OF PURCHASE. PURCHASES OF COMMODITIES, SERVICES OR TECHNOLOGY SHALL NOT BE ARTIFICIALLY DIVIDED FOR THE PURPOSE OF SATISFYING THE DISCRETIONARY BUYING THRESHOLDS ESTABLISHED BY THIS SUBDIVISION. 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, SERVICES OR TECHNOLOGY 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. 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, HER or its discretion, reject all bids and readvertise for new bids in the manner provided by this section.

S 3. Subdivision 5 of section 103 of the general municipal law, as amended by chapter 413 of the laws of 1991, is amended to read as follows:

5. Upon the adoption of a resolution by a vote of at least three-fifths of all the members of the governing body of a political subdivision or district therein stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies [of more than ten thousand dollars] IN EXCESS OF THE MONETARY THRESHOLD FIXED FOR PURCHASE CONTRACTS IN THIS SECTION may be awarded by the appropriate officer, board or agency of such political subdivision or any such district therein, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.

S 4. Section 103-d of the general municipal law, as amended by chapter 675 of the laws of 1966, is amended to read as follows:

S 103-d. Statement of non-collusion in bids and proposals to political subdivision of the state. 1. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification.

"(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition. "

(A-1) NOTWITHSTANDING THE FOREGOING, THE STATEMENT OF NON-COLLUSION MAY BE SUBMITTED ELECTRONICALLY IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION ONE OF SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW.

(b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

2. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

S 5. Intentionally omitted.

S 6. Intentionally omitted.

S 7. Intentionally omitted.

S 8. Intentionally omitted.

S 9. Intentionally omitted.

S 10. Subdivision 7 of section 163 of the state finance law, as separately amended by sections 12 and 20 of chapter 137 of the laws of 2008, is amended and a new subdivision 7-a is added to read as follows:

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 INCLUDING SUBMISSION OF THE STATEMENT OF NON-COLLUSION REQUIRED BY SECTION ONE HUNDRED THIRTY-NINE-D OF THIS CHAPTER and may, for technology contracts [only,] AND, IN ADDITION, FOR THE PERIOD FROM JULY FIRST, TWO THOUSAND TEN, TO JULY FIRST, TWO THOUSAND TWELVE, FUELS (HOME HEATING, DIESEL, GASOLINE, NATURAL

GAS), ROAD SALT, RECYCLED PAPER, TIRES, TELECOMMUNICATIONS EQUIPMENT, INDUSTRIAL SUPPLIES (TOOLS, EQUIPMENT), BITUMINOUS MATERIALS, DRAINAGE AND CULVERT PIPE, AND ROAD AGGREGATE (GRAVEL), 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.

7-A. ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND TWELVE, THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES SHALL SUBMIT TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE A REPORT DESCRIBING:

(A) THE NUMBER OF TIMES THE OFFICE OF GENERAL SERVICES REQUIRED ELECTRONIC SUBMISSION AS THE SOLE METHOD BY WHICH BIDS COULD BE SUBMITTED FOR THE PERIOD FROM JULY FIRST, TWO THOUSAND TEN THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN;

(B) THE ESTIMATED SAVINGS TO THE STATE AS A RESULT OF THE OFFICE OF GENERAL SERVICES REQUIRING ELECTRONIC SUBMISSION AS THE SOLE METHOD BY WHICH BIDS COULD BE SUBMITTED IN RESPONSE TO A SOLICITATION AND THE BASIS ON WHICH THE ESTIMATE IS MADE;

(C) TO THE EXTENT PRACTICABLE, THE SIZE, MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISE COMPOSITION AND GEOGRAPHIC DISTRIBUTION OF THOSE VENDORS THAT SUBMITTED BIDS IN RESPONSE TO AN OFFICE OF GENERAL SERVICES SOLICITATION WHERE ELECTRONIC SUBMISSION WAS THE SOLE METHOD BY WHICH BIDS COULD BE SUBMITTED FOR THE PERIOD FROM JULY FIRST, TWO THOUSAND TEN TO DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN; AND

(D) TO THE EXTENT PRACTICABLE, THE SIZE, MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISE COMPOSITION AND GEOGRAPHIC DISTRIBUTION OF THOSE VENDORS THAT SUBMITTED BIDS IN RESPONSE TO AN OFFICE OF GENERAL SERVICES SOLICITATION FOR THOSE CONTRACTS DESCRIBED IN SUBDIVISION SEVEN OF THIS SECTION FOR THE PERIOD FROM JULY FIRST, TWO THOUSAND EIGHT THROUGH JUNE THIRTIETH, TWO THOUSAND TEN.

S 11. Subdivision 1 of section 139-d of the state finance law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) NOTWITHSTANDING THE FOREGOING, THE STATEMENT OF NON-COLLUSION MAY BE SUBMITTED ELECTRONICALLY IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVEN OF SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW.

S 12. Section 20 of the public buildings law, as amended by chapter 640 of the laws of 1989, is amended to read as follows:

S 20. Work done by special order. The commissioner of general services shall determine when minor work of construction, reconstruction, alteration or repair of any state building may be done by special order. Special orders for such work shall be short-form contracts approved by the attorney general and by the comptroller. No work shall be done by special order in an amount in excess of [fifty] ONE HUNDRED thousand dollars and a bond shall not be required for special orders. No work shall be done by special order unless the

commissioner has presented to the comptroller evidence that he has made a diligent effort to obtain competition sufficient to protect the interests of the state prior to selecting the contractor to perform the work. Notwithstanding the provisions of subdivision two of section eight of this chapter, work done by special order under this section may be advertised solely through the regular public notification service of the office of general services. At least five days shall elapse between the first publication of such public notice and the date so specified for the public opening of bids. All payments on special orders shall be made on the certificate of the commissioner of general services and audited and approved by the state comptroller. All special orders shall contain a clause that the special order shall only be deemed executory to the extent of the moneys available and no liability shall be incurred by the state beyond the moneys available for the purpose.

S 12-a. Intentionally omitted.

S 13. This act shall take effect immediately and shall apply to any contract let or awarded on or after such date; provided, however, that:

1. the amendments to subdivision 1 of section 103 of the general municipal law made by section one of this act shall not affect the expiration and reversion of such subdivision as provided in subdivision (a) of section 41 of part X of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section two of this act shall take effect; and

2. the amendments to section 103-d of the general municipal law made by section four of this act shall expire and be deemed repealed on the same date and in the same manner as section 4 of part X of chapter 62 of the laws of 2003, as provided in subdivision (a) of section 41 of part X of chapter 62 of the laws of 2003, as amended; and

3. the amendments to subdivision 7 of section 163 of the state finance law made by section ten of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

4. the amendments to section 139-d of the state finance law made by section eleven of this act shall expire and be deemed repealed on the same date and in the same manner as section 33 of chapter 83 of the laws of 1995, as provided in subdivision 5 of section 362 of chapter 83 of the laws of 1995, as amended.

PART GG

Intentionally omitted.

PART HH

Intentionally omitted.

PART II

Intentionally omitted.

PART JJ

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 - 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. Civil service law: sec 11 admin account (09).
d. Civil service EHS occupational health program account (10).
e. Banking services account (12).
f. Cultural resources survey account (14).
g. Neighborhood work project (17).
h. Automation & printing chargeback account (18).
i. OFT NYT account (20).
j. Data center account (23).
k. Human service telecom account (24).
l. Centralized Technology services account (30).
m. OMRDD copy center account (26).
n. Intrusion detection account (27).

o. Domestic violence grant account (28).
p. Learning management system account.
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. Energy research account (60).
n. Criminal justice improvement account (62).
o. Fingerprint identification and technology account (68).
p. Environmental laboratory reference fee account (81).
q. Clinical laboratory reference system assessment account (90).
r. Public employment relations board account (93).
s. Radiological health protection account (95).
t. Teacher certification account (A4).
u. Banking department account (A5).
v. Cable television account (A6).
w. Indirect cost recovery account (AH).
x. High school equivalency program account (AI).
y. Rail safety inspection account (AQ).
z. Child support revenue account (AX).
aa. Multi-agency training account (AY).
bb. Critical infrastructure account (B3).
cc. Insurance department account (B6).
dd. Bell jar collection account (BJ).
ee. Industry and utility service account (BK).
ff. Real property disposition account (BP).
gg. Parking account (BQ).
hh. Asbestos safety training program account (BW).
ii. Improvement of real property tax administration account (BZ).
jj. Public service account (C3).
kk. Batavia school for the blind account (D9).
ll. Investment services account (DC).
mm. Surplus property account (DE).
nn. OMRDD day services account (DH).
oo. Financial oversight account (DI).
pp. Regulation of indian gaming account (DT).
qq. Special conservation activities account (CU).
rr. Interest assessment account (DZ).
ss. Office of the professions account (E3).
tt. Rome school for the deaf account (E6).
uu. Seized assets account (E8).
vv. Administrative adjudication account (E9).
ww. Federal salary sharing account (EC).
xx. Cultural education account (EN).
yy. Examination and miscellaneous revenue account (ER).
zz. Transportation regulation account (F1).
aaa. Local services account (G3).

bbb. Electronic benefit transfer and common benefit identification card account (GD).
ccc. Housing special revenue account (H2).
ddd. Department of motor vehicles compulsory insurance account (H7).
eee. Housing Indirect cost recovery (HI).
fff. Housing credit agency application fee account (J5).
ggg. EPIC premium account (J6).
hhh. Federal gasoline and diesel fuel excise tax account (L6).
iii. OTDA earned revenue account (L7).
jjj. Low income housing credit monitoring fee account (NG).
kkk. Procurement opportunities newsletter account (P4).
lll. Corporation administration account (P6).
mmm. Montrose veteran's home account (Q6).
nnn. Excelsior capital corporation reimbursement account (R1).
ooo. Motor fuel quality account (R4).
ppp. Deferred compensation administration account (R7).
qqq. Rent revenue other account (RR).
rrr. Batavia medicaid income account (S1).
sss. Rent revenue account (S8).
ttt. Tax revenue arrearage account (TR).
uuu. Solid waste management account (W3).
vvv. Occupational health clinics account (W4).
www. Capacity contracting (XU).
xxx. Point insurance reduction program account.
yyy. Internet point insurance reduction program account.
zzz. Mental hygiene program fund account (10).
aaaa. Third party debt collection account.
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. 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 1-a. 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 any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:

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

S 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2011, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $100,000 from the miscellaneous special revenue fund (339) underground facilities safety training account (US), to the general fund.

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

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

Education:

1. $2,231,000,000 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. $862,000,000 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. $55,000,000 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. $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).

11. $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).

12. $8,318,000 from the general fund to the state university income fund (345), state university income offset account (11), for the state's share of repayment of the STIP loan.

13. Up to $4,000,000 from the miscellaneous special revenue fund (339), office of the professions account (E3), to the miscellaneous special revenue fund (339), education assessment account, notwithstanding the provisions of subdivision 3 of section 97-nnn of the state finance law, or any other law, rule or regulation to the contrary, subject to the approval of the director of the budget of an expenditure plan submitted by the commissioner of education.

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. $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.

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

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

6. $105,000 from the state exposition special fund (325), state fair receipts account (01), to the general fund.

7. $10,000,000 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.

Family Assistance:

1. $10,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health

special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund (339), office of human resources development state match account (2C).

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

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

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

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

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

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

8. $100,728,000 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).

9. $2,500,000 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).

10. $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).

11. $24,170,000 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).

12. $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).

13. $10,073,000 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).

14. $222,000,000 from the miscellaneous special revenue fund (339), youth facility per Diem account (YF), to the general fund.

15. $10,000,000 from any of the office of temporary and disability assistance special revenue federal funds, to the miscellaneous special revenue fund (339), electronic benefit transfer and common benefit identification card account (GD).

16. $1,381,800 from the general fund to the combined gifts, grants and bequests fund (020), WB Hoyt Memorial account (78).

17. $7,000,000 from any of the office of temporary and disability assistance accounts within the federal health and human services fund (265), to the general fund.

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

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. $22,335,000 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. $23,000,000 from the miscellaneous special revenue fund (339), revenue arrearage account (CR), to the general fund.

11. $1,826,000 from the miscellaneous special revenue fund (339) revenue arrearage account (CR), to the miscellaneous special revenue fund (339) authority budget office account.

12. $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.

13. $11,000,000 from the general fund to the miscellaneous special revenue fund (339), statewide financial system account (FM).

14. $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.

15. $2,000,000 from the miscellaneous special revenue fund (339), procurement account (CH), to the general fund.

16. $10,000,000 from the centralized services fund (323), OGS building administration account (ZY), to the general fund.

Health:

1. $12,000,000 from any of the department of health accounts within the federal health and human services fund (265) to the general fund.

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. $70,000,000 from the general fund to the miscellaneous special revenue fund (339) empire state stem cell trust fund account (SR).

10. $1,250,000 from the miscellaneous New York state agency fund (169), medical assistance account to the department of health miscellaneous special revenue fund (339), third party health insurance account (35).

11. $3,700,000 from the miscellaneous New York state agency fund (169), medical assistance account to the office of medicaid inspector general miscellaneous special revenue fund (339), recoveries and revenue account (C9).

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. $8,000,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the general fund.

3. $10,500,000 from the unemployment insurance interest and penalty special revenue fund (482), unemployment insurance special interest and penalty account (01), to the general fund.

4. $2,700,000 from the labor standards miscellaneous special revenue fund (339), public work enforcement account (BA), to the general fund.

5. $1,500,000 from the training and education program on occupational safety and health fund (305), occupational safety and health inspection account (02), 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. $240,000,000 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).

3. $190,000,000 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).

4. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene patient income account (13).
5. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene program fund account (10).
6. $300,000,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the general fund.
7. $150,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the general fund.
8. $750,000 from the federal operating grants fund (290), 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. $8,677,000 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).
7. $10,000,000 from federal miscellaneous operating grants fund (290), DMNA damage account (71), to the general fund.
8. $16,000,000 from the general fund to the miscellaneous special revenue fund (339), crimes against revenue program account (CA).
9. $2,000,000 from the general fund to the Attica state employee victims' fund (013).
10. $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.
11. $11,500,000 from the federal miscellaneous operating grants fund (290) world trade center account, to the general fund.
12. $13,000,000 from the miscellaneous special revenue fund (339) criminal justice improvement account (62) to the general fund.
13. $8,000,000 from the miscellaneous special revenue fund (390) indigent legal services fund (01) to the general fund.
14. $1,500,000 from the agency enterprise fund (331) farm program account (FM), to the general fund.
15. $45,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the general fund.
16. $5,000,000 from the general fund to the miscellaneous special revenue fund (339) legal services assistance account (IM).
17. $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 (NY).

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. $14,300,000 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. $19,000,000 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. $764,736,000 from the general fund to the dedicated highway and bridge trust fund (072).
8. $803,000 from the miscellaneous special revenue fund (339), surplus property account (42), to the general fund.
9. $600,000 from the miscellaneous special revenue fund (339), internet point insurance reduction program account (IC), to the general fund.

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, 2011:

1. Upon request of the commissioner of environmental conservation, up to $10,733,000 from revenues credited to any of the department of environmental conservation special revenue funds, including $3,135,800 from the environmental protection and oil spill compensation fund (303), and $1,739,600 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) 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. On or before March 31, 2011, the comptroller is authorized and directed to transfer the unencumbered balance from the family benefit fund (329) to the general fund.

S 6. On or before March 31, 2011, 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 7. Notwithstanding any law to the contrary, upon the direction of the director of the budget and upon requisition by state university of New York, the dormitory authority of the state of New York is directed to transfer, up to $22,000,000 in revenues generated from the sale of notes or bonds, to the state university of New York for reimbursement of bondable equipment for further transfer to the state's general fund.

S 8. 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, 2011, 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 $350 million.

S 9. 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 $500 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 2010-11 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 10. 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 $75 million from the unencumbered balance of any non-general fund or account, or combination of funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be equal to those savings achieved in such non-general funds as a result of workforce savings actions and are in addition to any other transfers expressly authorized. Transfers from federal funds 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 11. Intentionally omitted.

S 12. Intentionally omitted.

S 13. Notwithstanding any provision of law to the contrary, the foundation for science, technology and innovation, as deemed feasible and advisable by its board of directors, is authorized and directed to make a contribution to the state treasury to the credit of the general fund in the amount of $500,000 for the fiscal year commencing April 1, 2010.

S 14. Notwithstanding any law to the contrary, the insurance department shall finance the annual expenses related to its activities and operations from revenues derived from assessments upon those entities required to pay such assessments pursuant to section 332 of the insurance law. For state fiscal year 2010-11, the total value of the annual assessment will be equal to the total value of the department's enacted appropriations. In such instances where the total value of the annual industry assessment exceeds actual annual expenses of the department's operations and activities, 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, any unencumbered monies of the special revenue fund (339) insurance department account (b6), that comprise the difference of the total value of the annual industry assessment and the actual annual expenses of the department's operations and activities, to the general fund on or before March 31, 2011.

S 15. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 1 of part F of chapter 109 of the laws of 2010, 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 ten, 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 [$496,624,180] $3,308,000,000, 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 ten.

S 16. Subdivision 6 of section 4 of the state finance law, as amended by section 15 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

6. Notwithstanding any law to the contrary, at the beginning of the state fiscal year, the state comptroller is hereby authorized and directed to receive for deposit to the credit of a fund and/or an account such monies as are identified by the director of the budget as having been intended for such deposit to support disbursements from such fund and/or account made in pursuance of an appropriation by law. As soon as practicable upon enactment of the budget, the director of the budget shall, but not less than three days following preliminary submission to the chairpersons of the senate finance committee and the assembly ways and means committee, file with the state comptroller an identification of specific monies to be so deposited. Any subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the chairpersons of the senate finance committee and the assembly ways and means committee.

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

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

S 17. Subdivision 4 of section 40 of the state finance law, as amended by section 16 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

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

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

S 17-a. The opening paragraph and subdivision (b) of section 2 of part MM of chapter 59 of the laws of 2008 relating to certain monetary transfers is amended to read as follows:

In accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer from the general fund -- state purposes account to the community projects fund the following amounts:

(b) [One hundred twenty-nine million] SIXTY-NINE MILLION four hundred thousand dollars [($129,400,000)] ($69,400,000) for the period April 1, 2010 through March 31, 2011, as follows: [Fifty-five million dollars ($55,000,000)] THIRTY MILLION DOLLARS ($30,000,000) to account AA; [fifty-five million dollars ($55,000,000)] THIRTY MILLION DOLLARS ($30,000,000) to account CC; and [nineteen] NINE million four hundred thousand dollars [($19,400,000)] ($9,400,000) to account GG. Such transfers shall be made in accordance with section 99-d of the state finance law, as added by chapter 474 of the laws of 1996, as amended.

S 18. 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 19. 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 20. 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 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 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 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 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 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 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 $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 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, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $83,500,000 authorized by chapter 53 of the laws of 2006, as amended by chapter 108 of the laws of 2006, for payment of costs related to the H. H. Richardson complex and the Darwin Martin House, 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 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 of $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 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 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, reimbursement 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 infrastruc-

ture 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 of $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 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 of $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 disbursements 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 author-

ized 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 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 of $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 of 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 53 of the laws of 2008 of $14,000,000 to the education department for library construction, reimbursement from the proceeds of 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 53 of the laws of 2008 of $15,000,000 to the education department for museum renewal projects, 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 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 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 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 of $29,600,000 authorized by chapter 55 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 chapter 50 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 chapter 50 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 chapter 55 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 chapter 55 of the laws of 2009 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 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 chapter 50 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 chapter 50 of the laws of 2009 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of 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 53 of the laws of 2009 of $14,000,000 to the State Education Department for library construction, reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation of $4,000,000 to the State Education Department

for rehabilitation associated with the St. Regis Mohawk elementary school authorized by chapter 53 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 chapter 55 of the laws of 2009 to the urban development corporation for services and expenses related to the empire state economic development fund.

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 of $29,600,000 authorized by a chapter of the laws of 2010 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 $187,285,000 authorized by a chapter of the laws of 2010 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 $26,950,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2010 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 $19,247,000 authorized by a chapter of the laws of 2010 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 $5,000,000 authorized by a chapter of the laws of 2010 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 a chapter of the laws of 2010 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 2010 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 2010 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation of $14,000,000 authorized by a chapter of the laws of 2010 to the State Education Department for library construction and reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation of $42,000,000 for the State preparedness and training center.

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 dormitory authority and urban development corporation for disbursements of up to $8,000,000 from an

appropriation authorized by chapter 50 of the laws of 2009 for drug courts.

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 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 chapter 53 of the laws of 2009 to the city university of New York for various purposes.

S 32. 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 33. (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 obli-

gations 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 34. Intentionally omitted.

S 35. Subdivision 4 of section 72 of the state finance law, as separately amended by chapters 405 and 957 of the laws of 1981, is amended to read as follows:

4. (A) Any balance of moneys in any debt service fund in excess of both the debt principal and interest payments required to be made from such fund during the current fiscal year, or during future fiscal years, and any reserve requirement established by statute or by a relevant bond covenant, shall be transferred to the general fund.

(B) ON OR BEFORE THE BEGINNING OF EACH QUARTER, THE DIRECTOR OF THE BUDGET MAY CERTIFY TO THE STATE COMPTROLLER THE ESTIMATED AMOUNT OF MONIES THAT SHALL BE RESERVED IN THE GENERAL DEBT SERVICE FUND FOR THE PAYMENT OF DEBT SERVICE AND RELATED EXPENSES PAYABLE BY SUCH FUND DURING EACH MONTH OF THE STATE FISCAL YEAR, EXCLUDING PAYMENTS DUE FROM THE REVENUE BOND TAX FUND. SUCH CERTIFICATE MAY BE PERIODICALLY UPDATED, AS NECESSARY. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE STATE COMPTROLLER SHALL RESERVE IN THE GENERAL DEBT SERVICE FUND THE AMOUNT OF MONIES IDENTIFIED ON SUCH CERTIFICATE AS NECESSARY FOR THE PAYMENT OF DEBT SERVICE AND RELATED EXPENSES DURING THE CURRENT OR NEXT SUCCEEDING QUARTER OF THE STATE FISCAL YEAR. SUCH MONIES RESERVED SHALL NOT BE AVAILABLE FOR ANY OTHER PURPOSE. SUCH CERTIFICATE SHALL BE REPORTED TO THE CHAIRPERSONS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE. THE PROVISIONS OF THIS PARAGRAPH SHALL EXPIRE JUNE THIRTIETH, TWO THOUSAND TWELVE.

S 36. Intentionally omitted.

S 37. Intentionally omitted.

S 38. Intentionally omitted.

S 39. Paragraph a of subdivision 4 of section 57 of the state finance law, as amended by chapter 437 of the laws of 2004, is amended to read as follows:

a. Such bonds shall be sold at par, at par plus a premium [not to exceed five percent in the case of refunding bonds or five-tenths of one percent in the case of all other bonds], or at a discount to the bidder offering the lowest interest cost to the state, taking into consideration any premium or discount and, in the case of refunding bonds, the bona fide initial public offering price, not less than four nor more than fifteen days, Sundays excepted, after a notice of such sale has been published at least once in a definitive trade publication of the municipal bond industry published on each business day in the state of New York which is generally available to participants in the municipal bond industry, which notice shall state the terms of the sale. The comptroller may not change the terms of the sale unless notice of such change is sent via a definitive trade wire service of the municipal bond industry which, in general, makes available information regarding activity and sales of municipal bonds and is generally available to participants in the municipal bond industry, at least one [day] HOUR prior to the [date] TIME of the sale as set forth in the original notice of sale.

In so changing the terms or conditions of a sale the comptroller may send notice by such wire service that the sale will be delayed by up to thirty days, provided that wire notice of the new sale date will be given at least one business day prior to the new time when bids will be accepted. In such event, no new notice of sale shall be required to be published. Notwithstanding the provisions of section three hundred five of the state technology law or any other law, if the notice of sale contains a provision that bids will only be accepted electronically in the manner provided in such notice of sale, the comptroller shall not be required to accept non-electronic bids in any form. Advertisements shall contain a provision to the effect that the state comptroller, in his OR HER discretion, may reject any or all bids made in pursuance of such advertisements, and in the event of such rejection, the state comptroller is authorized to negotiate a private sale or readvertise for bids in the form and manner above described as many times as, in his OR HER judgment, may be necessary to effect a satisfactory sale. Notwithstanding the foregoing provisions of this paragraph, whenever in the judgment of the comptroller the interests of the state will be served thereby, he OR SHE may sell state bonds at private sale at par, at par plus a premium [not to exceed five percent in the case of refunding bonds or five-tenths of one percent in the case of all other bonds], or at a discount. The comptroller shall promulgate regulations governing the terms and conditions of any such private sales, which regulations shall include a provision that he OR SHE give notice to the governor, the temporary president of the senate, and the speaker of the assembly, of his OR HER intention to conduct a private sale of obligations pursuant to this section not less than five days prior to such sale or the execution of any binding agreement to effect such sale.

S 40. Paragraph (a) of subdivision 4 of section 60 of the state finance law, as amended by chapter 437 of the laws of 2004, is amended to read as follows:

(a) Such bonds shall be sold at par, at par plus a premium [not to exceed five percent in the case of refunding bonds or five-tenths of one percent in the case of all other bonds], or at a discount to the bidder offering the lowest interest cost to the state, taking into consideration any premium or discount and, in the case of refunding bonds, the bona fide initial public offering price, not less than four nor more than fifteen days, Sundays excepted, after a notice of such sale has been published at least once in a definitive trade publication of the municipal bond industry published on each business day in the state of New York which is generally available to participants in the municipal bond industry, which notice shall state the terms of the sale. The comptroller may not change the terms of the sale unless notice of such change is sent via a definitive trade wire service of the municipal bond industry which, in general, makes available information regarding activity and sales of municipal bonds and is generally available to participants in the municipal bond industry, at least one [day] HOUR prior to the [date] TIME of the sale as set forth in the original notice of sale. In so changing the terms or conditions of a sale the comptroller may send notice by such wire service that the sale will be delayed by up to thirty days, provided that wire notice of the new sale date will be given at least one business day prior to the new time when bids will be accepted. In such event, no new notice of sale shall be required to be published. Notwithstanding the provisions of section three hundred five of the state technology law or any other law, if the notice of sale contains a provision that bids will only be accepted electronically in

the manner provided in such notice of sale, the comptroller shall not be required to accept non-electronic bids in any form. Advertisements shall contain a provision to the effect that the state comptroller, in his OR HER discretion, may reject any or all bids made in pursuance of such advertisements, and in the event of such rejection, the state comptroller is authorized to negotiate a private sale or readvertise for bids in the form and manner above described as many times as, in his OR HER judgment, may be necessary to effect a satisfactory sale. Notwithstanding the foregoing provisions of this subdivision, whenever in the judgment of the comptroller the interests of the state will be served thereby, he OR SHE may sell state bonds at private sale at par, at par plus a premium [not to exceed five percent in the case of refunding bonds or five-tenths of one percent in the case of all other bonds], or at a discount. The comptroller shall promulgate regulations governing the terms and conditions of any such private sales, which regulations shall include a provision that he OR SHE give notice to the governor, the temporary president of the senate, and the speaker of the assembly of his OR HER intention to conduct a private sale of obligations pursuant to this section not less than five days prior to such sale or the execution of any binding agreement to effect such sale.

S 41. The state finance law is amended by adding a new section 73 to read as follows:

S 73. FEDERAL INTEREST SUBSIDY PAYMENTS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMPTROLLER SHALL DEPOSIT ANY FEDERAL INTEREST SUBSIDY PAYMENTS RECEIVED BY THE STATE FOR STATE-SUPPORTED DEBT ISSUED AS BUILD AMERICA BONDS, AS AUTHORIZED PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, AS AMENDED OR PURSUANT TO ANY SUCCESSOR AUTHORIZATION, TO EACH RESPECTIVE DEBT SERVICE FUND WHICH RELATES TO SUCH BONDS.

S 42. Subdivision 2 of section 1680-m of the public authorities law, as added by section 39 of part T of chapter 57 of the laws of 2007, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, in order to assist the authority and the urban development corporation in undertaking the financing [of] FOR construction [of a collections storage facility for the state museum, the state library and the state archives] AND REHABILITATION ASSOCIATED WITH THE CULTURAL EDUCATION FACILITIES AND THE ST. REGIS MOHAWK ELEMENTARY SCHOOL, the director of the budget is hereby authorized to enter into one or more service contracts with the authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the authority and the urban development corporation agree, so as to annually provide to the authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

S 43. Subdivision 4 of section 1689-i of the public authorities law, as added by chapter 60 of the laws of 2006, is amended to read as follows:

4. [(a)] To obtain funds for the purposes of this section, the authority shall have power from time to time, in accordance with a schedule certified to the authority by the commissioner of education identifying eligible library construction projects approved for the payment of aid apportionments pursuant to section two hundred seventy-three-a of the education law, to issue negotiable bonds or notes of the authority. Unless the context shall clearly indicate otherwise, whenever the words "bond" or "bonds" are used in this section, such words shall include a note or notes of the authority.

[(b) The dormitory authority shall not issue any bonds or notes in an amount in excess of fourteen million dollars for the purposes of this section.]

S 44. Intentionally omitted.

S 45. Subdivisions 6 and 8 of section 1689-i of the public authorities law, as added by section 4 of part I of chapter 61 of the laws of 2006, are amended to read as follows:

6. The commissioner of education shall certify, from time to time, to the dormitory authority, the comptroller, the director of the division of the budget, the chair of the senate finance committee and the chair of the assembly ways and means committee each school district for which he or she has determined an aid apportionment for authority financing of an EXCEL project pursuant to subdivision fourteen of section thirty-six hundred forty-one of the education law. Such certification, which shall be made within thirty days after such determination or as soon thereafter as is practicable, shall identify the amount of aid apportionment which has been approved for such school district and shall estimate the date or dates when such project will be undertaken [to assist the authority in establishing a schedule for financing such project. The commissioner of education shall notify the authority if there is a change in such date].

8. To obtain funds for the purposes of this section, the authority shall have power from time to time, [in accordance with a certification to the authority by the commissioner of education pursuant to subdivision six of this section,] to issue negotiable bonds or notes of the authority. Unless the context shall clearly indicate otherwise, whenever the words "bond" or "bonds" are used in this section, such words shall include a note or notes of the authority.

S 46. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 40 of part PP of chapter 56 of the laws of 2009, 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 [fifty-six] SEVENTY million dollars.

S 47. Subdivision 1 of section 1680-m of the public authorities law, as amended by section 41 of part PP of chapter 56 of the laws of 2009, 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 elemen-

tary school. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [ninety-one] SEVENTY-NINE 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 48. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 42 of part PP of chapter 56 of the laws of 2009, 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 [eight] NINE hundred [sixty-seven] THREE million [five] SEVEN hundred FORTY-SEVEN 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 49. Subdivision (a) of section 28 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, 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, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$15,000,000] $18,000,000, 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 public protection facilities in the Division of Military and Naval Affairs, 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 50. 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 44 of part PP of chapter 56 of the laws of 2009, 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] $67,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security AND TRAINING FACILITIES for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$155,800,000] $165,800,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

S 51. Subdivision 4 of section 66-b of the state finance law, as amended by section 45 of part PP of chapter 56 of the laws of 2009, 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 [five] SEVEN hundred [sixty-four] FIFTY-ONE million TWO HUNDRED EIGHTY-FIVE THOUSAND dollars. Such amount shall be exclusive of certificates of participation or similar instruments issued to fund a reserve fund or funds, costs of issuance and to refund outstanding certificates of participation.

S 52. 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 PP of chapter 56 of the laws of 2009, 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] SIX billion [eight] ONE hundred [thirty-seven] SIXTY-FOUR million [eight hundred] SIXTY-NINE thousand dollars [$5,837,800,000] $6,164,069,000, 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] SIX billion [eight] ONE hundred [thirty-seven] SIXTY-FOUR million [eight hundred] SIXTY-NINE thousand dollars [$5,837,800,000] $6,164,069,000, 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 thereof 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 53. Subdivision 1 of section 17 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 20 of part P2 of chapter 62 of the laws of 2003, 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 three hundred [twenty-eight] SEVENTY-NINE million five hundred fifteen thousand dollars [($328,515,000)] ($379,515,000), which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities 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 office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and 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 office of children and family 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 three hundred [twenty-eight] SEVENTY-NINE million five hundred fifteen thousand dollars [($328,515,000)] ($379,515,000), 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 thereof 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 54. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 47 of part PP of chapter 56 of the laws of 2009, is amended to read as follows:

2. (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 [four] FIVE hundred [twenty-eight] THIRTY-TWO million [one] TWO hundred [forty-one] NINETY-NINE 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 55. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010, provided, however, that:

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

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

(c) the amendments to subdivision 5 of section 97-rrr of the state finance law made by section fifteen of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

PART KK

Section 1. Sections 1 and 2 of part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, are amended to read as follows:

Section 1. When a county district attorney of a county located in a city of one million or more recovers monies before the filing of an accusatory instrument as defined in subdivision 1 of section 1.20 of the criminal procedure law, after injured parties have been appropriately compensated, the district attorney's office shall retain a percentage of the remaining such monies in recognition that such monies were recovered as a result of investigations undertaken by [the district attorney's] SUCH office. The total amount of such monies to be retained by the county district attorney's office shall equal ten percent of the first twenty-five million dollars received by such office during the state fiscal year, plus seven and one-half percent of such monies received by such office in excess of twenty-five million dollars but less than fifty million dollars, plus five percent of any such monies received by such office in excess of fifty million dollars but less than one hundred million dollars, plus one percent of such monies received by such office in excess of one hundred million dollars. The remainder of such monies shall be paid by the district attorney's office to the state and to the county in equal amounts within thirty days of receipt, where disposition of such monies is not otherwise prescribed by law. MONIES DISTRIBUTED TO A COUNTY DISTRICT ATTORNEY'S OFFICE PURSUANT TO THIS SECTION SHALL BE USED TO ENHANCE LAW ENFORCEMENT EFFORTS AND SHALL NOT SUPPLANT FUNDS FOR ORDINARY BUDGETARY COSTS INCLUDING SALARIES OF PERSONNEL AND EXPENSES OF DISTRICT ATTORNEYS.

S 2. This act shall take effect immediately and shall remain in full force and effect until the last day of March, [2010] 2011, when it shall expire and be deemed repealed.

S 2. This act shall take effect immediately; provided, however, that the amendments made to section 1 of chapter 503 of the laws of 2009 made by section one of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.

PART LL

Section 1. Section 130 of the executive law, as amended by chapter 680 of the laws of 1967 and the opening paragraph as amended by chapter 673 of the laws of 2002, is amended to read as follows:

S 130. Appointment of notaries public. 1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a citizen of the United States and either a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him or her but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him or her and have an opportunity of being heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a felony or any of the following offenses, to wit:

(a) Illegally using, carrying or possessing a pistol or other dangerous weapon; (b) making or possessing burglar's instruments; (c) buying or receiving or criminally possessing stolen property; (d) unlawful entry of a building; (e) aiding escape from prison; (f) unlawfully possessing or distributing habit forming narcotic drugs; (g) violating sections two hundred seventy, two hundred seventy-a, two hundred seven-

ty-b, two hundred seventy-c, two hundred seventy-one, two hundred seventy-five, two hundred seventy-six, five hundred fifty, five hundred fifty-one, five hundred fifty-one-a and subdivisions six, eight, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25, 165.30, subdivision one of section 240.30, subdivision three of section 240.35 of the penal law, or violating sections four hundred seventy-eight, four hundred seventy-nine, four hundred eighty, four hundred eighty-one, four hundred eighty-four, four hundred eighty-nine and four hundred ninety-one of the judiciary law; or (h) vagrancy or prostitution, and who has not subsequent to such conviction received an executive pardon therefor OR A CERTIFICATE OF RELIEF FROM DISABILITIES or a certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this section because of such conviction.

2. A person regularly admitted to practice as an attorney and counsellor in the courts of record of this state, whose office for the practice of law is within the state, may be appointed a notary public and retain his office as such notary public although he resides in or removes to an adjoining state. For the purpose of this and the following sections of this article such person shall be deemed a resident of the county where he maintains such office.

S 2. Subdivision 3 of section 175 of the executive law, as amended by chapter 43 of the laws of 2002, is amended to read as follows:

3. Upon a showing by the attorney general in an application for an injunction that any person engaged in solicitation has been convicted in this state or elsewhere of a felony or of a misdemeanor involving the misappropriation, misapplication or misuse of the money or property of another, and who has not, subsequent to such conviction, received executive pardon therefor or A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, the supreme court, after a hearing, may enjoin such person from engaging in any solicitation.

S 3. The opening paragraph of subdivision 2 of section 102 of the alcoholic beverage control law, as amended by chapter 340 of the laws of 1972, is amended to read as follows:

No person holding any license hereunder, other than a license to sell an alcoholic beverage at retail for off-premises consumption, shall knowingly employ in connection with his business in any capacity whatsoever, any person, who has been convicted of a felony, or any of the following offenses, who has not subsequent to such conviction received an executive pardon therefor removing any civil disabilities incurred thereby, A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of good conduct PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, or other relief from disabilities provided by law, or the written approval of the state liquor authority permitting such employment, to wit:

S 4. Subdivision 4 of section 96-z-3 of the agriculture and markets law, as added by chapter 391 of the laws of 1968, is amended to read as follows:

(4) applicant, an officer, director, partner, or holder of ten per centum or more of the voting stock of an applicant has been convicted of a felony by a court of the United States or any state or territory thereof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or the receipt of [either] A CERTIFICATE OF RELIEF FROM DISA-

BILITIES OR a certificate of good conduct [from the board of parole] pursuant to [the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION LAW,

S 5. Paragraph (d) of subdivision 4 of section 129 of the agriculture and markets law, as added by chapter 816 of the laws of 1974, is amended to read as follows:

(d) The applicant or registrant, or an officer, director, partner or holder of ten per centum or more of the voting stock of the applicant or registrant, has been convicted of a felony by a court of the United States or any state or territory thereof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or receipt of a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [from the board of parole] pursuant to ARTICLE TWENTY-THREE OF the correction law;

S 6. Paragraph (b) of subdivision 6 of section 369 of the banking law, as amended by chapter 164 of the laws of 2003, is amended to read as follows:

(b) is associating or consorting with any person who has, or persons who have, been convicted of a crime or crimes in any jurisdiction or jurisdictions; provided, however, that the superintendent shall not issue such a license if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws thereof. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or magistrate, or shall have been found guilty thereof by the decision or judgment of a court or magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such plea of guilty, or such decision, judgment or verdict, shall have been set aside, reversed or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the president of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this article because of such conviction. The term "substantial stockholder," as used in this subdivision, shall be deemed to refer to a person owning or controlling ten per centum or more of the total outstanding stock of the corporation in which such person is a stockholder. In making a determination pursuant to this subdivision, the superintendent shall require fingerprinting of the applicant. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

S 7. Subdivision 4 of section 79-a of the civil rights law, as amended by chapter 687 of the laws of 1973, is amended to read as follows:

4. This section shall not apply to a person sentenced to imprisonment for an indeterminate term, having a minimum of one day and a maximum of his natural life.

Nothing in this section shall be deemed to preclude the issuance of a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct

[by the board of parole] pursuant to ARTICLE TWENTY-THREE OF THE CORRECTION law to a person who previously has been sentenced to imprisonment for life.

S 8. Paragraph b of subdivision 5 of section 2018-a of the education law, as amended by chapter 506 of the laws of 1991, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

S 9. Paragraph b of subdivision 6 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age on the date of the school district election;

that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery [of] OR any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or have received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

S 10. Paragraph b of subdivision 5 of section 84-a of the town law, as amended by chapter 281 of the laws of 1998, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the special town election; that I will have been a resident of this state and of the town shown on the reverse side of this envelope for thirty days next preceding the said election; that I am or on such date will be, a registered voter of said town; that I will be unable to appear personally on the day of said special town election at the polling place of the election district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this special town election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the

result of this special town election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date..... Signature of Voter.....

S 11. Paragraph b of subdivision 5 of section 175-b of the town law, as amended by chapter 401 of the laws of 1996, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter.....

S 12. Paragraph b of subdivision 5 of section 213-b of the town law, as added by chapter 400 of the laws of 1985, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date..... Signature of Voter .....

S 13. Paragraph (h) of subdivision 2 of section 74 of the general business law, as amended by chapter 680 of the laws of 1967, is amended to read as follows:

(h) violating section seven hundred forty-two, section seven hundred forty-three, or section seven hundred forty-five of the said former penal law, or violating any section contained in article two hundred fifty of the penal law. Except as hereinafter in this subdivision provided, no license shall be issued to any person whose license has been previously revoked by the department of state or the authorities of any other state or territory because of conviction of any of the offenses specified in this section. The provisions of this subdivision shall not prevent the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability, or who has received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such conviction or previous license revocation occasioned thereby.

S 14. Subdivision 1 of section 81 of the general business law, as amended by chapter 562 of the laws of 2000, is amended to read as follows:

1. The holder of any license certificate issued pursuant to this article may employ to assist him in his work of private detective or investigator or bail enforcement agent as described in section seventy-one OF

THIS ARTICLE and in the conduct of such business as many persons as he may deem necessary, and shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed.

No holder of any unexpired license certificate issued pursuant to this article shall knowingly employ in connection with his or its business in any capacity whatsoever, any person who has been convicted of a felony or any of the offenses specified in subdivision two of section seventy-four of this [chapter] ARTICLE, and who has not subsequent to such conviction received executive pardon therefor removing this disability, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such a conviction, or any person whose private detective or investigator's license or bail enforcement agent's license was revoked or application for such license was denied by the department of state or by the authorities of any other state or territory because of conviction of any of such offenses. Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency or that he is or has been a bail enforcement agent or employed by a bail enforcement agency shall be guilty of a misdemeanor.

S 15. Paragraph (a) of subdivision 1 of section 191 of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

(a) Issuance of licenses to conduct games of chance. If such clerk or department shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this article; that the member or members of the applicant designated in the application to manage games of chance are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime, or, if convicted, have received a pardon, a certificate of good conduct or a certificate of relief from disabilities PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW; that such games are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the board and applicable local laws or ordinances and that the proceeds thereof are to be disposed of as provided by this article, and if such clerk or department is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person managing, operating or assisting therein except as in this article otherwise provided; it shall issue a license to the applicant for the conduct of games of chance upon payment of a license fee of twenty-five dollars for each license period.

S 16. Paragraph (a) of subdivision 9 of section 476 of the general municipal law, as amended by chapter 1057 of the laws of 1965, is amended to read as follows:

(a) a person convicted of a crime who has not received a pardon or a certificate of good conduct OR A CERTIFICATE OF RELIEF FROM DISABILITIES PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW;

S 17. Paragraph (a) of subdivision 1 of section 481 of the general municipal law, as amended by chapter 328 of the laws of 1994, is amended to read as follows:

(a) Issuance of licenses to conduct bingo. If the governing body of the municipality shall determine that the applicant is duly qualified to be licensed to conduct bingo under this article; that the member or members of the applicant designated in the application to conduct bingo are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime or, if convicted, have received a pardon or a certificate of good conduct OR A CERTIFICATE OF RELIEF FROM DISABILITIES PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW; that such games are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the commission, and that the proceeds thereof are to be disposed of as provided by this article, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games except as in this article otherwise provided; and that no prize will be offered and given in excess of the sum or value of one thousand dollars in any single game and that the aggregate of all prizes offered and given in all of such games conducted on a single occasion, under said license shall not exceed the sum or value of three thousand dollars, it shall issue a license to the applicant for the conduct of bingo upon payment of a license fee of eighteen dollars and seventy-five cents for each bingo occasion; provided, however, that the governing body shall refuse to issue a license to an applicant seeking to conduct bingo in premises of a licensed commercial lessor where it determines that the premises presently owned or occupied by said applicant are in every respect adequate and suitable for conducting bingo games.

S 18. Paragraph 4 of subsection (d) of section 2108 of the insurance law is amended to read as follows:

(4) This subsection shall not prevent the employment of or the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability, or who has received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such conviction or previous license revocation occasioned thereby.

S 19. Paragraph 1 of subsection (c) of section 4413 of the insurance law is amended to read as follows:

(1) No person who has been convicted by a court of the United States or by a court of any state or territory thereof of a felony, or of any crime or offense involving fraudulent or dishonest practices, shall serve, be appointed, designated or employed as a trustee, administrator, officer, agent or employee of any employee welfare fund (other than an employee performing non-discretionary clerical or building maintenance duties exclusively) during or for five years after such conviction or the suspension of sentence therefor or from the date of his unrevoked release from custody by parole, commutation or termination of sentence, whichever event occurs later, unless prior to the expiration of said five year period the conviction is finally reversed by a court of competent jurisdiction or he has been pardoned therefor by the governor or other appropriate authority of the state or jurisdiction in which he was convicted or he has received a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT pursuant to the provisions of article twenty-three of the correction law which specifically removes the disability herein provided.

S 20. Paragraph (a) of subdivision 5 of section 2806 of the public health law, as amended by chapter 584 of the laws of 1983, is amended to read as follows:

(a) Except as provided in paragraphs (b) and (d) of this subdivision, anything contained in this section or in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law to the contrary notwithstanding, a hospital operating certificate of a hospital under control of a controlling person as defined in paragraph (a) of subdivision twelve of section twenty-eight hundred one-a of this [chapter] ARTICLE, or under control of any other entity, shall be revoked upon a finding by the department that such controlling person or any individual, member of a partnership or shareholder of a corporation to whom or to which an operating certificate has been issued, has been convicted of a class A, B or C felony, or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the department or of the [department of social services] OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE or in violation of the public officers law in a court of competent jurisdiction in the state, or of a crime outside the state which, if committed within the state, would have been a class A, B or C felony or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the department or of the [department of social services] OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE or in violation of the public officers law.

S 21. Paragraph (c) of subdivision 2 of section 2897 of the public health law, as added by chapter 569 of the laws of 1970, is amended to read as follows:

(c) If a person convicted of a felony or crime deemed hereby to be a felony is subsequently pardoned by the governor of the state where such conviction was had, or by the president of the United States, or shall receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law for the purpose of removing the disability under this section because of such conviction, the board may, in its discretion, on application of such person, and on the submission to it of satisfactory evidence, restore to such person the right to practice nursing home administration in this state.

S 22. Section 3454 of the public health law is amended to read as follows:

S 3454. Restoration of licenses after conviction of a felony. If a person convicted of a felony or crime deemed to be a felony is subsequently pardoned by the governor of the state where such conviction was had or by the president of the United States, or shall receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such conviction, the commissioner may, in his discretion, on application of such person, and on the submission to him of satisfactory evidence, restore to such person the right to practice in this state.

S 23. The first undesignated paragraph of section 440-a of the real property law, as amended by chapter 430 of the laws of 2008, is amended to read as follows:

No person, co-partnership, limited liability company or corporation shall engage in or follow the business or occupation of, or hold himself

or itself out or act temporarily or otherwise as a real estate broker or real estate salesman in this state without first procuring a license therefor as provided in this article. No person shall be entitled to a license as a real estate broker under this article, either as an individual or as a member of a co-partnership, or as a member or manager of a limited liability company or as an officer of a corporation, unless he or she is twenty years of age or over, a citizen of the United States or an alien lawfully admitted for permanent residence in the United States. No person shall be entitled to a license as a real estate salesman under this article unless he or she is over the age of eighteen years. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who has been convicted in this state or elsewhere of a felony, of a sex offense, as defined in subdivision two of section one hundred sixty-eight-a of the correction law or any offense committed outside of this state which would constitute a sex offense, or a sexually violent offense, as defined in subdivision three of section one hundred sixty-eight-a of the correction law or any offense committed outside this state which would constitute a sexually violent offense, and who has not subsequent to such conviction received executive pardon therefor or a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, to remove the disability under this section because of such conviction. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who does not meet the requirements of section 3-503 of the general obligations law.

S 24. Paragraph (c) of subdivision 8 of section 283 of the tax law, as amended by chapter 276 of the laws of 1986, is amended to read as follows:

(c) If a person convicted of a felony or crime deemed hereby to be a felony is subsequently pardoned by the governor of the state where such conviction was had, or by the president of the United States, or shall receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law for the purpose of removing the disability under this section because of such conviction, the tax commission may, in its discretion, on application of such person and compliance with subdivision two of this section, and on the submission to it of satisfactory evidence of good moral character and suitability, again register such person as a distributor under this article.

S 25. Paragraph (a) of subdivision 1 of section 509-c of the vehicle and traffic law, as amended by chapter 360 of the laws of 1986, is amended to read as follows:

(a) permanently, if that person has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law, provided, however, the provisions of this paragraph shall not apply to convictions, suspensions or revocations or forfeitures of bonds for collateral upon any of the charges listed in this paragraph for violations which occurred prior to September first, nineteen hundred seventy-four committed by a person

employed as a bus driver on September first, nineteen hundred seventy-four. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law.

S 26. Paragraph (a) of subdivision 2 of section 509-c of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, is amended to read as follows:

(a) permanently, if that person has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law.

S 27. Subparagraphs (i), (ii) and (iii) of paragraph (a) and subparagraph (i) of paragraph (b) of subdivision 1 of section 509-cc of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, are amended to read as follows:

(i) has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law, provided, however, the provisions of this subparagraph shall not apply to convictions, suspensions or revocations or forfeitures of bonds for collateral upon any of the charges listed in this subparagraph for violations which occurred prior to September first, nineteen hundred seventy-four committed by a person employed as a bus driver on September first, nineteen hundred seventy-four. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any,

the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children to the applicant's prospective employment, prior to granting such a certificate; or

(ii) has been convicted of an offense listed in paragraph (a) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate; or

(iii) has been convicted of an offense listed in paragraph (b) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification shall be waived provided that five years have expired since the applicant discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate. Provided, however, that at the discretion of the commissioner, the certificate of relief from disabilities may remove disqualification at any time; or

(i) has been convicted within the preceding five years of an offense listed in paragraph (c) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate;

S 28. Paragraphs (a) and (b) and subparagraph (i) of paragraph (c) of subdivision 2 of section 509-cc of the vehicle and traffic law, para-

graph (a) and subparagraph (i) of paragraph (c) as added by chapter 675 of the laws of 1985 and paragraph (b) as amended by chapter 360 of the laws of 1986, are amended to read as follows:

(a) permanently, if that person has been convicted of an offense listed in paragraph (a) of subdivision four of this section. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children to the applicant's prospective employment, prior to granting such a certificate.

(b) permanently, if that person has been convicted of an offense listed in paragraph (b) of subdivision four of this section. However, such disqualification shall be waived provided that five years have expired since the applicant was incarcerated pursuant to a sentence of imprisonment imposed on conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate. Provided, however, that at the discretion of the commissioner the certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW may remove disqualification at any time.

(i) has been convicted within the preceding five years of an offense listed in paragraph (c) of subdivision four of this section. However, notwithstanding the provisions of subdivision three of section seven hundred one of the correction law. Such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities [as provided for in section seven hundred one-g] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate.

S 29. Subparagraph (iii) of paragraph d of subdivision 6 of section 510 of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(iii) after such documentation, if required, is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 30. Subparagraph (iii) of paragraph (c) of subdivision 2 of section 510-a of the vehicle and traffic law, as amended by section 13 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(iii) after such documentation, if required, is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 31. Subdivision 5 of section 530 of the vehicle and traffic law, as amended by section 15 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(5) A restricted use license or privilege shall be valid for the operation of any motor vehicle, except a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck as defined in this chapter subject to the conditions set forth herein, which the holder would otherwise be entitled to operate had his drivers license or privilege not been suspended or revoked. Notwithstanding anything to the contrary in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, a restricted use license shall not be valid for the operation of a commercial motor vehicle. A restricted use license shall not be valid for the operation of a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck where the holder thereof had his or her drivers license suspended or revoked and (i) such suspension or revocation is mandatory pursuant to the provisions of subdivision two or two-a of section five hundred ten of this title; or (ii) any such suspension is permissive for habitual or persistent violations of this chapter or any local law relating to traffic as set forth in paragraph d or i of subdivision three of section five hundred ten of this title; or (iii) any such suspension is permissive and has been imposed by a magistrate, justice or judge of any city, town or village, any supreme court justice, any county judge, or judge of a district court. Except for a commercial motor vehicle as defined in subdivision four of section five hundred one-a of this title, the restrictions on types of vehicles which may be operated with a restricted license contained in this subdivision shall not be applicable to a restricted license issued to a person whose license has been suspended pursuant to paragraph three of subdivision four-e of section five hundred ten of this [chapter] TITLE.

S 32. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as added by chapter 732 of the laws of 2006, is amended to read as follows:

(ii) that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last sentenced] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

Provided, however, that the commissioner may, on a case by case basis, refuse to restore a license which otherwise would be restored pursuant to this item, in the interest of the public safety and welfare.

S 33. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as added by chapter 732 of the laws of 2006, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last sentenced] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

S 34. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

(1) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, where a suspension or revocation, other than a revocation required to be issued by the commissioner, is mandatory pursuant to paragraph (a) or (b) of this subdivision, the magistrate, justice or judge shall issue an order suspending or revoking such license upon sentencing, and the license holder shall surrender such license to the court. Except as hereinafter provided, such suspension or revocation shall take effect immediately.

S 35. Item (iii) of clause a of subparagraph 3 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last penalized pursuant to paragraph (d) of subdivision one of this section] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

S 36. Item (iii) of clause b of subparagraph 3 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 17 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last penalized pursuant to paragraph (d) of subdivision one of this section] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

S 37. Item (iii) of clause c of subparagraph 1 of paragraph (d) of subdivision 2 of section 1194 of the vehicle and traffic law, as amended by chapter 732 of the laws of 2006, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 38. Paragraph (g) of subdivision 7 of section 1196 of the vehicle and traffic law, as amended by section 19 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(g) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, any

conditional license or privilege issued to a person convicted of a violation of any subdivision of section eleven hundred ninety-two of this article shall not be valid for the operation of any commercial motor vehicle. In addition, no such conditional license or privilege shall be valid for the operation of a taxicab as defined in this chapter.

S 39. This act shall take effect immediately, provided, however, that the amendments to subdivision (5) of section 530 of the vehicle and traffic law made by section thirty-one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

PART MM

Section 1. Section 79-b 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-b. Adaptive reuse plan for consideration prior to prison closure. Not later than six months prior to the effective date of closure of a correctional facility, the commissioner OF ECONOMIC DEVELOPMENT shall, in consultation with THE COMMISSIONER, the commissioners of [economic development,] civil service, GENERAL SERVICES and the division of criminal justice services [and], the director of the governor's office of employee relations, OFFICIALS OF ALL LOCAL GOVERNMENTS OF ANY POLITICAL SUBDIVISION IN WHICH THE CORRECTIONAL FACILITY IS LOCATED AND ANY OTHER APPROPRIATE STATE AGENCIES OR AUTHORITIES, provide a report for an adaptive reuse plan for any facility slated for closure which will evaluate the community impact of the proposed closure including but not limited to the following factors: the potential to utilize the property for another state government purpose, including for a new purpose as part of the state criminal justice system; potential for the sale or transfer of the property to a local government or other governmental entity; potential for the sale of the property to a private entity for development into a business, residential or other purpose; community input for local development; and the condition of the facility and the investments required to keep the structure in good repair, or to make it viable for reuse.

S 2. This act shall take effect immediately.

PART NN

Section 1. Section 677 of the county law is amended by adding a new subdivision 9 to read as follows:

9. WHEN REQUIRED FOR OFFICIAL PURPOSES OF THE STATE DEPARTMENT OF HEALTH, THE STATE COMMISSIONER OF HEALTH OR HIS OR HER DESIGNEE MAY REQUEST COPIES OF ALL REPORTS AND RECORDS RELATED TO A DEATH, INCLUDING, BUT NOT LIMITED TO, AUTOPSY REPORTS AND TOXICOLOGY REPORTS. UPON RECEIPT OF THE WRITTEN REQUEST OF THE STATE COMMISSIONER OF HEALTH OR HIS OR HER DESIGNEE, A CORONER, CORONER'S PHYSICIAN OR MEDICAL EXAMINER, SHALL, WITHIN THREE BUSINESS DAYS OF THEIR COMPLETION, PROVIDE TO SUCH COMMISSIONER OR HIS OR HER DESIGNEE A COPY OF ALL REPORTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, AUTOPSY REPORTS AND TOXICOLOGY REPORTS RELATED TO THE DEATH.

S 2. This act shall take effect immediately.

PART OO

Section 1. Subdivision 2 of section 102 of the alcoholic beverage control law, as amended by chapter 340 of the laws of 1972, is amended to read as follows:

2. No person holding any license hereunder, other than a license to sell an alcoholic beverage at retail for off-premises consumption OR A LICENSE OR SPECIAL LICENSE TO SELL AN ALCOHOLIC BEVERAGE AT RETAIL FOR CONSUMPTION ON THE PREMISES WHERE SUCH LICENSE AUTHORIZES THE SALE OF LIQUOR, BEER AND/OR WINE ON THE PREMISES OF A CATERING ESTABLISHMENT, HOTEL, RESTAURANT, CLUB, OR RECREATIONAL FACILITY, shall knowingly employ in connection with his business in any capacity whatsoever, any person, who has been convicted of a felony, or any of the following offenses, who has not subsequent to such conviction received an executive pardon therefor removing any civil disabilities incurred thereby, a certificate of good conduct or other relief from disabilities provided by law, or the written approval of the state liquor authority permitting such employment, to wit:

(a) Illegally using, carrying or possessing a pistol or other dangerous weapon;

(b) Making or possessing burglar's instruments;

(c) Buying or receiving or criminally possessing stolen property;

(d) Unlawful entry of a building;

(e) Aiding escape from prison;

(f) Unlawfully possessing or distributing habit forming narcotic drugs;

(g) Violating subdivisions six, eight, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25, 165.30 or subdivision three of section 240.35 of the penal law;

(h) Vagrancy or prostitution; or

(i) Ownership, operation, possession, custody or control of a still subsequent to July first, nineteen hundred fifty-four.

If, as hereinabove provided, the state liquor authority issues its written approval for the employment by a licensee, in a specified capacity, of a person previously convicted of a felony or any of the offenses above enumerated, such person, may, unless he is subsequently convicted of a felony or any of such offenses, thereafter be employed in the same capacity by any other licensee without the further written approval of the authority unless the prior approval given by the authority is terminated.

The liquor authority may make such rules as it deems necessary to carry out the purpose and intent of this subdivision.

AS USED IN THIS SUBDIVISION, "RECREATIONAL FACILITY" SHALL MEAN: (I) PREMISES THAT ARE PART OF A FACILITY THE PRINCIPAL BUSINESS OF WHICH SHALL BE THE PROVIDING OF RECREATION IN THE FORM OF GOLF, TENNIS, SWIMMING, SKIING OR BOATING; AND (II) PREMISES IN WHICH THE PRINCIPAL BUSINESS SHALL BE THE OPERATION OF A THEATRE, CONCERT HALL, OPERA HOUSE, BOWLING ESTABLISHMENT, EXCURSION AND SIGHTSEEING VESSEL, OR ACCOMMODATION OF ATHLETIC EVENTS, SPORTING EVENTS, EXPOSITIONS AND OTHER SIMILAR EVENTS OR OCCASIONS REQUIRING THE ACCOMMODATION OF LARGE GATHERINGS OF PERSONS.

S 2. The correction law is amended by adding a new section 9 to read as follows:

S 9. ACCESS TO INMATE INFORMATION VIA THE INTERNET. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY INFORMATION RELATING TO THE CONVICTION OF A PERSON, EXCEPT FOR A PERSON CONVICTED OF AN OFFENSE THAT

WOULD MAKE SUCH PERSON INELIGIBLE FOR MERIT TIME UNDER SECTION EIGHT HUNDRED THREE OF THIS CHAPTER OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED AS SET FORTH IN SUBDIVISION TWO OR THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS CHAPTER, THAT IS POSTED ON A WEBSITE MAINTAINED BY OR FOR THE DEPARTMENT, UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW, MAY BE POSTED ON SUCH WEBSITE FOR A PERIOD NOT TO EXCEED FIVE YEARS AFTER THE EXPIRATION OF SUCH PERSON'S SENTENCE OF IMPRISONMENT AND ANY PERIOD OF PAROLE OR POST-RELEASE SUPERVISION; PROVIDED, HOWEVER, THAT IN THE CASE OF A PERSON WHO HAS BEEN COMMITTED TO THE DEPARTMENT ON MORE THAN ONE OCCASION, THE DEPARTMENT MAY POST CONVICTION INFORMATION RELATING TO ANY PRIOR COMMITMENT ON SUCH WEBSITE FOR A PERIOD NOT TO EXCEED FIVE YEARS AFTER THE EXPIRATION OF SUCH PERSON'S SENTENCE OF IMPRISONMENT AND ANY PERIOD OF PAROLE OR POST-RELEASE SUPERVISION ARISING FROM THE MOST RECENT COMMITMENT TO THE DEPARTMENT.

S 3. Section 703 of the correction law is amended by adding a new subdivision 7 to read as follows:

7. PRESUMPTION BASED ON FEDERAL RECOMMENDATION. WHERE A CERTIFICATE OF RELIEF FROM DISABILITIES IS SOUGHT PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION ON A JUDGMENT OF CONVICTION RENDERED BY A FEDERAL DISTRICT COURT IN THIS STATE AND THE BOARD OF PAROLE IS IN RECEIPT OF A WRITTEN RECOMMENDATION IN FAVOR OF THE ISSUANCE OF SUCH CERTIFICATE FROM THE CHIEF PROBATION OFFICER OF THE DISTRICT, THE BOARD SHALL ISSUE THE REQUESTED CERTIFICATE UNLESS IT FINDS THAT THE REQUIREMENTS OF PARAGRAPHS (A), (B) AND (C) OF SUBDIVISION THREE OF THIS SECTION HAVE NOT BEEN SATISFIED; OR THAT THE INTERESTS OF JUSTICE WOULD NOT BE ADVANCED BY THE ISSUANCE OF THE CERTIFICATE.

S 4. Section 837 of the executive law is amended by adding a new subdivision 6-a to read as follows:

6-A. UPON REQUEST, PROVIDE AN INMATE OF THE STATE OR LOCAL CORRECTIONAL FACILITY, AT NO CHARGE, WITH A COPY OF ALL CRIMINAL HISTORY INFORMATION MAINTAINED ON FILE BY THE DIVISION PERTAINING TO SUCH INMATE.

S 5. Paragraph (a) of subdivision 2 of section 390.50 of the criminal procedure law, as amended by chapter 14 of the laws of 1985, is amended to read as follows:

(a) Not less than one court day prior to sentencing, unless such time requirement is waived by the parties, the pre-sentence report or memorandum shall be made available by the court for examination and for copying by the defendant's attorney, the defendant himself, if he has no attorney, and the prosecutor. In its discretion, the court may except from disclosure a part or parts of the report or memoranda which are not relevant to a proper sentence, or a diagnostic opinion which might seriously disrupt a program of rehabilitation, or sources of information which have been obtained on a promise of confidentiality, or any other portion thereof, disclosure of which would not be in the interest of justice. In all cases where a part or parts of the report or memoranda are not disclosed, the court shall state for the record that a part or parts of the report or memoranda have been excepted and the reasons for its action. The action of the court excepting information from disclosure shall be subject to appellate review. The pre-sentence report shall be made available by the court for examination and copying in connection with any appeal in the case, including an appeal under this subdivision. UPON WRITTEN REQUEST, THE COURT SHALL MAKE A COPY OF THE PRESENTENCE REPORT, OTHER THAN A PART OR PARTS OF THE REPORT REDACTED BY THE COURT PURSUANT TO THIS PARAGRAPH, AVAILABLE TO THE DEFENDANT FOR USE BEFORE THE PAROLE BOARD FOR RELEASE CONSIDERATION OR AN APPEAL OF A PAROLE

BOARD DETERMINATION. IN HIS OR HER WRITTEN REQUEST TO THE COURT THE DEFENDANT SHALL AFFIRM THAT HE OR SHE ANTICIPATES AN APPEARANCE BEFORE THE PAROLE BOARD OR INTENDS TO FILE AN ADMINISTRATIVE APPEAL OF A PAROLE BOARD DETERMINATION. THE COURT SHALL RESPOND TO THE DEFENDANT'S WRITTEN REQUEST WITHIN TWENTY DAYS FROM RECEIPT OF THE DEFENDANT'S WRITTEN REQUEST.

S 6. Subdivision 4 of section 4174 of the public health law, as separately amended by chapters 409 and 698 of the laws of 1978, is amended to read as follows:

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility OR WHEN REQUESTED BY THE DEPARTMENT OF CORRECTIONAL SERVICES OR A LOCAL CORRECTIONAL FACILITY AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW FOR THE PURPOSE OF PROVIDING A CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH TO AN INMATE IN ANTICIPATION OF SUCH INMATE'S RELEASE FROM CUSTODY OR WHEN REQUESTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR AN AUTHORIZED AGENCY FOR THE PURPOSE OF PROVIDING A CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH TO A YOUTH PLACED IN THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT IN ANTICIPATION OF SUCH YOUTH'S DISCHARGE FROM PLACEMENT.

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. 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 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 dollars for each copy. PROVIDED, HOWEVER, THAT NO SUCH FEE SHALL BE CHARGED WHEN THE DEPARTMENT OF CORRECTIONAL SERVICES OR A LOCAL CORRECTIONAL FACILITY AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW REQUESTS A CERTIFICATE OF BIRTH OR CERTIFICATION OF BIRTH FOR THE PURPOSE OF PROVIDING SUCH CERTIFICATE OF BIRTH OR CERTIFICATION OF BIRTH TO AN INMATE IN ANTICIPATION OF SUCH INMATE'S RELEASE FROM CUSTODY OR WHEN THE OFFICE OF CHILDREN AND FAMILY SERVICES OR AN AUTHORIZED AGENCY REQUESTS A CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH FOR A YOUTH PLACED IN THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT FOR THE PURPOSE OF PROVIDING SUCH CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH TO SUCH YOUTH IN ANTICIPATION OF DISCHARGE FROM PLACEMENT.

S 8. The correction law is amended by adding a new section 75 to read as follows:

S 75. NOTICE OF VOTING RIGHTS. UPON THE DISCHARGE FROM A CORRECTIONAL FACILITY OF ANY PERSON WHOSE MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED, THE DEPARTMENT SHALL NOTIFY SUCH PERSON OF HIS OR HER RIGHT TO VOTE AND PROVIDE SUCH PERSON WITH A FORM OF APPLICATION FOR VOTER REGIS-

TRATION TOGETHER WITH WRITTEN INFORMATION DISTRIBUTED BY THE BOARD OF ELECTIONS ON THE IMPORTANCE AND THE MECHANICS OF VOTING.

S 9. The executive law is amended by adding a new section 259-jj to read as follows:

S 259-JJ. VOTING RIGHTS UPON DISCHARGE. UPON DISCHARGE OF A PERSON FROM PRESUMPTIVE RELEASE, PAROLE, OR CONDITIONAL RELEASE, OR UPON THE EXPIRATION OF A PERSON'S MAXIMUM SENTENCE OF IMPRISONMENT WHILE UNDER THE SUPERVISION OF THE DIVISION OF PAROLE, THE DIVISION OF PAROLE SHALL NOTIFY SUCH PERSON OF HIS OR HER RIGHT TO VOTE, PROVIDE SUCH PERSON WITH A FORM OF APPLICATION FOR VOTER REGISTRATION TOGETHER WITH WRITTEN INFORMATION DISTRIBUTED BY THE BOARD OF ELECTIONS ON THE IMPORTANCE AND THE MECHANICS OF VOTING.

S 10. Subdivision 16 of section 3-102 of the election law, as added by chapter 23 of the laws of 2005, is amended and a new subdivision 16-a is added to read as follows:

16. administer the administrative complaint procedure as provided for in section 3-105 of this article[.];

16-A. PROVIDE THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE DIVISION OF PAROLE WITH A SUFFICIENT NUMBER OF VOTER REGISTRATION FORMS TO ALLOW THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE DIVISION OF PAROLE TO COMPLY WITH THE DUTY TO PROVIDE SUCH VOTER REGISTRATION FORMS TO PERSONS UPON THE EXPIRATION OF THEIR MAXIMUM SENTENCE OF IMPRISONMENT. SUCH VOTER REGISTRATION FORMS SHALL BE ADDRESSED TO THE STATE BOARD OF ELECTIONS.

S 11. This act shall take effect on the thirtieth day after it shall have become a law.

PART PP

Section 1. Paragraph a of subdivision 1 of section 8 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 amended by chapter 777 of the laws of 1978, is amended to read as follows:

a. For its fiscal years ending June thirtieth, nineteen hundred seventy-nine through June thirtieth, nineteen hundred eighty-one, the city's budget covering all expenditures other than capital items shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with the accounting principles set forth in the state comptroller's uniform system of accounts for municipalities, as the same may be modified by the comptroller, in consultation with the city comptroller, for application to the city; subject to the provision of subdivision four of section three thousand thirty-eight of the public authorities law with respect to contributions by the city or other public employer to any retirement system or pension fund and subject to the provision of paragraph (c) of subdivision five of section three thousand thirty-eight of the public authorities law with respect to expense items included in the capital budget of the city. For the fiscal year ending June thirtieth, nineteen hundred eighty-two, and for each fiscal year thereafter, the city's budget covering all expenditures other than capital items shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with generally accepted accounting principles and [that] WOULD permit comparison of the budget with the report of actual financial results prepared in accordance with generally accepted accounting principles. With respect to financial plans that include the fiscal years ending June thirtieth, nineteen hundred seventy-nine through June thirtieth, nineteen hundred eighty-one, the city's budget covering all expenditures

other than capital items shall be prepared in accordance with generally accepted accounting principles and there shall be substantial progress in each such fiscal year towards achieving a city budget covering all expenditures other than capital items the results of which would not show a deficit when reported in accordance with generally accepted accounting principles. The city shall eliminate expense items from its capital budget not later than the commencement of the fiscal year ending June thirtieth, nineteen hundred eighty-two. For the fiscal year ending June thirtieth, nineteen hundred eighty-nine, and for each fiscal year thereafter, the budgets covering all expenditures other than capital items of each of the covered organizations shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with generally accepted accounting principles; and for each fiscal year prior thereto, there shall be substantial progress towards such goal. NOTWITHSTANDING THE FOREGOING AND THE PROVISIONS OF ANY GENERAL OR SPECIAL STATE LAW OR LOCAL LAW TO THE CONTRARY, INCLUDING BUT NOT LIMITED TO THE NEW YORK CITY CHARTER, ALL COSTS THAT WOULD BE CAPITAL COSTS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, BUT FOR THE APPLICATION OF GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER FORTY-NINE, SHALL BE DEEMED TO BE CAPITAL COSTS FOR PURPOSES OF THIS CHAPTER AND ANY OTHER PROVISION OF STATE OR LOCAL LAW, INCLUDING BUT NOT LIMITED TO THE NEW YORK CITY CHARTER, RELEVANT TO THE TREATMENT OF SUCH COSTS.

S 2. This act shall take effect immediately.

PART QQ

Section 1. The opening paragraph of subdivision 3 of section 5-a of the legislative law, as amended by section 1 of part Z of chapter 56 of the laws of 2008, is amended to read as follows:

Any member of the assembly serving in a special capacity in a position set forth in the following schedule shall be paid the allowance set forth in such schedule only for the legislative term commencing January first, two thousand [nine] ELEVEN and terminating December thirty-first, two thousand [ten] TWELVE:

S 2. Section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, as amended by section 1 of part XX of chapter 56 of the laws of 2009, is amended to read as follows:

S 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that, the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30, [2010] 2011 when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.

S 3. This act shall take effect immediately, provided, however, if section two of this act shall take effect on or after June 30, 2010 section two of this act shall be deemed to have been in full force and effect on and after June 30, 2010.

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 QQ of this act shall be as specifically set forth in the last section of such Parts.