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

S. 6255--D A. 9055--D

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

January 17, 2012

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

AN ACT to amend the executive law, in relation to DNA testing of certain offenders convicted of a crime and to amend chapter 19 of the laws of 2012 amending the criminal procedure law and the executive law relating to the DNA testing of certain offenders convicted of a crime, in relation to the effectiveness thereof (Part A); to repeal section 396-ff of the general business law, relating to the pistol and revolver ballistic identification databank (Part B); to amend the vehicle and traffic law, in relation to the administration of traffic infractions (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the executive law, in relation to disaster preparedness (Part G); intentionally omitted (Part H); to amend the civil service law, in relation to the reimbursement of medicare premium charges for employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public

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

LBD12670-06-2

organizations of the state (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the state finance law, in relation to the exemption of centralized contracts from audit prior to finalization, the ability to designate an agency contract as a statewide contract, the expansion of state contract rights for local governments and non-profit organizations, amending the definition of best value for procurement and in relation to modifications of contracts by not-for-profit corporations; to amend the general municipal law, in relation to expanding contract use rights for local governments; to amend the economic development law, in relation to the procurement opportunities newsletter; to amend the New York state printing and public documents law, the state finance law, the not-for-profit corporation law, the education law and the general municipal law, in relation to the procurement of department printing; to amend chapter 741 of the laws of 1985 relating to authorizing certain organizations to purchase commodities under contracts let by the state office of general services, in relation to purchases by charitable organizations; to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to the effectiveness of certain provisions thereof; and to repeal sections 6 and 7 of the New York state printing and public documents law, relating to department printing (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend the state technology law, the civil service law, the executive law, the state finance law, the tax law, and the county law, in relation to renaming the office for technology the office of information technology services (Part O); intentionally omitted (Part P); in relation to paying the metropolitan transportation authority the costs associated with reimbursements for E-ZPass tolls paid by the residents of Broad Channel and the Rockaway Peninsula for travel over the Cross Bay Veterans Memorial Bridge (Part Q); to amend the workers' compensation law, in relation to the collection of assessments for annual expenses (Part R); 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 S); to amend the correction law, in relation to authorizing the transfer of certain facility parole officers to open positions as the parole officer or senior parole officer title; and providing for the repeal of such provisions upon expiration thereof (Part T); to amend the correction law, in relation to expanding the scope of the annual report by the department of corrections to the legislature concerning the staffing and facilities of state correctional facilities (Part U); to amend the social services law, the family court act, the penal law and the criminal procedure law, in relation to the education reform program; and to amend chapter 535 of the laws of 2011, amending the social services law and other laws relating to creating an education reform program, in relation to the effectiveness thereof (Part V); to amend the state finance law and the county law, in relation to support for the public defense backup center and additional state aid tied to the salary of the district attorney of each county and the calculation thereof; and providing for the repeal of such provisions upon expiration thereof (Part W); and to amend the tax law, in relation to the public safety communications surcharge (Part X)

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 2012-2013 state fiscal year. Each component is wholly contained within a Part identified as Parts A through X. 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. Subparagraph (iii) of paragraph (b) of subdivision 3 of section 995-c of the executive law, as added by chapter 19 of the laws of 2012, is amended to read as follows:

(iii) In the case of a designated offender whose sentence does not include either a term of imprisonment or a term of probation, outside of the city of New York, the court shall order that A COURT OFFICER TAKE A SAMPLE OR THAT the designated offender report to an office of the sheriff of that county, and when the designated offender does so, such sample shall be collected by the sheriff's office [or a court officer]. Within the city of New York, the court shall order that the sample be collected by a court officer.

S 2. Section 9 of chapter 19 of the laws of 2012 amending the criminal procedure law and the executive law relating to the DNA testing of certain offenders convicted of a crime is amended to read as follows:

S 9. This act shall take effect [October] AUGUST 1, 2012; provided, however, that the amendments to subdivision 7 of section 995 of the executive law made by section five of this act shall apply to conviction of designated offenses, and subparagraph two of paragraph (a) of subdivision 1-a of section 440.30 of the criminal procedure law as added by section two of this act shall apply to a guilty plea entered, on or after such effective date.

S 3. This act shall take effect immediately; provided, however that section one of this act shall take effect on the same date as section 6 of chapter 19 of the laws of 2012 takes effect.

PART B

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

S 2. This act shall take effect immediately.

PART C

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

S 1806. Plea of not guilty by a defendant charged with a traffic infraction. In addition to appearing personally to enter a plea of not guilty to a violation of any provision of the tax law or the transportation law regulating traffic, or to a traffic infraction for the

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

S 2. This act shall take effect immediately.

PART D

Intentionally omitted

PART E

Intentionally Omitted

PART F

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

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

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

PART G

Section 1. Subdivision 2 of section 20 of the executive law is amended by adding three new paragraphs i, j and k to read as follows:

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

J. "EXECUTIVE LEVEL OFFICER" MEANS A STATE AGENCY OFFICER WITH THE AUTHORITY TO DEPLOY AGENCY ASSETS AND RESOURCES AND MAKE DECISIONS BINDING A STATE AGENCY.

K. "THIRD PARTY NON-STATE RESOURCES" MEANS ANY CONTRACTED RESOURCE THAT IS NOT OWNED OR CONTROLLED BY THE STATE OR A POLITICAL SUBDIVISION INCLUDING, BUT NOT LIMITED TO, AMBULANCES, CONSTRUCTION CREWS, OR CONTRACTORS.

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

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

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

f. (1) 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 REQUEST FROM A MUNICIPALITY AND WITH THE APPROVAL OF THE GOVERNOR, SHALL DIRECT THE TEMPORARY ORGANIZATION TO ASSUME DIRECTION OF THE LOCAL DISASTER OPERATIONS OF SUCH MUNICIPALITY, FOR A SPECIFIED PERIOD OF TIME NOT TO EXCEED THIRTY DAYS, AND IN SUCH CASES SUCH TEMPORARY ORGANIZATION SHALL ASSUME DIRECTION OF SUCH LOCAL DISASTER OPERATIONS, SUBJECT TO THE SUPERVISION OF THE COMMISSION. UPON THE EXPIRATION OF THE THIRTY DAY PERIOD THE COMMISSION, AT THE REQUEST OF THE MUNICIPALITY, MAY EXTEND THE TEMPORARY ORGANIZATION'S DIRECTION OF SUCH LOCAL DISASTER OPERATIONS FOR ADDITIONAL PERIODS NOT TO EXCEED THIRTY DAYS. 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 NOT TO EXCEED THIRTY DAYS, and in such cases such temporary organization shall assume direction of such local disaster operations, subject to the supervision of the commission. UPON EXPIRATION OF THE THIRTY DAY PERIOD THE COMMISSION, AFTER CONSULTATION WITH THE MUNICIPALITY, AND WITH THE APPROVAL OF THE GOVERNOR, MAY EXTEND THE

TEMPORARY ORGANIZATION'S DIRECTION OF SUCH LOCAL DISASTER OPERATIONS FOR ADDITIONAL PERIODS NOT TO EXCEED THIRTY DAYS. 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. THE STATE SHALL NOT BE LIABLE FOR THE EXPENSES INCURRED IN USING THIRD PARTY, NON-STATE RESOURCES DEPLOYED TO THE AFFECTED AREA BY THE TEMPORARY ORGANIZATION, WHICH ARE NECESSARY TO PROTECT LIFE AND SAFETY;

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

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

5. The STATE office of emergency management within the division of homeland security and emergency services shall serve as the [staff] OPERATIONAL arm of the commission and shall be responsible for implementing provisions of this article and the rules and policies adopted by the commission. THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL EXERCISE THE AUTHORITY GIVEN TO THE DISASTER PREPAREDNESS COMMISSION IN SECTION TWENTY-NINE OF THIS ARTICLE, TO COORDINATE AND DIRECT STATE AGENCIES AND ASSETS IN RESPONSE TO A STATE DISASTER EMERGENCY, THROUGH THEIR RESPECTIVE AGENCY HEADS, ON BEHALF OF THE GOVERNOR AND THE CHAIR OF THE DISASTER PREPAREDNESS COMMISSION, WHEN THE GOVERNOR, THE LIEUTENANT GOVERNOR, AND THE CHAIR OF THE DISASTER PREPAREDNESS COMMISSION ARE INCAPACITATED OR WITHOUT AN AVAILABLE MEANS OF RELIABLE COMMUNICATION WITH THE STATE OFFICE OF EMERGENCY MANAGEMENT. IF THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT IS UNABLE TO EXERCISE THIS AUTHORITY, THEN THE EXECUTIVE DEPUTY COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL ACT IN THIS CAPACITY. IN THE EVENT THAT THE EXECUTIVE DEPUTY COMMISSIONER IS UNABLE TO EXERCISE THIS AUTHORITY, THEN SUCH AUTHORITY SHALL BE EXERCISED BY THE OFFICIAL WILLING AND ABLE TO DO SO IN THE FOLLOWING ORDER: THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE; THE STATE FIRE ADMINISTRATOR; OR THE DIRECTOR OF THE OFFICE OF COUNTERTERRORISM WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF THE GOVERNOR, LIEUTENANT GOVERNOR, OR THE CHAIR OF THE DISASTER PREPAREDNESS COMMISSION TO OVERSEE THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES OR ANY OFFICIAL EXERCISING AUTHORITY GIVEN TO THE DISASTER PREPAREDNESS COMMISSION IN SECTION TWENTY-NINE OF THIS ARTICLE.

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

Notwithstanding any inconsistent provision of law, general or special, in the event of a disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any county, city, town or

village, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive thereof that the public safety is imperiled thereby, such chief executive may proclaim a local state of emergency within any part or all of the territorial limits of such local government; provided, however, that in the event of a radiological accident as defined in section twenty-nine-c of this article, such chief executive may request of the governor a declaration of disaster emergency. SUCH PROCLAMATION SHALL REMAIN IN EFFECT FOR A PERIOD NOT TO EXCEED THIRTY DAYS OR UNTIL RESCINDED BY THE CHIEF EXECUTIVE, WHICHEVER OCCURS FIRST. THE CHIEF EXECUTIVE MAY ISSUE ADDITIONAL PROCLAMATIONS TO EXTEND THE STATE OF EMERGENCY FOR ADDITIONAL PERIODS NOT TO EXCEED THIRTY DAYS. Following such proclamation and during the continuance of such local state of emergency, the chief executive may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. As illustration, such orders may, within any part or all of the territorial limits of such local government, provide for:

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

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

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

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

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

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

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

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

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

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

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

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

D. NOTWITHSTANDING PARAGRAPH C OF THIS SUBDIVISION, ANY VOLUNTARY AMBULANCE SERVICE RENDERED PURSUANT TO A REQUEST FOR ASSISTANCE UNDER THIS PROGRAM THAT AFFECTS A VOLUNTEER AMBULANCE WORKERS SERVICE AWARD OR SUPPLEMENTAL SERVICE AWARD FROM A SERVICE AWARD PROGRAM OR A SUPPLEMENTAL SERVICE AWARD PROGRAM ESTABLISHED PURSUANT TO ARTICLE ELEVEN-AA, ARTICLE ELEVEN-AAA, OR ARTICLE ELEVEN-AAAA OF THE GENERAL MUNICIPAL LAW SHALL BE THE RESPONSIBILITY OF THE POLITICAL SUBDIVISION WHICH ADOPTED THE SERVICE AWARD PROGRAM OR SUPPLEMENTAL SERVICE AWARD PROGRAM AND NOT THE RESPONSIBILITY OF THE REQUESTING LOCAL GOVERNMENT.

S 11. Subdivisions 9 and 10 of section 29-h of the executive law are renumbered subdivisions 10 and 11 and subdivision 10, as added by section 10-a of part B of chapter 56 of the laws of 2010, is amended to read as follows:

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

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

C. EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT RESPONDING TO OR RENDERING ASSISTANCE PURSUANT TO A REQUEST FOR ASSISTANCE WHO SUSTAIN INJURY

OR DEATH IN THE COURSE OF, AND ARISING OUT OF, THEIR RESPONSE ARE ENTITLED TO ALL APPLICABLE BENEFITS AS IF THEY WERE RESPONDING IN THEIR HOME JURISDICTION. THE ASSISTING LOCAL GOVERNMENT SHALL BE LIABLE FOR ALL COSTS OR PAYMENTS FOR SUCH BENEFITS AS REQUIRED BY LAW.

D. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE ASSISTING AND REQUESTING LOCAL GOVERNMENTS FROM AGREEING TO OTHER TERMS RELATED TO LIABILITY AND COMPENSATION. LOCAL GOVERNMENTS MAY CHOOSE TO ENTER INTO AN AGREEMENT, AT ANY TIME, TO ALTER THESE TERMS AS THEY DEEM NECESSARY.

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

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

9. PERFORMANCE OF SERVICES. A. (1) EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT SHALL CONTINUE UNDER THE ADMINISTRATIVE CONTROL OF THEIR HOME JURISDICTION. HOWEVER, IN ALL OTHER CASES WHERE NOT PROHIBITED BY GENERAL, SPECIAL OR LOCAL LAW, RULE OR REGULATION, EMPLOYEES OF AN ASSISTING LOCAL GOVERNMENT SHALL BE UNDER THE DIRECTION AND CONTROL OF THE LOCAL EMERGENCY MANAGEMENT DIRECTOR OR OTHER OFFICIAL CHARGED WITH PERFORMING EMERGENCY MANAGEMENT FUNCTIONS FOR THE REQUESTING LOCAL GOVERNMENT;

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

B. ASSETS AND EQUIPMENT OF AN ASSISTING LOCAL GOVERNMENT SHALL CONTINUE UNDER THE OWNERSHIP OF THE ASSISTING LOCAL GOVERNMENT, BUT SHALL BE UNDER THE DIRECTION AND CONTROL OF THE LOCAL EMERGENCY MANAGEMENT DIRECTOR OR OTHER OFFICIAL CHARGED WITH PERFORMING EMERGENCY MANAGEMENT FUNCTIONS FOR THE REQUESTING LOCAL GOVERNMENT.

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

B. ANY OTHER INDIVIDUAL AUTHORIZED AND DEPLOYED BY A PARTICIPATING LOCAL GOVERNMENT WHEN RESPONDING PURSUANT TO A REQUEST FOR ASSISTANCE UNDER THIS PROGRAM SHALL HAVE THE SAME POWERS AND DUTIES AS IF THEY WERE RESPONDING IN THEIR HOME JURISDICTION.

S 13. Paragraph a of subdivision 8 of section 29-h of the executive law, as added by section 10-a of part B of chapter 56 of the laws of 2010, is amended to read as follows:

a. Any assisting local government requesting [aid] REIMBURSEMENT under this program for loss, damage or expenses incurred in connection with the provision of [aid] ASSISTANCE that seeks reimbursement by the requesting local government shall make such request in accordance with procedures developed by the intrastate mutual aid committee.

S 14. The division of homeland security and emergency services shall, in consultation with the New York state education department, evaluate the inclusion of school district and board of cooperative educational services participation in the intrastate mutual aid program. If advis-

able, the commissioner of the division of homeland security and emergency services shall develop a plan or process for implementation. Both the evaluation and the plan, including legislative recommendations, shall be submitted to the governor, the temporary president of the senate and the speaker of the assembly within six months of the effective date of this act.

S 15. This act shall take effect immediately.

PART H
Intentionally Omitted

PART I

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

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

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

PART J
Intentionally Omitted

PART K
Intentionally Omitted

PART L

Section 1. Intentionally omitted.

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

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

S 3. Subparagraphs (iv) and (viii) of paragraph a of subdivision 3 of section 163 of the state finance law, subparagraph (iv) as amended by chapter 430 of the laws of 1997, and subparagraph (viii) as amended by section 165 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

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

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

for commodities. Such qualified non-profit-making agencies for the blind and severely disabled may make purchases from the correctional industries program of the department of corrections and community supervision subject to rules pursuant to the correction law.]

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

d. The commissioner may make, or cause to be made by a duly authorized representative, any investigation which he or she may deem proper for acquiring the necessary information from a state agency, EXCEPT STATE AGENCIES WHERE THE HEAD OF THE AGENCY IS NOT APPOINTED BY THE GOVERNOR, INCLUDING BUT NOT LIMITED TO THE STATE EDUCATION DEPARTMENT, THE DEPARTMENT OF LAW, AND THE DEPARTMENT OF AUDIT AND CONTROL, for the exercise of his or her powers and duties under this [subdivision] SECTION. For such purposes the commissioner may subpoena and compel the attendance of witnesses before him or her, or an authorized representative, and may compel the production of books, papers, records or documents. The commissioner or a duly authorized representative may take and hear proofs and testimony and, for that purpose, the commissioner or the duly authorized representative may administer oaths. In addition, the commissioner or the duly authorized representative:

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

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

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

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

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

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

Purchase through office of general services; PURCHASES FROM OTHER PUBLIC CONTRACTS; certain federal contracts. 1. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service authorized to make purchases of COMMODITIES, materials, equipment, TECHNOLOGY, food products, [or] supplies[,] or services available pursuant to [sections one hundred sixty-one and one hundred sixty-seven] SECTION ONE HUNDRED SIXTY-THREE of the state finance law, may make such purchases[, except of printed material,] through the office of general services OR ANY OTHER DEPARTMENT OR AGENCY OF THE STATE subject to [such] rules [as may be established from time to time] PROMULGATED pursuant to [sections one hundred sixty-three and one hundred sixty-seven] ARTICLE ELEVEN of the state finance law; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such [office] PUBLIC ENTITY when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

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

(i) Centralized contracts for services may be procured by the office of general services at the request of state agencies [and state agencies may when such centralized contracts are in the form, function or utility required by said agency, purchase from established centralized contracts. The state procurement council may, from time to time, require that state agencies procure services from certain centralized contracts] OR AS DETERMINED BY THE COMMISSIONER. THE PURCHASE OF SERVICES BY STATE AGENCIES, EXCEPT STATE AGENCIES WHERE THE HEAD OF THE AGENCY IS NOT APPOINTED BY THE GOVERNOR, INCLUDING BUT NOT LIMITED TO THE STATE EDUCATION DEPARTMENT, THE DEPARTMENT OF LAW, AND THE DEPARTMENT OF AUDIT AND CONTROL, SHALL BE CONDUCTED IN A MANNER THAT ACCORDS SECOND PRIORITY TO CENTRALIZED CONTRACTS MEETING FORM, FUNCTION AND UTILITY REQUIRED BY SAID AGENCY, THIRD PRIORITY TO AGENCY OR MULTI-AGENCY ESTABLISHED CONTRACTS AND FOURTH PRIORITY TO OTHER MEANS OF CONTRACTING.

S 8. Intentionally omitted.

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

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

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

(i) For commodities, upon such determination of need, state agencies shall ascertain whether the commodity is available in the form, function

and utility consistent with their needs from preferred sources and if so, shall purchase said commodity from a preferred source in accordance with the provisions of this article. If not so available, state agencies shall determine whether the commodity is available in the form, function and utility consistent with their needs on a centralized contract and if so, except as provided in subparagraph (v) of paragraph a of subdivision three of this section, shall purchase said commodity using the centralized contract. If a commodity is not available in the form, function and utility consistent with the needs of the state agency from a preferred source or a centralized contract or as provided for in subparagraph (v) of paragraph a of subdivision three of this section, the state agency may procure the commodity independently or in conjunction with another state agency in accordance with paragraph c of subdivision three of this section.

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

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

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

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

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

S 10. Subdivision 7 of section 163 of the state finance law, as amended by section 10 of part FF of chapter 56 of the laws of 2010, is amended 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, STARTING APRIL FIRST, TWO THOUSAND TWELVE, AND ENDING MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN, may, for COMMODITY, SERVICE AND technology contracts [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]. STATE AGENCIES SHALL UNDERTAKE NO MORE THAN EIGHTY-FIVE SUCH ELECTRONIC BID SOLICITATIONS, NONE OF WHICH SHALL BE REVERSE AUCTIONS, PRIOR TO APRIL FIRST, TWO THOUSAND FIFTEEN. IN ADDITION, STATE AGENCIES MAY CONDUCT UP TO TWENTY REVERSE AUCTIONS THROUGH ELECTRONIC MEANS, PRIOR TO APRIL FIRST, TWO THOUSAND FIFTEEN. PRIOR TO REQUIRING THE ELECTRONIC SUBMISSION OF BIDS, THE agency [has made] SHALL MAKE a determination,

which shall be documented in the procurement record, that [such method] ELECTRONIC SUBMISSION affords a fair and equal opportunity for offerers to submit responsive offers. WITHIN THIRTY DAYS OF THE COMPLETION OF THE EIGHTY-FIFTH ELECTRONIC BID SOLICITATION, OR BY APRIL FIRST, TWO THOUSAND FIFTEEN, WHICHEVER IS EARLIER, THE COMMISSIONER SHALL PREPARE A REPORT ASSESSING THE USE OF ELECTRONIC SUBMISSIONS AND MAKE RECOMMENDATIONS REGARDING FUTURE USE OF THIS PROCUREMENT METHOD. IN ADDITION, WITHIN THIRTY DAYS OF THE COMPLETION OF THE TWENTIETH REVERSE AUCTION THROUGH ELECTRONIC MEANS, OR BY APRIL FIRST, TWO THOUSAND FIFTEEN, WHICHEVER IS EARLIER, THE COMMISSIONER SHALL PREPARE A REPORT ASSESSING THE USE OF REVERSE AUCTIONS THROUGH ELECTRONIC MEANS AND MAKE RECOMMENDATIONS REGARDING FUTURE USE OF THIS PROCUREMENT METHOD. SUCH REPORTS SHALL BE PUBLISHED ON THE WEBSITE OF THE OFFICE OF GENERAL SERVICES. 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.

S 11. Intentionally omitted.

S 12. Subdivision 8 of section 163 of the state finance law, as amended by chapter 95 of the laws of 2000, is amended to read as follows:

8. Public notice. All procurements by state agencies, INCLUDING, WITHOUT LIMITATION, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, in excess of [fifteen] FIFTY thousand dollars shall be advertised in the state's procurement opportunities newsletter in accordance with article four-C of the economic development law.

S 13. Paragraph m of subdivision 2 of section 161 of the state finance law, as added by chapter 95 of the laws of 2000, is amended to read as follows:

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

S 14. Subdivision 3 of section 141 of the economic development law, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

3. "Procurement contract" shall mean any written agreement entered into by an agency for the acquisition of goods, services, or construction of any kind in the actual or estimated amount of [fifteen] FIFTY thousand dollars or more. The term does not include an agreement for employment in the civil service.

S 15. Paragraph (b) of subdivision 2 of section 142 of the economic development law, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

(b) for procurement contracts in excess of ten thousand dollars and less than [twenty] FIFTY thousand dollars to be awarded by the state university of New York or the city university of New York, (i) a quarterly listing of projected procurement purchases by commodity for each institution of the state university of New York or the city university

of New York; (ii) an explanation of how to apply for placement on any bidder lists maintained by the state university of New York or the city university of New York; and (iii) a description of procedures for providing advance notification by mail to individuals or business entities on such bidder lists of any request for proposals, in accordance with rules and regulations promulgated by the state university or the city university; and

S 16. Section 143 of the economic development law is amended by adding a new subdivision 4 to read as follows:

4. AT THE TIME AN AGENCY ENTERS INTO A CONTRACT WITH A SINGLE OR SOLE SOURCE PROVIDER PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW, FOR AN AMOUNT IN EXCESS OF FIFTY THOUSAND DOLLARS, SUCH AGENCY SHALL SUBMIT AN ANNOUNCEMENT OF THE INTENDED CONTRACT FOR INCLUSION IN THE PROCUREMENT OPPORTUNITIES NEWSLETTER, AND SHALL SPECIFY THE RECIPIENT OF THE CONTRACT.

S 17. Paragraph (e) of subdivision 2 of section 144 of the economic development law, as added by chapter 862 of the laws of 1990, is amended to read as follows:

(e) Notwithstanding the foregoing, any agency receiving an exemption for a procurement contract in accordance with this subdivision must nevertheless publish notice of either the letting or award of the contract, and the reasons for any such exemption, in the procurement opportunities newsletter as soon as practicable, unless the comptroller determines that publication would affect the ability of (i) law enforcement agencies to carry out investigations, or (ii) agencies to protect security operations, in which case notice of such contract shall not be published. IN THE CASE OF NON-COMPETITIVE AWARDS, SUCH NOTICE SHALL ALSO STATE THE RECIPIENT OF THE CONTRACT, A BRIEF DESCRIPTION OF THE PURPOSE OF THE CONTRACT, THE CONTRACT TERM, AND THE ESTIMATED VALUE.

S 18. Paragraph (a) of subdivision 2 of section 112 of the state finance law, as amended by section 2 of part D of chapter 56 of the laws of 2006, is amended to read as follows:

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

S 19. Section 3 of the New York state printing and public documents law, as added by chapter 160 of the laws of 1976, subdivision 1 as

amended by chapter 849 of the laws of 1987, and subdivision 5 as amended by chapter 346 of the laws of 1991, is amended to read as follows:

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

(A) THE COMMISSIONER OF GENERAL SERVICES SHALL BE RESPONSIBLE FOR THE STANDARDIZATION AND CENTRALIZED CONTRACTING OF PRINTING REQUIRED BY STATE AGENCIES IN A MANNER WHICH MAXIMIZES THE PURCHASING VALUE OF PUBLIC FUNDS. PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW, CONTRACTS FOR PRINTING MAY BE ESTABLISHED BY THE OFFICE OF GENERAL SERVICES OR STATE AGENCIES, AND STATE AGENCIES MAY, WHEN SUCH CENTRALIZED CONTRACTS ESTABLISHED BY THE OFFICE OF GENERAL SERVICES ARE IN THE FORM, FUNCTION AND UTILITY REQUIRED BY SAID AGENCY, PURCHASE FROM SUCH CENTRALIZED CONTRACTS. WHEN PRINTING IS NOT AVAILABLE CONSISTENT WITH THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW IN THE FORM, FUNCTION AND UTILITY REQUIRED BY STATE AGENCIES, STATE AGENCIES MAY PROCURE PRINTING INDEPENDENTLY OR IN CONJUNCTION WITH OTHER STATE AGENCIES.

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

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

3. It shall be the duty of said commissioner, in accordance with rules and regulations to be prescribed by him, to let to the lowest responsible bidder, as hereinafter provided, and as will best promote the public interest, all contracts for the work embraced in the legislative printing and department printing as those terms are in this chapter defined, except printing done pursuant to law in the correctional facilities of the state, in the state charitable and benevolent institutions for the benefit of such institutions, or by the board or commission having fiscal control of such institutions, the printing of examination question papers or printing done for the education department or the schools under its jurisdiction in the rooms of the university of the state of New York by its employees, the stationery used by the legislature, briefs and cases on appeal and the bulletins issued by the Geneva and Ithaca experimental stations.] No contract for department printing shall be let to a bidder who, in the opinion of the commissioner, does not have satisfactory facilities and equipment which are ample and sufficient to insure proper performance of the contract or who has failed to give adequate security in an amount which may be required by the commissioner. Provided further, however, that no contract shall be let to a

bidder other than the lowest PRICE responsible bidder without the written approval of the comptroller.

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

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

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

S 20. Section 6 of the New York state printing and public documents law is REPEALED.

S 21. Section 7 of the New York state printing and public documents law is REPEALED and section 7-a is renumbered section 7.

S 22. Section 8 of the New York state printing and public documents law, as amended by chapter 704 of the laws of 1964 and as renumbered by chapter 160 of the laws of 1976, is amended to read as follows:

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

S 23. Paragraph (g) of section 1509 of the not-for-profit corporation law, as added by chapter 151 of the laws of 1992, is amended to read as follows:

(g) Purchases through office of general services. Notwithstanding the provisions of any general, special or local law, any officer or agent of a cemetery corporation subject to the provisions of this article authorized to make purchases of [materials, equipment or supplies] COMMODITIES AND SERVICES may make such purchases[, except of printed material,] through the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law; provided that any such purchase shall exceed five hundred dollars and that the cemetery corporation for which

such officer or agent acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the cemetery corporation for which made. Two or more cemetery corporations may join in making purchases pursuant to this section and, for the purposes of this section, such groups shall be deemed a cemetery corporation.

S 24. Paragraph i of subdivision 3 of section 236 of the education law, as added by chapter 9 of the laws of 1979, is amended to read as follows:

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

S 25. Section 258-a of the education law, as added by chapter 106 of the laws of 1980, is amended to read as follows:

S 258-a. Purchases by museums, historical societies, zoological gardens, aquariums, botanical gardens and arboreta through office of general services. Museums, historical societies, zoological gardens, aquariums, botanical gardens and arboreta which are chartered or incorporated by the regents or otherwise formed pursuant to section two hundred sixteen of this chapter or otherwise pursuant to the laws of this state and are also non-profit ORGANIZATIONS may make purchases [, except of printed material,] OF COMMODITIES AND SERVICES through the [state division of standards and purchase in the] office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law; provided that each such purchase shall have a cost of five hundred dollars or more and that said museum, historical society, zoological garden, aquarium, botanical garden or arboreta shall accept sole responsibility for any payment of such cost due the vendor.

S 26. Section 6404 of the education law, as added by chapter 734 of the laws of 1976, is amended to read as follows:

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

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

S 104. Purchase through office of general services. Notwithstanding the provisions of section one hundred three of this article or of any

other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service IS authorized to make purchases of [materials, equipment, food products, or supplies, or services] COMMODITIES AND SERVICES available pursuant to [sections one hundred sixty-one and one hundred sixty-seven] SECTION ONE HUNDRED SIXTY-THREE of the state finance law, may make such purchases[, except of printed material,] through the office of general services subject to such rules as may be established from time to time pursuant to [sections] SECTION one hundred sixty-three [and one hundred sixty-seven] of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

S 28. Section 109-a of the general municipal law, as amended by chapter 502 of the laws of 2002, is amended to read as follows:

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

payment due the vendor. Boards of education may permit such nonpublic schools to make purchases pursuant to this section through the school district in which the nonpublic school is located, provided that any administrative costs incurred by the school district will be paid by the nonpublic school.

S 29. Subdivision (a) of section 2 of chapter 741 of the laws of 1985 relating to authorizing certain organizations to purchase commodities and services under contracts let by the state office of general services, as amended by chapter 134 of the laws of 1994, is amended to read as follows:

(a) Any charitable organization or federation of charitable organizations, as defined in subdivision (b) of this section, maintaining its office in a county of the state and performing all or the predominant part of its charitable, benevolent or philanthropic services or conducting all or the predominant part of its solicitation of charitable contributions in such county and any county, town or other agricultural society, the American institute of the city of New York, performing their activities in any such county on or after January 1, 1993 is authorized to make purchases[, except of printed material,] pursuant to the terms of contracts let by the [state divisions of purchasing and of standards and quality control of the] office of general services subject to such rules as may be [established from time to time under] PROMULGATED PURSUANT TO the provisions of section 163 of the state finance law, which may establish limitations with respect to commodities AND SERVICES and impose such other appropriate conditions upon purchasing as deemed necessary by the commissioner of general services in order to protect the state's own purchasing interests; provided that each such purchase shall exceed five hundred dollars and that such charitable organization or federation of charitable organizations shall accept sole responsibility for any payment due the vendor.

S 30. Subdivision 7 of section 160 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

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

S 31. Paragraph a of subdivision 5 of section 355 of the education law, as amended by section 1 of subpart B of part D of chapter 58 of the laws of 2011, is amended to read as follows:

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

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

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

S 33. Subparagraph (i) of paragraph 1 of subdivision a of section 6218 of the education law, as amended by section 2 of subpart B of part D of chapter 58 of the laws of 2011, is amended to read as follows:

(i) purchase materials[,]; PROPRIETARY ELECTRONIC INFORMATION RESOURCES, INCLUDING, BUT NOT LIMITED TO, ACADEMIC, PROFESSIONAL AND INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING TOOLS, INDEXES AND ABSTRACTS; AND equipment and supplies, including computer equipment and motor vehicles,

S 34. Paragraph (i) of subdivision a of section 6218 of the education law, as amended by chapter 697 of the laws of 1993, is amended to read as follows:

(i) purchase materials[,]; PROPRIETARY ELECTRONIC INFORMATION RESOURCES, INCLUDING, BUT NOT LIMITED TO, ACADEMIC, PROFESSIONAL AND INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING TOOLS, INDEXES AND ABSTRACTS; AND equipment and supplies, including computer equipment and motor vehicles, where the amount for a single purchase does not exceed twenty thousand dollars,

S 35. Subdivision 3 of section 160 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

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

S 36. Subdivision 1 of section 163 of the state finance law is amended by adding a new paragraph k to read as follows:

K. "AUTHORIZED USER" OR "NON-STATE AGENCY PURCHASER" MEANS (I) ANY OFFICER, BODY OR AGENCY OF THE STATE OR OF A POLITICAL SUBDIVISION OR A DISTRICT THEREIN, OR FIRE COMPANY OR VOLUNTEER AMBULANCE SERVICE AS SUCH ARE DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW, TO MAKE PURCHASES OF COMMODITIES, SERVICES AND TECHNOLOGY THROUGH THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS, PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THE GENERAL MUNICIPAL LAW; (II) ANY COUNTY EXTENSION SERVICE ASSOCIATION AS AUTHORIZED UNDER SUBDIVISION EIGHT OF SECTION TWO HUNDRED TWENTY-FOUR OF THE COUNTY LAW; (III) ANY ASSOCIATION OR OTHER ENTITY AS SPECIFIED IN AND IN ACCORDANCE WITH SECTION ONE HUNDRED NINE-A OF THE GENERAL MUNICIPAL LAW; (IV) ANY ASSOCIATION, CONSORTIUM OR GROUP OF PRIVATELY OWNED OR MUNICIPAL, FEDERAL OR STATE OWNED OR OPERATED HOSPITALS, MEDICAL SCHOOLS, OTHER HEALTH RELATED FACILITIES OR VOLUNTARY AMBULANCE SERVICES, WHICH HAVE ENTERED INTO A CONTRACT AND MADE MUTUAL ARRANGEMENTS FOR THE JOINT PURCHASE OF COMMODITIES, SERVICES AND TECHNOLOGY PURSUANT TO SECTION TWENTY-EIGHT HUNDRED THREE-A OF THE PUBLIC HEALTH LAW; (V) ANY INSTITUTION FOR THE INSTRUCTION OF THE DEAF OR OF THE BLIND LISTED IN SECTION FORTY-TWO HUNDRED ONE OF THE EDUCATION LAW; (VI) ANY QUALIFIED NON-PROFIT-MAKING AGENCY FOR THE BLIND APPROVED BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; (VII) ANY QUALIFIED CHARITABLE NON-PROFIT-MAKING AGENCY FOR THE SEVERELY DISABLED APPROVED BY THE COMMISSIONER OF EDUCATION; (VIII) ANY HOSPITAL OR RESIDENTIAL HEALTH CARE FACILITY AS DEFINED IN SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW; (IX) ANY PRIVATE NOT-FOR-PROFIT MENTAL HYGIENE FACILITY AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW; (X) ANY PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION OF THE STATE, INCLUDING THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND THE INTERSTATE ENVIRONMENTAL COMMISSION; (XI) ANY PUBLIC LIBRARY, ASSOCIATION LIBRARY, LIBRARY SYSTEM, COOPERATIVE LIBRARY SYSTEM, THE NEW YORK LIBRARY ASSOCIATION, AND THE NEW YORK STATE ASSOCIATION OF LIBRARY BOARDS OR ANY OTHER LIBRARY EXCEPT THOSE WHICH ARE OPERATED BY FOR PROFIT ENTITIES; (XII) ANY OTHER ASSOCIATION OR ENTITY AS SPECIFIED IN STATE LAW, TO MAKE PURCHASES OF COMMODITIES, SERVICES AND TECHNOLOGY THROUGH THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS. SUCH QUALIFIED NON-PROFIT-MAKING AGENCIES FOR THE BLIND AND SEVERELY DISABLED MAY MAKE PURCHASES FROM THE CORRECTIONAL INDUSTRIES PROGRAM OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION SUBJECT TO RULES PURSUANT TO THE CORRECTION LAW.

S 37. Subdivision 5 of section 362 of chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes and revenues, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

5. Sections thirty-one through forty-two of this act shall take effect on the thirtieth day after it shall have become a law and shall be deemed to have been in full force and effect on and after April 1, 1995; provided that section 163 of the state finance law, as added by section thirty-three of this act shall remain in full force and effect until June 30, [2012] 2016 at which time it shall expire and be deemed repealed. Contracts executed prior to the expiration of such section 163 shall remain in full force and effect until the expiration of any such contract notwithstanding the expiration of certain provisions of this act.

S 38. Section 179-ee of the state finance law is amended by adding a new subdivision 3 to read as follows:

3. A MODIFICATION TO A CONTRACT THAT WOULD RESULT IN A TRANSFER OF FUNDS AMONG PROGRAM ACTIVITIES OR BUDGET COST CATEGORIES BUT DOES NOT AFFECT THE AMOUNT, CONSIDERATION, SCOPE OR OTHER TERMS OF SUCH CONTRACT SHALL NOT, BY ITSELF, REQUIRE SUCH CONTRACT AND MODIFICATION TO BE SUBMITTED TO THE COMPTROLLER FOR REVIEW; PROVIDED, HOWEVER, WHERE THE AMOUNT OF SUCH MODIFICATION IS, AS A PORTION OF THE TOTAL VALUE OF THE CONTRACT, EQUAL TO OR GREATER THAN TEN PERCENT FOR CONTRACTS OF LESS THAN FIVE MILLION DOLLARS, OR FIVE PERCENT FOR CONTRACTS OF MORE THAN FIVE MILLION DOLLARS, THE COMPTROLLER MAY REQUIRE THAT SUCH MODIFICATION BE SUBMITTED TO HIM OR HER FOR REVIEW.

S 39. This act shall take effect immediately, provided, however, that procurement contracts for which bid solicitations have been issued prior to the effective date of this act shall be subject to the provisions of law in effect at the time of issuance; provided, however, that the amendments made to section 163 of the state finance law by sections two, three, four, five, seven, nine, ten, twelve and thirty-six of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith; and provided, however, that the amendments to section 104 of the general municipal law made by section six of this act shall be subject to the expiration and reversion of such section pursuant to section 9 of subpart A of part C of chapter 97 of the laws of 2011, when upon such date the provisions of section twenty-seven of this act shall take effect; and provided, however, that the amendments to paragraph a of subdivision 5 of section 355 of the education law made by section thirty-one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4 of subpart B of part D of chapter 58 of the laws of 2011, when upon such date the provisions of section thirty-two of this act shall take effect; and provided that the amendments to subdivision a of section 6218 of the education law made by section thirty-three of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4 of subpart B of part D of chapter 58 of the laws of 2011, as amended, when upon such date the provisions of section thirty-four of this act shall take effect.

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

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

OFFICE [FOR TECHNOLOGY] OF INFORMATION TECHNOLOGY SERVICES

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

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

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

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

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

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

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

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

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

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

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

1. There is hereby created in the executive department a disaster preparedness commission consisting of the commissioners of transportation, health, division of criminal justice services, education, social services, economic development, agriculture and markets, housing and community renewal, general services, labor, environmental conservation, mental health, parks, recreation and historic preservation, corrections and community supervision and children and family services, the president of the New York state energy research and development authority, the superintendents of state police, [insurance, banking] FINANCIAL SERVICES, the secretary of state, the state fire administrator, the chair of the public service commission, the adjutant general, the directors of the offices within the division of homeland security and emergency services, the office [for technology] OF INFORMATION TECHNOLOGY SERVICES, and the office of victim services, the chairs of the thruway authority, the metropolitan transportation authority, the port authority of New York and New Jersey, the chief professional officer of the state coordinating chapter of the American Red Cross and three additional

members, to be appointed by the governor, two of whom shall be chief executives. Each member agency may designate an officer of that agency, with responsibility for disaster preparedness matters, who may represent that agency on the commission. The commissioner of the division of homeland security and emergency services shall serve as chair of the commission, and the governor shall designate the vice chair of the commission. The members of the commission, except those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

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

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

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

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

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

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

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

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

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

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

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

(h) one shall be the director of the office [for technology] OF INFORMATION TECHNOLOGY SERVICES, or his or her designee;

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

(b) Wherever the term "director of the office for technology" appears in the executive law, state technology law, or otherwise in the consolidated or unconsolidated laws of this state, such term is hereby changed to "director of information technology services".

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

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

S 16. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the office for technology, and pertaining to or connected with its functions, powers, obligations and duties, shall be affected by any provision of this act, but in the same way may be prosecuted or defended in the name of the office of information technology services. In all such actions and proceedings the office of information technology services, upon application to the court, shall be substituted as a party.

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

PART P

Intentionally Omitted

PART Q

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

S 2. This act shall take effect immediately.

PART R

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

3. Beginning [on January first,] IN two thousand [twelve] FIFTEEN, 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. This act shall take effect immediately.

PART S

Section 1. The opening paragraph of subdivision 3 of section 5-a of the legislative law, as amended by section 1 of part QQ of chapter 56 of the laws of 2010, 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 [eleven] THIRTEEN and terminating December thirty-first, two thousand [twelve] FOURTEEN:

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 Q of chapter 57 of the laws of 2011, 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, [2012] 2013 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, 2012 section two of this act shall be deemed to have been in full force and effect on and after June 30, 2012.

PART T

Section 1. Section 10 of the correction law is amended by adding a new subdivision 3-a to read as follows:

3-A. IN ORDER TO BEST EFFECTUATE THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION THE COMMISSIONER SHALL, PURSUANT TO SUBDIVISION ONE OF SECTION SEVENTY OF THE CIVIL SERVICE LAW, TRANSFER ANY EMPLOYEE WHO HELD THE POSITION OF FACILITY PAROLE OFFICER I OR FACILITY PAROLE OFFICER II

ON JANUARY FIRST, TWO THOUSAND TWELVE AND WHO WISHES TO ACCEPT SUCH TRANSFER, TO FILL ANY OPEN POSITION IN THE PAROLE OFFICER OR SENIOR PAROLE OFFICER TITLE. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO FACILITY PAROLE OFFICER I OR FACILITY PAROLE OFFICER II EMPLOYEES FOR THE PERIOD THAT THE CERTIFICATE ATTESTING TO SATISFACTORY COMPLETION OF THE TRAINING REQUIREMENTS FOR PEACE OFFICER ELIGIBILITY AWARDED TO SUCH EMPLOYEE REMAINS VALID PURSUANT TO THE PROVISIONS OF SUBDIVISION SIX OF SECTION 2.30 OF THE CRIMINAL PROCEDURE LAW. IN NO INSTANCE SHALL THE DEPARTMENT APPOINT A NEWLY HIRED EMPLOYEE TO A PAROLE OFFICER OR SENIOR PAROLE OFFICER POSITION WHERE AN EMPLOYEE, ELIGIBLE UNDER THIS SUBDIVISION, IS WILLING AND ABLE TO TRANSFER TO SUCH POSITION. AN EMPLOYEE TRANSFERRED UNDER THIS SUBDIVISION SHALL IN NO INSTANCE DISPLACE AN INCUMBENT EMPLOYEE IN THE PAROLE OFFICER OR SENIOR PAROLE OFFICER TITLE OR A PERSON WHO IS ON A PREFERRED LIST OR REEMPLOYMENT ROSTER FOR THE POSITION OF PAROLE OFFICER OR SENIOR PAROLE OFFICER PURSUANT TO SECTION EIGHTY-ONE OR EIGHTY-ONE-A OF THE CIVIL SERVICE LAW.

S 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2015.

PART U

Section 1. Subdivision 4 of section 29 of the correction law, as amended by section 12 of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

4. (A) The commissioner shall provide an annual report to the legislature on the staffing of correction officers and correction sergeants in state correctional facilities. Such report shall include, but not be limited to the following factors: the number of security posts on the current plot plan for each facility that have been closed on a daily basis, by correctional facility security classification (minimum, medium and maximum); the number of security positions eliminated by correctional facility since two thousand compared to the number of inmates incarcerated in each such facility; a breakdown by correctional facility security classification (minimum, medium, and maximum) of the staff hours of overtime worked, by year since two thousand and the annual aggregate costs related to this overtime. In addition, such report shall be delineated by correctional facility security classification, the annual number of security positions eliminated, the number of closed posts and amount of staff hours of overtime accrued as well as the overall overtime expenditures that resulted. Such report shall be provided to the chairs of the senate finance, assembly ways and means, senate crime and corrections and assembly correction committees, AND POSTED ON THE DEPARTMENT'S WEBSITE, ANNUALLY by [December thirty-first] FEBRUARY FIRST.

(B) SUCH REPORT SHALL ALSO INCLUDE BUT NOT BE LIMITED TO: THE TOTAL NUMBER OF CORRECTIONAL FACILITIES IN OPERATION WHICH ARE MAINTAINED BY THE DEPARTMENT, THE SECURITY LEVEL OF EACH FACILITY, THE NUMBER OF BEDS AT EACH FACILITY AS OF DECEMBER THIRTY-FIRST OF THE PRIOR YEAR, AS CLASSIFIED BY THE DEPARTMENT, AND THE NUMBER OF EMPTY BEDS, IF ANY, BY SUCH CLASSIFICATION AS OF SUCH DATE.

S 2. This act shall take effect immediately.

PART V

Section 1. Legislative intent. In recent years, New York has seen the inappropriate and harmful use of technology increase exponentially among

the juvenile population due to the accessibility and interconnectivity of this form of communication. This problem has become more serious as the violence and gravity of the behavior has escalated, reaching into traditional sanctuaries for our children including their homes. Notably, this has resulted in tragic cases of suicide as well as various cases of long-term impairments to both the victim and the aggressor. Both the acts of cyberbullying and sexting include components of aggressive behavior, significant disrespect to an individual, and emotional trauma. Although New York has taken initial steps to address bullying, a comprehensive and multi-tiered approach to this activity is imperative in order to appropriately tackle the behavior as well as its repercussions. This requires cooperation among all members of our community, including schools, family units, and the criminal justice system. This legislation is a component of this inclusive approach by creating an appropriate educational program for the youth whose action or behavior has come to the attention of the judicial system.

S 2. Section 458-l of the social services law, as added by chapter 535 of the laws of 2011, is amended to read as follows:

S 458-l. Education reform program. 1. As used in this section:

(a) "eligible person" means an individual who (I) is, OR IS AT RISK OF BEING, the subject of a [pending] PERSON IN NEED OF SUPERVISION petition in family court [alleging he or she has committed an eligible offense or a person who has been charged, in criminal court,] WHERE ELEMENTS OF AN ELIGIBLE OFFENSE HAVE BEEN INDICATED; OR (II) HAS BEEN ARRESTED FOR OR CHARGED with an eligible offense, OR IT IS OTHERWISE ALLEGED THAT SUCH PERSON HAS COMMITTED AN ELIGIBLE OFFENSE, as that term is defined in paragraph (b) of this subdivision. IN DETERMINING WHETHER TO ORDER AN ELIGIBLE PERSON WHO HAS BEEN ARRESTED FOR OR CHARGED WITH AN ELIGIBLE OFFENSE AS AN ADULT TO PARTICIPATE IN THE EDUCATION REFORM PROGRAM UNDER THIS SECTION, A JUDGE MUST CONSIDER, AMONG OTHER FACTORS, PRIOR PARTICIPATION IN THE PROGRAM AS AN ADULT.

(b) "eligible offense" means a crime or offense committed, OR, IN THE CASE OF A PERSON WHO IS, OR IS AT RISK OF BEING THE SUBJECT OF A PERSON IN NEED OF SUPERVISION PETITION, CONDUCT ENGAGED IN, by an eligible person that involved cyberbullying or the sending or receipt THROUGH ELECTRONIC MEANS of obscenity, as defined in subdivision one of section 235.00 of the penal law, or nudity, as defined in subdivision two of section 235.20 of the penal law, when the sender and the receiver thereof were both under the age of twenty at the time of such communication, but not more than five years apart in age.

(c) "program" means the education reform program developed pursuant to subdivision two of this section.

2. The office of children and family services, hereinafter the "office," shall develop and implement, in consultation with the division of criminal justice services and the state education department, an education reform program [for] TO BE PROVIDED TO eligible persons [who have been required to complete such] AS A DIVERSION program [pursuant to article three or seven] IN ACCORDANCE WITH SECTION SEVEN HUNDRED THIRTY-FIVE of the family court act or, AS A CONDITION OF ADJUSTMENT PURSUANT TO SECTION 308.1 OF THE FAMILY COURT ACT, OR AS A CONDITION OF AN ORDER OF ADJOURNMENT IN CONTEMPLATION OF DISMISSAL, SUSPENDED JUDGMENT, DISCHARGE WITH WARNING, CONDITIONAL DISCHARGE OR PROBATION PURSUANT TO ARTICLE THREE OR SEVEN OF THE FAMILY COURT ACT, AS A CONDITION OF PROBATION OR A CONDITIONAL DISCHARGE PURSUANT TO section 60.37 of the penal law OR AS A CONDITION OF AN ADJOURNMENT IN CONTEMPLATION OF

DISMISSAL PURSUANT TO SECTION 170.55 OF THE CRIMINAL PROCEDURE LAW, AS APPLICABLE.

3. The program shall be available in every judicial [district] DEPARTMENT in the state; provided that if the office determines that there is not a sufficient number of eligible offenses in a judicial [district] DEPARTMENT to mandate the implementation of a program, provisions shall be made for the residents of such judicial [district] DEPARTMENT to participate in a program in another judicial [district] DEPARTMENT where a program exists if practicable with regard to travel and cost, or to complete the education course online.

4. [The] SUCH program SHALL BE PROVIDED IN AN AGE-APPROPRIATE MANNER WHICH FOCUSES ON THE CRIME, OFFENSE OR CONDUCT, shall involve up to eight hours of instruction and shall provide, at a minimum, information concerning:

(a) the legal consequences of and potential penalties for sharing sexually suggestive materials, explicit materials or abusive materials, including sanctions imposed under applicable federal and state statutes;

(b) the non-legal consequences of sharing sexually suggestive materials, explicit materials or abusive materials, including, but not limited to, the possible effect on relationships, loss of educational and employment opportunities, and the potential for being barred or removed from school programs and extracurricular activities;

(c) how the unique characteristics of cyberspace and the internet, including the potential ability of an infinite audience to utilize the internet to search for and replicate materials, can produce long-term and unforeseen consequences for sharing sexually suggestive materials, explicit materials or abusive materials; and

(d) the potential connection between bullying and cyber-bullying and juveniles sharing sexually suggestive materials, explicit materials or abusive materials.

5. [Upon receipt of the court order, pursuant to the family court act or section 60.37 of the penal law, directing an eligible person to attend the program, the office, after consultation with the eligible person and the attorney for such person, shall schedule the eligible person to attend the next available session of the program and shall send written notice of the scheduling, along with the date, time and location of the session or sessions, to the eligible person, the attorney for such person and the clerk of the referring court.] THE OFFICE, IN CONJUNCTION WITH THE OFFICE OF COURT ADMINISTRATION, THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AND THE DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL PROVIDE ANNUAL NOTICE REGARDING THE PROGRAM TO LOCAL PROBATION DEPARTMENTS, APPLICABLE COURT PERSONNEL, COUNTY DEFENDER OFFICES, ORGANIZATIONS OR GROUPS ASSIGNED TO ACT AS ATTORNEYS FOR CHILDREN, DISTRICT ATTORNEYS, PRESENTMENT AGENCIES AND COUNTY ATTORNEYS, FOR THE PURPOSE OF SUCH INFORMATION BEING PROVIDED TO EACH ELIGIBLE PERSON, HIS OR HER ATTORNEY AND HIS OR HER PARENT OR GUARDIAN WHERE NECESSARY, UPON AN ORDER THAT THEY COMPLETE SUCH PROGRAM. THE NOTICE SHALL INCLUDE, AT A MINIMUM, A SHORT DESCRIPTION OF THE PROGRAM, WHEN USE OF THE PROGRAM IS AUTHORIZED BY STATUTE, AND THE MEANS OF ACCESSING AND COMPLETING THE PROGRAM. THE OFFICE SHALL MAINTAIN INFORMATION ON ITS WEBSITE REGARDING THE PROGRAM, INCLUDING DIRECTIONS FOR ACCESSING THE PROGRAM.

6. Within twenty days of the date upon which the eligible person completes the program, the office shall provide such person with a certification that he or she has successfully completed the program AND THE DATE THE PROGRAM WAS COMPLETED. THE ELIGIBLE PERSON SHALL BE RESPON-

SIBLE FOR COMPLETING THE PROGRAM, AND PROVIDING ANY NECESSARY PROOF OF COMPLETION.

S 3. Subdivision 2 of section 308.1 of the family court act, as amended by chapter 252 of the laws of 1988, is amended to read as follows:

2. Except as provided in subdivisions three and four OF THIS SECTION, the probation service may, in accordance with rules of court, adjust suitable cases before a petition is filed. The inability of the respondent or his or her family to make restitution shall not be a factor in a decision to adjust a case or in a recommendation to the presentment agency pursuant to subdivision six of this section. Nothing in this section shall prohibit the probation service or the court from directing a respondent to obtain employment and to make restitution from the earnings from such employment. NOTHING IN THIS SECTION SHALL PROHIBIT THE PROBATION SERVICE OR THE COURT FROM DIRECTING AN ELIGIBLE PERSON TO COMPLETE AN EDUCATION REFORM PROGRAM IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE SOCIAL SERVICES LAW.

S 4. Subdivision (a) of section 749 of the family court act, as amended by chapter 237 of the laws of 1991, is amended to read as follows:

(a) (I) Upon or after a fact-finding hearing, the court may, upon its own motion or upon a motion of a party to the proceeding, order that the proceeding be "adjourned in contemplation of dismissal". An adjournment in contemplation of dismissal is an adjournment of the proceeding, for a period not to exceed six months with a view to ultimate dismissal of the petition in furtherance of justice. Upon issuing such an order, upon such permissible terms and conditions as the rules of court shall define, the court must release the individual.

(II) The court may, as a condition of an adjournment in contemplation of dismissal order[,]: (A) in cases where the record indicates that the consumption of alcohol may have been a contributing factor, require the respondent to attend and complete an alcohol awareness program established pursuant to [paragraph six-a of subdivision (a) of] section [19.07] 19.25 of the mental hygiene law; OR (B) IN CASES WHERE THE RECORD INDICATES THAT CYBERBULLYING OR SEXTING WAS THE BASIS OF THE PETITION, REQUIRE AN ELIGIBLE PERSON TO COMPLETE AN EDUCATION REFORM PROGRAM IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE SOCIAL SERVICES LAW.

(III) Upon application of the petitioner, or upon the court's own motion, made at any time during the duration of the order, the court may restore the matter to the calendar. If the proceeding is not so restored, the petition is at the expiration of the order, deemed to have been dismissed by the court in furtherance of justice.

S 5. Subdivision 1 of section 754 of the family court act is amended by adding a closing paragraph to read as follows:

THE COURT MAY ORDER AN ELIGIBLE PERSON TO COMPLETE AN EDUCATION REFORM PROGRAM IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE SOCIAL SERVICES LAW, AS PART OF A DISPOSITION PURSUANT TO PARAGRAPH (A), (B) OR (D) OF THIS SUBDIVISION.

S 6. Section 60.37 of the penal law, as added by chapter 535 of the laws of 2011, is amended to read as follows:

S 60.37 Authorized disposition; certain offenses.

When a person has been charged with an offense and the elements of such offense meet the criteria of an "eligible offense" and such person qualifies as an "eligible person" as such terms are defined in section four hundred fifty-eight-l of the social services law, the court may, as

a CONDITION OF ADJOURNMENT IN CONTEMPLATION OF DISMISSAL IN ACCORDANCE WITH SECTION 170.55 OF THE CRIMINAL PROCEDURE LAW, OR A condition of probation or a conditional discharge, direct that the defendant participate in an education reform program pursuant to subdivision two of section four hundred fifty-eight-l of the social services law.

S 7. Section 170.55 of the criminal procedure law is amended by adding a new subdivision 6-a to read as follows:

6-A. THE COURT MAY, AS A CONDITION OF AN AUTHORIZED ADJOURNMENT IN CONTEMPLATION OF DISMISSAL, WHERE THE DEFENDANT HAS BEEN CHARGED WITH AN OFFENSE AND THE ELEMENTS OF SUCH OFFENSE MEET THE CRITERIA OF AN "ELIGIBLE OFFENSE" AND SUCH PERSON QUALIFIED AS AN "ELIGIBLE PERSON" AS SUCH TERMS ARE DEFINED IN SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE SOCIAL SERVICES LAW, REQUIRE THE DEFENDANT TO PARTICIPATE IN AN EDUCATION REFORM PROGRAM IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-L OF THE SOCIAL SERVICES LAW.

S 8. Section 7 of chapter 535 of the laws of 2011, amending the social services law and other laws relating to creating the education reform program, is amended to read as follows:

S 7. This act shall take effect on the [one] TWO hundred [eightieth] FORTIETH day after it shall have become a law; provided that, effective immediately, the commissioner of the office of children and family services shall promulgate any rules and regulations and take all other actions necessary to implement the provisions of this act on or before such effective date.

S 9. This act shall take effect on the same date and in the same manner as chapter 535 of the laws of 2011, as amended, takes effect; provided that section eight of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after September 23, 2011.

PART W

Section 1. Paragraph (a) of subdivision 2 of section 98-b of the state finance law, as amended by section 2 of part E of chapter 56 of the laws of 2010, is amended to read as follows:

(a) 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; (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; AND (IV) PROVIDE SUPPORT FOR THE PUBLIC DEFENSE BACKUP CENTER.

S 2. Section 700 of the county law is amended by adding a new subdivision 12 to read as follows:

12. IN ADDITION TO STATE AID PROVIDED IN SUBDIVISIONS TEN AND ELEVEN OF THIS SECTION, EACH COUNTY, THE SALARY OF THE DISTRICT ATTORNEY OF WHICH IS DETERMINED PURSUANT TO SECTION ONE HUNDRED EIGHTY-THREE-A OF THE JUDICIARY LAW, SHALL BE ENTITLED TO RECEIVE STATE AID IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN: (A) THE SALARY REQUIRED TO BE PAID TO THE DISTRICT ATTORNEY OF SUCH COUNTY PURSUANT TO SUCH SECTION ONE HUNDRED EIGHTY-THREE-A OF THE JUDICIARY LAW ON MARCH THIRTY-FIRST, TWO

THOUSAND TWELVE, AND (B) THE SALARY PAID TO A JUSTICE OF THE STATE SUPREME COURT OF THAT SAME COUNTY, ON APRIL FIRST, TWO THOUSAND TWELVE, PURSUANT TO CHAPTER FIVE HUNDRED SIXTY-SEVEN OF THE LAWS OF TWO THOUSAND TEN.

S 3. This act shall take effect April 1, 2012 and shall expire March 31, 2013 when upon such date the provisions of this act shall be deemed repealed.

PART X

Section 1. Paragraph (d) of subdivision 6 of section 186-f of the tax law, as amended by section 2 of part D of chapter 57 of the laws of 2011, is amended to read as follows:

(d) The sum of [nine] SEVEN million dollars annually for the provision of grants [or reimbursements] to counties for costs related to the operation and improvement of LOCAL public safety answering points. [Annual] SUCH ANNUAL grants may consider prospective or retrospective costs incurred to consolidate public safety answering points, to implement new technologies in LOCAL public safety answering points that facilitate interoperability and create operating efficiencies, OR to promote the development and implementation of cross-jurisdictional standard operating procedures that foster regional consolidation. THE SUM OF TWO MILLION DOLLARS ANNUALLY FOR THE PROVISION OF REIMBURSEMENT TO COUNTIES FOR OPERATING EXPENSES, OTHER THAN PERSONAL SERVICE, INCURRED DURING THE OPERATION OF LOCAL PUBLIC SAFETY ANSWERING POINTS. THE COMMISSIONER SHALL DEVELOP A PLAN FOR THE DISTRIBUTION OF SUCH REIMBURSEMENT, IN CONSULTATION WITH THE NEW YORK STATE INTEROPERABLE AND EMERGENCY COMMUNICATION BOARD. THE PLAN FOR DISTRIBUTION MAY CONSIDER THE POTENTIAL RECIPIENT'S COMPLIANCE WITH THE STANDARDS OF SUCH BOARD AND THE POTENTIAL RECIPIENT'S ROLE IN PROVIDING COMMUNICATION SERVICES TO THE BENEFIT OF OTHER MUNICIPALITIES.

S 2. This act shall take effect immediately; provided however that the amendments to paragraph (d) of subdivision 6 of section 186-f of the tax law made by section one of this act shall not affect the expiration of such paragraph and shall expire therewith.

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

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