

S T A T E   O F   N E W   Y O R K

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S. 6255

A. 9055

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

January 17, 2012

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

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

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

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

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

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

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

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

## 12 PART A

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

1 7. "Designated offender" means a person convicted of [and sentenced  
2 for any one or more of the following provisions of the penal law (a)  
3 sections 120.05, 120.10, and 120.11, relating to assault; sections  
4 125.15 through 125.27 relating to homicide; sections 130.25, 130.30,  
5 130.35, 130.40, 130.45, 130.50, 130.65, 130.67 and 130.70, relating to  
6 sex offenses; sections 205.10, 205.15, 205.17 and 205.19, relating to  
7 escape and other offenses, where the offender has been convicted within  
8 the previous five years of one of the other felonies specified in this  
9 subdivision; or sections 255.25, 255.26 and 255.27, relating to incest,  
10 a violent felony offense as defined in subdivision one of section 70.02  
11 of the penal law, attempted murder in the first degree, as defined in  
12 section 110.00 and section 125.27 of the penal law, kidnapping in the  
13 first degree, as defined in section 135.25 of the penal law, arson in  
14 the first degree, as defined in section 150.20 of the penal law,  
15 burglary in the third degree, as defined in section 140.20 of the penal  
16 law, attempted burglary in the third degree, as defined in section  
17 110.00 and section 140.20 of the penal law, a felony defined in article  
18 four hundred ninety of the penal law relating to terrorism or any  
19 attempt to commit an offense defined in such article relating to terror-  
20 ism which is a felony; or (b) criminal possession of a controlled  
21 substance in the first degree, as defined in section 220.21 of the penal  
22 law; criminal possession of a controlled substance in the second degree,  
23 as defined in section 220.18 of the penal law; criminal sale of a  
24 controlled substance, as defined in article 220 of the penal law; or  
25 grand larceny in the fourth degree, as defined in subdivision five of  
26 section 155.30 of the penal law; or (c) any misdemeanor or felony  
27 defined as a sex offense or sexually violent offense pursuant to para-  
28 graph (a), (b) or (c) of subdivision two or paragraph (a) of subdivision  
29 three of section one hundred sixty-eight-a of the correction law; or (d)  
30 any of the following felonies, or an attempt thereof where such attempt  
31 is a felony offense:  
32 aggravated assault upon a person less than eleven years old, as  
33 defined in section 120.12 of the penal law; menacing in the first  
34 degree, as defined in section 120.13 of the penal law; reckless endan-  
35 germent in the first degree, as defined in section 120.25 of the penal  
36 law; stalking in the second degree, as defined in section 120.55 of the  
37 penal law; criminally negligent homicide, as defined in section 125.10  
38 of the penal law; vehicular manslaughter in the second degree, as  
39 defined in section 125.12 of the penal law; vehicular manslaughter in  
40 the first degree, as defined in section 125.13 of the penal law;  
41 persistent sexual abuse, as defined in section 130.53 of the penal law;  
42 aggravated sexual abuse in the fourth degree, as defined in section  
43 130.65-a of the penal law; female genital mutilation, as defined in  
44 section 130.85 of the penal law; facilitating a sex offense with a  
45 controlled substance, as defined in section 130.90 of the penal law;  
46 unlawful imprisonment in the first degree, as defined in section 135.10  
47 of the penal law; custodial interference in the first degree, as defined  
48 in section 135.50 of the penal law; criminal trespass in the first  
49 degree, as defined in section 140.17 of the penal law; criminal tamper-  
50 ing in the first degree, as defined in section 145.20 of the penal law;  
51 tampering with a consumer product in the first degree, as defined in  
52 section 145.45 of the penal law; robbery in the third degree as defined  
53 in section 160.05 of the penal law; identity theft in the second degree,  
54 as defined in section 190.79 of the penal law; identity theft in the  
55 first degree, as defined in section 190.80 of the penal law; promoting  
56 prison contraband in the first degree, as defined in section 205.25 of

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

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

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

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

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

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

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

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

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

52

## PART B

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

54 S 2. This act shall take effect immediately.

1

## PART C

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

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

25 S 2. This act shall take effect immediately.

26

## PART D

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

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

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

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

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

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

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

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

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

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

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

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

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

25 S 410.92 PROBATION DETAINER WARRANT.

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

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

1 RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR FUTURE APPEARANCE  
2 AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION 410.70 OF THIS ARTI-  
3 CLE. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH  
4 PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT THAT HE  
5 OR SHE BE RELEASED. THE COURT SHALL CONSIDER ALL RELEVANT FACTS AND  
6 CIRCUMSTANCES AND RENDER AN INDEPENDENT JUDGMENT IN MAKING A DECISION  
7 UNDER THIS SUBDIVISION AND SHALL NOT RELY ON THE DETERMINATION TO TEMPO-  
8 RARILY DETAIN SUCH PERSON MADE BY THE DIRECTOR OR DEPUTY DIRECTOR OF THE  
9 LOCAL PROBATION DEPARTMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION.  
10 S 4. The office of court administration shall make reasonable efforts  
11 to ensure that judges are available in each county to review the status  
12 of persons taken into custody pursuant to subdivision 4 of section  
13 410.50 of the criminal procedure law in a timely manner and before the  
14 director or deputy director of the local probation department issues a  
15 warrant pursuant to subdivision 1 of section 410.92 of the criminal  
16 procedure law that such person be detained.  
17 S 5. This act shall take effect immediately and section one of this  
18 act shall apply to offenses committed on or after such effective date.

19 PART E

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

22 ARTICLE 62  
23 CRIMINAL FORFEITURE

24 SECTION 62.00 CRIMINAL FORFEITURE.

25 S 62.00 CRIMINAL FORFEITURE.

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

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

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

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

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

52 (III) OTHERWISE EVADES THE JURISDICTION OF THE COURT IN WHICH A CRIMI-  
53 NAL CASE IS PENDING AGAINST THE PERSON; AND

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

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

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

(A) PURSUANT TO AN ORDER OF ATTACHMENT; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 S 6. This act shall take effect immediately.

## 28 PART F

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

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

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

## 39 PART G

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SERVICES. The PROCLAMATION OF A LOCAL STATE OF EMERGENCY AND local emer-  
2 gency orders of a chief executive of a city, town or village shall be  
3 executed in [triplicate] QUADRUPLICATE and shall be filed within seven-  
4 ty-two hours or as soon thereafter as practicable in the office of the  
5 clerk of such municipal corporation, the office of the county clerk  
6 [and], the office of the secretary of state AND THE STATE OFFICE OF  
7 EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMER-  
8 GENCY SERVICES.

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

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

18 S 8. Paragraph c of subdivision 2 of section 29-h of the executive  
19 law, as added by section 10-a of part B of chapter 56 of the laws of  
20 2010, is amended to read as follows:

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

24 S 9. Paragraph a of subdivision 6 of section 29-h of the executive  
25 law, as added by section 10-a of part B of chapter 56 of the laws of  
26 2010, is amended to read as follows:

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

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

41 B. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, GENERAL, SPECIAL  
42 OR LOCAL, ANY REQUESTING LOCAL GOVERNMENT SHALL BE LIABLE AND RESPONSI-  
43 BLE TO THE ASSISTING LOCAL GOVERNMENT FOR ANY LOSS OR DAMAGE TO EQUIP-  
44 MENT OR SUPPLIES AND SHALL BEAR AND PAY THE EXPENSE INCURRED IN THE  
45 OPERATION AND MAINTENANCE OF ANY EQUIPMENT AND THE COST OF MATERIALS AND  
46 SUPPLIES USED IN RENDERING ASSISTANCE UNDER THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. ANY OTHER INDIVIDUAL DEPLOYED THROUGH A PARTICIPATING LOCAL GOVERNMENT WHO IS CERTIFIED OR PERMITTED EITHER LOCALLY OR REGIONALLY 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. This act shall take effect immediately.

## PART H

Section 1. Paragraph 1 of subdivision j of section 41 of the retirement and social security law, as amended by chapter 397 of the laws of 2009, is amended to read as follows:

1. In addition to any other service credit to which he or she is entitled, a member who meets the requirements set forth in paragraphs two and three of this subdivision shall be granted one day of additional service credit for each day of accumulated unused sick leave which he or she has at time of retirement for service, but such credit shall not (a) exceed one hundred sixty-five days, (b) be considered in meeting any service or age requirements prescribed in this chapter, and (c) be considered in computing final average salary. However, for an executive branch member designated managerial or confidential pursuant to article fourteen of the civil service law or in the collective negotiating units established by article fourteen of the civil service law designated the professional, scientific and technical services unit, the rent regulation services negotiating unit, the security services negotiating unit, the security supervisors negotiating unit, the state university professional services negotiating unit, the administrative services negotiating unit, the institutional services negotiating unit, the operational services negotiating unit and the division of military and naval affairs negotiating unit such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days. For a nonjudicial officer or employee of the unified court system not in a collective negotiating unit or in a collective negotiating unit specified in section one of chapter two hundred three of the laws of two thousand four, for employees of the New York state dormitory authority, for employees of the New York state thruway authority, the New York state canal corporation and the state university construction fund and for employees of the New York liquidation bureau such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days. MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, SHALL NOT BE GRANTED ANY ADDITIONAL SERVICE CREDIT FOR UNUSED SICK LEAVE.

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

a. A member who discontinues service other than by death or retirement:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 MEMBERS SHALL NOT BE ELIGIBLE TO RETIRE FOR SERVICE PRIOR TO THE ATTAIN-  
2 MENT OF TWENTY YEARS OF CREDITED SERVICE.

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

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

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

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

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

51 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
52 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED FORCE  
53 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY  
54 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A PARTIC-  
55 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 E. IN NO EVENT SHALL THE VESTED RETIREMENT ALLOWANCE PAYABLE WITHOUT  
34 OPTIONAL MODIFICATION BE LESS THAN THE ACTUARIAL EQUIVALENT OF THE TOTAL  
35 WHICH RESULTS FROM THE MEMBER'S CONTRIBUTIONS ACCUMULATED WITH INTEREST  
36 AT FIVE PERCENT PER ANNUM COMPOUNDED ANNUALLY TO THE DATE OF RETIREMENT.  
37 S 24. Subdivision a of section 517 of the retirement and social secu-  
38 rity law, as added by chapter 890 of the laws of 1976, is amended to  
39 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 S 52. Subparagraph (ii) of paragraph 2 of subdivision d of section  
18 604-h of the retirement and social security law, as added by chapter 682  
19 of the laws of 2003, is amended to read as follows:

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

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

29 5-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR ANY  
30 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT TO  
31 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS  
32 PARAGRAPH SHALL BE A PARTICIPANT IN THE AGE FIFTY-FIVE RETIREMENT  
33 PROGRAM.

34 S 54. Subdivisions a, b, c and d of section 608 of the retirement and  
35 social security law, subdivision a as amended by chapter 379 of the laws  
36 of 1986, subdivisions b and c as amended by chapter 286 of the laws of  
37 2010 and subdivision d as added by chapter 749 of the laws of 1992, are  
38 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 ARTICLE 23

18 DEFINED CONTRIBUTION PROGRAM

19 SECTION 1250. DEFINITIONS.

20 1251. DEFINED CONTRIBUTION PROGRAMS ESTABLISHED.

21 1252. RATES OF CONTRIBUTION.

22 1253. ENROLLMENT.

23 1254. DEATH BENEFIT.

24 1255. INCONSISTENT PROVISIONS OF OTHER ACTS SUPERSEDED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### PART I

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

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

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

#### PART J

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

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

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

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

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

20

## PART K

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

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

| 32 | State Fiscal Year | Amount                      |
|----|-------------------|-----------------------------|
| 33 |                   |                             |
| 34 | 2000-2001         | \$4,500,000                 |
| 35 | 2001-2002         | \$4,500,000                 |
| 36 | 2002-2003         | \$4,500,000                 |
| 37 | 2003-2004         | \$9,850,000                 |
| 38 | 2004-2005         | \$16,850,000                |
| 39 | 2005-2006         | \$22,850,000                |
| 40 | 2006-2007         | \$22,850,000                |
| 41 | 2007-2008         | \$22,850,000                |
| 42 | 2008-2009         | \$22,850,000                |
| 43 | 2009-2010         | \$22,850,000                |
| 44 | 2010-2011         | \$22,850,000                |
| 45 | 2011-2012         | \$15,000,000                |
| 46 | 2012-2013         | [\$15,000,000] \$22,850,000 |
| 47 | 2013-2014         | \$15,000,000                |
| 48 | 2014-2015         | \$15,000,000                |
| 49 | 2015-2016         | \$15,000,000                |
| 50 | 2016-2017         | \$15,000,000                |
| 51 | 2017-2018         | \$15,000,000                |
| 52 | 2018-2019         | \$15,000,000                |
| 53 | 2019-2020         | \$15,000,000                |

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

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

15 PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36

## PART M

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 S 6. Subdivision 6 of section 52 of the civil service law, as added by  
6 chapter 790 of the laws of 1958, paragraph (a) as amended by chapter 210  
7 of the laws of 1971 and paragraph (b) as separately amended by chapters  
8 836 and 837 of the laws of 1968, is amended to read as follows:

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

15 (b) Except as provided in section fifty-one OF THIS ARTICLE, vacancies  
16 in administrative positions IN THE COMPETITIVE CLASS shall be filled, so  
17 far as practicable, by promotion as prescribed in subdivision one of  
18 this section, which may be made from among persons holding administra-  
19 tive positions in lower grades without regard to the specialties of  
20 their lower grade positions. The civil service department, upon the  
21 request of an appointing officer stating the reasons why the filling of  
22 administrative positions in grade fourteen or higher under his jurisdic-  
23 tion from an interdepartmental promotion list or a promotion list  
24 including persons employed in other units of government would be in the  
25 best interests of the state service, or upon its own initiative whenever  
26 it finds that the filling of administrative positions in grade fourteen  
27 or higher in any department from such an interdepartmental or intergov-  
28 ernmental promotion list would be in the best interests of the state  
29 service, may certify such an interdepartmental or intergovernmental  
30 promotion list for filling such positions, without preference to depart-  
31 mental lists or to eligibles holding lower grade positions in the  
32 department or promotion unit in which such positions exist.

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

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

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

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

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

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

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

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

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

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

## PART N

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

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

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

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

- 1 ooo. Occupational health clinics account (W4).
- 2 ppp. Capacity contracting (XU).
- 3 qqq. Administrative cost recovery -
- 4 tax return preparer registration fee account (Y8).
- 5 rrr. Sales tax re-registration fee account (YD).
- 6 sss. Equitable sharing agreement account (YP).
- 7 ttt. Point insurance reduction program account.
- 8 uuu. Internet point insurance reduction program account (IC).
- 9 vvv. Mental hygiene program fund account (10).
- 10 www. Third party debt collection account.
- 11 xxx. Regulation of manufactured housing account (CM).
- 12 yyy. Business and licensing services account (AG).
- 13 zzz. Consumer protection account (F2).
- 14 19. State university income fund (345):
- 15 a. State university general income offset account (11).
- 16 20. State police and motor vehicle law enforcement fund (354):
- 17 a. State police motor vehicle law enforcement account (02).
- 18 21. Youth facilities improvement fund (357):
- 19 a. Youth facilities improvement account (01).
- 20 22. Highway safety program fund (362):
- 21 a. Highway safety program account (01).
- 22 23. Drinking water program management and administration fund (366):
- 23 a. EFC drinking water program account (01).
- 24 b. DOH drinking water program account (02).
- 25 24. New York city county clerks offset fund (368):
- 26 a. NYCCC operating offset account (01).
- 27 25. Housing assistance fund (374).
- 28 26. Housing program fund (376).
- 29 27. Department of transportation - engineering services fund (380):
- 30 a. Highway facility purpose account (01).
- 31 28. Miscellaneous capital projects fund (387):
- 32 a. Clean air capital account (08).
- 33 b. New York racing account.
- 34 29. Mental hygiene facilities capital improvement fund (389).
- 35 30. Joint labor/management administration fund (394):
- 36 a. Joint labor/management administration fund (01).
- 37 31. Audit and control revolving fund (395):
- 38 a. Executive direction internal audit account (04).
- 39 b. CIO Information technology centralized services account (zz).
- 40 32. Health insurance internal service fund (396):
- 41 a. Health insurance internal service account (00).
- 42 b. Civil service employee benefits div admin (01).
- 43 33. Correctional industries revolving fund (397).
- 44 34. Correctional facilities capital improvement fund (399).
- 45 35. HCRA resources fund (061):
- 46 a. EPIC premium account (J6).
- 47 b. Hospital based grants program account (AF).
- 48 c. Child health plus program account (29).
- 49 S 1-a. The state comptroller is hereby authorized and directed to loan
- 50 money in accordance with the provisions set forth in subdivision 5 of
- 51 section 4 of the state finance law to any account within the following
- 52 federal funds, provided the comptroller has made a determination that
- 53 sufficient federal grant award authority is available to reimburse such
- 54 loans:
- 55 1. Federal USDA-food nutrition services fund (261).
- 56 2. Federal health and human services fund (265).

1 3. Federal education grants fund (267).  
2 4. Federal block grant fund (269).  
3 5. Federal operating grants fund (290).  
4 6. Federal capital projects fund (291).  
5 7. Federal unemployment insurance administration fund (480).  
6 8. Federal unemployment insurance occupational training fund (484).  
7 9. Federal employment and training grants (486).  
8 S 2. Notwithstanding any law to the contrary, and in accordance with  
9 section 4 of the state finance law, the comptroller is hereby authorized  
10 and directed to transfer, upon request of the director of the budget, on  
11 or before March 31, 2013, up to the unencumbered balance or the follow-  
12 ing amounts:  
13 Economic Development and Public Authorities:  
14 1. \$175,000 from the miscellaneous special revenue fund (339) under-  
15 ground facilities safety training account (US), to the general fund.  
16 2. An amount up to the unencumbered balance from the miscellaneous  
17 special revenue fund (339), business and licensing services account  
18 (AG), to the general fund.  
19 3. \$14,810,000 from the miscellaneous special revenue fund (339), code  
20 enforcement account (07), to the general fund.  
21 4. \$100,000 from the miscellaneous special revenue fund (339), manu-  
22 factured housing account (CM), to the general fund.  
23 5. An amount up to the unencumbered balance from the miscellaneous  
24 special revenue fund (339), administrative costs account (AB), to the  
25 general fund.  
26 Education:  
27 1. \$2,217,000,000 from the general fund to the state lottery fund  
28 (160), education account (03), as reimbursement for disbursements made  
29 from such fund for supplemental aid to education pursuant to section  
30 92-c of the state finance law that are in excess of the amounts deposit-  
31 ed in such fund for such purposes pursuant to section 1612 of the tax  
32 law.  
33 2. \$836,000,000 from the general fund to the state lottery fund (160),  
34 VLT education account (06), as reimbursement for disbursements made from  
35 such fund for supplemental aid to education pursuant to section 92-c of  
36 the state finance law that are in excess of the amounts deposited in  
37 such fund for such purposes pursuant to section 1612 of the tax law.  
38 3. Moneys from the state lottery fund (160) up to an amount deposited  
39 in such fund pursuant to section 1612 of the tax law in excess of the  
40 current year appropriation for supplemental aid to education pursuant to  
41 section 92-c of the state finance law.  
42 4. \$300,000 from the local government records management improvement  
43 fund (052) to the archives partnership trust fund (024).  
44 5. \$900,000 from the general fund to the miscellaneous special revenue  
45 fund (339), Batavia school for the blind account (D9).  
46 6. \$900,000 from the general fund to the miscellaneous special revenue  
47 fund (339), Rome school for the deaf account (E6).  
48 7. \$80,000,000 from the state university dormitory income fund (330)  
49 to the state university residence hall rehabilitation fund (074).  
50 8. \$343,400,000 from the state university dormitory income fund (330)  
51 to the miscellaneous special revenue fund (339), state university dormi-  
52 tory income reimbursable account (47).  
53 9. \$24,000,000 from any of the state education department special  
54 revenue and internal service funds to the miscellaneous special revenue  
55 fund (339), indirect cost recovery account (AH).

1 10. \$8,318,000 from the general fund to the state university income  
2 fund (345), state university income offset account (11), for the state's  
3 share of repayment of the STIP loan.

4 11. \$45,000,000 from the State University Income Fund (345), State  
5 University Hospitals Income Reimbursable Account (22) to the general  
6 fund for hospital debt service for the period April 1, 2012 through  
7 March 31, 2013.

8 12. \$884,000 from the state university income fund (345), Long Island  
9 Veterans' Home Account (09) to the general fund.

10 Environmental Affairs:

11 1. \$500,000 from the department of transportation's federal capital  
12 projects fund (291) to the office of parks and recreation federal oper-  
13 ating grants fund (290), miscellaneous operating grants account.

14 2. \$16,000,000 from any of the department of environmental conserva-  
15 tion's special revenue federal funds to the special revenue fund (301)  
16 federal grant indirect cost recovery account.

17 3. \$2,000,000 from any of the department of environmental conserva-  
18 tion's special revenue federal funds to the conservation fund (302) as  
19 necessary to avoid diversion of conservation funds.

20 4. \$3,000,000 from any of the office of parks, recreation and historic  
21 preservation capital projects federal funds and special revenue federal  
22 funds to the special revenue fund (339) federal grant indirect cost  
23 recovery account (Z1).

24 5. \$1,000,000 from any of the office of parks, recreation and historic  
25 preservation special revenue federal funds to the special revenue fund  
26 (339), I love NY water account (39).

27 Family Assistance:

28 1. \$10,000,000 from any of the office of children and family services,  
29 office of temporary and disability assistance, or department of health  
30 special revenue federal funds and the general fund, in accordance with  
31 agreements with social services districts, to the miscellaneous special  
32 revenue fund (339), office of human resources development state match  
33 account (2C).

34 2. \$3,000,000 from any of the office of children and family services  
35 or office of temporary and disability assistance special revenue federal  
36 funds to the miscellaneous special revenue fund (339), family preserva-  
37 tion and support services and family violence services account (GC).

38 3. \$6,000,000 from any of the office of children and family services  
39 special revenue federal funds to the general fund for title IV-E  
40 reimbursement of youth facility costs.

41 4. \$28,000,000 from any of the office of children and family services,  
42 office of temporary and disability assistance, or department of health  
43 special revenue federal funds and any other miscellaneous revenues  
44 generated from the operation of office of children and family services  
45 programs to the general fund.

46 5. \$10,000,000 from any of the office of children and family services  
47 or office of temporary and disability assistance special revenue funds  
48 or the general fund to the miscellaneous special revenue fund (339),  
49 connections account (WK).

50 6. \$41,000,000 from any of the office of temporary and disability  
51 assistance accounts within the federal health and human services fund  
52 (265) to the general fund.

53 7. \$155,000,000 from any of the office of temporary and disability  
54 assistance or department of health special revenue funds to the general  
55 fund.

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

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

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

1 5. \$597,317,000 from the general fund to the dedicated highway and  
2 bridge trust fund (072).  
3 6. \$606,000 from the miscellaneous special revenue fund (339), inter-  
4 net point insurance reduction program account (IC), to the general fund.  
5 7. \$6,000 from the miscellaneous special revenue fund (339), motorcy-  
6 cle safety account (AE), to the general fund.  
7 8. \$12,000 from the general fund to the miscellaneous special revenue  
8 fund (339), federal seized asset account (GE).  
9 9. \$10,000,000 from the miscellaneous special revenue fund (339),  
10 department of transportation accident damage recovery account (G7), to  
11 the dedicated highway and bridge trust fund (072).  
12 10. \$255,000,000 from the general fund to the MTA financial assistance  
13 fund (225), mobility tax trust account (01).  
14 Miscellaneous:  
15 1. \$150,000,000 from the general fund to any funds or accounts for the  
16 purpose of reimbursing certain outstanding accounts receivable balances.  
17 2. \$500,000,000 from the general fund to the debt reduction reserve  
18 fund (064).  
19 S 3. Notwithstanding any law to the contrary, and in accordance with  
20 section 4 of the state finance law, the comptroller is hereby authorized  
21 and directed to transfer, on or before March 31, 2013:  
22 1. Upon request of the commissioner of environmental conservation, up  
23 to \$10,940,000 from revenues credited to any of the department of envi-  
24 ronmental conservation special revenue funds, including \$3,197,800 from  
25 the environmental protection and oil spill compensation fund (303), and  
26 \$1,751,600 from the conservation fund (302), to the environmental  
27 conservation special revenue fund (301), indirect charges account (BJ).  
28 2. Upon request of the commissioner of agriculture and markets, up to  
29 \$3,000,000 from any special revenue fund or enterprise fund within the  
30 department of agriculture and markets to the general fund, to pay appro-  
31 priate administrative expenses.  
32 3. Upon request of the commissioner of agriculture and markets, up to  
33 \$2,000,000 from the state exposition special fund (325), state fair  
34 receipts account (01) to the miscellaneous capital projects fund (387),  
35 state fair capital improvement account (13).  
36 4. Upon request of the commissioner of the division of housing and  
37 community renewal, up to \$5,500,000 from revenues credited to any divi-  
38 sion of housing and community renewal federal or miscellaneous special  
39 revenue fund to the agency cost recovery account (HI).  
40 5. Upon request of the commissioner of the division of housing and  
41 community renewal, up to \$5,500,000 may be transferred from any miscel-  
42 laneous special revenue fund account (339), to any miscellaneous special  
43 revenue fund (339).  
44 6. Upon request of the commissioner of health up to \$15,000,000 from  
45 revenues credited to any of the department of health's special revenue  
46 funds, to the miscellaneous special revenue fund (339), administration  
47 account (AP).  
48 7. On or about March 31, 2012, the comptroller is authorized to and  
49 directed to transfer all funds from the miscellaneous special revenue  
50 fund (339), commission of investigation seized assets account (EK) to  
51 the miscellaneous special revenue fund (339), state police seized asset  
52 account (E8).  
53 S 4. Notwithstanding section 2815 of the public health law or any  
54 other contrary provision of law, upon the direction of the director of  
55 the budget and the commissioner of health, the dormitory authority of  
56 the state of New York is directed to transfer seven million dollars

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

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

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

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

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

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

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

45 S 10. Notwithstanding any law to the contrary, and in accordance with  
46 section 4 of the state finance law, the comptroller is hereby authorized  
47 and directed to transfer, upon request of the state university chancel-  
48 lor or her designee, up to \$50,000,000 from the state university income  
49 fund (345), state university hospitals income reimbursable account (22),  
50 for hospital income reimbursable for services and expenses of hospital  
51 operations and capital expenditures at the state university hospitals,  
52 and the state university income fund (345) Long Island veterans' home  
53 account (09) to the state university capital projects fund (384) on or  
54 before June 30, 2013.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 S 18-a. The state comptroller is hereby authorized and directed to  
13 abolish or consolidate with the state general fund the associated funds  
14 and/or accounts established pursuant to section 92-a of the state  
15 finance law, subdivision 5 of section 233-a of the education law,  
16 section 94-d of the state finance law, section 97-cc of the state  
17 finance law, section 90-b of the state finance law, section 91-g of the  
18 state finance law, section 92-i of the state finance law, section 92-j  
19 of the state finance law, section 92-m of the state finance law, section  
20 92-w of the state finance law, section 94-c of the state finance law,  
21 section 96 of the state finance law, section 97-o of the state finance  
22 law, section 97-ff of the state finance law, section 97-ss of the state  
23 finance law, section 97-fff of the state finance law, section 97-uuu of  
24 the state finance law, section 97-www of the state finance law, section  
25 97-aaaa of the state finance law, section 97-bbbb of the state finance  
26 law, section 99-g of the state finance law, section 99-i of the state  
27 finance law, subdivision 3-a of section 378 of the education law, para-  
28 graph f of subdivision 31 of section 1680 of the public authorities law,  
29 section 1022 of the private housing finance law, chapter 50 of the laws  
30 of 1993, section 12 of chapter 1040 of the laws of 1981 and section 97-n  
31 of the state finance law.

32 S 18-b. Sections 90-b, 91-g, 92-a, 92-i, 92-j, 92-m, 92-w, 94-c, 94-d,  
33 96, 97-n, 97-o, 97-cc, 97-ff, 97-ss, 97-fff, 97-uuu, 97-www, 97-aaaa,  
34 97-bbbb, 99-g and 99-i of the state finance law are REPEALED.

35 S 18-c. Subdivision 5 of section 233-a and subdivision 3-a of section  
36 378 of the education law are REPEALED.

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

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

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

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

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

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

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

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

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

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

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

29 S 23. Notwithstanding any other law, rule, or regulation to the  
30 contrary, the comptroller is hereby authorized and directed to deposit  
31 to the credit of the capital projects fund, reimbursement from the  
32 proceeds of notes or bonds issued by the environmental facilities corpo-  
33 ration for a capital appropriation for \$28,893,000 authorized by chapter  
34 55 of the laws of 2004 to the department of environmental conservation  
35 for payment of a portion of the state's match for federal capitalization  
36 grants for the water pollution control revolving loan fund, reimburse-  
37 ment from the proceeds of notes or bonds issued by the urban development  
38 corporation for disbursements of up to \$10,000,000 from any capital  
39 appropriation or reappropriation authorized by chapter 50 of the laws of  
40 2004 to the office of general services for various purposes, reimburse-  
41 ment from the proceeds of notes or bonds issued by the environmental  
42 facilities corporation for a capital appropriation of \$11,350,000  
43 authorized by chapter 55 of the laws of 2004 to the energy research and  
44 development authority for the Western New York Nuclear Service Center at  
45 West Valley, reimbursement from the proceeds of notes or bonds issued by  
46 the environmental facilities corporation, for a capital appropriation of  
47 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-  
48 ment of environmental conservation for Onondaga lake, reimbursement from  
49 the proceeds of notes or bonds issued by the environmental facilities  
50 corporation for disbursements of up to \$11,000,000 from any capital  
51 appropriations or reappropriations authorized by chapter 55 of the laws  
52 of 2004 to the department of environmental conservation for environ-  
53 mental purposes, reimbursement from the proceeds of notes or bonds  
54 issued by the dormitory authority for a capital appropriation of  
55 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-  
56 tion department for capital transition grants for transportation,

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

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

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

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

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

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

25 S 26. Notwithstanding any other law, rule, or regulation to the  
26 contrary, the comptroller is hereby authorized and directed to deposit  
27 to the credit of the capital projects fund, reimbursement from the  
28 proceeds of notes or bonds issued by the environmental facilities corpo-  
29 ration for a capital appropriation of \$29,600,000 authorized by chapter  
30 55 of the laws of 2007 to the department of environmental conservation  
31 for payment of a portion of the state's match for federal capitalization  
32 grants for the water pollution control revolving loan fund, reimburse-  
33 ment from the proceeds of notes or bonds issued by the urban development  
34 corporation for disbursements of up to \$20,000,000 from any capital  
35 appropriation or reappropriation authorized by chapter 50 of the laws of  
36 2007 to the office of general services for various purposes, reimburse-  
37 ment from the proceeds of notes or bonds issued by the environmental  
38 facilities corporation for a capital appropriation of \$13,500,000  
39 authorized by chapter 55 of the laws of 2007 to the energy research and  
40 development authority for the Western New York Nuclear Service Center at  
41 West Valley, reimbursement from the proceeds of notes or bonds issued by  
42 the environmental facilities corporation for a capital appropriation of  
43 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-  
44 ment of environmental conservation for Onondaga lake, reimbursement from  
45 the proceeds of notes or bonds issued by the environmental facilities  
46 corporation for disbursements of up to \$12,000,000 from any capital  
47 appropriations or reappropriations authorized by chapter 55 of the laws  
48 of 2007 to the department of environmental conservation for environ-  
49 mental purposes, reimbursement from the proceeds of notes or bonds  
50 issued by the urban development corporation for capital disbursements of  
51 up to \$3,000,000 from any capital appropriation or reappropriation  
52 authorized by chapter 50 of the laws of 2007 to the division of military  
53 and naval affairs for various purposes, reimbursement from the proceeds  
54 of notes or bonds issued by the urban development corporation for  
55 disbursements from a capital appropriation of \$50,000,000 authorized by  
56 chapter 50 of the laws of 2007 to the division of state police for

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

41 S 27. Notwithstanding any other law, rule, or regulation to the  
42 contrary, the comptroller is hereby authorized and directed to deposit  
43 to the credit of the capital projects fund, reimbursement from the  
44 proceeds of notes or bonds issued by the environmental facilities corpo-  
45 ration for a capital appropriation of \$29,600,000 authorized by chapter  
46 55 of the laws of 2008 to the department of environmental conservation  
47 for payment of a portion of the state's match for federal capitalization  
48 grants for the water pollution control revolving loan fund, reimburse-  
49 ment from the proceeds of notes or bonds issued by the urban development  
50 corporation for a capital appropriation of \$141,000,000 authorized by  
51 chapter 50 of the laws of 2008 to all state departments and agencies for  
52 the purchase of equipment or systems development, reimbursement from the  
53 proceeds of notes or bonds issued by the urban development corporation  
54 for disbursements of up to \$45,500,000 from any capital appropriation or  
55 reappropriation authorized by chapter 50 of the laws of 2008 to the  
56 office of general services for various purposes, reimbursement from the

1 proceeds of notes or bonds issued by the environmental facilities corpo-  
2 ration for a capital appropriation of \$13,500,000 authorized by chapter  
3 55 of the laws of 2008 to the energy research and development authority  
4 for the Western New York Nuclear Service Center at West Valley,  
5 reimbursement from the proceeds of notes or bonds issued by the environ-  
6 mental facilities corporation for a capital appropriation of \$10,000,000  
7 authorized by chapter 55 of the laws of 2008 to the department of envi-  
8 ronmental conservation for Onondaga lake, reimbursement from the  
9 proceeds of notes or bonds issued by the environmental facilities corpo-  
10 ration for disbursements of up to \$12,000,000 from any capital appropri-  
11 ations or reappropriations authorized by chapter 55 of the laws of 2008  
12 to the department of environmental conservation for environmental  
13 purposes, reimbursement from the proceeds of notes or bonds issued by  
14 the urban development corporation for capital disbursements of up to  
15 \$3,000,000 from any capital appropriation or reappropriation authorized  
16 by chapter 50 of the laws of 2008 to the division of military and naval  
17 affairs for various purposes, reimbursement from the proceeds of notes  
18 or bonds issued by the urban development corporation for a capital  
19 appropriation of \$2,500,000 authorized by chapter 50 of the laws of 2008  
20 to the office for technology for activities related to broadband  
21 service, reimbursement from the proceeds of notes or bonds issued by the  
22 urban development corporation for a capital appropriation of \$6,000,000  
23 authorized by chapter 50 of the laws of 2008 to the division of state  
24 police for rehabilitation of facilities, reimbursement from the proceeds  
25 of notes or bonds issued by the dormitory authority of the state of New  
26 York or other financing source for a capital appropriation authorized by  
27 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-  
28 ment for library construction, reimbursement from the proceeds of notes  
29 or bonds issued by the dormitory authority of the state of New York or  
30 other financing source for a capital appropriation authorized by chapter  
31 53 of the laws of 2008 of \$15,000,000 to the education department for  
32 museum renewal projects, reimbursement from the proceeds of notes or  
33 bonds issued by the urban development corporation for capital appropri-  
34 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the  
35 urban development corporation for services and expenses related to the  
36 investment opportunity fund, reimbursement from the proceeds of notes or  
37 bonds issued by the urban development corporation for capital appropri-  
38 ation of \$18,000,000 authorized by chapter 53 of the laws of 2008 to the  
39 urban development corporation for services and expenses related to arts  
40 and cultural projects, reimbursement from the proceeds of bonds or notes  
41 issued by the urban development corporation for a capital appropriation  
42 of \$32,148,000 authorized by chapter 53 of the laws of 2008 for economic  
43 and community development projects, reimbursement from the proceeds of  
44 bonds or notes issued by the urban development corporation for a capital  
45 appropriation of \$30,000,000 authorized by chapter 53 of the laws of  
46 2008 for New York city waterfront development projects, reimbursement  
47 from the proceeds of bonds or notes issued by the urban development  
48 corporation for a capital appropriation of \$45,000,000 authorized by  
49 chapter 53 of the laws of 2008 for Luther Forest infrastructure  
50 projects, reimbursement from the proceeds of notes or bonds issued by  
51 the urban development corporation for capital appropriation of  
52 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban  
53 development corporation for services and expenses related to downstate  
54 regional projects, reimbursement from the proceeds of notes or bonds  
55 issued by the urban development corporation for capital appropriation of  
56 \$137,037,000 authorized by chapter 53 of the laws of 2008 to the urban

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

29 S 28. Notwithstanding any other law, rule, or regulation to the  
30 contrary, the comptroller is hereby authorized and directed to deposit  
31 to the credit of the capital projects fund, reimbursement from the  
32 proceeds of notes or bonds issued by the environmental facilities corpo-  
33 ration for a capital appropriation of \$29,600,000 authorized by chapter  
34 55 of the laws of 2009 to the department of environmental conservation  
35 for payment of a portion of the state's match for federal capitalization  
36 grants for the water pollution control revolving loan fund, reimburse-  
37 ment from the proceeds of notes or bonds issued by the urban development  
38 corporation for a capital appropriation of \$129,800,000 authorized by  
39 chapter 50 of the laws of 2009 to all state departments and agencies for  
40 the purchase of equipment or systems development, reimbursement from the  
41 proceeds of notes or bonds issued by the urban development corporation  
42 for disbursements of up to \$24,000,000 from any capital appropriation or  
43 reappropriation authorized by chapter 50 of the laws of 2009 to the  
44 office of general services for various purposes, reimbursement from the  
45 proceeds of notes or bonds issued by the environmental facilities corpo-  
46 ration for a capital appropriation of \$13,500,000 authorized by chapter  
47 55 of the laws of 2009 to the energy research and development authority  
48 for the Western New York Nuclear Service Center at West Valley,  
49 reimbursement from the proceeds of notes or bonds issued by the environ-  
50 mental facilities corporation for a capital appropriation of \$10,000,000  
51 authorized by chapter 55 of the laws of 2009 to the department of envi-  
52 ronmental conservation for Onondaga lake, reimbursement from the  
53 proceeds of notes or bonds issued by the environmental facilities corpo-  
54 ration for disbursements of up to \$12,000,000 from any capital appropri-  
55 ations or reappropriations authorized by chapter 55 of the laws of 2009  
56 to the department of environmental conservation for environmental

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

23 S 29. Notwithstanding any other law, rule, or regulation to the  
24 contrary, the comptroller is hereby authorized and directed to deposit  
25 to the credit of the capital projects fund, reimbursement from the  
26 proceeds of notes or bonds issued by the environmental facilities corpo-  
27 ration for a capital appropriation of \$29,600,000 authorized by chapter  
28 55 of the laws of 2010 to the department of environmental conservation  
29 for payment of a portion of the state's match for federal capitalization  
30 grants for the water pollution control revolving loan fund, reimburse-  
31 ment from the proceeds of notes or bonds issued by the urban development  
32 corporation for a capital appropriation of \$187,285,000 authorized by  
33 chapter 50 of the laws of 2010 to all state departments and agencies for  
34 the purchase of equipment or systems development, reimbursement from the  
35 proceeds of notes or bonds issued by the urban development corporation  
36 for disbursements of up to \$26,950,000 from any capital appropriation or  
37 reappropriation authorized by chapter 50 of the laws of 2010 to the  
38 office of general services for various purposes, reimbursement from the  
39 proceeds of notes or bonds issued by the environmental facilities corpo-  
40 ration for a capital appropriation of \$5,000,000 authorized by chapter  
41 55 of the laws of 2010 to the department of environmental conservation  
42 for Onondaga lake, reimbursement from the proceeds of notes or bonds  
43 issued by the environmental facilities corporation for disbursements of  
44 up to \$12,000,000 from any capital appropriations or reappropriations  
45 authorized by chapter 55 of the laws of 2010 to the department of envi-  
46 ronmental conservation for environmental purposes, reimbursement from  
47 the proceeds of notes or bonds issued by the urban development corpo-  
48 ration for capital disbursements of up to \$3,000,000 from any capital  
49 appropriation or reappropriation authorized by chapter 50 of the laws of  
50 2010 to the division of military and naval affairs for various purposes,  
51 reimbursement from the proceeds of notes or bonds issued by the urban  
52 development corporation for a capital appropriation of \$6,000,000  
53 authorized by chapter 50 of the laws of 2010 to the division of state  
54 police for rehabilitation of facilities, reimbursement from the proceeds  
55 of notes or bonds issued by the dormitory authority of the state of New  
56 York or other financing source for a capital appropriation of

1 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state  
2 education department for library construction, reimbursements from the  
3 proceeds of notes or bonds issued by the dormitory authority of the  
4 state of New York or other financing source for a capital appropriation  
5 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the  
6 state education department for the longitudinal data system and  
7 reimbursement from the proceeds of notes or bonds issued by the dormito-  
8 ry authority of the state of New York or other financing source for a  
9 capital appropriation of \$42,000,000 for the state preparedness and  
10 training center.

11 S 30. Notwithstanding any other law, rule, or regulation to the  
12 contrary, the comptroller is hereby authorized and directed to deposit  
13 to the credit of the capital projects fund, reimbursement from the  
14 proceeds of notes or bonds issued by the environmental facilities corpo-  
15 ration for a capital appropriation of \$35,000,000 authorized by a chap-  
16 ter of the laws of 2011 to the department of environmental conservation  
17 for payment of a portion of the state's match for federal capitalization  
18 grants for the water pollution control revolving loan fund, reimburse-  
19 ment from the proceeds of notes or bonds issued by the urban development  
20 corporation for a capital appropriation of \$92,751,000 authorized by a  
21 chapter of the laws of 2011 to all state departments and agencies for  
22 the purchase of equipment or systems development, reimbursement from the  
23 proceeds of notes or bonds issued by the urban development corporation  
24 for disbursements of up to \$40,000,000 from any capital appropriation or  
25 reappropriation authorized by a chapter of the laws of 2011 to the  
26 office of general services for various purposes, reimbursement from the  
27 proceeds of notes or bonds issued by the environmental facilities corpo-  
28 ration for disbursements of up to \$12,000,000 from any capital appropri-  
29 ations or reappropriations authorized by a chapter of the laws of 2011  
30 to the department of environmental conservation for environmental  
31 purposes, reimbursement from the proceeds of notes or bonds issued by  
32 the urban development corporation for capital disbursements of up to  
33 \$3,000,000 from any capital appropriation or reappropriation authorized  
34 by a chapter of the laws of 2011 to the division of military and naval  
35 affairs for various purposes, reimbursement from the proceeds of notes  
36 or bonds issued by the urban development corporation for a capital  
37 appropriation of \$6,000,000 authorized by a chapter of the laws of 2011  
38 to the division of state police for rehabilitation of facilities,  
39 reimbursement from the proceeds of notes or bonds issued by the dormito-  
40 ry authority of the state of New York or other financing source for a  
41 capital appropriation of \$14,000,000 authorized by a chapter of the laws  
42 of 2011 to the state education department for library construction,  
43 reimbursement from the proceeds of notes or bonds issued by the urban  
44 development corporation for capital appropriation of \$130,550,000  
45 authorized by a chapter of the laws of 2011 to the urban development  
46 corporation for services and expenses related to the regional economic  
47 development council initiative, reimbursement from the proceeds of notes  
48 or bonds issued by the urban development corporation for capital appro-  
49 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to  
50 the urban development corporation for services and expenses related to  
51 the economic transformation program. Reimbursements from the proceeds  
52 of notes or bonds issued by the urban development corporation for  
53 disbursements of up to \$26,000,000 from any capital appropriation or  
54 reappropriation authorized by a chapter of the laws of 2012 to the  
55 office of general services for various purposes.

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

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

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

43 S 33. Notwithstanding any other law, rule, or regulation to the  
44 contrary, the comptroller is hereby authorized and directed to deposit  
45 to the credit of the city university special revenue fund (377),  
46 reimbursement from the proceeds of notes or bonds issued by the Dormito-  
47 ry Authority of the State of New York for capital disbursements of up to  
48 \$20,000,000 from any appropriation or reappropriation authorized by  
49 chapter 53 of the laws of 2009 to the city university of New York for  
50 various purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (b) Any service contract or contracts for projects authorized pursuant  
4 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
5 14-k of the transportation law, and entered into pursuant to subdivision  
6 (a) of this section, shall provide for state commitments to provide  
7 annually to the thruway authority a sum or sums, upon such terms and  
8 conditions as shall be deemed appropriate by the director of the budget,  
9 to fund, or fund the debt service requirements of any bonds or any obli-  
10 gations of the thruway authority issued to fund such projects having a  
11 cost not in excess of [\$6,695,169,000] \$7,106,022,000 cumulatively by  
12 the end of fiscal year [2011-12] 2012-13.

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

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

41 2. Notwithstanding any other provision of law to the contrary, in  
42 order to assist the dormitory authority and the corporation in undertak-  
43 ing the financing for project costs for the regional economic develop-  
44 ment council initiative, the economic transformation program, STATE  
45 UNIVERSITY OF NEW YORK COLLEGE FOR NANOSCALE AND SCIENCE ENGINEERING,  
46 BROADBAND INITIATIVE, INFRASTRUCTURE AND PREVENTIVE MAINTENANCE PROJECTS  
47 FOR THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, PROJECTS WITHIN THE CITY  
48 OF BUFFALO OR SURROUNDING ENVIRONS AND THE ADVANCE NEW YORK CAPITAL FUND  
49 and other state costs associated with such projects, the director of the  
50 budget is hereby authorized to enter into one or more service contracts  
51 with the dormitory authority and the corporation, none of which shall  
52 exceed thirty years in duration, upon such terms and conditions as the  
53 director of the budget and the dormitory authority and the corporation  
54 agree, so as to annually provide to the dormitory authority and the  
55 corporation, in the aggregate, a sum not to exceed the principal, inter-  
56 est, and related expenses required for such bonds and notes. Any service

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 6. Any service contract or contracts for transit and SIRT0A projects  
22 and for commuter projects entered into pursuant to this section shall  
23 provide for state commitments to provide annually to the metropolitan  
24 transportation authority a sum or sums, upon such terms and conditions  
25 as shall be deemed appropriate by the director of the budget, to fund,  
26 or to fund the debt service requirements of any bonds or other obli-  
27 gations of the metropolitan transportation authority issued to fund[,]  
28 such projects [such that the aggregate debt service on all bonds and  
29 notes identified in subdivision three of this section does not exceed  
30 \$165,000,000 annually through and including July 1, 2031].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PART 0

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

### OFFICE [FOR TECHNOLOGY] OF INFORMATION TECHNOLOGY SERVICES

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

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

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

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

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

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

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

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

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

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

1   ferred from a state agency or department to the office [for technology]  
2   OF INFORMATION TECHNOLOGY SERVICES shall remain on any promotion eligi-  
3   ble list for appointment in the agency or department from which such  
4   employees were transferred, for a period of one year or until the expi-  
5   ration of such list, whichever occurs first. Further, where the  
6   promotion eligible list on which such employees' names appear is estab-  
7   lished in the office [for technology] OF INFORMATION TECHNOLOGY  
8   SERVICES, the names of employees so transferred shall be added to such  
9   promotion eligible list.

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

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

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

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

44   S 9. Subdivision 3 of section 164-d of the executive law, as amended  
45   by section 1 of part 0 of chapter 60 of the laws of 2011, is amended to  
46   read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9

## PART P

10 Section 1. Paragraph i of subdivision 10 of section 54 of the state  
11 finance law, as added by section 1 of part F of chapter 56 of the laws  
12 of 2007, subparagraph (vi) as added by section 2 of part D of chapter  
13 503 of the laws of 2009, subparagraph (vii) as added by section 3 of  
14 part Z of chapter 56 of the laws of 2010, subparagraph (viii) as added  
15 by section 3 of part I of chapter 57 of the laws of 2011, is amended to  
16 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 S 2. This act shall take effect immediately.

## 42 PART Q

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

51 S 2. This act shall take effect immediately.

52 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
53 sion, section or part of this act shall be adjudged by any court of  
54 competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder thereof, but shall be confined in  
2 its operation to the clause, sentence, paragraph, subdivision, section  
3 or part thereof directly involved in the controversy in which such judg-  
4 ment shall have been rendered. It is hereby declared to be the intent of  
5 the legislature that this act would have been enacted even if such  
6 invalid provisions had not been included herein.  
7 S 3. This act shall take effect immediately provided, however, that  
8 the applicable effective date of Parts A through Q of this act shall be  
9 as specifically set forth in the last section of such Parts.