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

S. 6255 | A. 9055

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

January 17, 2012

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

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.

LBD12670-01-2

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:

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

PART A

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

7. "Designated offender" means a person convicted of [and sentenced for any one or more of the following provisions of the penal law (a) sections 120.05, 120.10, and 120.11, relating to assault; sections 125.15 through 125.27 relating to homicide; sections 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.65, 130.67 and 130.70, relating to sex offenses; sections 205.10, 205.15, 205.17 and 205.19, relating to escape and other offenses, where the offender has been convicted within the previous five years of one of the other felonies specified in this subdivision; or sections 255.25, 255.26 and 255.27, relating to incest, a violent felony offense as defined in subdivision one of section 70.02 of the penal law, attempted murder in the first degree, as defined in section 110.00 and section 125.27 of the penal law, kidnapping in the first degree, as defined in section 135.25 of the penal law, arson in the first degree, as defined in section 150.20 of the penal law, burglary in the third degree, as defined in section 140.20 of the penal law, attempted burglary in the third degree, as defined in section 110.00 and section 140.20 of the penal law, a felony defined in article four hundred ninety of the penal law relating to terrorism or any attempt to commit an offense defined in such article relating to terrorism which is a felony; or (b) criminal possession of a controlled substance in the first degree, as defined in section 220.21 of the penal law; criminal possession of a controlled substance in the second degree, as defined in section 220.18 of the penal law; criminal sale of a controlled substance, as defined in article 220 of the penal law; or grand larceny in the fourth degree, as defined in subdivision five of section 155.30 of the penal law; or (c) any misdemeanor or felony defined as a sex offense or sexually violent offense pursuant to paragraph (a), (b) or (c) of subdivision two or paragraph (a) of subdivision three of section one hundred sixty-eight-a of the correction law; or (d) any of the following felonies, or an attempt thereof where such attempt is a felony offense:

aggravated assault upon a person less than eleven years old, as defined in section 120.12 of the penal law; menacing in the first degree, as defined in section 120.13 of the penal law; reckless endangerment in the first degree, as defined in section 120.25 of the penal law; stalking in the second degree, as defined in section 120.55 of the penal law; criminally negligent homicide, as defined in section 125.10 of the penal law; vehicular manslaughter in the second degree, as defined in section 125.12 of the penal law; vehicular manslaughter in the first degree, as defined in section 125.13 of the penal law; persistent sexual abuse, as defined in section 130.53 of the penal law; aggravated sexual abuse in the fourth degree, as defined in section 130.65-a of the penal law; female genital mutilation, as defined in section 130.85 of the penal law; facilitating a sex offense with a controlled substance, as defined in section 130.90 of the penal law; unlawful imprisonment in the first degree, as defined in section 135.10 of the penal law; custodial interference in the first degree, as defined in section 135.50 of the penal law; criminal trespass in the first degree, as defined in section 140.17 of the penal law; criminal tampering in the first degree, as defined in section 145.20 of the penal law; tampering with a consumer product in the first degree, as defined in section 145.45 of the penal law; robbery in the third degree as defined in section 160.05 of the penal law; identity theft in the second degree, as defined in section 190.79 of the penal law; identity theft in the first degree, as defined in section 190.80 of the penal law; promoting prison contraband in the first degree, as defined in section 205.25 of the penal law; tampering with a witness in the third degree, as defined in section 215.11 of the penal law; tampering with a witness in the second degree, as defined in section 215.12 of the penal law; tampering with a witness in the first degree, as defined in section 215.13 of the penal law; criminal contempt in the first degree, as defined in subdivisions (b), (c) and (d) of section 215.51 of the penal law; aggravated criminal contempt, as defined in section 215.52 of the penal law; bail jumping in the second degree, as defined in section 215.56 of the penal law; bail jumping in the first degree, as defined in section 215.57 of the penal law; patronizing a prostitute in the second degree, as defined in section 230.05 of the penal law; patronizing a prostitute in the first degree, as defined in section 230.06 of the penal law; promoting prostitution in the second degree, as defined in section 230.30 of the penal law; promoting prostitution in the first degree, as defined in section 230.32 of the penal law; compelling prostitution, as defined in section 230.33 of the penal law; disseminating indecent materials to minors in the second degree, as defined in section 235.21 of the penal law; disseminating indecent materials to minors in the first degree, as defined in section 235.22 of the penal law; riot in the first degree, as defined in section 240.06 of the penal law; criminal anarchy, as defined in section 240.15 of the penal law; aggravated harassment of an employee by an inmate, as defined in section 240.32 of the penal law; unlawful surveillance in the second degree, as defined in section 250.45 of the penal law; unlawful surveillance in the first degree, as defined in section 250.50 of the penal law; endangering the welfare of a vulnerable elderly person in the second degree, as defined in section 260.32 of the penal law; endangering the welfare of a vulnerable elderly person in the first degree, as defined in section 260.34 of the penal law; use of a child in a sexual performance, as defined in section 263.05 of the penal law; promoting an obscene sexual performance by a child, as defined in section 263.10 of the penal law; possessing an obscene sexual performance by a child, as defined in section 263.11 of the penal law; promoting a sexual performance by a child, as defined in section 263.15 of the penal law; possessing a sexual performance by a child, as defined in section 263.16 of the penal law; criminal possession of a weapon in the third degree, as defined in section 265.02 of the penal law; criminal sale of a firearm in the third degree, as defined in section 265.11 of the penal law; criminal sale of a firearm to a minor, as defined in section 265.16 of the penal law; unlawful wearing of a body vest, as defined in section 270.20 of the penal law; hate crimes as defined in section 485.05 of the penal law; and crime of terrorism, as defined in section 490.25 of the penal law; or (e) a felony defined in the penal law or an attempt thereof where such attempt is a felony; or (f) any of the following misdemeanors: assault in the third degree as defined in section 120.00 of the penal law; attempted aggravated assault upon a person less than eleven years old, as defined in section 110.00 and section 120.12 of the penal law; attempted menacing in the first degree, as defined in section 110.00 and section 120.13 of the penal law; menacing in the second degree as defined in section 120.14 of the penal law; menacing in the third degree as defined in section 120.15 of the penal law; reckless endangerment in the second degree as defined in section 120.20 of the penal law; stalking in the fourth degree as defined in section 120.45 of the penal law; stalking in the third degree as defined in section 120.50 of the penal law; attempted stalking in the second degree, as defined in section 110.00 and section 120.55 of the penal law; criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law; forcible touching as defined in section 130.52 of the penal law regardless of the age of the victim; sexual abuse in the third degree as defined in section 130.55 of the penal law regardless of the age of the victim; unlawful imprisonment in the second degree as defined in section 135.05 of the penal law regardless of the age of the victim; attempted unlawful imprisonment in the first degree, as defined in section 110.00 and section 135.10 of the penal law regardless of the age of the victim; criminal trespass in the second degree as defined in section 140.15 of the penal law; possession of burglar's tools as defined in section 140.35 of the penal law; petit larceny as defined in section 155.25 of the penal law; endangering the welfare of a child as defined in section 260.10 of the penal law; endangering the welfare of an incompetent or physically disabled person as defined in section 260.25 of the penal law] ANY FELONY DEFINED IN ANY CHAPTER OF THE LAWS OF THE STATE OR ANY MISDEMEANOR DEFINED IN THE PENAL LAW.

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

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

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

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

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

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

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

PART B

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

S 2. This act shall take effect immediately.

PART C

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

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

S 2. This act shall take effect immediately.

PART D

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

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

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

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

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

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

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

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

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

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

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

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

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

S 410.92 PROBATION DETAINER WARRANT.

1. A PERSON UNDER PROBATION SUPERVISION WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR VIOLATION OF A CONDITION OF A SENTENCE OF PROBATION MUST FORTHWITH BE BROUGHT BEFORE THE COURT THAT IMPOSED THE SENTENCE. WHERE THE COURT THAT IMPOSED SENTENCE IS A LOCAL CRIMINAL COURT AND NO JUDGE FROM THAT COURT IS AVAILABLE, AND SUCH PERSON HAS BEEN TAKEN INTO CUSTODY PURSUANT TO SUBDIVISION FOUR OF SECTION 410.50 OF THIS ARTICLE, SUCH PERSON SHALL BE BROUGHT BEFORE ANY AVAILABLE ALTERNATIVE COURT AS DESCRIBED IN SUBDIVISION FIVE OF SECTION 120.90 OF THIS CHAPTER. WHERE THE COURT THAT IMPOSED THE SENTENCE IS A SUPERIOR COURT AND NO JUDGE FROM THAT COURT IS AVAILABLE, SUCH PERSON SHALL BE BROUGHT BEFORE ANY AVAILABLE LOCAL CRIMINAL COURT IN THE SAME COUNTY. WHEN NO SUCH ALTERNATIVE COURT IS AVAILABLE, THE PROBATION OFFICER SHALL REPORT SUCH FACT AND SUCH EFFORTS TO LOCATE AN AVAILABLE ALTERNATIVE COURT TO THE DIRECTOR OR DEPUTY DIRECTOR OF THE LOCAL PROBATION DEPARTMENT, AND THEREUPON A WARRANT MAY BE ISSUED BY SUCH DIRECTOR OR DEPUTY DIRECTOR FOR THE TEMPORARY DETENTION OF SUCH PERSON UPON THAT OFFICIAL'S DETERMINATION THAT A PUBLIC SAFETY RISK REQUIRES THAT THE PROBATIONER BE IMMEDIATELY TAKEN INTO CUSTODY. A WARRANT ISSUED PURSUANT TO THIS SUBDIVISION SHALL CONSTITUTE SUFFICIENT AUTHORITY TO THE SUPERINTENDENT OR OTHER PERSON IN CHARGE OF ANY JAIL, PENITENTIARY, LOCKUP OR DETENTION PEN TO WHOM IT IS DELIVERED TO HOLD IN TEMPORARY DETENTION THE PERSON NAMED THEREIN. DURING SUCH PERIOD OF TEMPORARY DETENTION, A WARRANT ISSUED PURSUANT TO THIS SUBDIVISION SHALL HAVE THE SAME EFFECT AS A WARRANT ISSUED BY A COURT PURSUANT TO SUBDIVISION TWO OF SECTION 210.40 OF THIS ARTICLE.

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

RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION 410.70 OF THIS ARTICLE. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT THAT HE OR SHE BE RELEASED. THE COURT SHALL CONSIDER ALL RELEVANT FACTS AND CIRCUMSTANCES AND RENDER AN INDEPENDENT JUDGMENT IN MAKING A DECISION UNDER THIS SUBDIVISION AND SHALL NOT RELY ON THE DETERMINATION TO TEMPORARILY DETAIN SUCH PERSON MADE BY THE DIRECTOR OR DEPUTY DIRECTOR OF THE LOCAL PROBATION DEPARTMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

S 4. The office of court administration shall make reasonable efforts to ensure that judges are available in each county to review the status of persons taken into custody pursuant to subdivision 4 of section 410.50 of the criminal procedure law in a timely manner and before the director or deputy director of the local probation department issues a warrant pursuant to subdivision 1 of section 410.92 of the criminal procedure law that such person be detained.

S 5. This act shall take effect immediately and section one of this act shall apply to offenses committed on or after such effective date.

PART E

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

ARTICLE 62
CRIMINAL FORFEITURE

SECTION 62.00 CRIMINAL FORFEITURE.

S 62.00 CRIMINAL FORFEITURE.

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

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

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

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

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

(III) OTHERWISE EVADES THE JURISDICTION OF THE COURT IN WHICH A CRIMINAL CASE IS PENDING AGAINST THE PERSON; AND

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

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

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

(A) PURSUANT TO AN ORDER OF ATTACHMENT; OR

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

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

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

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

4. OTHER THAN AS PROVIDED IN THIS SECTION, THE 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

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

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

6. Where the defendant consents to a plea of guilty to [the indictment, or part of the indictment] AN APPROPRIATE ACCUSATORY INSTRUMENT AS DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF THIS CHAPTER, or consents to be prosecuted by superior court information as set forth in section 195.20 of this chapter, and if the defendant and prosecutor agree that as a condition of the plea or the superior court information certain property shall be forfeited by the defendant, the description and present estimated monetary value of the property shall be stated in court by the prosecutor at the time of [plea] DISPOSITION. Within thirty days of the acceptance of the plea or superior court information by the court, the prosecutor shall send to the commissioner of the division of criminal justice services a document containing the name of the defendant, the description and present estimated monetary value of the property, and the date the plea [or superior court information] was accepted. Any property forfeited by the defendant as a condition to a plea of guilty to an [indictment] APPROPRIATE ACCUSATORY INSTRUMENT AS DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF THIS CHAPTER, or a part thereof, or to a superior court information, shall be disposed of in accordance with the provisions of section thirteen hundred forty-nine of the civil practice law and rules.

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

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

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

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

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

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

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

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

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

S 6. This act shall take effect immediately.

PART F

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

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

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

PART G

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

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

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

1. There is hereby created in the executive department a disaster preparedness commission consisting of the commissioners of transportation, health, division of criminal justice services, education, [social

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

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

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

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

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

5. The STATE office of emergency management within the division of homeland security and emergency services shall serve as the [staff] OPERATIONAL arm of the commission and shall be responsible for implementing provisions of this article and the rules and policies adopted by the commission. THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL EXERCISE THE AUTHORITY GIVEN TO THE DISASTER PREPAREDNESS COMMISSION IN SECTION TWENTY-NINE OF THIS ARTICLE, TO COORDINATE AND DIRECT STATE AGENCIES AND ASSETS IN RESPONSE TO A STATE DISASTER EMERGENCY ON BEHALF OF THE GOVERNOR AND THE CHAIR OF THE DISASTER PREPAREDNESS COMMISSION. IF THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT IS UNABLE TO EXERCISE THIS AUTHORITY, THEN THE EXECUTIVE DEPUTY COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL ACT IN THIS CAPACITY. IN THE EVENT THAT THE EXECUTIVE DEPUTY COMMISSIONER IS UNABLE TO EXERCISE THIS AUTHORITY, THEN SUCH AUTHORITY SHALL BE EXERCISED BY THE OFFICIAL WILLING AND ABLE TO DO SO IN THE FOLLOWING ORDER: THE STATE FIRE ADMINISTRATOR; THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE; OR THE DIRECTOR OF THE OFFICE OF COUNTERTERRORISM WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. ASSETS AND EQUIPMENT OF AN ASSISTING LOCAL GOVERNMENT SHALL CONTINUE UNDER THE OWNERSHIP OF THE ASSISTING JURISDICTION, BUT SHALL BE UNDER THE DIRECTION AND CONTROL OF THE APPROPRIATE OFFICIALS WITHIN THE INCIDENT MANAGEMENT SYSTEM OF THE REQUESTING LOCAL GOVERNMENT.

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

B. ANY OTHER INDIVIDUAL 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

STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, including a minimum of five years of member service during which the member contributed to the system and/or participated in an increased-take-home-pay or non-contributory plan, and who does not withdraw his or her accumulated contributions, shall be entitled to make application pursuant to section three hundred seventy of this article for a vested retirement allowance to be effective on or after the first day of the month following his or her attainment of sixty years of age, OR SIXTY-FIVE YEARS OF AGE 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. The retirement allowance provided by this section shall vest automatically upon such discontinuance of service by such member.

3. In the case of such a member who discontinues service other than by death or retirement after March thirty-first, nineteen hundred sixty-six, who had been contributing toward and/or participating in an increased-take-home-pay or non-contributory plan for retirement on a basis other than retirement at age sixty for five years preceding his or her discontinuance of service, he or she shall be entitled to make application for a vested retirement allowance to be effective on or after the first day of the month following his or her attainment of fifty-five years of age, OR SIXTY-FIVE YEARS OF AGE 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.

b. The vested retirement allowance shall be computed and paid in accordance with the provisions of the plan of which the member had been a participant provided, however, that if the service fraction used to compute the retirement allowance or the pension provides a benefit greater than that which would have been provided had the service fraction one-sixtieth been used to compute the benefit, the service fraction one-sixtieth shall be used to compute the vested retirement allowance unless such plan shall specify another fraction to be used to compute the vested retirement allowance. The vested retirement allowance shall not be paid before the member attains age fifty-five, OR SIXTY-FIVE YEARS OF AGE 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.

S 3. Subdivision e of section 440 of the retirement and social security law, as added by chapter 285 of the laws of 1997, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. A member who first joins a public retirement system of this state on or after June thirtieth, nineteen hundred seventy-six shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of creditable service after July first, nineteen hundred seventy-three, except that a member who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service. A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' 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.

b. A member who previously was a member of a public retirement system of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is creditable pursuant to section five hundred thirteen of this article. A member who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service. A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' 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.

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

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

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

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

MEMBERS SHALL NOT BE ELIGIBLE TO RETIRE FOR SERVICE PRIOR TO THE ATTAINMENT OF TWENTY YEARS OF CREDITED SERVICE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. A police/fire member in active service, A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER IN ACTIVE SERVICE OR AN INVESTIGATOR REVISED PLAN MEMBER IN ACTIVE SERVICE, or a vested member incapacitated as the result of a qualifying World Trade Center condition as defined in section two of this chapter, who is not eligible for a normal service retirement benefit shall be eligible for the accidental disability benefit either as provided in subdivision a OF THIS SECTION or if such member is physically or mentally incapacitated for performance of duty as the natural and proximate result of an accident sustained in such active service and not caused by such member's own willful negligence.

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

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

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

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

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

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

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

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

S 17. Subdivision b of section 508 of the retirement and social security law, as amended by chapter 601 of the laws of 1997, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

S 21. Subdivision h of section 513 of the retirement and social security law, as added by chapter 477 of the laws of 2005, is amended to read as follows:

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

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

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

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

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

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

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

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

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

E. 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.

S 24. Subdivision a of section 517 of the retirement and social security law, as added by chapter 890 of the laws of 1976, is amended to read as follows:

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

SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE EIGHTY-FIVE THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF SIXTY-ONE THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN SIXTY-ONE THOUSAND AND ONE DOLLAR PER ANNUM AND ONE HUNDRED TWENTY-TWO THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE ONE HUNDRED TWENTY-TWO THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, MEMBERS WITH WAGES OF SIXTY-THREE THOUSAND DOLLARS PER ANNUM OR LESS SHALL CONTRIBUTE FOUR PERCENT OF ANNUAL WAGES, MEMBERS WITH WAGES BETWEEN SIXTY-THREE THOUSAND AND ONE DOLLAR PER ANNUM AND ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE FIVE PERCENT OF ANNUAL WAGES, AND MEMBERS WITH WAGES ABOVE ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS PER ANNUM SHALL CONTRIBUTE SIX PERCENT OF ANNUAL WAGES, PROVIDED, HOWEVER, THAT NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS SHALL NOT BE REQUIRED TO MAKE SUCH CONTRIBUTIONS FOR MORE THAN TWENTY-FIVE YEARS. The head of each retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

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

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

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

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

B. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS BELOW FOUR PER CENTUM, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO SECTION FIVE HUNDRED SEVENTEEN OF THIS ARTICLE SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF FOUR PER CENTUM AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

C. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

D. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

E. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

F. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

G. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

H. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

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

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

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

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

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

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

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

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

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

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

b. Except as provided in subdivision b-1 of this section, a member who previously was a member of a public retirement system of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is credited pursuant to section six hundred nine of this article. A member who first joins the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service. A MEMBER WHO FIRST BECOMES A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE 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.

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

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

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM BEFORE APRIL FIRST, TWO THOUSAND TWELVE may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service, PROVIDED FURTHER THAT THE THE PRECEDING PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A NEW YORK CITY REVISED PLAN MEMBER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

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

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

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

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

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

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

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

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

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

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

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

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

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

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

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

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

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

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

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

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

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

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

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

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest, if any, required by subdivision e of this section; and

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

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

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

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

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

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

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

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

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

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

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

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

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

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

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

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

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

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

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

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

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

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

a. [A] FOR MEMBERS WHO FIRST BECOME MEMBERS OF A PUBLIC RETIREMENT SYSTEM OF THE STATE BEFORE APRIL FIRST, TWO THOUSAND TWELVE, A member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, A MEMBER'S FINAL AVERAGE SALARY SHALL BE THE AVERAGE WAGES EARNED BY SUCH MEMBER DURING ANY FIVE CONSECUTIVE YEARS WHICH PROVIDE THE HIGHEST AVERAGE WAGE; PROVIDED, HOWEVER, IF THE WAGES EARNED DURING ANY YEAR INCLUDED IN THE PERIOD USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS FOUR YEARS BY MORE THAN EIGHT PERCENT, THE AMOUNT IN EXCESS OF EIGHT PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY. Where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

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

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

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

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

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

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

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

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

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

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

a-1. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, other than such a member of either of such retirement systems who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall, upon termination of employment, be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, shall, upon termination of employment, be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article, PROVIDED, HOWEVER, THAT ANY SUCH MEMBER OF EITHER OF SUCH RETIREMENT SYSTEMS WHO IS A NEW YORK CITY REVISED PLAN MEMBER SHALL BE REQUIRED TO HAVE AT LEAST TWELVE YEARS OF CREDITED SERVICE IN ORDER TO BE ELIGIBLE FOR A DEFERRED VESTED BENEFIT, SUCH MEMBER SHALL NOT BE ENTITLED TO PAYABILITY OF SUCH BENEFIT PRIOR TO ATTAINMENT OF AGE SIXTY-FIVE AND SUCH DEFERRED VESTED BENEFIT SHALL BE COMPUTED PURSUANT TO SUBDIVISION B-1 OF SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

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

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

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

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

c. Notwithstanding any other provision of law to the contrary, a person whose membership in a public retirement system has terminated other than as a result of transfer, retirement or death, or a member of a public retirement system who is not vested and not entitled to any other benefit from such system under this article, and who no longer is employed by a participating employer of such public retirement system in a position upon which his or her membership is based, may withdraw his or her member contributions by filing a written demand for withdrawal of contributions and membership pursuant to rules and regulations promulgated by the public retirement system of which he or she is a member. Upon the death of a person whose membership previously terminated due to lack of credited service and who did not withdraw his or her member contributions, or upon the death of a member, provided a death benefit pursuant to section six hundred seven of this article is not paid, the member contributions of such person shall be refunded to such person as he or she shall have nominated to receive a death benefit by written designation duly executed and filed with the public retirement system or, in the absence of such designation, to his or her estate. For purposes of such refunds, interest shall be credited at the rate of five percent per annum compounded annually to the date of termination of membership. Provided, however, if a death benefit is paid pursuant to section six hundred seven of this article, such benefit shall be in lieu of the refund of such contributions pursuant to this subdivision, however, in no event shall such death benefit be less than the amount payable pursuant to this subdivision. Notwithstanding the above, or any other provision of law to the contrary, a member may, upon separation from service of the state or a participating employer, withdraw his or her member contributions pursuant to the applicable provision of law until such date as such individual has accrued ten years of credited service in such system. However, the withdrawal of contributions pursuant to this section by an individual who has accrued at least five years of creditable service shall terminate his or her membership and all rights in such retirement system in the same manner as withdrawal of contributions would terminate the membership of an individual who has not attained vested status. Nothing in this section shall be construed as permitting an individual who has accrued at least ten years of credit in a retirement system to withdraw member contributions, OR TWELVE YEARS OF CREDIT IN A PUBLIC RETIREMENT SYSTEM OF THE STATE FOR MEMBERS WHO FIRST BECOME MEMBERS OF A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

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

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

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

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

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

B. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS BELOW FOUR PER CENTUM, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO SECTION SIX HUNDRED THIRTEEN OF THIS ARTICLE SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF FOUR PER CENTUM AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

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

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

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

E. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

F. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

G. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

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

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

I. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY BOARD OF EDUCATION RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE EXCEEDS A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, SUCH MEMBERS SHALL BE REQUIRED TO MAKE ADDITIONAL EMPLOYEE CONTRIBUTIONS OF ANNUAL WAGES IN ADDITION TO THOSE MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF THE EMPLOYER CONTRIBUTION RATE AND A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET DIVIDED BY TWO. IN YEARS IN WHICH ADDITIONAL EMPLOYEE CONTRIBUTIONS ARE MADE PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY THE CITY OF NEW YORK SHALL BE REDUCED BY THE VALUE OF SUCH ADDITIONAL EMPLOYEE CONTRIBUTIONS.

J. IN YEARS IN WHICH THE EMPLOYER CONTRIBUTION RATE APPLICABLE TO MEMBERS OF THE NEW YORK CITY BOARD OF EDUCATION RETIREMENT SYSTEM WHO FIRST BECAME MEMBERS OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE IS BELOW A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET, THE EMPLOYEE CONTRIBUTIONS MADE PURSUANT TO OTHER SECTIONS OF THIS CHAPTER SHALL BE REDUCED IN ACCORDANCE WITH THE FOLLOWING FORMULA: THE DIFFERENCE OF A RATE TO BE DETERMINED BY THE BUDGET DIRECTOR FOR THE CITY OF NEW YORK, WITH THE APPROVAL OF THE NEW YORK STATE DIRECTOR OF THE BUDGET AND THE EMPLOYER CONTRIBUTION RATE DIVIDED BY TWO. IN YEARS IN WHICH EMPLOYEE CONTRIBUTIONS ARE REDUCED PURSUANT TO THIS SUBDIVISION, THE EMPLOYER CONTRIBUTION RATE TO BE PAID BY EMPLOYERS SHALL INCREASE BY THE VALUE OF THE EMPLOYEE CONTRIBUTIONS REDUCED PURSUANT TO THIS SUBDIVISION.

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

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

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

1. Subject to the provisions of paragraph one-a of this subdivision, 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.

S 65. Section 1204 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 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 23

DEFINED CONTRIBUTION PROGRAM

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

A. THE TERM "PUBLIC RETIREMENT SYSTEM OF THE STATE" SHALL MEAN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM, THE NEW YORK STATE AND LOCAL POLICE AND FIRE 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, AND THE NEW YORK CITY FIRE PENSION FUND.

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

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

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

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

S 1251. DEFINED CONTRIBUTION PROGRAMS ESTABLISHED. THERE IS HEREBY ESTABLISHED A DEFINED CONTRIBUTION PROGRAM WITHIN EACH PUBLIC RETIREMENT SYSTEM OF THE STATE WHICH SHALL PROVIDE FOR RETIREMENT BENEFITS FOR OR ON BEHALF OF PROGRAM PARTICIPANTS. UNDER SUCH PROGRAM THE STATE, THE CITY OF NEW YORK AND OTHER PARTICIPATING EMPLOYERS AND SUCH EMPLOYEES SHALL CONTRIBUTE, TO THE EXTENT AUTHORIZED OR REQUIRED, TO SUCH DEFINED CONTRIBUTION ACCOUNTS. THE PROGRAMS SHALL BE ADMINISTERED BY THE RETIREMENT SYSTEM IN WHICH THE PROGRAM PARTICIPANT IS A MEMBER. EACH PUBLIC RETIREMENT SYSTEM OF THE STATE IS AUTHORIZED TO PROMULGATE ALL SUCH RULES AND REGULATIONS AS MAY BE NECESSARY OR REQUIRED TO IMPLEMENT THE DEFINED CONTRIBUTION PROGRAMS ESTABLISHED PURSUANT TO THIS ARTICLE, INCLUDING SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO COMPLY WITH THE APPLICABLE PROVISIONS OF TITLE TWENTY-SIX OF THE UNITED STATES CODE RELATING TO DEFINED CONTRIBUTION PLANS AND THEIR QUALIFICATION AND OPERATION AND ALL SUCH RULES AND REGULATIONS AS MAY BE NECESSARY OR REQUIRED REGARDING THE COLLECTION OF EMPLOYER AND MEMBER CONTRIBUTIONS, INVESTMENT OF CONTRIBUTIONS, WITHDRAWALS AND DISTRIBUTION OF MEMBER ACCOUNTS, NOMINATION OF BENEFICIARIES, THE ASSESSMENT AND COLLECTION FROM EMPLOYERS OF COSTS AND EXPENSES INCURRED IN THE ESTABLISHMENT AND OPERATION OF THE PLAN, AND ALL OTHER MATTERS PERTAINING THERETO. EACH PUBLIC RETIREMENT SYSTEM OF THE STATE IS AUTHORIZED TO ENTER INTO SUCH AGREEMENTS WITH QUALIFIED PROVIDERS AS MAY BE NECESSARY OR DESIRABLE FOR THE INVESTMENT OF MEMBER ACCOUNTS AND THE GENERAL ADMINISTRATION OF THE PLAN.

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

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

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

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

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

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

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

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

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

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

1. Employer contributions. In the case of any electing employee initially appointed on or before June thirtieth, nineteen hundred ninety-two, the state shall, during continuance of his employment, make contributions at the rate of nine [percentum] PER CENTUM of that portion of his state salary upon which contributions are or may hereafter be paid to the secretary of the treasury of the United States pursuant to article three of the retirement and social security law and at the rate of twelve [percentum] PER CENTUM of that portion of his state salary above said amount, out of moneys which shall be appropriated to the department for such purpose. In the case of any electing employee initially appointed on or after July first, nineteen hundred ninety-two, the state shall, during continuance of his employment, make contributions at the rate of eight [percentum] PER CENTUM of his state salary during the first seven years of such employment and at the rate of ten percentum of his state salary, thereafter, out of moneys which shall be appropriated to the department for such purpose. IN THE CASE OF ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE STATE SHALL, DURING CONTINUANCE OF HIS OR HER EMPLOYMENT, MAKE CONTRIBUTIONS AT THE RATE OF FOUR PER CENTUM OF HIS OR HER STATE SALARY OUT OF MONEYS WHICH SHALL BE APPROPRIATED TO THE DEPARTMENT FOR SUCH PURPOSE. FOR ELECTING EMPLOYEES APPOINTED ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE STATE SHALL MAKE ADDITIONAL CONTRIBUTIONS EQUAL TO THE CONTRIBUTION MADE BY EACH ELECTING EMPLOYEE, PROVIDED, HOWEVER THAT SUCH ADDITIONAL CONTRIBUTIONS SHALL NOT EXCEED THREE PERCENT OF EACH ELECTING EMPLOYEE'S ANNUAL WAGES. For purposes of this subdivision, that portion of the employee's salary upon which contributions are paid to the secretary of the treasury of the United States pursuant to article three of the retirement and social security law shall not exceed sixteen thousand five hundred dollars.

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

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

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

1. Employer contributions. In the case of any electing employee initially appointed on or before June thirtieth, nineteen hundred ninety-two, the state, with respect to employees of state university, and the electing employer, with respect to employees of a community college, shall, during continuance of his employment, make contributions at the rate of nine [percentum] PER CENTUM of that portion of his salary upon which contributions, if any, are or may hereafter be paid to the secretary of the treasury of the United States pursuant to article three of the retirement and social security law and at the rate of twelve [percentum] PER CENTUM of any portion of his salary upon which such contributions are not paid, out of monies which shall be appropriated to state university or which shall be available to the electing employer for such purpose. In the case of any electing employee initially appointed on or after July first, nineteen hundred ninety-two, the state, with respect to employees of the state university and the electing employer, with respect to employees of a community college, shall, during continuance of his employment, make contributions at the rate of eight [percentum] PER CENTUM of his salary during the first seven years of such employment and at the rate of ten [percentum] PER CENTUM of his salary thereafter, out of monies which shall be appropriated to the state university or which shall be available to the electing employer for such purpose. IN THE CASE OF ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE STATE, WITH RESPECT TO EMPLOYEES OF THE STATE UNIVERSITY AND THE ELECTING EMPLOYER, WITH RESPECT TO EMPLOYEES OF A COMMUNITY COLLEGE, SHALL, DURING CONTINUANCE OF HIS EMPLOYMENT, MAKE CONTRIBUTIONS AT THE RATE OF FOUR PER CENTUM OF HIS SALARY OUT OF MONIES WHICH SHALL BE APPROPRIATED TO THE STATE UNIVERSITY OR WHICH SHALL BE AVAILABLE TO THE ELECTING EMPLOYER FOR SUCH PURPOSE. FOR ELECTING EMPLOYEES INITIALLY APPOINTED ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE STATE SHALL MAKE ADDITIONAL CONTRIBUTIONS EQUAL TO THE CONTRIBUTION MADE BY EACH ELECTING EMPLOYEE, PROVIDED, HOWEVER THAT SUCH ADDITIONAL CONTRIBUTIONS SHALL NOT EXCEED THREE PERCENT OF EACH ELECTING EMPLOYEE'S ANNUAL WAGES. For purposes of this subdivision, that portion of the employee's salary upon which contributions are or may thereafter be paid to the secretary of the treasury of the United States pursuant to article three of the retirement and social security law shall be deemed not to exceed sixteen thousand five hundred dollars.

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

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

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

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

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

1. Employer contributions. In the case of any electing employee initially appointed on or before June thirtieth, nineteen hundred ninety-two, the city shall, during continuance of his employment, makes contributions at the rate of nine [percentum] PER CENTUM of that portion of his city salary upon which contributions are or may hereafter be paid to the secretary of the treasury of the United States pursuant to article three of the retirement and social security law and at the rate of twelve [percentum] PER CENTUM of that portion of his city salary above said amount, out of monies which shall be appropriated to the city university for such purposes. In the case of any electing employee initially appointed on or after July first, nineteen hundred ninety-two, the city shall, during continuance of his employment, make contributions at the rate of eight [percentum] PER CENTUM of his city salary during the first seven years of such employment and at the rate of ten [percentum] PER CENTUM of his city salary, thereafter, out of monies which shall be appropriated to the city university for such purpose. IN THE CASE OF ANY ELECTING EMPLOYEE INITIALLY APPOINTED ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE CITY SHALL, DURING CONTINUANCE OF HIS EMPLOYMENT, MAKE CONTRIBUTIONS AT THE RATE OF FOUR PER CENTUM of his city salary out of monies which shall be appropriated to the city university for such purpose. For electing employees initially appointed on or after April first, two thousand twelve, the state shall make additional contributions equal to the contribution made by each electing employee, provided, however, that such additional contributions shall not exceed three percent of each electing employee's annual wages. For purposes of this subdivision, that portion of the employee's salary upon which contributions are or may thereafter be paid to the secretary of the treasury of the United States pursuant to article three of the retirement and social security law shall be deemed not to exceed sixteen thousand five hundred dollars.

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

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

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

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

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

(b) In the case of a uniformed force member who is a member of the uniformed force of the department of sanitation and is not a TIER III MEMBER (AS DEFINED IN SUBDIVISION SEVENTY-THREE OF THIS SECTION) OR A Tier IV member (as defined in subdivision seventy-six of this section), the term "normal rate of contribution as a uniformed force member" shall mean the proportion of such member's earnable compensation required to be deducted from his or her compensation by the applicable provisions of sections 13-125, 13-154, 13-159 and 13-160 of this chapter as his or her member contributions, exclusive of any increase in such contributions pursuant to subdivision d, e, or f of section 13-125 of this chapter, or any decrease in such contributions on account of any program for increased-take-home-pay or pursuant to subdivision one of section one hundred thirty-eight-b of the retirement and social security law (relating to election to decrease member contributions by contributions due on account of social security coverage).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S 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:

S 25. Reappropriation bills. Every appropriation reappropriating moneys shall set forth clearly the year, chapter and part or section of the act by which such appropriation was originally made, a brief summary of the purposes of such original appropriation, and the year, chapter and part or section of the last act, if any, reappropriating such original appropriation or any part thereof, and the amount of such reappropriation.

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

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

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

PART K

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

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

State Fiscal Year	Amount
2000-2001	$4,500,000
2001-2002	$4,500,000
2002-2003	$4,500,000
2003-2004	$9,850,000
2004-2005	$16,850,000
2005-2006	$22,850,000
2006-2007	$22,850,000
2007-2008	$22,850,000
2008-2009	$22,850,000
2009-2010	$22,850,000
2010-2011	$22,850,000
2011-2012	$15,000,000
2012-2013	[$15,000,000] $22,850,000
2013-2014	$15,000,000
2014-2015	$15,000,000
2015-2016	$15,000,000
2016-2017	$15,000,000
2017-2018	$15,000,000
2018-2019	$15,000,000
2019-2020	$15,000,000

2020-2021	$15,000,000
2021-2022	$15,000,000
2022-2023	$15,000,000
2023-2024	$15,000,000
2024-2025	$15,000,000
2025-2026	$15,000,000
2026-2027	$15,000,000
2027-2028	$15,000,000
2028-2029	$15,000,000
2029-2030	$15,000,000
2030-2031	$15,000,000
2031-2032	$15,000,000
2032-2033	[$15,000,000] $7,150,000

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

PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) PRINTING CONTRACTS SHALL BE AWARDED ON THE BASIS OF LOWEST PRICE 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART M

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

S 66. TERM APPOINTMENTS IN PROFESSIONAL, SCIENTIFIC, TECHNICAL OR OTHER EXPERT SERVICES. 1. THE DEPARTMENT MAY AUTHORIZE A TERM APPOINTMENT WITHOUT EXAMINATION TO A TEMPORARY PROFESSIONAL, SCIENTIFIC, TECHNICAL OR OTHER POSITION REQUIRING SPECIAL EXPERTISE OR QUALIFICATIONS. SUCH APPOINTMENT MAY BE AUTHORIZED ONLY IN A CASE WHERE THE APPOINTING AUTHORITY CERTIFIES TO THE DEPARTMENT THAT BECAUSE OF THE TYPE OF SERVICES TO BE RENDERED OR THE TEMPORARY OR OCCASIONAL CHARACTER OF SUCH SERVICES, IT WOULD NOT BE PRACTICABLE TO HOLD AN EXAMINATION OF ANY KIND. SUCH CERTIFICATION SHALL BE A PUBLIC DOCUMENT PURSUANT TO THE PUBLIC OFFICERS LAW AND SHALL IDENTIFY THE SPECIAL EXPERTISE OR QUALIFICATIONS THAT ARE REQUIRED AND WHY THEY CANNOT BE OBTAINED THROUGH AN APPOINTMENT FROM AN ELIGIBLE LIST. THE MAXIMUM PERIOD FOR SUCH TERM APPOINTMENT ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL NOT EXCEED SIXTY MONTHS AND SHALL NOT BE EXTENDED. THE MAXIMUM NUMBER OF PERSONS IN SUCH APPOINTMENTS SHALL NOT EXCEED FIVE HUNDRED AT ANY ONE TIME. AT 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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Except as provided in section fifty-one OF THIS ARTICLE, vacancies in administrative positions IN THE COMPETITIVE CLASS shall be filled, so far as practicable, by promotion as prescribed in subdivision one of this section, which may be made from among persons holding administrative positions in lower grades without regard to the specialties of their lower grade positions. The civil service department, upon the request of an appointing officer stating the reasons why the filling of administrative positions in grade fourteen or higher under his jurisdiction from an interdepartmental promotion list or a promotion list including persons employed in other units of government would be in the best interests of the state service, or upon its own initiative whenever it finds that the filling of administrative positions in grade fourteen or higher in any department from such an interdepartmental or intergovernmental promotion list would be in the best interests of the state service, may certify such an interdepartmental or intergovernmental promotion list for filling such positions, without preference to departmental lists or to eligibles holding lower grade positions in the department or promotion unit in which such positions exist.

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

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

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

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

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

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

ooo. Occupational health clinics account (W4).
ppp. Capacity contracting (XU).
qqq. Administrative cost recovery -
tax return preparer registration fee account (Y8).
rrr. Sales tax re-registration fee account (YD).
sss. Equitable sharing agreement account (YP).
ttt. Point insurance reduction program account.
uuu. Internet point insurance reduction program account (IC).
vvv. Mental hygiene program fund account (10).
www. Third party debt collection account.
xxx. Regulation of manufactured housing account (CM).
yyy. Business and licensing services account (AG).
zzz. Consumer protection account (F2).
19. State university income fund (345):
a. State university general income offset account (11).
20. State police and motor vehicle law enforcement fund (354):
a. State police motor vehicle law enforcement account (02).
21. Youth facilities improvement fund (357):
a. Youth facilities improvement account (01).
22. Highway safety program fund (362):
a. Highway safety program account (01).
23. Drinking water program management and administration fund (366):
a. EFC drinking water program account (01).
b. DOH drinking water program account (02).
24. New York city county clerks offset fund (368):
a. NYCCC operating offset account (01).
25. Housing assistance fund (374).
26. Housing program fund (376).
27. Department of transportation - engineering services fund (380):
a. Highway facility purpose account (01).
28. Miscellaneous capital projects fund (387):
a. Clean air capital account (08).
b. New York racing account.
29. Mental hygiene facilities capital improvement fund (389).
30. Joint labor/management administration fund (394):
a. Joint labor/management administration fund (01).
31. Audit and control revolving fund (395):
a. Executive direction internal audit account (04).
b. CIO Information technology centralized services account (zz).
32. Health insurance internal service fund (396):
a. Health insurance internal service account (00).
b. Civil service employee benefits div admin (01).
33. Correctional industries revolving fund (397).
34. Correctional facilities capital improvement fund (399).
35. HCRA resources fund (061):
a. EPIC premium account (J6).
b. Hospital based grants program account (AF).
c. Child health plus program account (29).

S 1-a. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:

1. Federal USDA-food nutrition services fund (261).
2. Federal health and human services fund (265).

3. Federal education grants fund (267).
4. Federal block grant fund (269).
5. Federal operating grants fund (290).
6. Federal capital projects fund (291).
7. Federal unemployment insurance administration fund (480).
8. Federal unemployment insurance occupational training fund (484).
9. Federal employment and training grants (486).

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

Economic Development and Public Authorities:

1. $175,000 from the miscellaneous special revenue fund (339) underground facilities safety training account (US), to the general fund.
2. An amount up to the unencumbered balance from the miscellaneous special revenue fund (339), business and licensing services account (AG), to the general fund.
3. $14,810,000 from the miscellaneous special revenue fund (339), code enforcement account (07), to the general fund.
4. $100,000 from the miscellaneous special revenue fund (339), manufactured housing account (CM), to the general fund.
5. An amount up to the unencumbered balance from the miscellaneous special revenue fund (339), administrative costs account (AB), to the general fund.

Education:

1. $2,217,000,000 from the general fund to the state lottery fund (160), education account (03), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
2. $836,000,000 from the general fund to the state lottery fund (160), VLT education account (06), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
3. Moneys from the state lottery fund (160) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.
4. $300,000 from the local government records management improvement fund (052) to the archives partnership trust fund (024).
5. $900,000 from the general fund to the miscellaneous special revenue fund (339), Batavia school for the blind account (D9).
6. $900,000 from the general fund to the miscellaneous special revenue fund (339), Rome school for the deaf account (E6).
7. $80,000,000 from the state university dormitory income fund (330) to the state university residence hall rehabilitation fund (074).
8. $343,400,000 from the state university dormitory income fund (330) to the miscellaneous special revenue fund (339), state university dormitory income reimbursable account (47).
9. $24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund (339), indirect cost recovery account (AH).

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

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

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

Environmental Affairs:

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

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

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

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

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

Family Assistance:

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

2. $3,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund (339), family preservation and support services and family violence services account (GC).

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

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

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

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

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

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

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

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

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

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

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

General Government:

1. $1,566,000 from the miscellaneous special revenue fund (339), examination and miscellaneous revenue account (ER) to the general fund.

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

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

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

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

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

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

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

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

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

11. $1,000,000 from the miscellaneous special revenue fund (339), parking services account (BQ), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

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

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

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

Health:

1. $12,000,000 from any of the department of health accounts within the federal health and human services fund (265) to the general fund.

2. $139,560,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), quality of care account (20).

3. $1,000,000 from the general fund to the combined gifts, grants and bequests fund (020), breast cancer research and education account (BD), an amount equal to the monies collected and deposited into that account in the previous fiscal year.

4. $2,464,000 from any of the department of health accounts within the federal health and human services fund (265) to the department of health miscellaneous special revenue fund (339), statewide planning and research cooperation system (SPARCS) program account (03).

5. $250,000 from the general fund to the combined gifts, grants and bequests fund (020), prostate cancer research, detection, and education account (PR), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

6. $500,000 from the general fund to the combined gifts, grants and bequests fund (020), Alzheimer's disease research and assistance account (AA), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

7. $1,000,000 from the miscellaneous special revenue fund (339), administration account (AP), to the general fund.

8. $600,000,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), federal state health reform partnership account (FS).

9. $50,000,000 from the special revenue fund (061), HCRA resources fund, to the miscellaneous special revenue fund (339), empire state stem cell trust fund account (SR).

10. $1,250,000 from the miscellaneous New York state agency fund (169), medical assistance account to the department of health miscellaneous special revenue fund (339), third party health insurance account (35).

11. $3,700,000 from the miscellaneous New York state agency fund (169), medical assistance account to the office of medicaid inspector general miscellaneous special revenue fund (339), recoveries and revenue account (C9).

12. $2,500,000 from the general fund to the miscellaneous special revenue fund (339), quality of care improvement account (QC).

Labor:

1. $700,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the child performer protection fund (025), child performer protection account (CP).

2. $8,000,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the general fund.

3. $6,500,000 from the unemployment insurance interest and penalty special revenue fund (482), unemployment insurance special interest and penalty account (01), to the general fund.

4. $2,700,000 from the labor standards miscellaneous special revenue fund (339), public work enforcement account (BA), to the general fund.

5. $1,500,000 from the training and education program on occupational safety and health fund (305), occupational safety and health inspection account (02), to the general fund.

Mental Hygiene:

1. $5,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13), to the miscellaneous special revenue fund (339), federal salary sharing account (EC).

2. $240,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the miscellaneous special revenue fund (339), provider of service accounts (05).

3. $220,000,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the miscellaneous special revenue fund (339), provider of service account (05).

4. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene patient income account (13).

5. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene program fund account (10).

6. $300,000,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the general fund.

7. $180,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the general fund.

8. $200,000 from the chemical dependence service fund (346) to the general fund.

9. $200,000 from the combined gifts, grants and bequests fund (020), disability and technical assistance account (D1) to the general fund.

Public Protection:

1. $1,350,000 from the miscellaneous special revenue fund (339), emergency management account (61), to the general fund.

2. $3,300,000 from the general fund to the miscellaneous special revenue fund (339), recruitment incentive account (U2).

3. $9,500,000 from the general fund to the correctional industries revolving fund (397), correctional industries internal service account (00).

4. $10,000,000 from federal miscellaneous operating grants fund (290), DMNA damage account (71), to the general fund.

5. $16,000,000 from the general fund to the miscellaneous special revenue fund (339), crimes against revenue program account (CA).

6. $20,000,000 from any office of homeland security account within the federal miscellaneous operating grants fund (290), receiving money through the homeland security grants program, to the general fund.

7. $26,900,000 from the miscellaneous special revenue fund (339) criminal justice improvement account (62) to the general fund.

8. $20,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the general fund.

9. $106,000,000 from the state police and motor vehicle law enforcement and motor vehicle theft and insurance fund prevention fund (354), state police motor vehicle enforcement account (02) to the general fund for state operation expenses of the division of state police.

10. $21,500,000 from the general fund to the correctional facilities capital improvement fund (399).

Transportation:

1. $17,672,000 from the federal miscellaneous operating grants fund (290) to the special revenue fund (339), tri-state federal regional planning account (17).

2. $20,147,000 from the federal capital projects fund (291) to the special revenue fund (339), tri-state federal regional planning accounts (17).

3. $15,368,000 from the miscellaneous special revenue fund (339), compulsory insurance account (H7), to the general fund.

4. $12,000,000 from the general fund to the mass transportation operating assistance fund (313), public transportation systems operating assistance account (01).

5. $597,317,000 from the general fund to the dedicated highway and bridge trust fund (072).

6. $606,000 from the miscellaneous special revenue fund (339), internet point insurance reduction program account (IC), to the general fund.

7. $6,000 from the miscellaneous special revenue fund (339), motorcycle safety account (AE), to the general fund.

8. $12,000 from the general fund to the miscellaneous special revenue fund (339), federal seized asset account (GE).

9. $10,000,000 from the miscellaneous special revenue fund (339), department of transportation accident damage recovery account (G7), to the dedicated highway and bridge trust fund (072).

10. $255,000,000 from the general fund to the MTA financial assistance fund (225), mobility tax trust account (01).

Miscellaneous:

1. $150,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. $500,000,000 from the general fund to the debt reduction reserve fund (064).

S 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2013:

1. Upon request of the commissioner of environmental conservation, up to $10,940,000 from revenues credited to any of the department of environmental conservation special revenue funds, including $3,197,800 from the environmental protection and oil spill compensation fund (303), and $1,751,600 from the conservation fund (302), to the environmental conservation special revenue fund (301), indirect charges account (BJ).

2. Upon request of the commissioner of agriculture and markets, up to $3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

3. Upon request of the commissioner of agriculture and markets, up to $2,000,000 from the state exposition special fund (325), state fair receipts account (01) to the miscellaneous capital projects fund (387), state fair capital improvement account (13).

4. Upon request of the commissioner of the division of housing and community renewal, up to $5,500,000 from revenues credited to any division of housing and community renewal federal or miscellaneous special revenue fund to the agency cost recovery account (HI).

5. Upon request of the commissioner of the division of housing and community renewal, up to $5,500,000 may be transferred from any miscellaneous special revenue fund account (339), to any miscellaneous special revenue fund (339).

6. Upon request of the commissioner of health up to $15,000,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund (339), administration account (AP).

7. On or about March 31, 2012, the comptroller is authorized to and directed to transfer all funds from the miscellaneous special revenue fund (339), commission of investigation seized assets account (EK) to the miscellaneous special revenue fund (339), state police seized asset account (E8).

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

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

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

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

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

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

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

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

S 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund (344), Stony Brook hospital collection account (07), Brooklyn hospital collection account (08), and Syracuse hospital collection account (09) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to transfer moneys, in amounts sufficient to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund (345) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to pay hospital operating costs or to transfer moneys, in amounts sufficient to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2013.

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

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

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

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

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

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

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

S 17. The comptroller is authorized and directed to deposit to the general fund-state purposes account reimbursements from moneys appropriated or reappropriated to the correctional facilities capital improvement fund (399) by a chapter of the laws of 2012. Reimbursements shall be available for spending from appropriations made to the department of correctional services in the general fund-state purposes accounts by a chapter of the laws of 2012 for costs associated with the administration and security of capital projects and for other costs which are attributable, according to a plan, to such capital projects.

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

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

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

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

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

S 18-a. The state comptroller is hereby authorized and directed to abolish or consolidate with the state general fund the associated funds and/or accounts established pursuant to section 92-a of the state finance law, subdivision 5 of section 233-a of the education law, section 94-d of the state finance law, section 97-cc of the state finance law, section 90-b of the state finance law, section 91-g of the state finance law, section 92-i of the state finance law, section 92-j of the state finance law, section 92-m of the state finance law, section 92-w of the state finance law, section 94-c of the state finance law, section 96 of the state finance law, section 97-o of the state finance law, section 97-ff of the state finance law, section 97-ss of the state finance law, section 97-fff of the state finance law, section 97-uuu of the state finance law, section 97-www of the state finance law, section 97-aaaa of the state finance law, section 97-bbbb of the state finance law, section 99-g of the state finance law, section 99-i of the state finance law, subdivision 3-a of section 378 of the education law, paragraph f of subdivision 31 of section 1680 of the public authorities law, section 1022 of the private housing finance law, chapter 50 of the laws of 1993, section 12 of chapter 1040 of the laws of 1981 and section 97-n of the state finance law.

S 18-b. 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 are REPEALED.

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

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

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

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

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

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

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

S 20. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,365,000 authorized by chapter 54 of the laws of 2002 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes and bonds issued by the urban development corporation or other financing source for a capital appropriation for $89,000,000 authorized by chapter 50 of the laws of 2002 to the office of general services for payment of capital construction costs for the Alfred E. Smith office building located in the city of Albany, reimbursement from the proceeds of notes and bonds issued by the urban development corporation or other financing source for capital appropriations for $1,500,000 authorized by chapter 50 of the laws of 2002 to the office of general services for payment of capital construction costs for the Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $12,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2002 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $14,300,000 authorized by chapter 55 of the laws of 2002 to the urban development corporation to finance a portion of the jobs now program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $20,800,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2002 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $15,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2002 to any agency for costs related to homeland security, and reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 54 of the laws of 2002 to the department of environmental conservation for Onondaga lake.

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

S 22. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $30,174,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or other financing source for a capital appropriation of $19,500,000 authorized by chapter 50 of the laws of 2003 to the office of general services for payment of capital construction costs for the 51 Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2003 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,250,000 authorized by chapter 55 of the laws of 2003 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $16,400,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2003 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2003 to any agency for costs related to homeland security, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for environmental purposes, and reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $100,000,000 from a capital appropriation authorized by chapter 50 of the laws of 2003 to the department of state for enhanced 911 wireless service.

S 23. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $28,893,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2004 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2004 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation, for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $80,000,000 authorized by chapter 53 of the laws of 2004 to the education department for capital transition grants for transportation, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $243,325,000 authorized by chapter 55 of the laws of 2004 for payment of costs related to economic development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $83,500,000 authorized by chapter 53 of the laws of 2006, as amended by chapter 108 of the laws of 2006, for payment of costs related to the H. H. Richardson complex and the Darwin Martin House, and reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $345,750,000 authorized by chapter 3 of the laws of 2004 for the New York state economic development program.

S 24. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,602,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2005 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $350,000,000 authorized by chapter 55 of the laws of 2005 for the Javits center, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $89,750,000 authorized by chapter 62 of the laws of 2005 for regional development, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $249,000,000 authorized by chapter 62 of the laws of 2005 for technology and development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $48,517,000 authorized by chapter 162 of the laws of 2005 for the New York state economic development program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $150,000,000 authorized by chapter 62 of the laws of 2005 for the higher education facilities capital matching grants program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or other financing source for a capital appropriation of $4,000,000 authorized by chapter 50 of the laws of 2005 to the office of general services for payment of capital construction costs for the Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $15,000,000 authorized by chapter 53 of the laws of 2005 to the state education department for payment of capital construction costs for public broadcasting facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $15,700,000 authorized by chapter 50 of the laws of 2005 to the division of state police for public protection facilities, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the division of military and naval affairs for various purposes.

S 25. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $14,000,000 authorized by chapter 55 of the laws of 2006 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $12,400,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of state police for public protection facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $117,000,000 authorized by chapter 50 of the laws of 2006 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for all or a portion of capital appropriations of $603,050,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for economic development/other projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $269,500,000 authorized by chapter

108 of the laws of 2006 to the dormitory authority or the urban development corporation for economic development projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $201,500,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for university development projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or for a capital appropriation of $143,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for cultural facilities projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for capital appropriations totaling $60,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for energy/environmental projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for a competitive solicitation for construction of a pilot cellulosic ethanol refinery, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure for a new stadium in Queens county, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure improvements to construct a new parking facility at a new stadium in Bronx county, reimbursement from the proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation of $5,000,000 authorized by chapter 55 of the laws of 2006 to the environmental facilities corporation for payment for the pipeline for jobs program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2006 for the library construction purpose, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $1,200,000 authorized by chapter 53 of the laws of 2006 for the towns of Bristol and Canandaigua public water systems, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,500,000 authorized by chapter 53 of the laws of 2006 for Belleayre mountain ski center, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $25,000,000 authorized by chapter 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,000,000 authorized by chapter 108 of the laws of 2006 for a state of New York umbilical cord bank, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,500,000 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain ski bowl connection, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $2,000,000 authorized by chapter 53 of the laws

of 2006 for a Cornell equine drug testing laboratory, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard laboratory, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for an appropriation of $40,000,000 authorized by chapter 108 of the laws of 2006 for a food testing laboratory, reimbursement from the proceeds of notes or bonds issued by the New York state thruway authority for an appropriation of $22,000,000 authorized by chapter 108 of the laws of 2006 to the department of transportation for high speed rail, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $500,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for development of a semiconductor manufacturing facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation of up to $150,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for research and development activities of a semiconductor manufacturer, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $292,385,000 from an appropriation to the urban development corporation authorized by chapter 108 of the laws of 2006 for community revitalization projects.

S 26. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2007 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $50,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of a Troop G facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of evidence storage facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for capital appropriations totaling $77,900,000 authorized by chapter 51 of the laws of 2007 to the judiciary for court training facilities and courthouse improvement projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 50 of the laws of 2007 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $60,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for cultural education storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $15,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Roosevelt Island Operating Corporation aerial tramway, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Governor's Island, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,500,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Harriman research and technology park, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,950,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $1,300,000 from appropriations authorized by chapter 50 of the laws of 2007 made to the office of general services for legislative office building hearing rooms.

S 27. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $141,000,000 authorized by chapter 50 of the laws of 2008 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $45,500,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2008 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2008 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2008 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $2,500,000 authorized by chapter 50 of the laws of 2008 to the office for technology for activities related to broadband service, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2008 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation authorized by chapter 53 of the laws of 2008 of $14,000,000 to the education department for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation authorized by chapter 53 of the laws of 2008 of $15,000,000 to the education department for museum renewal projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $50,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the investment opportunity fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $18,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to arts and cultural projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $32,148,000 authorized by chapter 53 of the laws of 2008 for economic and community development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $30,000,000 authorized by chapter 53 of the laws of 2008 for New York city waterfront development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $45,000,000 authorized by chapter 53 of the laws of 2008 for Luther Forest infrastructure projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to downstate regional projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $137,037,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to upstate city-by-city projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the down- state revitalization projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appro- priation of $117,265,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate regional blueprint fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $25,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate agricultural economic development fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state capital assistance program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropri- ation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state economic development assistance program, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $20,000,000 author- ized by chapter 55 of the laws of 2008 to the urban development corpo- ration for services and expenses related to the empire state economic development fund.

S 28. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corpo- ration for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2009 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimburse- ment from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $129,800,000 authorized by chapter 50 of the laws of 2009 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $24,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2009 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corpo- ration for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2009 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environ- mental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2009 to the department of envi- ronmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corpo- ration for disbursements of up to $12,000,000 from any capital appropri- ations or reappropriations authorized by chapter 55 of the laws of 2009 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2009 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2009 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation authorized by chapter 53 of the laws of 2009 of $14,000,000 to the state education department for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $4,000,000 to the state education department for rehabilitation associated with the St. Regis Mohawk elementary school authorized by chapter 53 of the laws of 2009 and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $25,000,000 authorized by chapter 55 of the laws of 2009 to the urban development corporation for services and expenses related to the empire state economic development fund.

S 29. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2010 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $187,285,000 authorized by chapter 50 of the laws of 2010 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $26,950,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2010 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $5,000,000 authorized by chapter 55 of the laws of 2010 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2010 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2010 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2010 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of

$14,000,000 authorized by chapter 53 of the laws of 2010 to the state education department for library construction, reimbursements from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $20,400,000 authorized by chapter 100 of the laws of 2010 to the state education department for the longitudinal data system and reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $42,000,000 for the state preparedness and training center.

S 30. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $35,000,000 authorized by a chapter of the laws of 2011 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $92,751,000 authorized by a chapter of the laws of 2011 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $40,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2011 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by a chapter of the laws of 2011 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2011 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by a chapter of the laws of 2011 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $14,000,000 authorized by a chapter of the laws of 2011 to the state education department for library construction, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $130,550,000 authorized by a chapter of the laws of 2011 to the urban development corporation for services and expenses related to the regional economic development council initiative, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $50,000,000 authorized by a chapter of the laws of 2011 to the urban development corporation for services and expenses related to the economic transformation program. Reimbursements from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $26,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2012 to the office of general services for various purposes.

S 31. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $35,000,000 authorized by a chapter of the laws of 2012 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $26,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2012 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by a chapter of the laws of 2012 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2012 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by a chapter of the laws of 2012 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $14,000,000 authorized by a chapter of the laws of 2012 to the state education department for library construction.

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

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

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

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

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

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

(3) The comptroller is hereby authorized and directed to transfer any balance above the amounts certified by the commissioner of environmental conservation to reimburse disbursements pursuant to all appropriations from such site investigation and construction account; provided, however, that if such transfers are determined by the comptroller to be insufficient to assure that interest paid to holders of state obligations issued for hazardous waste purposes pursuant to the environmental quality bond act of nineteen hundred eighty-six, as enacted by chapter 511 of the laws of 1986, is exempt from federal income taxation, the comptroller is hereby authorized and directed to transfer, from such site investigation and construction account to the general fund, the amount necessary to redeem bonds in an amount necessary to assure the continuation of such tax exempt status. Prior to the making of any such transfers, the comptroller shall notify the director of the budget of the amount of such transfers.

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

2. "Authorized purpose" for purposes of this article and section ninety-two-z of this chapter shall mean any purposes for which state-supported debt, as defined by section sixty-seven-a of this chapter, may or has been issued except debt for which the state is constitutionally

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

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

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

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

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

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

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

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

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

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

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

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed six billion [four] EIGHT hundred [ninety] SIXTEEN million [four] EIGHT hundred sixty-nine thousand dollars [$6,490,469,000] $6,816,869,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds

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

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

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding two billion [six] SEVEN hundred [thirty-six] FORTY million [four] SIX hundred ninety-nine thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

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

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

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

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

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, STATE UNIVERSITY OF NEW YORK COLLEGE FOR NANOSCALE AND SCIENCE ENGINEERING, BROADBAND INITIATIVE, INFRASTRUCTURE AND PREVENTIVE MAINTENANCE PROJECTS FOR THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, PROJECTS WITHIN THE CITY OF BUFFALO OR SURROUNDING ENVIRONS AND THE ADVANCE NEW YORK CAPITAL FUND and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN ORDER TO ASSIST THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION IN UNDERTAKING THE FINANCING OF SUCH TRANSPORTATION FACILITIES PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE TO THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST, AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH SERVICE CONTRACT OR ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS SECURITY FOR SUCH BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

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

S 47. Subdivisions 2 and 6 of section 34 of part O of 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, are amended to read as follows:

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

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

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

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

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN ORDER TO ASSIST THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION IN UNDERTAKING THE FINANCING OF SUCH TRANSPORTATION FACILITIES PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE AUTHORITY, THE

DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE TO THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST, AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH SERVICE CONTRACT OR ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE AUTHORITY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS SECURITY FOR SUCH BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

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

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

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

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

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

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

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

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

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed ten billion [eighty-nine] THREE HUNDRED FOUR million dollars; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

S 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 O

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

OFFICE [FOR TECHNOLOGY] OF INFORMATION TECHNOLOGY SERVICES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of the advisory council established in article one of the state technology law of any such waiver of these restrictions.

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

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

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

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

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

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

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

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

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

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

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

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

PART P

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

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

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

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

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

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

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

(iv) Amounts payable to any city having a population of less than fifty-five thousand but more than fifty-four thousand according to the federal decennial census of nineteen hundred ninety shall be apportioned and paid to the special account for the municipal assistance corporation for the city of Troy in the municipal assistance state aid fund pursuant to section ninety-two-e of this chapter and chapters one hundred eighty-seven and one hundred eighty-eight of the laws of nineteen hundred ninety-five.

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

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

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

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

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

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

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

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

S 2. This act shall take effect immediately.

PART Q

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

S 2. This act shall take effect immediately.

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

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