

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

S. 2807--C

A. 4007--C

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

February 1, 2011

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

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to extending the expiration of such chapter; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to extending the expiration of such chapter; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to extending the expiration of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions

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

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of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the effective date thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness of such chapter; to amend part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air

national guard, and New York naval militia, in relation to the effectiveness of such chapter; and to amend section 3 of part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part A); 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 thereto and the effectiveness thereof (Part B); authorizing the governor to close correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part C); to amend the tax law, in relation to the public safety communications surcharge; to repeal section 403 of the state technology law, relating to annual reports of costs related to the statewide wireless network; and providing for the repeal of certain provisions upon expiration thereof (Part D); to amend the executive law and the alcoholic beverage control law, in relation to removing the salary provision for state liquor authority commissioners, other than the chairman (Part E); Intentionally omitted (Part F); to amend the workers' compensation law, in relation to self-insurers; and to repeal certain provisions of such law relating thereto (Part G); to amend the executive law and the civil service law, in relation to removing the salary provision for civil service commissioners other than the president (Part H); to amend the state finance law, in relation to aid and incentives for municipalities (Part I); to amend the state finance law, in relation to a program of aid to municipalities in which a video lottery terminal facility is located and to repeal certain provisions of such law relating thereto (Part J); to amend the state finance law, in relation to creating citizen empowerment tax credits, local government citizens re-organization empowerment grants and the local government performance and efficiency program, and streamlining the local government efficiency grant program (Part K); to amend chapter 774 of the laws of 1989 amending the real property tax law relating to certain state lands subject to taxation, in relation to clarifying the state's obligation to make payments with respect to certain lands (Part L); Intentionally omitted (Part M); Intentionally omitted (Part N); Intentionally omitted (Part O); in relation to allowing the State University Downstate Medical Center to create a not-for-profit corporation (Part P); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part Q); to amend the education law, in relation to New York state district attorney and indigent legal services attorney loan forgiveness program eligibility (Part R); and in relation to the acquisition of the assets of Community-General Hospital of Greater Syracuse by SUNY Upstate Medical University (Part S)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2011-2012
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through S. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-

1 ing the effective date of the Part, which makes a reference to a section
2 "of this act", when used in connection with that particular component,
3 shall be deemed to mean and refer to the corresponding section of the
4 Part in which it is found. Section three of this act sets forth the
5 general effective date of this act.

6 PART A

7 Section 1. Section 2 of chapter 887 of the laws of 1983, amending the
8 correction law relating to the psychological testing of candidates, as
9 amended by section 1 of part U of chapter 56 of the laws of 2009, is
10 amended to read as follows:

11 S 2. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law and shall remain in effect until September 1,
13 [2011] 2013.

14 S 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-
15 tive law and the criminal procedure law relating to expanding the
16 geographic area of employment of certain police officers, as amended by
17 section 2 of part U of chapter 56 of the laws of 2009, is amended to
18 read as follows:

19 S 3. This act shall take effect on the first day of November next
20 succeeding the date on which it shall have become a law, and shall
21 remain in effect until the first day of September, [2011] 2013, when it
22 shall expire and be deemed repealed.

23 S 3. Section 3 of chapter 886 of the laws of 1972, amending the
24 correction law and the penal law relating to prisoner furloughs in
25 certain cases and the crime of absconding therefrom, as amended by
26 section 3 of part U of chapter 56 of the laws of 2009, is amended to
27 read as follows:

28 S 3. This act shall take effect 60 days after it shall have become a
29 law and shall remain in effect until September 1, [2011] 2013.

30 S 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
31 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
32 other chapters and laws relating to correctional facilities, as amended
33 by section 4 of part U of chapter 56 of the laws of 2009, is amended to
34 read as follows:

35 S 20. This act shall take effect immediately except that section thir-
36 teen of this act shall expire and be of no further force or effect on
37 and after September 1, [2011] 2013 and shall not apply to persons
38 committed to the custody of the department after such date, and provided
39 further that the commissioner of correctional services shall report each
40 January first and July first during such time as the earned eligibility
41 program is in effect, to the chairmen of the senate crime victims, crime
42 and correction committee, the senate codes committee, the assembly
43 correction committee, and the assembly codes committee, the standards in
44 effect for earned eligibility during the prior six-month period, the
45 number of inmates subject to the provisions of earned eligibility, the
46 number who actually received certificates of earned eligibility during
47 that period of time, the number of inmates with certificates who are
48 granted parole upon their first consideration for parole, the number
49 with certificates who are denied parole upon their first consideration,
50 and the number of individuals granted and denied parole who did not have
51 earned eligibility certificates.

52 S 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,
53 amending the tax law and other laws relating to taxes, surcharges, fees

1 and funding, as amended by section 5 of part U of chapter 56 of the laws
2 of 2009, is amended to read as follows:

3 (q) the provisions of section two hundred eighty-four of this act
4 shall remain in effect until September 1, [2011] 2013 and be applicable
5 to all persons entering the program on or before August 31, [2011] 2013.

6 S 6. Section 10 of chapter 339 of the laws of 1972, amending the
7 correction law and the penal law relating to inmate work release,
8 furlough and leave, as amended by section 6 of part U of chapter 56 of
9 the laws of 2009, is amended to read as follows:

10 S 10. This act shall take effect 30 days after it shall have become a
11 law and shall remain in effect until September 1, [2011] 2013, and
12 provided further that the commissioner of correctional services shall
13 report each January first, and July first, to the chairman of the senate
14 crime victims, crime and correction committee, the senate codes commit-
15 tee, the assembly correction committee, and the assembly codes commit-
16 tee, the number of eligible inmates in each facility under the custody
17 and control of the commissioner who have applied for participation in
18 any program offered under the provisions of work release, furlough, or
19 leave, and the number of such inmates who have been approved for partic-
20 ipation.

21 S 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994
22 relating to certain provisions which impact upon expenditure of certain
23 appropriations made by chapter 50 of the laws of 1994 enacting the state
24 operations budget, as amended by section 7 of part U of chapter 56 of
25 the laws of 2009, is amended to read as follows:

26 (c) sections forty-one and forty-two of this act shall expire Septem-
27 ber 1, [2011] 2013; provided, that the provisions of section forty-two
28 of this act shall apply to inmates entering the work release program on
29 or after such effective date; and

30 S 8. Section 5 of chapter 554 of the laws of 1986, amending the
31 correction law and the penal law relating to providing for community
32 treatment facilities and establishing the crime of absconding from the
33 community treatment facility, as amended by section 8 of part U of chap-
34 ter 56 of the laws of 2009, is amended to read as follows:

35 S 5. This act shall take effect immediately and shall remain in full
36 force and effect until September 1, [2011] 2013, and provided further
37 that the commissioner of correctional services shall report each January
38 first and July first during such time as this legislation is in effect,
39 to the chairmen of the senate crime victims, crime and correction
40 committee, the senate codes committee, the assembly correction commit-
41 tee, and the assembly codes committee, the number of individuals who are
42 released to community treatment facilities during the previous six-month
43 period, including the total number for each date at each facility who
44 are not residing within the facility, but who are required to report to
45 the facility on a daily or less frequent basis.

46 S 9. Subdivision h of section 74 of chapter 3 of the laws of 1995,
47 amending the correction law and other laws relating to the incarceration
48 fee, as amended by section 9 of part U of chapter 56 of the laws of
49 2009, is amended to read as follows:

50 h. Section fifty-two of this act shall be deemed to have been in full
51 force and effect on and after April 1, 1995; provided, however, that the
52 provisions of section 189 of the correction law, as amended by section
53 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,
54 as amended by section fifty-six of this act, and section fifty-seven of
55 this act shall expire September 1, [2011] 2013, when upon such date the
56 amendments to the correction law and penal law made by sections fifty-

1 five and fifty-six of this act shall revert to and be read as if the
2 provisions of this act had not been enacted; provided, however, that
3 sections sixty-two, sixty-three and sixty-four of this act shall be
4 deemed to have been in full force and effect on and after March 1, 1995
5 and shall be deemed repealed April 1, 1996 and upon such date the
6 provisions of subsection (e) of section 9110 of the insurance law and
7 subdivision 2 of section 89-d of the state finance law shall revert to
8 and be read as set out in law on the date immediately preceding the
9 effective date of sections sixty-two and sixty-three of this act;

10 S 10. Subdivision (z) of section 427 of chapter 55 of the laws of
11 1992, amending the tax law and other laws relating to taxes, surcharges,
12 fees and funding, as amended by section 10 of part U of chapter 56 of
13 the laws of 2009, is amended to read as follows:

14 (z) the provisions of section three hundred eighty-one of this act
15 shall apply to all persons supervised by the [division of parole]
16 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION on or after the
17 effective date of this act, provided however, that subdivision 9 of
18 section 259-a of the executive law, as added by section three hundred
19 eighty-one of this act, shall expire on September 1, [2011] 2013;

20 S 11. Subdivision (aa) of section 427 of chapter 55 of the laws of
21 1992, amending the tax law and other laws relating to taxes, surcharges,
22 fees and funding, as amended by section 11 of part U of chapter 56 of
23 the laws of 2009, is amended to read as follows:

24 (aa) the provisions of sections three hundred eighty-two, three
25 hundred eighty-three and three hundred eighty-four of this act shall
26 expire on September 1, [2011] 2013;

27 S 12. Section 12 of chapter 907 of the laws of 1984, amending the
28 correction law, the New York city criminal court act and the executive
29 law relating to prison and jail housing and alternatives to detention
30 and incarceration programs, as amended by section 12 of part U of chap-
31 ter 56 of the laws of 2009, is amended to read as follows:

32 S 12. This act shall take effect immediately, except that the
33 provisions of sections one through ten of this act shall remain in full
34 force and effect until September 1, [2011] 2013 on which date those
35 provisions shall be deemed to be repealed.

36 S 13. Subdivision (p) of section 406 of chapter 166 of the laws of
37 1991, amending the tax law and other laws relating to taxes, as amended
38 by section 13 of part U of chapter 56 of the laws of 2009, is amended to
39 read as follows:

40 (p) The amendments to section 1809 of the vehicle and traffic law made
41 by sections three hundred thirty-seven and three hundred thirty-eight of
42 this act shall not apply to any offense committed prior to such effec-
43 tive date; provided, further, that section three hundred forty-one of
44 this act shall take effect immediately and shall expire November 1, 1993
45 at which time it shall be deemed repealed; sections three hundred
46 forty-five and three hundred forty-six of this act shall take effect
47 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
48 six, three hundred fifty-seven and three hundred fifty-nine of this act
49 shall take effect immediately and shall expire June 30, 1995 and shall
50 revert to and be read as if this act had not been enacted; section three
51 hundred fifty-eight of this act shall take effect immediately and shall
52 expire June 30, 1998 and shall revert to and be read as if this act had
53 not been enacted; section three hundred sixty-four through three hundred
54 sixty-seven of this act shall apply to claims filed on or after such
55 effective date; sections three hundred sixty-nine, three hundred seven-
56 ty-two, three hundred seventy-three, three hundred seventy-four, three

1 hundred seventy-five and three hundred seventy-six of this act shall
2 remain in effect until September 1, [2011] 2013, at which time they
3 shall be deemed repealed; provided, however, that the mandatory
4 surcharge provided in section three hundred seventy-four of this act
5 shall apply to parking violations occurring on or after said effective
6 date; and provided further that the amendments made to section 235 of
7 the vehicle and traffic law by section three hundred seventy-two of this
8 act, the amendments made to section 1809 of the vehicle and traffic law
9 by sections three hundred thirty-seven and three hundred thirty-eight of
10 this act and the amendments made to section 215-a of the labor law by
11 section three hundred seventy-five of this act shall expire on September
12 1, [2011] 2013 and upon such date the provisions of such subdivisions
13 and sections shall revert to and be read as if the provisions of this
14 act had not been enacted; the amendments to subdivisions 2 and 3 of
15 section 400.05 of the penal law made by sections three hundred seventy-
16 seven and three hundred seventy-eight of this act shall expire on July
17 1, 1992 and upon such date the provisions of such subdivisions shall
18 revert and shall be read as if the provisions of this act had not been
19 enacted; the state board of law examiners shall take such action as is
20 necessary to assure that all applicants for examination for admission to
21 practice as an attorney and counsellor at law shall pay the increased
22 examination fee provided for by the amendment made to section 465 of the
23 judiciary law by section three hundred eighty of this act for any exam-
24 ination given on or after the effective date of this act notwithstanding
25 that an applicant for such examination may have prepaid a lesser fee for
26 such examination as required by the provisions of such section 465 as of
27 the date prior to the effective date of this act; the provisions of
28 section 306-a of the civil practice law and rules as added by section
29 three hundred eighty-one of this act shall apply to all actions pending
30 on or commenced on or after September 1, 1991, provided, however, that
31 for the purposes of this section service of such summons made prior to
32 such date shall be deemed to have been completed on September 1, 1991;
33 the provisions of section three hundred eighty-three of this act shall
34 apply to all money deposited in connection with a cash bail or a
35 partially secured bail bond on or after such effective date; and the
36 provisions of sections three hundred eighty-four and three hundred
37 eighty-five of this act shall apply only to jury service commenced
38 during a judicial term beginning on or after the effective date of this
39 act; provided, however, that nothing contained herein shall be deemed to
40 affect the application, qualification, expiration or repeal of any
41 provision of law amended by any section of this act and such provisions
42 shall be applied or qualified or shall expire or be deemed repealed in
43 the same manner, to the same extent and on the same date as the case may
44 be as otherwise provided by law;

45 S 14. Subdivision 8 of section 1809 of the vehicle and traffic law, as
46 amended by section 14 of part U of chapter 56 of the laws of 2009, is
47 amended to read as follows:

48 8. The provisions of this section shall only apply to offenses commit-
49 ted on or before September first, two thousand [eleven] THIRTEEN.

50 S 15. Section 6 of chapter 713 of the laws of 1988, amending the vehi-
51 cle and traffic law relating to the ignition interlock device program,
52 as amended by section 15 of part U of chapter 56 of the laws of 2009, is
53 amended to read as follows:

54 S 6. This act shall take effect on the first day of April next
55 succeeding the date on which it shall have become a law; provided,
56 however, that effective immediately, the addition, amendment or repeal

1 of any rule or regulation necessary for the implementation of the fore-
2 going sections of this act on their effective date is authorized and
3 directed to be made and completed on or before such effective date and
4 shall remain in full force and effect until the first day of September,
5 [2011] 2013 when upon such date the provisions of this act shall be
6 deemed repealed.

7 S 16. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
8 laws of 1997, amending the military law and other laws relating to vari-
9 ous provisions, as amended by section 16 of part U of chapter 56 of the
10 laws of 2009, is amended to read as follows:

11 a. sections forty-three through forty-five of this act shall expire
12 and be deemed repealed on September 1, [2011] 2013;

13 S 17. Section 4 of part D of chapter 412 of the laws of 1999, amending
14 the civil practice law and rules and the court of claims act relating to
15 prisoner litigation reform, as amended by section 17 of part U of chap-
16 ter 56 of the laws of 2009, is amended to read as follows:

17 S 4. This act shall take effect 120 days after it shall have become a
18 law and shall remain in full force and effect until September 1, [2011]
19 2013, when upon such date it shall expire.

20 S 18. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,
21 constituting the family protection and domestic violence intervention
22 act of 1994, as amended by section 18 of part U of chapter 56 of the
23 laws of 2009, is amended to read as follows:

24 2. Subdivision 4 of section 140.10 of the criminal procedure law as
25 added by section thirty-two of this act shall take effect January 1,
26 1996 and shall expire and be deemed repealed on September 1, [2011]
27 2013.

28 S 19. Section 5 of chapter 505 of the laws of 1985, amending the crim-
29 inal procedure law relating to the use of closed-circuit television and
30 other protective measures for certain child witnesses, as amended by
31 section 19 of part U of chapter 56 of the laws of 2009, is amended to
32 read as follows:

33 S 5. This act shall take effect immediately and shall apply to all
34 criminal actions and proceedings commenced prior to the effective date
35 of this act but still pending on such date as well as all criminal
36 actions and proceedings commenced on or after such effective date and
37 its provisions shall expire on September 1, [2011] 2013, when upon such
38 date the provisions of this act shall be deemed repealed.

39 S 20. Subdivision d of section 74 of chapter 3 of the laws of 1995,
40 enacting the sentencing reform act of 1995, as amended by section 21 of
41 part U of chapter 56 of the laws of 2009, is amended to read as follows:

42 d. Sections one-a through twenty, twenty-four through twenty-eight,
43 thirty through thirty-nine, forty-two and forty-four of this act shall
44 be deemed repealed on September 1, [2011] 2013;

45 S 21. Section 2 of chapter 689 of the laws of 1993 amending the crimi-
46 nal procedure law relating to electronic court appearance in certain
47 counties, as amended by section 23 of part U of chapter 56 of the laws
48 of 2009, is amended to read as follows:

49 S 2. This act shall take effect immediately, except that the
50 provisions of this act shall be deemed to have been in full force and
51 effect since July 1, 1992 and the provisions of this act shall expire
52 September 1, [2011] 2013 when upon such date the provisions of this act
53 shall be deemed repealed.

54 S 22. Section 3 of chapter 688 of the laws of 2003, amending the exec-
55 utive law relating to enacting the interstate compact for adult offender

1 supervision, as amended by section 20 of part U of chapter 56 of the
2 laws of 2009, is amended to read as follows:

3 S 3. This act shall take effect immediately, except that section one
4 of this act shall take effect on the first of January next succeeding
5 the date on which it shall have become a law, and shall remain in effect
6 until the first of September, [2011] 2013, upon which date this act
7 shall be deemed repealed and have no further force and effect; provided
8 that section one of this act shall only take effect with respect to any
9 compacting state which has enacted an interstate compact entitled
10 "Interstate compact for adult offender supervision" and having an iden-
11 tical effect to that added by section one of this act and provided
12 further that with respect to any such compacting state, upon the effec-
13 tive date of section one of this act, section 259-m of the executive law
14 is hereby deemed REPEALED and section 259-mm of the executive law, as
15 added by section one of this act, shall take effect; and provided
16 further that with respect to any state which has not enacted an inter-
17 state compact entitled "Interstate compact for adult offender super-
18 vision" and having an identical effect to that added by section one of
19 this act, section 259-m of the executive law shall take effect and the
20 provisions of section one of this act, with respect to any such state,
21 shall have no force or effect until such time as such state shall adopt
22 an interstate compact entitled "Interstate compact for adult offender
23 supervision" and having an identical effect to that added by section one
24 of this act in which case, with respect to such state, effective imme-
25 diately, section 259-m of the executive law is deemed repealed and
26 section 259-mm of the executive law, as added by section one of this
27 act, shall take effect.

28 S 23. Section 8 of part H of chapter 56 of the laws of 2009, amending
29 the correction law relating to limiting the closing of certain correc-
30 tional facilities, providing for the custody by the department of
31 correctional services of inmates serving definite sentences, providing
32 for custody of federal prisoners and requiring the closing of certain
33 correctional facilities, is amended to read as follows:

34 S 8. This act shall take effect immediately; provided, however that
35 sections five and six of this act shall expire and be deemed repealed
36 September 1, [2011] 2013.

37 S 24. Section 5 of chapter 268 of the laws of 1996, amending the
38 education law and the state finance law relating to providing a recruit-
39 ment incentive and retention program for certain active members of the
40 New York army national guard, New York air national guard, and New York
41 naval militia, as amended by section 1 of part B of chapter 56 of the
42 laws of 2005, is amended to read as follows:

43 S 5. This act shall take effect January 1, 1997 and shall expire and
44 be deemed repealed [March 31, 2011] SEPTEMBER 1, 2016; provided that any
45 person who has begun to receive the benefits of this act prior to its
46 expiration and repeal shall be entitled to continue to receive the bene-
47 fits of this act after its expiration and repeal until completion of a
48 baccalaureate degree or cessation of status as an active member, which-
49 ever occurs first.

50 S 25. Section 3 of part C of chapter 152 of the laws of 2001 amending
51 the military law relating to military funds of the organized militia, as
52 amended by section 1 of part RR of chapter 56 of the laws of 2009, is
53 amended to read as follows:

54 S 3. This act shall take effect on the same date as the reversion of
55 subdivision 5 of section 183 and subdivision 1 of section 221 of the
56 military law as provided by section 76 of chapter 435 of the laws of

1997, as amended by section 1 of chapter 19 of the laws of 1999 notwithstanding this act shall be deemed to have been in full force and effect on and after July 31, 2005 and shall remain in full force and effect until [July 31, 2011] SEPTEMBER 1, 2013 when upon such date this act shall expire.

S 26. This act shall take effect immediately.

PART B

Section 1. Sections 1 and 2 of part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, as amended by section 1 of part KK of chapter 56 of the laws of 2010, are amended to read as follows:

Section 1. When a county district attorney of a county located in a city of one million or more recovers monies before the filing of an accusatory instrument as defined in subdivision 1 of section 1.20 of the criminal procedure law, after injured parties have been appropriately compensated, the district attorney's office shall retain a percentage of the remaining such monies in recognition that such monies were recovered as a result of investigations undertaken by such office. [The] FOR EACH RECOVERY THE total amount of such monies to be retained by the county district attorney's office shall equal ten percent of the first twenty-five million dollars received by such office [during the state fiscal year], plus seven and one-half percent of such monies received by such office in excess of twenty-five million dollars but less than fifty million dollars, plus five percent of any such monies received by such office in excess of fifty million dollars but less than one hundred million dollars, plus one percent of such monies received by such office in excess of one hundred million dollars. The remainder of such monies shall be paid by the district attorney's office to the state and to the county in equal amounts within thirty days of receipt, where disposition of such monies is not otherwise prescribed by law. Monies distributed to a county district attorney's office pursuant to this section shall be used to enhance law enforcement efforts [and shall not supplant funds for ordinary budgetary costs including salaries of personnel and expenses of district attorneys].

S 2. This act shall take effect immediately and shall remain in full force and effect until [the last day of] March 31, [2011] 2012, 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, 2011; provided, however, that the amendments to section 1 of part H of chapter 503 of the laws of 2009 made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART C

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close correctional facilities of the department of corrections and community supervision, in state fiscal year 2011-2012, as he determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 60 days notice prior to any such closures to the temporary president of the senate and the speaker of the assembly.

1 S 2. This act shall take effect April 1, 2011 and shall expire and be
2 deemed repealed March 31, 2012.

3 PART D

4 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
5 law, as added by section 3 of part B of chapter 56 of the laws of 2009,
6 is amended to read as follows:

7 (b) The sum of one million five hundred thousand dollars must be
8 deposited into the New York state emergency services revolving loan fund
9 annually; PROVIDED, HOWEVER, THAT SUCH SUMS SHALL NOT BE DEPOSITED FOR
10 STATE FISCAL YEARS TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND TWO
11 THOUSAND TWELVE--TWO THOUSAND THIRTEEN;

12 S 2. Paragraphs (d) and (e) of subdivision 6 of section 186-f of the
13 tax law, paragraph (d) as amended and paragraph (e) as added by section
14 39 of part B of chapter 56 of the laws of 2010, are amended to read as
15 follows:

16 (d) THE SUM OF NINE MILLION DOLLARS ANNUALLY FOR THE PROVISION OF
17 GRANTS OR REIMBURSEMENTS TO COUNTIES FOR COSTS RELATED TO THE OPERATION
18 AND IMPROVEMENT OF PUBLIC SAFETY ANSWERING POINTS. ANNUAL GRANTS MAY
19 CONSIDER PROSPECTIVE OR RETROSPECTIVE COSTS INCURRED TO CONSOLIDATE
20 PUBLIC SAFETY ANSWERING POINTS, TO IMPLEMENT NEW TECHNOLOGIES IN PUBLIC
21 SAFETY ANSWERING POINTS THAT FACILITATE INTEROPERABILITY AND CREATE
22 OPERATING EFFICIENCIES, TO PROMOTE THE DEVELOPMENT AND IMPLEMENTATION OF
23 CROSS-JURISDICTIONAL STANDARD OPERATING PROCEDURES THAT FOSTER REGIONAL
24 CONSOLIDATION.

25 (E) To provide the costs of debt service for bonds and notes issued to
26 finance expedited deployment funding pursuant to the provisions of
27 section three hundred thirty-three of the county law and section sixteen
28 hundred eighty-nine-h of the public authorities law; and

29 [(e) services] (F) SERVICES and expenses that support the operations
30 and mission of the division of homeland security and emergency services
31 as appropriated by the legislature.

32 S 3. Section 403 of the state technology law is REPEALED.

33 S 4. This act shall take effect immediately; provided however that
34 section two of this act shall take effect April 1, 2012, and shall
35 expire and be deemed repealed March 31, 2014.

36 PART E

37 Section 1. Paragraph (f) of subdivision 1 of section 169 of the execu-
38 tive law, as separately amended by section 11 of part A-1 and section 10
39 of part 0 of chapter 56 of the laws of 2010, is amended to read as
40 follows:

41 (f) executive director of adirondack park agency, [commissioners of
42 the state liquor authority,] commissioners of the state civil service
43 commission, members of state commission of correction, members of unem-
44 ployment insurance appeal board, and members of the workers' compen-
45 sation board.

46 S 2. Section 11 of the alcoholic beverage control law, as amended by
47 chapter 83 of the laws of 1995, is amended to read as follows:

48 S 11. Appointment of authority. The members of the authority shall be
49 appointed by the governor by and with the advice and consent of the
50 senate. Not more than two members of the authority shall belong to the
51 same political party. The chairman of the state alcoholic beverage
52 control board heretofore appointed and designated by the governor and

1 the remaining members of such board heretofore appointed by the governor
2 shall continue to serve as chairman and members of the authority until
3 the expiration of the respective terms for which they were appointed.
4 Upon the expiration of such respective terms the successors of such
5 chairman and members shall be appointed to serve for a term of three
6 years each and until their successors have been appointed and qualified.
7 THE COMMISSIONERS, OTHER THAN THE CHAIRMAN SHALL, WHEN PERFORMING THE
8 WORK OF THE AUTHORITY, BE COMPENSATED AT A RATE OF TWO HUNDRED SIXTY
9 DOLLARS PER DAY, TOGETHER WITH AN ALLOWANCE FOR ACTUAL AND NECESSARY
10 EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES. THE CHAIRMAN SHALL
11 RECEIVE AN ANNUAL SALARY ESTABLISHED IN SECTION ONE HUNDRED SIXTY-NINE
12 OF THE EXECUTIVE LAW.

13 S 3. This act shall take effect immediately.

14 PART F

15 Intentionally omitted.

16 PART G

17 Section 1. The opening paragraph of subparagraph 4 of paragraph (h) of
18 subdivision 8 of section 15 of the workers' compensation law, as amended
19 by section 1 of part QQ of chapter 56 of the laws of 2009, is amended to
20 read as follows:

21 As soon as practicable after May first in the year nineteen hundred
22 fifty-eight, and annually thereafter as soon as practicable after Janu-
23 ary first in each succeeding year, the chair of the board shall assess
24 upon and collect from all self-insurers[, except group self-insurers],
25 the state insurance fund, AND all insurance carriers [and group self-in-
26 surers,] (A) a sum equal to one hundred fifty per centum of the total
27 disbursements made from the special disability fund during the preceding
28 calendar year (not including any disbursements made on account of antic-
29 ipated liabilities or waiver agreements funded by bond proceeds and
30 related earnings), less the amount of the net assets in such fund as of
31 December thirty-first of said preceding calendar year, and (B) a sum
32 sufficient to cover debt service, and associated costs (the "debt
33 service assessment") to be paid during the calendar year by the dormito-
34 ry authority, as calculated in accordance with subparagraph five of this
35 paragraph. Such assessments shall be allocated to (i) self-insurers
36 [except group self-insurers] and the state insurance fund based upon the
37 proportion that the total compensation payments made by all self-insur-
38 ers [except group self-insurers] and the state insurance fund bore to
39 the total compensation payments made by all self-insurers [except group
40 self-insurers], the state insurance fund, AND all insurance carriers
41 [and group self-insurers], AND (ii) insurance carriers based upon the
42 proportion that the total compensation payments made by all insurance
43 carriers bore to the total compensation payments by all self-insurers
44 [except group self-insurers], the state insurance fund and all insurance
45 carriers [and group self-insurers] during the fiscal year which ended
46 within said preceding calendar year[, and (iii) group self-insurers
47 based upon the proportion that the total compensation payments made by
48 all group self-insurers bore to the total compensation payments made by
49 all self-insurers, the state insurance fund and all insurance carriers
50 during the fiscal year which ended within said preceding calendar year].
51 Insurance carriers and self-insurers shall be liable for all such
52 assessments regardless of the date on which they came into existence, or

1 whether they have made any claim for reimbursement from the special
2 disability fund. The portion of such sum allocated to self-insurers
3 [except group self-insurers] and the state insurance fund that shall be
4 collected from each self-insurer [except a group self-insurer] and the
5 state insurance fund shall be a sum equal to the proportion of the
6 amount which the total compensation payments of each such self-insurer
7 [except a group self-insurer] or the state insurance fund bore to the
8 total compensation payments made by all self-insurers [except group
9 self-insurers] and the state insurance fund during the fiscal year which
10 ended within said preceding calendar year. The portion of such sum allo-
11 cated to insurance carriers that shall be collected from each insurance
12 carrier shall be a sum equal to that proportion of the amount which the
13 total standard premium by each such insurance carrier bore to the total
14 standard premium reported by all insurance carriers during the calendar
15 year which ended within said preceding fiscal year. [The portion of such
16 sum allocated to group self-insurers that shall be collected from each
17 group self-insurer shall be a sum equal to that proportion of the amount
18 which the pure premium calculation for each such group self-insurer bore
19 to the total pure premium calculation for all group self-insurers for
20 the calendar year which ended within the preceding state fiscal year.]
21 The payments from the debt service assessment, unless otherwise set
22 forth in the special disability fund financing agreement, are hereby
23 pledged therefor and shall be deemed the first monies received on
24 account of assessments in each year. For the purposes of this paragraph,
25 "standard premium" shall mean the premium as defined for the purposes of
26 this assessment by the superintendent of insurance, in consultation with
27 the chair of the board and the workers' compensation rating board. [For
28 purposes of this paragraph "pure premium calculation" means the New York
29 state annual payroll as of December thirty-first of the preceding year
30 by class code for each employer member of a group self-insurer multi-
31 plied by the applicable loss cost for each class code as determined by
32 the workers' compensation rating board in effect on December thirty-
33 first of the preceding year, and for a group or individual self-insurer
34 who has ceased to self-insure shall be based on payroll at the time the
35 group or individual self-insurer ceased to self-insure reduced by a
36 factor reflecting the reduction in the group or individual self-
37 insurer's self-insurance liabilities since ceasing to self-insure.] An
38 employer who has ceased to be a self-insurer [or a group that ceases to
39 be licensed as a group self-insurer] shall continue to be liable for any
40 assessments into said fund on account of any compensation payments made
41 by him or her on his or her account during such fiscal year, and the
42 security fund, created under the provisions of section one hundred seven
43 of this chapter, shall, in the event of the insolvency of any insurance
44 company, be liable for any assessments that would have been made against
45 such company except for its insolvency. No assessment shall be payable
46 from the aggregate trust fund, created under the provisions of section
47 twenty-seven of this article, but such fund shall continue to be liable
48 for all compensation that shall be payable under any award or order of
49 the board, the commuted value of which has been paid into such fund.
50 Such assessments when collected shall be deposited with the commissioner
51 of taxation and finance for the benefit of such fund. Unless otherwise
52 provided, such assessments, shall not constitute an element of loss for
53 the purpose of establishing rates for compensation insurance but shall
54 for the purpose of collection be treated as separate costs by carriers.
55 All insurance carriers and the state insurance fund, shall collect such
56 assessments, from their policyholders through a surcharge based on

1 premiums in accordance with rules set forth by the superintendent of
2 insurance in consultation with the New York workers' compensation rating
3 board and the chair of the board. Such surcharge shall be considered as
4 part of premium for purposes prescribed by law including, but not limit-
5 ed to, computing premium tax, reporting to the superintendent of insur-
6 ance pursuant to section ninety-nine of this chapter and section three
7 hundred seven of the insurance law, determining the limitation of
8 expenditures for the administration of the state insurance fund pursuant
9 to section eighty-eight of this chapter and the cancellation by an
10 insurance carrier, including the state insurance fund, of a policy for
11 non-payment of premium. The provisions of this paragraph shall not apply
12 with respect to policies containing coverage pursuant to subsection (j)
13 of section three thousand four hundred twenty of the insurance law
14 relating to every policy providing comprehensive personal liability
15 insurance on a one, two, three or four family owner-occupied dwelling.
16 The state insurance fund shall[,] notify its insureds that such assess-
17 ments, shall be, for the purpose of recoupment, treated as separate
18 costs, [respectively] for the purpose of premiums billed on or after
19 October first, nineteen hundred ninety-four. FOR THE PURPOSES OF THIS
20 SECTION, A "SELF-INSURER" SHALL BE: (I) AN EMPLOYER AUTHORIZED TO
21 SELF-INSURE UNDER SUBDIVISION THREE OF SECTION FIFTY OF THIS CHAPTER,
22 ACTIVE GROUPS AUTHORIZED PURSUANT TO SUBDIVISION THREE-A OF SECTION
23 FIFTY OF THIS CHAPTER OR A GROUP OF EMPLOYERS AUTHORIZED TO SELF-INSURE
24 UNDER PARAGRAPH TEN OF SUBDIVISION THREE-A OF SECTION FIFTY OF THIS
25 CHAPTER; OR (II) A PUBLIC EMPLOYER AUTHORIZED AS SET FORTH IN PARAGRAPH
26 A OF SUBDIVISION FOUR OF SECTION FIFTY OF THIS CHAPTER TO SELF-INSURE
27 UNDER SUBDIVISION THREE, THREE-A OR FOUR OF SUCH SECTION OR ARTICLE FIVE
28 OF THIS CHAPTER, WHETHER INDIVIDUALLY OR AS A GROUP.

29 S 2. The workers' compensation law is amended by adding a new section
30 15-a to read as follows:

31 S 15-A. ASSESSMENT ON INSOLVENT GROUP SELF-INSURED TRUSTS. THE LEGIS-
32 LATURE FINDS THAT IN LIEU OF THE ASSESSMENTS UNDER SECTIONS FIFTEEN AND
33 ONE HUNDRED FIFTY-ONE OF THIS CHAPTER THAT SHALL NO LONGER BE IMPOSED ON
34 CLOSED GROUP SELF-INSURED TRUSTS AS A RESULT OF THE CHAPTER OF THE LAWS
35 OF TWO THOUSAND ELEVEN WHICH ADDED THIS SECTION, THE MEMBERS OF GROUP
36 SELF-INSURED TRUSTS THAT WERE INSOLVENT UPON CLOSING, AND THAT FAIL TO
37 PAY THEIR OBLIGATIONS WITHIN THE PERIODS SPECIFIED BY THIS SECTION,
38 SHALL BE SUBJECT TO A ONE TIME ASSESSMENT PURSUANT TO THIS SECTION.
39 WITHIN THIRTY DAYS OF JANUARY FIRST, TWO THOUSAND SIXTEEN, ALL EMPLOYERS
40 WHO WERE MEMBERS OF A CLOSED GROUP SELF-INSURED TRUST THAT WAS INSOLVENT
41 AT THE TIME THE GROUP WAS CLOSED SHALL BE SUBJECT TO AN ASSESSMENT UNDER
42 THIS SECTION, EXCEPT FOR THOSE EMPLOYERS THAT: (1) HAVE ENTERED INTO A
43 SETTLEMENT AGREEMENT OR PAYMENT PLAN WITH THE BOARD UNDER WHICH THEY
44 HAVE AGREED TO RESOLVE ALL LIABILITIES FROM THE MEMBERSHIP IN SUCH
45 TRUST, AND REMAIN CURRENT IN THEIR PAYMENTS; (2) ARE MEMBERS OF A GROUP
46 SELF-INSURER THAT HAS TRANSFERRED ALL OF ITS LIABILITIES TRANSFERRED VIA
47 A LOSS PORTFOLIO TRANSFER; OR (3) HAVE PAID ALL MONEYS BILLED THEM BY
48 THE BOARD AT THE TIME SUCH ASSESSMENT IS DUE. FOR PURPOSES OF THIS
49 SECTION, INSOLVENT MEANS THE INABILITY OF A PRIVATE GROUP SELF-INSURED
50 TRUST TO PAY ITS OUTSTANDING LAWFUL OBLIGATIONS UNDER THIS CHAPTER AS
51 THEY MATURE IN THE REGULAR COURSE OF BUSINESS, AS MAY BE SHOWN BY: (I)
52 THE SELF-INSURER BEING UNDERFUNDED AS DEFINED IN SUBDIVISION THREE-A OF
53 SECTION FIFTY OF THIS CHAPTER; AND (II) THE SUM OF THE GROUP SELF-IN-
54 SURED TRUST'S ASSETS, AS DEFINED BY REGULATION OF THE CHAIR, PLUS THE
55 AVAILABLE SECURITY DEPOSIT HELD BY THE CHAIR PURSUANT TO SUBDIVISION
56 THREE-A OF SECTION FIFTY OF THIS CHAPTER AND REGULATION OF THE CHAIR,

1 BEING LESS THAN THE TOTAL COST OF ALL OF THE GROUP SELF-INSURED TRUST'S
2 ANTICIPATED WORKERS' COMPENSATION LIABILITIES, AS DEFINED BY BOARD REGU-
3 LATIONS, THAT WILL ACCRUE WITHIN THE SUCCEEDING SIX MONTHS. THE TOTAL OF
4 SUCH ASSESSMENT SHALL BE DETERMINED BY THE PERCENTAGE OF THE ASSESSMENT
5 LEVIED ON ALL EMPLOYERS UNDER SUBDIVISION EIGHT OF SECTION FIFTEEN OF
6 THIS ARTICLE IN TWO THOUSAND TEN THAT WAS LEVIED ON GROUP SELF-INSURED
7 TRUSTS MULTIPLIED BY THE TOTAL AMOUNT OF THE EMPLOYER'S UNPAID PRO RATA
8 SHARE OF ANY DEFICIT OWED BY THE CLOSED GROUP SELF-INSURED EMPLOYER OF
9 WHICH SUCH EMPLOYER WAS A MEMBER, AS DETERMINED BY THE CHAIR. THE AMOUNT
10 RECEIVED ON SUCH ASSESSMENT SHALL BE USED AS AN OFFSET AGAINST THE
11 ASSESSMENTS IMPOSED ON OTHER EMPLOYERS UNDER SUBDIVISION EIGHT OF
12 SECTION FIFTEEN OF THIS ARTICLE AND SECTION ONE HUNDRED FIFTY-ONE OF
13 THIS CHAPTER IN THE CALENDAR YEAR FOLLOWING THE YEAR IN WHICH IT WAS
14 RECEIVED.

15 S 3. Subdivision 3 of section 50 of the workers' compensation law, as
16 amended by chapter 6 of the laws of 2007, the second undesignated para-
17 graph as amended by section 3 of part R of chapter 56 of the laws of
18 2010, is amended to read as follows:

19 3. By furnishing satisfactory proof to the chair of his financial
20 ability to pay such compensation for himself, OR TO PAY SUCH COMPEN-
21 SATION ON BEHALF OF A GROUP OF EMPLOYERS IN ACCORDANCE WITH SUBDIVISION
22 TEN OF THIS SECTION, in which case the chair shall require the deposit
23 with the chair of such securities as the chair may deem necessary of the
24 kind prescribed in subdivisions one, two, three, four and five, and
25 subparagraph (a) of paragraph three of subdivision seven of section two
26 hundred thirty-five of the banking law, or the deposit of cash, or the
27 filing of irrevocable letters of credit issued by a qualified banking
28 institution as defined by rules promulgated by the chair or the filing
29 of a bond of a surety company authorized to transact business in this
30 state, in an amount to be determined by the chair, or the posting and
31 filing as aforesaid of a combination of such securities, cash, irrev-
32 ocable letters of credit and surety bond in an amount to be determined
33 by the chair, to secure his liability to pay the compensation provided
34 in this chapter. Any such surety bond must be approved as to form by the
35 chair. If an employer OR GROUP OF EMPLOYERS posts and files a combina-
36 tion of securities, cash, irrevocable letters of credit and surety bond
37 as aforesaid, and if it becomes necessary to use the same to pay the
38 compensation provided in this chapter, the chair shall first use such
39 securities or cash or irrevocable letters of credit and, when the full
40 amount thereof has been exhausted, he shall then require the surety to
41 pay forthwith to the chair all or any part of the penal sum of the bond
42 for that purpose. The chair may also require an agreement on the part of
43 the employer OR GROUP OF EMPLOYERS to pay any awards commuted under
44 section twenty-seven of this chapter, into the special fund of the state
45 fund, as a condition of his being allowed to remain uninsured pursuant
46 to this section. The chair shall have the authority to deny the applica-
47 tion of an employer OR GROUP OF EMPLOYERS to pay such compensation for
48 himself or to revoke his consent furnished, under this section at any
49 time, for good cause shown. The employer OR GROUP OF EMPLOYERS qualify-
50 ing under this subdivision shall be known as a self-insurer.

51 If for any reason the status of an employer OR GROUP OF EMPLOYERS
52 under this subdivision is terminated, the securities or the surety bond,
53 or the securities, cash, or irrevocable letters of credit and surety
54 bond, on deposit referred to herein shall remain in the custody of the
55 chair for such time as the chair may deem proper and warranted under the
56 circumstances. In lieu thereof, and at the discretion of the chair, the

1 employer, his or her heirs or assigns or others carrying on or liquidat-
2 ing such business, may execute an assumption of workers' compensation
3 liability insurance policy securing such further and future contingent
4 liability as may arise from prior injuries to workers and be incurred by
5 reason of any change in condition of such workers warranting the board
6 making subsequent awards for payment of additional compensation. Such
7 policy shall be in a form approved by the superintendent of insurance
8 and issued by the state fund or any insurance company licensed to issue
9 this class of insurance in this state. In the event that such policy is
10 issued by an insurance company other than the state fund, then said
11 policy shall be deemed of the kind specified in paragraph fifteen of
12 subsection (a) of section one thousand one hundred thirteen of the
13 insurance law and covered by the workers' compensation security fund as
14 created and governed by article six-A of this chapter. It shall only be
15 issued for a single complete premium payment in advance by the employer
16 OR GROUP OF EMPLOYERS and in an amount deemed acceptable by the chair
17 and the superintendent of insurance. In lieu of the applicable premium
18 charge ordinarily required to be imposed by a carrier, said premium
19 shall include a surcharge in an amount to be determined by the chair to:
20 (i) satisfy all assessment liability due and owing to the board and/or
21 the chair under this chapter; and (ii) satisfy all future assessment
22 liability under this section, AND WHICH SURCHARGE SHALL BE ADJUSTED FROM
23 TIME TO TIME TO REFLECT ANY CHANGES TO THE ASSESSMENT OF GROUP SELF-IN-
24 SURED EMPLOYERS, INCLUDING ANY CHANGES ENACTED BY THE CHAPTER OF THE
25 LAWS OF TWO THOUSAND ELEVEN AMENDING SECTIONS FIFTEEN AND ONE HUNDRED
26 FIFTY-ONE OF THIS CHAPTER. Said surcharge shall be payable to the board
27 simultaneous to the execution of the assumption of workers' compensation
28 liability insurance policy. However, the payment of said surcharge does
29 not relieve the carrier from any other liability, including liability
30 owed to the superintendent of insurance pursuant to article [six-a]
31 SIX-A of this chapter. When issued such policy shall be non-cancellable
32 without recourse for any cause during the continuance of the liability
33 secured and so covered.

34 [The board will report to the governor and the legislature on or
35 before December first, two thousand seven, as to the advisability and
36 feasibility of (1) implementing a statewide self-insured employer bond
37 program, and (2) an improved individual employer bond program.]

38 S 4. Paragraph 9 of subdivision 3-a of section 50 of the workers'
39 compensation law is REPEALED and paragraph 2 and subparagraph (a) of
40 paragraph 7, paragraph 2 as amended by chapter 139 of the laws of 2008,
41 and subparagraph (a) of paragraph 7 as amended by section 4 of part R of
42 chapter 56 of the laws of 2010, are amended and three new paragraphs 10,
43 11 and 12 are added to read as follows:

44 (2) (a) Any group consisting exclusively of such employers may adopt a
45 plan for self-insurance, as a group, for the payment of compensation
46 under this chapter to their employees, except that no new groups may
47 adopt such a plan [prior to April first, two thousand nine], AND NO
48 GROUP NOT COMPOSED SOLELY OF PUBLIC ENTITIES SET FORTH IN PARAGRAPH A OF
49 SUBDIVISION FOUR OF THIS SECTION MAY INSURE ANY LIABILITIES FOR ANY
50 EMPLOYERS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, EXCEPT AS
51 PROVIDED FOR IN PARAGRAPH TEN OF THIS SUBDIVISION. Under such plan the
52 group shall assume the liability of all the employers within the group
53 and pay all compensation for which the said employers are liable under
54 this chapter, except that in the case of municipal corporations as here-
55 in defined no proof of financial ability or deposit of securities or
56 cash need be made in compliance with this subdivision. The group quali-

1 fying under this subdivision shall be known as a group self-insurer and
2 the employers participating therein and covered thereby shall be known
3 as members.

4 (b) Where such plan is adopted the group self-insurer shall furnish
5 satisfactory proof to the chair of its financial ability to pay such
6 compensation for the members in the industry covered by it, its reven-
7 ues, their source and assurance of continuance. The chair shall require
8 the deposit with the chair of such securities as may be deemed necessary
9 of the kind prescribed in subdivisions one, two, three, four and five,
10 and subparagraph (a) of paragraph three of subdivision seven of section
11 two hundred thirty-five of the banking law or the deposit of cash or the
12 filing of irrevocable letters of credit issued by a qualified banking
13 institution as defined by rules promulgated by the chair or the filing
14 of a bond of a surety company authorized to transact business in this
15 state, in an amount to be determined to secure its liability to pay the
16 compensation of each employer as above provided. Such surety bond must
17 be approved as to form by the chair. The chair shall require each group
18 self-insurer to provide regular reports no less than annually, which
19 shall include but not be limited to audited financial statements, actu-
20 arial opinions and payroll information containing proof that it is fully
21 funded. Such reports shall also include a contribution year analysis
22 detailing contributions and expenses associated with each specific
23 contribution year. For purposes of this paragraph, proof that a group
24 self-insurer is fully funded shall at a minimum include proof of unre-
25 stricted cash and investments permitted by regulation of the chair of at
26 least one hundred percent of the total liabilities, including the esti-
27 mate presented in the actuarial opinion submitted by the group self-in-
28 surer in accordance with this chapter. The chair by regulation, may set
29 further financial standards for group self-insurers. Any group self-in-
30 surer that fails to show that it is fully funded shall be deemed under-
31 funded, and must submit a plan for achieving fully funded status which
32 may include a deficit assessment on members of such group self-insurer
33 which shall be subject to approval or modification by the chair. [The
34 chair may impose such limitations on admission of new members or offer-
35 ing of discounts on underfunded group self-insurers to insure that such
36 group self-insurers shall become fully funded. Should the group self-in-
37 surer fail to meet the terms of its plan, the chair may condition its
38 continued authorization to act as a group self-insurer on the appoint-
39 ment of an outside monitor selected by the chair, at the group self-in-
40 surer's expense. Effective January first, two thousand fourteen, any
41 group self-insurer that fails to show it is fully funded in accordance
42 with this paragraph and the regulations issued pursuant thereto shall
43 have one year to cure the deficiency. If such deficiency is not cured
44 within one year, the group self-insurer shall be given six months to
45 terminate its coverage.]

46 (c) The chair shall evaluate, no less than once every three years, a
47 group self-insurer's compliance with the financial and regulatory
48 requirements for self-insurance. The chair may engage any qualified
49 person or organization to assist with such evaluation and any costs
50 incurred by the chair shall be borne by the group self-insurer under
51 examination. Failure to submit to such independent review or to pay such
52 costs, upon demand of the chair, shall be sufficient grounds to termi-
53 nate coverage of the group self-insurer.

54 (d) The chair may require reports to be prepared by an auditor, actu-
55 ary or other consultant, selected by the board or, at the chair's
56 discretion, by the group self-insurer from a list which shall be pre-ap-

1 proved by the chair to determine whether the group self-insurer meets
2 the financial criteria for self-insurance. All actuaries so selected
3 shall be fellows or associates of the casualty actuarial society.

4 (e) The chair may also require that any and all agreements, contracts
5 and other pertinent documents relating to the organization of the
6 members in the group self-insurer shall be filed [at the time the appli-
7 cation for group self-insurance is made or anytime thereafter. Such
8 application shall be on a form prescribed by the chair. The chair may
9 also require an agreement on the part of said group self-insurer to pay
10 any awards commuted under section twenty-seven of this chapter into the
11 aggregate trust fund as a condition of its being allowed to operate as a
12 group self-insurer pursuant to this subdivision] WITH THE CHAIR.

13 (f) The chair shall have the authority to [deny the application of the
14 group self-insurer to pay such compensation or to] revoke consent
15 furnished under this section at any time for good cause shown.

16 (g) [At least twenty days prior] PRIOR to the requested effective date
17 of the participating agreement, a group self-insurer shall notify the
18 chair on a prescribed form of a new group self-insurer member and file
19 (1) a member application and (2) a copy of the properly executed
20 prescribed participation agreement wherein the member acknowledges their
21 joint and several obligation for their period of membership. The board
22 shall, on a form promulgated by the chair, provide notice of the
23 member's rights and responsibilities as a group self-insurer member,
24 including the member's assumption of joint and several liability, and
25 require the member to return a signed copy to the chair as a condition
26 of membership. [Such membership shall not become effective until the
27 signed copy has been received by the board.]

28 (h) Any member terminating membership in a group self-insurer after
29 less than four years in such group self-insurer, and any member in a
30 group self-insurer that has defaulted, shall be precluded from obtaining
31 prospective coverage from any group self-insurer for a period of at
32 least three years from the effective date of termination.

33 (a) If for any reason, the status of a group self-insurer under this
34 subdivision is terminated, INCLUDING BY OPERATION OF LAW ON AND AFTER
35 JANUARY FIRST, TWO THOUSAND TWELVE, the securities or cash or the surety
36 bond on deposit referred to herein shall remain in the custody of the
37 chair for such time as the chair may deem proper and warranted. In lieu
38 thereof, and at the discretion of the chair, the group self-insurer, its
39 heirs or assigns or others carrying on or liquidating such group self-
40 insurer, including the chair on the group self-insurer's behalf, may
41 execute an assumption of workers' compensation liability insurance poli-
42 cy securing such further and future contingent liability as may arise
43 from prior injuries to workers and be incurred by reason of any change
44 in the condition of such workers warranting the board making subsequent
45 awards for payment of additional compensation. Such policy shall be in a
46 form approved by the superintendent of insurance and issued by the state
47 fund or any insurance company licensed to issue this class of insurance
48 in this state. In the event that such policy is issued by an insurance
49 company other than the state fund, then said policy shall be deemed of
50 the kind specified in paragraph fifteen of subsection (a) of section one
51 thousand one hundred thirteen of the insurance law and covered by the
52 workers' compensation security fund as created and governed by article
53 six-A of this chapter. It shall only be issued for a single complete
54 premium payment in advance by the group self-insurer and in an amount
55 deemed acceptable by the chair and the superintendent of insurance. In
56 lieu of the applicable premium charge ordinarily required to be imposed

1 by a carrier, said premium shall include a surcharge in an amount to be
2 determined by the chair to: (i) satisfy all assessment liability due and
3 owing to the board and/or the chair under this chapter; and (ii) satisfy
4 all future assessment liability under this section, AND WHICH SURCHARGE
5 SHALL BE ADJUSTED FROM TIME TO TIME TO REFLECT ANY CHANGES TO THE
6 ASSESSMENT OF GROUP SELF-INSURED EMPLOYERS, INCLUDING ANY CHANGES
7 ENACTED BY THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN AMENDING
8 SECTIONS FIFTEEN AND ONE HUNDRED FIFTY-ONE OF THIS CHAPTER. Said
9 surcharge shall be payable to the board simultaneous to the execution of
10 the assumption of workers' compensation liability insurance policy.
11 However, the payment of said surcharge does not relieve the carrier from
12 any other liability, including liability owed to the superintendent of
13 insurance pursuant to article six-A of this chapter. When issued such
14 policy shall be noncancellable without recourse for any cause during the
15 continuance of the liability secured and so covered.

16 (10) (A) A NON-MUNICIPAL GROUP OF EMPLOYERS MAY MAKE APPLICATION TO
17 THE CHAIR TO QUALIFY JOINTLY AS A SELF-INSURER, PROVIDED:

18 (1) THE MEMBERS OF THE GROUP SECURE THE SERVICES OF AN ADMINISTRATOR,
19 WHO SHALL CARRY OUT THE RESPONSIBILITIES OF SUCH AN ADMINISTRATOR AS SET
20 FORTH IN SUBDIVISION FIVE OF THIS SECTION, AND WHO SHALL BE SUBJECT TO
21 THE RESTRICTIONS AND PENALTIES APPLICABLE TO AN ADMINISTRATOR UNDER THIS
22 SECTION;

23 (2) THE MEMBERS OF THE GROUP, THROUGH THE ADMINISTRATOR, (A) JOINTLY
24 DEPOSIT SUFFICIENT SECURITIES IN ACCORDANCE WITH SUBDIVISION THREE OF
25 THIS SECTION AS TO SECURE THE LIABILITY OF THE MEMBERS OF THE GROUP TO
26 PAY FOR ALL EXISTING CLAIMS OBLIGATIONS, PROVIDED SUCH DEPOSIT SHALL BE
27 MADE BY NOVEMBER FIRST, TWO THOUSAND ELEVEN, (B) JOINTLY DEPOSIT SUFFI-
28 CIENT SECURITIES IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION AS
29 TO SECURE ALL ANTICIPATED PRESENT AND FUTURE CLAIMS OF THE MEMBERS OF
30 THE GROUP, BY NOVEMBER FIRST, TWO THOUSAND FOURTEEN, PROVIDED ANNUAL
31 DEPOSITS ARE MADE IN ACCORDANCE WITH A SCHEDULE SET BY THE CHAIR ON OR
32 BEFORE NOVEMBER FIRST OF EACH YEAR, AND PROVIDED THAT THE DEPOSIT SHALL
33 BE DEEMED AN ASSET OF THE GROUP FOR THE PURPOSE OF DETERMINING ITS FUND-
34 ING STATUS, AND (C) BY NOVEMBER FIRST, TWO THOUSAND ELEVEN AND THEREAFT-
35 ER, SHALL MAINTAIN FUNDS SUFFICIENT FOR ALL OTHER LIABILITIES BESIDES
36 CLAIMS, INCLUDING RESERVES FOR ALL ASSESSMENT LIABILITIES, IN A TRUST
37 GOVERNED IN ACCORDANCE WITH PART 126 OF TITLE 11 OF THE NEW YORK CODE OF
38 RULES AND REGULATIONS, OF WHICH THE BOARD SHALL BE THE SOLE BENEFICIARY,
39 AND THE TERMS OF THE TRUST AGREEMENT, AND THE TRUSTEE, SHALL BE APPROVED
40 BY THE CHAIR IN HIS OR HER SOLE DISCRETION, AND PROVIDED THAT ANY GROUP
41 SELF-INSURER THAT DOES NOT HOLD SUCH FUNDS IN A TRUST THAT MEETS THE
42 TERMS OF THIS PARAGRAPH SHALL POST THEM WITH THE BOARD;

43 (3) THE GROUP HAS BEEN AUTHORIZED BY THE CHAIR TO SELF-INSURE IN
44 ACCORDANCE WITH THIS SUBDIVISION PRIOR TO THE EFFECTIVE DATE OF THIS
45 PARAGRAPH;

46 (4) THE GROUP'S MEMBERS OR PARTICIPANT EMPLOYERS EITHER (A) ARE
47 PARTIES TO COLLECTIVE BARGAINING AGREEMENTS WITH THE SAME UNIONS; OR (B)
48 FALL WITHIN A LIMITED NUMBER OF PAYROLL CLASSIFICATIONS, AS SET BY THE
49 CHAIR, AFTER GIVING DUE CONSIDERATION TO THE RISKS ASSOCIATED WITH ANY
50 GROUP OF EMPLOYERS SELF-INSURING. HOWEVER, EMPLOYERS THAT WERE ACTIVE
51 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AND WHOSE CLASSIFICATION
52 CODES DO NOT MEET THE LIMITATIONS ON PAYROLL CLASSIFICATION CODES OR ARE
53 NOT PARTIES TO COLLECTIVE BARGAINING AGREEMENTS WITH THE SAME UNIONS
54 WILL BE PERMITTED TO REMAIN IN THE TRUST PROVIDED (A) THEY CONTINUE TO
55 MEET THE OTHER TERMS AND CONDITIONS OF THE TRUST; AND (B) ANY NEW
56 MEMBERS SHALL BE SUBJECT TO THE LIMITATIONS ON THE NUMBER OF PAYROLL

1 CLASSIFICATIONS; AND PROVIDED FURTHER, THE CHAIR SHALL REVOKE SUCH
2 PERMISSION IN THE EVENT THE TRUST VIOLATES PARAGRAPH SIX OF THIS SUBDI-
3 VISION RELATING TO FILING OF A RATING PLAN;

4 (5) THE GROUP WAS FULLY FUNDED FOR THREE OUT OF THE PREVIOUS FIVE
5 YEARS AND AT LEAST NINETY PERCENT FUNDED FOR ONE OTHER YEAR OUT OF THE
6 PREVIOUS FIVE YEARS, AS DETERMINED BY THE CHAIR FOLLOWING A FINANCIAL
7 REVIEW, AND THE GROUP SELF-INSURER HAS SUFFICIENT FUNDS TO MEET ITS
8 LIABILITIES;

9 (6) THE GROUP HAS A SAFETY PROGRAM ACCEPTABLE TO THE CHAIR; AND

10 (7) THE GROUP IS SUBJECT TO SUCH OTHER LIMITATIONS AND REQUIREMENTS OF
11 THIS SUBDIVISION UNLESS WAIVED BY THE CHAIR AND TO REGULATIONS OF THE
12 CHAIR.

13 (B) THE MEMBERS OF ANY SUCH GROUP SHALL ENTER INTO AN AGREEMENT AMONG
14 THEMSELVES AND WITH THE GROUP'S ADMINISTRATOR WHICH SHALL, AT A MINIMUM:

15 (1) INDICATE THAT EACH OF THE MEMBERS OF THE GROUP IS JOINTLY AND
16 SEVERALLY LIABLE FOR ANY LIABILITIES OF THE GROUP; AND

17 (2) PROVIDE FOR THE COLLECTION OF ADDITIONAL FUNDS FROM GROUP MEMBERS
18 IN THE EVENT THE DEPOSIT WITH THE BOARD IS INSUFFICIENT TO MEET THE
19 LIABILITIES OF THE GROUP.

20 (11) FORMER GROUP SELF-INSURER. ANY GROUP SELF-INSURER THAT HAS CEASED
21 TO SELF-INSURE, OR HAS CEASED TO SELF-INSURE ANY NEW LIABILITIES AFTER
22 JANUARY FIRST, TWO THOUSAND TWELVE IN ACCORDANCE WITH PARAGRAPH TWO OF
23 THIS SUBDIVISION, SHALL REMAIN SUBJECT TO ALL THE PROVISIONS OF THIS
24 SUBDIVISION AND THE REGULATIONS ISSUED PURSUANT THERETO AND ANY ASSESS-
25 MENTS PROVIDED FOR BY THIS SECTION UNTIL SUCH TIME AS THE GROUP SELF-IN-
26 SURER NO LONGER POSSESSES ANY LIABILITIES.

27 (12) ANY NON-MUNICIPAL GROUP OF EMPLOYERS AUTHORIZED TO SELF-INSURE
28 UNDER PARAGRAPH TEN OF THIS SECTION ON OR AFTER JANUARY FIRST, TWO THOU-
29 SAND TWELVE SHALL BE DEEMED A "PRIVATE SELF-INSURER" FOR PURPOSES OF THE
30 ASSESSMENTS SET FORTH IN SECTIONS FIFTEEN AND ONE HUNDRED FIFTY-ONE OF
31 THIS CHAPTER.

32 S 5. Subparagraph 2 of paragraph b of subdivision 5 of section 50 of
33 the workers' compensation law is REPEALED.

34 S 6. Paragraph (a) of subdivision 4 of section 141-a of the workers'
35 compensation law, as added by chapter 6 of the laws of 2007, is amended
36 to read as follows:

37 (a) Whenever the chair determines that an employer who is required to
38 secure compensation in accordance with this chapter has failed to secure
39 such compensation, or where an employer has failed to pay penalties
40 assessed against it pursuant to this chapter, OR FAILED TO PAY A JUDG-
41 MENT UNDER SECTION TWENTY-SIX OF THIS CHAPTER WITHIN NINETY DAYS AFTER
42 NOTICE TO THE EMPLOYER AND HAS NOT MOVED TO MODIFY OR VACATE SUCH JUDG-
43 MENT, such failure shall be deemed an immediate serious danger to public
44 health, safety, or welfare sufficient to justify service by the chair of
45 a stop-work order on the employer, requiring the cessation of all busi-
46 ness operations effective immediately, except where the employer's fail-
47 ure concerns only domestic or child care workers in his or her own
48 household. The chair may issue such order, which shall take effect as to
49 a particular employer worksite when served at that worksite, or as to
50 all employer worksites in the state for which the employer is not in
51 compliance when served on the employer. A stop-work order may be served
52 with regard to an employer's worksite by posting a copy of the stop-work
53 order in a conspicuous location at the worksite. The order shall remain
54 in effect until the chair directs that the stop-work order be removed,
55 upon a determination that the employer has come into compliance with the
56 coverage requirements of this chapter and has paid any penalty assessed

1 under this chapter. If the employer shall within thirty days after
2 notice of the stop-work order make an application in affidavit form for
3 a redetermination review of such order the chair shall make a decision
4 in writing on the issues raised in such application. The chair may
5 direct a conditional release from a stop-work order upon a finding that
6 the employer has complied with coverage requirements of this chapter and
7 has agreed to remit periodic payments of the penalty pursuant to a
8 payment agreement schedule with the chair. If an agreement or order of
9 conditional release is issued, failure by the employer to meet any term
10 or condition of such payment agreement shall result in the immediate
11 reinstatement of the stop-work order and the entire unpaid balance of
12 the penalty shall become immediately due. The chair may require an
13 employer who is found to have failed to comply with the coverage
14 requirements of this chapter to file with the board, as a condition of
15 release from a stop-work order, periodic reports for a probationary
16 period that shall not exceed two years, and that demonstrate the employ-
17 er's continued compliance with this chapter. The board shall by rule
18 specify the reports required and the time for filing under this subdivi-
19 sion.

20 S 7. Paragraphs (b) and (c) of subdivision 2 of section 151 of the
21 workers' compensation law, paragraph (b) as amended by section 2 of part
22 QQ of chapter 56 of the laws of 2009 and paragraph (c) as amended by
23 chapter 6 of the laws of 2007, are amended to read as follows:

24 (b) An itemized statement of the expenses so ascertained shall be open
25 to public inspection in the office of the board for thirty days after
26 notice to the state insurance fund, all insurance carriers and all self-
27 insurers [including group self-insurers] affected thereby, before the
28 board shall make an assessment for such expenses. The chair shall assess
29 upon and collect a proportion of such expenses as hereinafter provided
30 from each insurance carrier, the state insurance fund and each self-in-
31 surer [including group self-insurers]. The assessment for such expenses
32 shall be allocated to (i) self-insurers [except group self-insurers] and
33 the state insurance fund based upon the proportion that the total
34 compensation payments made by all self-insurers [except group self-in-
35 surers] and the state insurance fund in such year bore to the total
36 compensation payments made by all self-insurers [except group self-in-
37 surers], the state insurance fund, AND all insurance carriers [and group
38 self-insurers] and (ii) insurance carriers based upon the proportion
39 that the total compensation payments made by all insurance carriers in
40 such year bore to the total compensation payments by all self-insurers,
41 the state insurance fund and all insurance carriers[, and (iii) group
42 self-insurers based upon the proportion that the total compensation
43 payments made by all group self-insurers in such year bore to the total
44 compensation payments made by all self-insurers, the state insurance
45 fund and all insurance carriers]. The portion of the assessment for such
46 expenses allocated to self-insurers [except group self-insurers] and the
47 state insurance fund that shall be collected from each self-insurer
48 [except group self-insurers] and the state insurance fund shall be a sum
49 equal to the proportion of the amount which the total compensation
50 payments of each such self-insurer [except a group self-insurer] or the
51 state insurance fund in such year bore to the total compensation
52 payments made by all self-insurers [except group self-insurers] and the
53 state insurance fund. The portion of the assessment for such expenses
54 allocated to insurance carriers that shall be collected from each such
55 insurance carrier shall be a sum equal to that proportion of the amount
56 which the total standard premium by each such insurance carrier bore to

1 the total standard premium reported by all insurance carriers for the
2 calendar year which ended with the state fiscal year. [The portion of
3 such sum allocated to group self-insurers that shall be collected from
4 each group self-insurer shall be a sum equal to that proportion of the
5 amount which the pure premium calculation for each such group self-in-
6 surer bore to the total pure premium calculation for all group self-in-
7 surers for the calendar year which ended within the state fiscal year.]
8 The amounts so secured shall be used for the payment of the expenses of
9 administering this chapter. [Pure premium for assessments against indi-
10 vidual and group self-insurers who ceased to self-insure shall be based
11 on payroll at the time the individual or group self-insurer has ceased
12 to self-insure, reduced by a factor reflecting the reduction in the
13 group or individual self-insurer's self-insurance liabilities since
14 ceasing to self-insure.]

15 For purposes of this paragraph, "standard premium" shall mean the
16 premium as defined for the purposes of this assessment by the super-
17 intendent of insurance, in consultation with the chair of the board and
18 the workers' compensation rating board. [For purposes of this paragraph
19 "pure premium calculation" means the New York state annual payroll as of
20 December thirty-first of the preceding year by class code for each
21 employer member of a group self-insurer multiplied by the applicable
22 rate for each class code as determined by the workers' compensation
23 rating board in effect on December thirty-first of the preceding year.]
24 The amounts so secured shall be used for the payment of the expenses of
25 administering this chapter.

26 For the purposes of this paragraph, the term "insurance carrier" shall
27 include only stock corporations, mutual corporations and reciprocal
28 insurers authorized to transact the business of workers' compensation
29 insurance in this state and the term "self-insurer" shall include any
30 employer or group of employers permitted to pay compensation directly
31 under the provisions of subdivision three, three-a or four of section
32 fifty of this chapter. FOR THE PURPOSES OF THIS SECTION, A "SELF-INSUR-
33 ER" SHALL BE: (I) AN EMPLOYER AUTHORIZED TO SELF-INSURE UNDER SUBDIVI-
34 SION THREE OF SECTION FIFTY OF THIS CHAPTER, OR ACTIVE GROUPS AUTHORIZED
35 PURSUANT TO SUBDIVISION THREE-A OF SECTION FIFTY OF THIS CHAPTER, A
36 GROUP OF EMPLOYERS AUTHORIZED TO SELF-INSURE UNDER PARAGRAPH TEN OF
37 SUBDIVISION THREE-A OF SECTION FIFTY OF THIS CHAPTER; OR (II) A PUBLIC
38 EMPLOYER AS SET FORTH IN PARAGRAPH A OF SUBDIVISION FOUR OF SECTION
39 FIFTY OF THIS CHAPTER AUTHORIZED TO SELF-INSURE UNDER SUBDIVISION THREE,
40 THREE-A OR FOUR OF SECTION FIFTY OR ARTICLE FIVE OF THIS CHAPTER, WHETH-
41 ER INDIVIDUALLY OR AS A GROUP.

42 (c) Assessments for the special disability fund, the fund for reopened
43 cases and for the operations of the board shall not constitute elements
44 of loss but shall for collection purposes be treated as separate costs
45 by carriers. [All group self-insurers shall collect such assessments
46 from their employer members in a fair and equitable manner.] All insur-
47 ance carriers, including the state insurance fund, shall collect such
48 assessments from their policyholders through a surcharge based on premi-
49 um in accordance with rules set forth by the New York workers' compen-
50 sation rating board, as approved by the superintendent of insurance.
51 Such surcharge shall be considered as part of premium for purposes
52 prescribed by law including, but not limited to, computing premium tax,
53 reporting to the superintendent of insurance pursuant to section nine-
54 ty-nine of this chapter and section three hundred seven of the insurance
55 law, determining the limitation of expenditures for the administration
56 of the state insurance fund pursuant to section eighty-eight of this

chapter and the cancellation by an insurance carrier, including the state insurance fund, of a policy for non-payment of premium.

S 8. The chair of the workers' compensation board may promulgate such regulations as are necessary to effectuate the provisions of this act.

S 9. Commencing on June 30, 2011, the chair shall report to the governor, the speaker of the assembly and temporary president of the senate every six months, until all liabilities incurred by group self-insured employers prior to the effective date of this act have been paid in full, concerning: (1) the total amount of claims liability of insolvent non-municipal group self-insurers; (2) the degree to which each non-municipal group self-insurer qualifying under paragraph 10 of subdivision 3-a of section 50 of the workers' compensation law is fully funded, provided that such information may be given within 10 percent increments of fully funded; (3) the efforts of the workers' compensation board to extinguish outstanding liabilities thorough settlements, loss portfolio transfer, collections from defaulted former group self-insurers, and any other activities of the workers' compensation board to extinguish such liabilities; and (4) whether each individual self-insurer as defined in subdivision 3 of section 50 of the workers' compensation law has fully posted the requisite security.

S 10. This act shall take effect immediately; provided that sections one and seven of this act shall be deemed to have been in full force and effect on and after January 1, 2011 and shall apply to any assessment cycle beginning on or after such date; provided further, that in the event that the total amount of assessments collected by the chair of the workers' compensation board by May 1, 2011 pursuant to subparagraph 4 of paragraph (h) of subdivision 8 of section 15 of the workers' compensation law as amended by section one of this act do not equal at least one hundred ten percent of the debt service assessment, as defined in such provision of law, the chair of the workers' compensation board shall, not later than June 1, 2011, and in accordance with the provisions of subparagraph 4 of paragraph (h) of subdivision 8 of section 15 of the workers' compensation law, as amended by section one of this act, assess and collect a supplemental assessment in an amount equal to the amount that would have been due from group self-insurers in 2011 had this act not taken effect, and that the provisions of subparagraph 4 of paragraph (h) of subdivision 8 of section 15 of the workers' compensation law shall apply to such supplemental assessment in all respects except for the date and amount of such special assessment and that such special assessment shall be deemed an assessment pursuant to subparagraph 4 of paragraph (h) of subdivision 8 of section 15 of the workers' compensation law for all purposes.

43

PART H

Section 1. Paragraph (f) of subdivision 1 of section 169 of the executive law, as separately amended by section 11 of part A-1 and section 10 of part 0 of chapter 56 of the laws of 2010, is amended to read as follows:

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

1 S 2. Paragraph (a) of subdivision 2 of section 5 of the civil service
2 law, as amended by chapter 248 of the laws of 1960, is amended to read
3 as follows:

4 (a) Appointment. The state civil service commission is continued and
5 shall consist of three commissioners who shall be appointed by the
6 governor, by and with the advice and consent of the senate, not more
7 than two of whom shall be adherents of the same political party. The
8 governor shall designate one of the members of the commission to be
9 president of the commission and such member shall serve in the capacity
10 of president during the pleasure of the governor. The members shall not
11 hold any other public office or public employment for which they shall
12 receive compensation other than necessary travel and other expenses
13 incurred in the performance of the duties of such other office or
14 employment, or engage in private employment or in a profession or busi-
15 ness which interferes with the performance of their duties or requires
16 their disqualification from the performance of such duties because of a
17 conflict of interests caused thereby. THE COMMISSIONERS OTHER THAN THE
18 PRESIDENT OF THE COMMISSION SHALL, WHEN PERFORMING THE WORK OF THE
19 COMMISSION, BE COMPENSATED AT THE RATE OF TWO HUNDRED FIFTY DOLLARS PER
20 DAY, TOGETHER WITH AN ALLOWANCE FOR ACTUAL AND NECESSARY EXPENSES
21 INCURRED IN THE DISCHARGE OF THEIR DUTIES HEREUNDER. THE PRESIDENT OF
22 THE COMMISSION SHALL RECEIVE AN ANNUAL SALARY ESTABLISHED IN SECTION ONE
23 HUNDRED SIXTY-NINE OF THE EXECUTIVE LAW. No member shall serve as an
24 officer of any political party or political organization or engage in
25 partisan political activities.

26 S 3. This act shall take effect immediately, and shall apply to
27 current members of the civil service commission.

28

PART I

29 Section 1. Clause 2 of subparagraph (viii) of paragraph a of subdivi-
30 sion 10 of section 54 of the state finance law, as amended by section 1
31 of part Z of chapter 56 of the laws of 2010, is amended to read as
32 follows:

33 (2) for the state fiscal year commencing April first, two thousand
34 eight and in each state fiscal year thereafter, the base level grant
35 received in the immediately preceding state fiscal year pursuant to
36 paragraph b of this subdivision AND CHAPTER THREE HUNDRED THIRTEEN OF
37 THE LAWS OF TWO THOUSAND TEN, excluding any deficit reduction adjustment
38 pursuant to paragraph e-1 of this subdivision, plus any additional
39 apportionments received in such year pursuant to paragraph d of this
40 subdivision and any per capita adjustments received in such year pursu-
41 ant to paragraph e of this subdivision [plus any additional aid received
42 in such year pursuant to paragraph p of this subdivision].

43 S 2. Paragraph b of subdivision 10 of section 54 of the state finance
44 law is amended by adding a new subparagraph (iv) to read as follows:

45 (IV) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, WITHIN
46 AMOUNTS APPROPRIATED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST,
47 TWO THOUSAND ELEVEN, THERE SHALL BE APPORTIONED AND PAID TO EACH MUNICI-
48 PALITY A BASE LEVEL GRANT IN AN AMOUNT EQUAL TO THE PRIOR YEAR AID
49 RECEIVED BY SUCH MUNICIPALITY MINUS A BASE LEVEL GRANT ADJUSTMENT EQUAL
50 TO TWO PERCENT OF SUCH PRIOR YEAR AID.

51 S 3. Paragraph i of subdivision 10 of section 54 of the state finance
52 law is amended by adding a new subparagraph (viii) to read as follows:

53 (VIII) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN THE
54 STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND ELEVEN, THE BASE

1 LEVEL GRANT ADJUSTMENT PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH B OF
2 THIS SUBDIVISION SHALL BE MADE ON OR BEFORE SEPTEMBER TWENTY-FIFTH FOR A
3 TOWN OR VILLAGE, ON OR BEFORE DECEMBER FIFTEENTH FOR A CITY WHOSE FISCAL
4 YEAR BEGINS JANUARY FIRST, AND ON OR BEFORE MARCH FIFTEENTH FOR A CITY
5 WHOSE FISCAL YEAR DOES NOT BEGIN JANUARY FIRST.

6 S 4. Paragraph j of subdivision 10 of section 54 of the state finance
7 law, as amended by section 4 of part Z of chapter 56 of the laws of
8 2010, is amended to read as follows:

9 j. Special aid and incentives for municipalities to the city of New
10 York. In the state fiscal year commencing April first, two thousand
11 seven a city with a population of one million or more shall receive
12 twenty million dollars on or before December fifteenth. In the state
13 fiscal year commencing April first, two thousand eight, a city with a
14 population of one million or more shall receive two hundred forty-five
15 million nine hundred forty-four thousand eight hundred thirty-four
16 dollars payable on or before December fifteenth. In the state fiscal
17 [years] YEAR commencing April first, two thousand nine [and April first,
18 two thousand eleven, and in each state fiscal year thereafter], a city
19 with a population of one million or more shall receive three hundred one
20 million six hundred fifty-eight thousand four hundred ninety-five
21 dollars payable on or before December fifteenth. Special aid and incen-
22 tives for municipalities to the city of New York shall be apportioned
23 and paid as required as follows:

24 (i) Any amounts required to be paid to the city university
25 construction fund pursuant to the city university construction fund act;

26 (ii) Any amounts required to be paid to the New York city housing
27 development corporation pursuant to the New York city housing develop-
28 ment corporation act;

29 (iii) Five hundred thousand dollars to the chief fiscal officer of the
30 city of New York for payment to the trustees of the police pension fund
31 of such city;

32 (iv) Eighty million dollars to the special account for the municipal
33 assistance corporation for the city of New York in the municipal assist-
34 ance tax fund created pursuant to section ninety-two-d of this chapter
35 to the extent that such amount has been included by the municipal
36 assistance corporation for the city of New York in any computation for
37 the issuance of bonds on a parity with outstanding bonds pursuant to a
38 contract with the holders of such bonds prior to the issuance of any
39 other bonds secured by payments from the municipal assistance corpo-
40 ration for the city of New York in the municipal assistance state aid
41 fund created pursuant to section ninety-two-e of this chapter;

42 (v) The balance of the special account for the municipal assistance
43 corporation for the city of New York in the municipal assistance state
44 aid fund created pursuant to section ninety-two-e of this chapter;

45 (vi) Any amounts to be refunded to the general fund of the state of
46 New York pursuant to the annual appropriation enacted for the municipal
47 assistance state aid fund;

48 (vii) To the state of New York municipal bond bank agency to the
49 extent provided by section twenty-four hundred thirty-six of the public
50 authorities law; and

51 (viii) To the transit construction fund to the extent provided by
52 section twelve hundred twenty-five-i of the public authorities law, and
53 thereafter to the city of New York.

54 Notwithstanding any other law to the contrary, the amount paid to any
55 city with a population of one million or more on or before December

15th shall be for an entitlement period ending the immediately preceding June thirtieth.
S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART J

Section 1. Section 54-l of the state finance law is REPEALED and a new section 54-l is added to read as follows:

S 54-L. STATE ASSISTANCE TO ELIGIBLE CITIES AND ELIGIBLE MUNICIPALITIES IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED. 1. DEFINITIONS. WHEN USED IN THIS SECTION, UNLESS OTHERWISE EXPRESSLY STATED:

A. "ELIGIBLE CITY" SHALL MEAN A CITY WITH A POPULATION EQUAL TO OR GREATER THAN ONE HUNDRED TWENTY-FIVE THOUSAND AND LESS THAN ONE MILLION IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED AND OPERATING AS OF JANUARY FIRST, TWO THOUSAND NINE PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW.

B. "ELIGIBLE MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN OR VILLAGE IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW THAT IS NOT LOCATED IN A CITY WITH A POPULATION EQUAL TO OR GREATER THAN ONE HUNDRED TWENTY-FIVE THOUSAND.

2. A. WITHIN THE AMOUNT APPROPRIATED THEREFOR, AN ELIGIBLE CITY SHALL RECEIVE AN AMOUNT EQUAL TO THE STATE AID PAYMENT RECEIVED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND EIGHT FROM AN APPROPRIATION FOR AID TO MUNICIPALITIES WITH VIDEO LOTTERY GAMING FACILITIES.

B. WITHIN THE AMOUNTS APPROPRIATED THEREFOR, ELIGIBLE MUNICIPALITIES SHALL RECEIVE AN AMOUNT EQUAL TO FORTY-FIVE PERCENT OF THE STATE AID PAYMENT RECEIVED IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND EIGHT FROM AN APPROPRIATION FOR AID TO MUNICIPALITIES WITH VIDEO LOTTERY GAMING FACILITIES, ROUNDED UP TO THE NEXT THOUSAND DOLLARS.

3. A. STATE AID PAYMENTS MADE TO AN ELIGIBLE CITY PURSUANT TO PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION SHALL BE USED TO INCREASE SUPPORT FOR PUBLIC SCHOOLS IN SUCH CITY.

B. STATE AID PAYMENTS MADE TO AN ELIGIBLE MUNICIPALITY PURSUANT TO PARAGRAPH B OF SUBDIVISION TWO OF THIS SECTION SHALL BE USED BY SUCH ELIGIBLE MUNICIPALITY TO: (I) DEFRAY LOCAL COSTS ASSOCIATED WITH A VIDEO LOTTERY GAMING FACILITY, OR (II) MINIMIZE OR REDUCE REAL PROPERTY TAXES.

4. PAYMENTS OF STATE AID PURSUANT TO THIS SECTION SHALL BE MADE ON OR BEFORE JUNE THIRTIETH OF EACH STATE FISCAL YEAR TO THE CHIEF FISCAL OFFICER OF EACH ELIGIBLE CITY AND EACH ELIGIBLE MUNICIPALITY ON AUDIT AND WARRANT OF THE STATE COMPTROLLER OUT OF MONEYS APPROPRIATED BY THE LEGISLATURE FOR SUCH PURPOSE TO THE CREDIT OF THE LOCAL ASSISTANCE FUND IN THE GENERAL FUND OF THE STATE TREASURY.

S 2. This act shall take effect immediately.

PART K

Section 1. The paragraph heading of paragraph o of subdivision 10 of section 54 of the state finance law, as added by section 7 of part 0 of chapter 56 of the laws of 2008, is amended to read as follows:

Local government efficiency grant program beginning in the state fiscal year commencing April first, two thousand eight AND CONTINUING UNTIL THE END OF THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TEN.

1 S 2. Paragraph p of subdivision 10 of section 54 of the state finance
2 law, as amended by section 6 of part GG of chapter 56 of the laws of
3 2009, is amended to read as follows:

4 p. [Local government efficiency grant program municipal merger incen-
5 tives] CITIZEN EMPOWERMENT TAX CREDIT. (I) For the purposes of this
6 paragraph, "municipalities" shall mean cities with a population less
7 than one million, towns and villages.

8 (II) Within the annual amounts appropriated therefor, surviving muni-
9 cipalities following a [merger,] consolidation or dissolution occurring
10 on or after the state fiscal year commencing April first, two thousand
11 seven [may] SHALL be awarded additional ANNUAL aid, STARTING in the
12 state fiscal year following THE STATE FISCAL YEAR IN WHICH such [merg-
13 er,] consolidation or dissolution TOOK EFFECT, equal to fifteen percent
14 of the combined amount of real property taxes levied by all of the muni-
15 cipalities participating in the [merger,] consolidation or dissolution
16 in the local fiscal year prior to the local fiscal year in which such
17 [merger,] consolidation or dissolution took effect. In instances of the
18 dissolution of a village located in more than one town, such additional
19 aid shall equal the sum of fifteen percent of the real property taxes
20 levied by such village in the village fiscal year prior to the village
21 fiscal year in which such dissolution took effect plus fifteen percent
22 of the average amount of real property taxes levied by the towns in
23 which the village was located in the town fiscal year prior to the town
24 fiscal year in which such dissolution took effect, and shall be divided
25 among such towns based on the percentage of such village's population
26 that resided in each such town as of the most recent federal decennial
27 census. IN NO CASE SHALL THE ADDITIONAL AID PURSUANT TO THIS PARAGRAPH
28 EXCEED ONE MILLION DOLLARS. Such additional aid shall be apportioned and
29 paid to the chief fiscal officer of each [consolidated or merged] ELIGI-
30 BLE municipality ON OR BEFORE SEPTEMBER TWENTY-FIFTH OF EACH SUCH STATE
31 FISCAL YEAR on audit and warrant of the state comptroller out of moneys
32 appropriated by the legislature for such purpose to the credit of the
33 local assistance fund [in the general fund of the state treasury in the
34 same "on or before month and day" manner as the municipality's base
35 level grant is paid pursuant to subparagraph (i) of paragraph i of this
36 subdivision].

37 (III) Any municipality receiving a [merger incentive award] CITIZEN
38 EMPOWERMENT TAX CREDIT pursuant to this paragraph shall use AT LEAST
39 SEVENTY PERCENT OF such aid [only] FOR PROPERTY TAX RELIEF AND THE
40 BALANCE OF SUCH AID for general municipal purposes. [In no case shall
41 the additional aid pursuant to this paragraph exceed one million
42 dollars. Such additional aid shall in subsequent state fiscal years be
43 considered prior year aid for the purposes of determining such merged,
44 consolidated or surviving municipality's base level grant pursuant to
45 paragraph b of this subdivision.] FOR EACH LOCAL FISCAL YEAR FOLLOWING
46 THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN
47 WHICH AMENDED THIS PARAGRAPH IN WHICH SUCH AID IS PAYABLE, A STATEMENT
48 SHALL BE PLACED ON EACH PROPERTY TAX BILL FOR SUCH MUNICIPALITY IN
49 SUBSTANTIALLY THE FOLLOWING FORM: "YOUR PROPERTY TAX SAVINGS THIS YEAR
50 RESULTING FROM THE STATE CITIZEN EMPOWERMENT TAX CREDIT RECEIVED AS THE
51 RESULT OF LOCAL GOVERNMENT RE-ORGANIZATION IS \$_____." THE PROPERTY TAX
52 SAVINGS FROM THE CITIZEN EMPOWERMENT TAX CREDIT FOR EACH PROPERTY TAX
53 BILL SHALL BE CALCULATED BY (1) MULTIPLYING THE AMOUNT OF THE CITIZEN
54 EMPOWERMENT TAX CREDIT USED FOR PROPERTY TAX RELIEF BY THE AMOUNT OF
55 PROPERTY TAXES LEVIED ON SUCH PROPERTY BY SUCH MUNICIPALITY AND (2)

1 DIVIDING THE RESULT BY THE TOTAL AMOUNT OF PROPERTY TAXES LEVIED BY SUCH
2 MUNICIPALITY.

3 S 3. Paragraph q of subdivision 10 of section 54 of the state finance
4 law is relettered paragraph t and three new paragraphs q, r and s are
5 added to read follows:

6 Q. LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT
7 PROGRAM. (I) (1) FOR THE PURPOSES OF THIS PARAGRAPH, "LOCAL GOVERNMENT
8 ENTITY" OR "ENTITY" SHALL MEAN A TOWN, VILLAGE, DISTRICT, SPECIAL
9 IMPROVEMENT DISTRICT OR OTHER IMPROVEMENT DISTRICT, INCLUDING, BUT NOT
10 LIMITED TO, SPECIAL DISTRICTS CREATED PURSUANT TO ARTICLES ELEVEN,
11 TWELVE, TWELVE-A OR THIRTEEN OF THE TOWN LAW, LIBRARY DISTRICTS, AND
12 OTHER DISTRICTS CREATED BY LAW; PROVIDED, HOWEVER, THAT A LOCAL GOVERN-
13 MENT ENTITY SHALL NOT INCLUDE SCHOOL DISTRICTS, CITY DISTRICTS OR
14 SPECIAL PURPOSE DISTRICTS CREATED BY COUNTIES UNDER COUNTY LAW.

15 (2) FOR THE PURPOSES OF THIS PARAGRAPH, "LOCAL GOVERNMENT RE-ORGANIZA-
16 TION" SHALL MEAN THE CONSOLIDATION OR DISSOLUTION OF A LOCAL GOVERNMENT
17 ENTITY IN ACCORDANCE WITH ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL
18 LAW.

19 (II) WITHIN THE ANNUAL AMOUNTS APPROPRIATED THEREFOR, THE SECRETARY OF
20 STATE MAY AWARD GRANTS TO LOCAL GOVERNMENT ENTITIES TO COVER COSTS ASSO-
21 CIATED WITH STUDIES, PLANS, AND IMPLEMENTATION EFFORTS RELATED TO LOCAL
22 GOVERNMENT RE-ORGANIZATION ACTIVITIES.

23 (III) STUDY PROJECTS SHALL INCLUDE AN EXAMINATION OF THE POTENTIAL
24 FINANCIAL SAVINGS, MANAGEMENT IMPROVEMENTS, AND SERVICE DELIVERY CHANGES
25 RESULTING FROM A LOCAL GOVERNMENT RE-ORGANIZATION, AS WELL AS OPTIONS
26 FOR COST-SAVINGS IF THE RE-ORGANIZATION IS NOT COMPLETED.

27 (IV) LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANTS MAY
28 BE USED TO COVER COSTS INCLUDING, BUT NOT LIMITED TO, LEGAL AND CONSULT-
29 ANT SERVICES, CAPITAL IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS AND
30 OTHER NECESSARY EXPENSES RELATED TO RE-ORGANIZATION ANALYSIS, PLANNING
31 AND IMPLEMENTATION. GRANTS MAY BE USED FOR CAPITAL IMPROVEMENTS, TRANSI-
32 TIONAL PERSONNEL COSTS OR JOINT EQUIPMENT PURCHASES ONLY WHERE SUCH
33 EXPENSES ARE INTEGRAL TO IMPLEMENTATION OF THE RE-ORGANIZATION. NO PART
34 OF THE GRANT SHALL BE USED BY THE APPLICANT FOR RECURRING EXPENSES SUCH
35 AS SALARIES, EXCEPT THAT THE SALARIES OF CERTAIN TRANSITIONAL PERSONNEL
36 ESSENTIAL FOR THE IMPLEMENTATION OF THE RE-ORGANIZATION SHALL BE ELIGI-
37 BLE FOR A PERIOD NOT TO EXCEED THREE YEARS.

38 (V) WHERE THE ELECTORS OF A LOCAL GOVERNMENT ENTITY HAVE FILED A PETI-
39 TION PURSUANT TO ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW THAT
40 WILL REQUIRE A REFERENDUM ON THE QUESTION OF CONSOLIDATION OR DISSOL-
41 UTION OF THE LOCAL GOVERNMENT ENTITY, SUCH LOCAL GOVERNMENT ENTITY WILL
42 BE ELIGIBLE FOR AN EXPEDITED GRANT TO COVER COSTS ASSOCIATED WITH THE
43 DEVELOPMENT AND DISSEMINATION TO THE ELECTORS OF INFORMATION RELATED TO
44 THE RE-ORGANIZATION QUESTION BEFORE SUCH REFERENDUM. THE SECRETARY OF
45 STATE SHALL DEVELOP PROCESSES THAT WILL PERMIT EXPEDITED FINANCIAL AND
46 TECHNICAL ASSISTANCE TO SUCH LOCAL GOVERNMENT ENTITIES, INCLUDING BUT
47 NOT LIMITED TO PRE-QUALIFIED CONSULTANTS, DIRECT TECHNICAL ASSISTANCE
48 FROM PROGRAM STAFF AND PRE-ESTABLISHED WORK PLANS.

49 (VI) THE MAXIMUM CUMULATIVE GRANT AWARD FOR A LOCAL GOVERNMENT RE-OR-
50 GANIZATION SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS. A LOCAL
51 GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT FOR A RE-ORGANIZA-
52 TION STUDY SHALL IN NO EVENT EXCEED FIFTY THOUSAND DOLLARS PER APPLICA-
53 TION, OF WHICH UP TO TWENTY-FIVE THOUSAND DOLLARS MAY BE AWARDED ON AN
54 EXPEDITED BASIS. A LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT
55 GRANT FOR THE PLANNING OR IMPLEMENTATION OF A RE-ORGANIZATION SHALL NOT
56 EXCEED FIFTY THOUSAND DOLLARS. IN NO EVENT SHALL THE CUMULATIVE GRANT

1 AWARDS FOR A LOCAL GOVERNMENT RE-ORGANIZATION EXCEED ONE HUNDRED THOU-
2 SAND DOLLARS.

3 (VII) MATCHING FUNDS EQUAL TO TEN PERCENT OF THE TOTAL COST OF ACTIV-
4 ITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE
5 SHALL BE REQUIRED.

6 R. LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM BEGINNING IN THE STATE
7 FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND ELEVEN. (I) (1) FOR THE
8 PURPOSES OF THIS PARAGRAPH, "MUNICIPALITY" SHALL MEAN A COUNTY, CITY,
9 TOWN, VILLAGE, SPECIAL IMPROVEMENT DISTRICT, FIRE DISTRICT, PUBLIC
10 LIBRARY, ASSOCIATION LIBRARY, WATER AUTHORITY, SEWER AUTHORITY, REGIONAL
11 PLANNING AND DEVELOPMENT BOARD, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE
12 EDUCATIONAL SERVICES; PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS
13 DEFINITION, A BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE CONSID-
14 ERED A MUNICIPALITY ONLY IN INSTANCES WHERE SUCH BOARD OF COOPERATIVE
15 EDUCATIONAL SERVICES ADVANCES A JOINT APPLICATION ON BEHALF OF SCHOOL
16 DISTRICTS AND OTHER MUNICIPALITIES WITHIN THE BOARD OF COOPERATIVE
17 EDUCATIONAL SERVICES REGION; PROVIDED, HOWEVER, THAT ANY AGREEMENTS WITH
18 A BOARD OF COOPERATIVE EDUCATIONAL SERVICES: SHALL NOT GENERATE ADDI-
19 TIONAL STATE AID; SHALL BE DEEMED NOT TO BE A PART OF THE PROGRAM, CAPI-
20 TAL AND ADMINISTRATIVE BUDGETS OF THE BOARD OF COOPERATIVE EDUCATIONAL
21 SERVICES FOR THE PURPOSES OF COMPUTING CHARGES UPON COMPONENT SCHOOL
22 DISTRICTS PURSUANT TO SUBDIVISION ONE AND SUBPARAGRAPH SEVEN OF PARA-
23 GRAPH B OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY AND SUBDI-
24 VISION ONE OF SECTION NINETEEN HUNDRED FIFTY-ONE OF THE EDUCATION LAW;
25 AND SHALL BE DEEMED TO BE A COOPERATIVE MUNICIPAL SERVICE FOR PURPOSES
26 OF SUBPARAGRAPH TWO OF PARAGRAPH D OF SUBDIVISION FOUR OF SECTION NINE-
27 TEEN HUNDRED FIFTY OF THE EDUCATION LAW.

28 (2) FOR THE PURPOSES OF THIS PARAGRAPH, "FUNCTIONAL CONSOLIDATION"
29 SHALL MEAN ONE MUNICIPALITY COMPLETELY PROVIDING A SERVICE OR FUNCTION
30 FOR ANOTHER MUNICIPALITY, WHICH NO LONGER PROVIDES SUCH SERVICE OR FUNC-
31 TION.

32 (II) WITHIN THE ANNUAL AMOUNTS APPROPRIATED THEREFOR, THE SECRETARY OF
33 STATE MAY AWARD COMPETITIVE GRANTS TO MUNICIPALITIES TO COVER COSTS
34 ASSOCIATED WITH LOCAL GOVERNMENT EFFICIENCY PROJECTS, INCLUDING, BUT NOT
35 LIMITED TO, PLANNING FOR OR IMPLEMENTATION OF A MUNICIPAL CONSOLIDATION
36 OR DISSOLUTION, A FUNCTIONAL CONSOLIDATION, A CITY OR COUNTY CHARTER
37 REVISION THAT INCLUDES FUNCTIONAL CONSOLIDATION, SHARED OR COOPERATIVE
38 SERVICES, AND REGIONALIZED DELIVERY OF SERVICES; PROVIDED, HOWEVER, THAT
39 SUCH LOCAL GOVERNMENT EFFICIENCY PROJECTS MUST DEMONSTRATE NEW OPPORTU-
40 NITIES FOR FINANCIAL SAVINGS AND OPERATIONAL EFFICIENCIES; PROVIDED,
41 FURTHER, THAT ELIGIBLE LOCAL GOVERNMENT EFFICIENCY PROJECTS SHALL NOT
42 INCLUDE STUDIES AND PLANS FOR A LOCAL GOVERNMENT RE-ORGANIZATION ELIGI-
43 BLE TO RECEIVE A LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT
44 GRANT PURSUANT TO PARAGRAPH Q OF THIS SUBDIVISION. THE SECRETARY OF
45 STATE MAY FOCUS THE GRANT PROGRAM IN SPECIFIC FUNCTIONAL AREAS, WITHIN
46 DISTRESSED COMMUNITIES AND AREAS OF HISTORICALLY HIGH LOCAL GOVERNMENT
47 COSTS AND PROPERTY TAXES, OR IN AREAS OF UNIQUE OPPORTUNITY, IN WHICH
48 CASE SUCH AREAS OF FOCUS SHALL BE DETAILED IN A REQUEST FOR APPLICA-
49 TIONS.

50 (III) ANY APPROVED PROJECT SHALL INCLUDE AN EXAMINATION OF FINANCIAL
51 SAVINGS, RETURN ON PUBLIC INVESTMENT AND MANAGEMENT IMPROVEMENTS RESULT-
52 ING FROM PROJECT IMPLEMENTATION.

53 (IV) LOCAL GOVERNMENT EFFICIENCY GRANTS MAY BE USED TO COVER COSTS
54 INCLUDING, BUT NOT LIMITED TO, LEGAL AND CONSULTANT SERVICES, CAPITAL
55 IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS AND OTHER NECESSARY EXPENSES
56 RELATED TO IMPLEMENTING THE APPROVED LOCAL GOVERNMENT EFFICIENCY GRANT

1 WORK PLAN. GRANTS MAY BE USED FOR CAPITAL IMPROVEMENTS, TRANSITIONAL
2 PERSONNEL COSTS OR JOINT EQUIPMENT PURCHASES ONLY WHERE SUCH EXPENSES
3 ARE INTEGRAL TO IMPLEMENTATION OF THE LOCAL GOVERNMENT EFFICIENCY
4 PROJECT. NO PART OF THE GRANT SHALL BE USED BY THE APPLICANT FOR RECUR-
5 RING EXPENSES SUCH AS SALARIES, EXCEPT THAT THE SALARIES OF CERTAIN
6 TRANSITIONAL PERSONNEL ESSENTIAL FOR THE IMPLEMENTATION OF THE APPROVED
7 LOCAL GOVERNMENT EFFICIENCY GRANT WORK PLAN SHALL BE ELIGIBLE FOR A
8 PERIOD NOT TO EXCEED THREE YEARS. THE AMOUNTS AWARDED TO A SCHOOL
9 DISTRICT PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE INCLUDED IN THE
10 APPROVED OPERATING EXPENSE OF THE SCHOOL DISTRICT AS DEFINED IN PARA-
11 GRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE
12 EDUCATION LAW.

13 (V) THE MAXIMUM CUMULATIVE GRANT AWARD FOR A LOCAL GOVERNMENT EFFI-
14 CIENCY PROJECT SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS PER MUNICI-
15 PALITY; PROVIDED, HOWEVER, THAT IN NO CASE SHALL SUCH A PROJECT RECEIVE
16 A CUMULATIVE GRANT AWARD IN EXCESS OF ONE MILLION DOLLARS. THE MAXIMUM
17 GRANT AWARD FOR A LOCAL GOVERNMENT EFFICIENCY PLANNING PROJECT, OR THE
18 PLANNING COMPONENT OF A PROJECT THAT INCLUDES BOTH PLANNING AND IMPE-
19 MENTATION OF A LOCAL GOVERNMENT EFFICIENCY PROJECT, SHALL NOT EXCEED
20 TWENTY-FIVE THOUSAND DOLLARS PER MUNICIPALITY; PROVIDED, HOWEVER, THAT
21 IN NO EVENT SHALL SUCH A PLANNING PROJECT RECEIVE A GRANT AWARD IN
22 EXCESS OF TWO HUNDRED THOUSAND DOLLARS.

23 (VI) LOCAL MATCHING FUNDS EQUAL TO TEN PERCENT OF THE TOTAL COST OF
24 ACTIVITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE
25 SHALL BE REQUIRED. IN THE EVENT AN APPLICANT IS IMPLEMENTING A PROJECT
26 THAT THE APPLICANT DEVELOPED THROUGH A SUCCESSFULLY COMPLETED PLANNING
27 GRANT FUNDED UNDER THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM OR THE
28 SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM, THE LOCAL MATCHING
29 FUNDS REQUIRED SHALL BE REDUCED BY THE LOCAL MATCHING FUNDS REQUIRED BY
30 SUCH SUCCESSFULLY COMPLETED PLANNING GRANT.

31 (VII) IN THE SELECTION OF GRANT AWARDS, THE SECRETARY OF STATE SHALL
32 GIVE THE HIGHEST PRIORITY TO APPLICATIONS: (1) THAT WOULD RESULT IN THE
33 DISSOLUTION OR CONSOLIDATION OF MUNICIPALITIES; (2) THAT WOULD IMPLEMENT
34 THE COMPLETE FUNCTIONAL CONSOLIDATION OF A MUNICIPAL SERVICE; OR (3) BY
35 LOCAL GOVERNMENTS WITH HISTORICALLY HIGH COSTS OF LOCAL GOVERNMENT OR
36 SUSTAINED INCREASES IN PROPERTY TAXES. PRIORITY WILL ALSO BE GIVEN TO
37 MUNICIPALITIES THAT HAVE PREVIOUSLY COMPLETED A PLANNING GRANT PURSUANT
38 TO THIS PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT
39 PROGRAM, AND TO LOCAL GOVERNMENTS CURRENTLY INVOLVED IN REGIONAL DEVEL-
40 OPMENT PROJECTS THAT HAVE RECEIVED FUNDS THROUGH STATE COMMUNITY AND
41 INFRASTRUCTURE DEVELOPMENT PROGRAMS.

42 (VIII) THE DEPARTMENT OF STATE SHALL PREPARE AN ANNUAL REPORT TO THE
43 GOVERNOR AND THE LEGISLATURE ON THE EFFECTIVENESS OF THE LOCAL GOVERN-
44 MENT EFFICIENCY GRANT PROGRAM AND THE LOCAL GOVERNMENT CITIZENS RE-OR-
45 GANIZATION EMPOWERMENT GRANT PROGRAM. SUCH REPORT SHALL BE PROVIDED ON
46 OR BEFORE OCTOBER FIRST OF EACH YEAR AND SHALL INCLUDE, BUT NOT BE
47 LIMITED TO, THE FOLLOWING: A SUMMARY OF APPLICATIONS AND AWARDS FOR EACH
48 GRANT CATEGORY, AN ASSESSMENT OF PROGRESS IN IMPLEMENTING INITIATIVES
49 THAT RECEIVED GRANT AWARDS, AND ESTIMATED FINANCIAL SAVINGS AND SIGNIF-
50 ICANT IMPROVEMENTS IN SERVICE REALIZED BY MUNICIPALITIES THAT HAVE
51 RECEIVED GRANTS.

52 S. LOCAL GOVERNMENT PERFORMANCE AND EFFICIENCY PROGRAM. (I) DEFI-
53 NITIONS. FOR THE PURPOSES OF THIS PARAGRAPH, "MUNICIPALITY" SHALL MEAN
54 A COUNTY, CITY, TOWN, OR VILLAGE, BUT SHALL NOT INCLUDE THE INDIVIDUAL
55 COUNTIES CONTAINED IN THE CITY OF NEW YORK.

(II) PURPOSE. THERE IS HEREBY ESTABLISHED A LOCAL GOVERNMENT PERFORMANCE AND EFFICIENCY PROGRAM. THE PURPOSE OF THIS PROGRAM IS TO RECOGNIZE MUNICIPALITIES THAT HAVE UNDERTAKEN SIGNIFICANT AND INNOVATIVE ACTIONS TO IMPROVE THE OVERALL EFFICIENCY OF GOVERNMENTAL OPERATIONS AND PRODUCE QUANTIFIABLE RECURRING FINANCIAL SAVINGS THAT REDUCE THE MUNICIPAL TAX BURDEN ON RESIDENTS.

(III) ELIGIBILITY. ALL MUNICIPALITIES IN NEW YORK STATE ARE ELIGIBLE TO APPLY INDIVIDUALLY OR JOINTLY, PROVIDED HOWEVER THAT IF AN ACTION WAS UNDERTAKEN JOINTLY, MUNICIPALITIES MUST APPLY JOINTLY FOR SUCH AN ACTION. THE ACTIONS FOR WHICH THEY APPLY MUST ALREADY HAVE BEEN IMPLEMENTED.

(IV) USE OF AWARDS. AWARDS RECEIVED PURSUANT TO THE PROGRAM SHALL BE USED BY MUNICIPALITIES FOR GENERAL MUNICIPAL PURPOSES.

(V) APPLICATION. THE SECRETARY OF STATE SHALL DEVELOP AN APPLICATION FOR MUNICIPALITIES SEEKING TO RECEIVE AWARDS AND A PROCESS BY WHICH THE APPLICATIONS WILL BE EVALUATED. SUCH APPLICATION SHALL REQUIRE MUNICIPALITIES TO DEMONSTRATE HOW THE ACTION FOR WHICH THEY HAVE APPLIED HAS RESULTED IN QUANTIFIABLE RECURRING SAVINGS, EFFICIENCIES, AND PERMANENT IMPROVEMENTS TO MUNICIPAL SERVICES. THE SECRETARY OF STATE MAY FOCUS THE PROGRAM IN SPECIFIC FUNCTIONAL SERVICE AREAS, IN WHICH CASE SUCH AREAS OF FOCUS SHALL BE DETAILED IN A REQUEST FOR APPLICATIONS. NO APPLICATION SHALL BE CONSIDERED FOR ACTIONS THAT COMMENCED PRIOR TO JANUARY FIRST, TWO THOUSAND TEN.

(VI) AWARDS. THE SECRETARY OF STATE MAY MAKE AWARDS TO APPLICANTS BASED ON FACTORS INCLUDING, BUT NOT LIMITED TO, THE AMOUNT OF CURRENT AND FUTURE SAVINGS, THE IMPACT OF SUCH ACTION UPON THE MUNICIPAL PROPERTY TAX LEVY, THE SIZE AND COMPLEXITY OF THE ACTION, AND THE ABILITY FOR THE ACTION TO BE REPLICATED BY OTHER MUNICIPALITIES. AWARDS SHALL ONLY BE MADE TO MUNICIPALITIES FOR ACTIONS THAT HAVE BEEN FULLY IMPLEMENTED, THAT CLEARLY RESULTED IN QUANTIFIABLE SAVINGS AND EFFICIENCIES, AND THAT PRODUCED PERMANENT AND QUANTIFIABLE IMPROVEMENTS TO MUNICIPAL EFFICIENCY OR SERVICES. THE MAXIMUM AMOUNT AWARDED PER APPLICATION SHALL NOT EXCEED THE LESSER OF FIVE MILLION DOLLARS OR TWENTY-FIVE DOLLARS PER RESIDENT OF THE APPLYING MUNICIPALITIES AS OF THE MOST RECENT FEDERAL DECENNIAL CENSUS, PROVIDED, HOWEVER, THAT IF THE BOUNDARIES OF MUNICIPALITIES JOINTLY APPLYING FOR SUCH FUNDING OVERLAP, THE RESIDENTS IN OVERLAPPING AREAS SHALL ONLY BE COUNTED ONCE, AND PROVIDED, FURTHER, THAT IF A COUNTY JOINTLY APPLIES WITH SOME BUT NOT ALL OF THE OTHER MUNICIPALITIES THEREIN, ONLY THE RESIDENTS IN SUCH OTHER MUNICIPALITIES SHALL BE COUNTED.

(VII) REGULATION. THE SECRETARY OF STATE SHALL, PRIOR TO THE ESTABLISHMENT OF APPLICATIONS, PROMULGATE RULES AND REGULATIONS ON THE PROGRAM, INCLUDING BUT NOT LIMITED TO AWARD ELIGIBILITY CRITERIA AND APPLICATION, REVIEW AND APPROVAL PROCEDURES.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART L

Section 1. Section 4 of chapter 774 of the laws of 1989, amending the real property tax law relating to certain state lands subject to taxation is amended to read as follows:

S 4. The agreements referred to in section three of this act shall [enure] INURE to the benefit of and bind the people of the state of New York in the event that the lands which are the subject of said agreements are acquired by the people of the state of New York acting through

1 the department of environmental conservation. Upon any acquisition of
2 such lands by the department of environmental conservation, the
3 provisions of section 532 of the real property tax law shall not apply
4 to the lands so acquired but the [taxation thereof] PAYMENTS DUE THEREON
5 shall be governed by the agreements referred to in section three of this
6 act for the duration of such agreement. [The] IN THE EVENT THAT NO
7 SPECIFIC APPROPRIATION SHALL HAVE BEEN MADE FOR THAT PURPOSE, THE AMOUNT
8 APPROPRIATED FOR PAYMENTS OF TAXES ON STATE LANDS PURSUANT TO SECTIONS
9 532 THROUGH 546 OF THE REAL PROPERTY TAX LAW SHALL BE DEEMED TO ENCOM-
10 PASS THE STATE'S OBLIGATION TO MAKE THE PAYMENTS REQUIRED BY THIS
11 SECTION, NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE taxation of such
12 lands will be governed by such section 532 at such time as the agree-
13 ments cease to be effective.

14 S 2. This act shall take effect immediately.

15 PART M

16 Intentionally omitted.

17 PART N

18 Intentionally omitted.

19 PART O

20 Intentionally omitted.

21 PART P

22 Section 1. Notwithstanding any other law, the State University Down-
23 state Medical Center may create a not-for-profit corporation of which
24 the State University Downstate Medical Center is the sole member, that
25 will acquire the medical facilities owned by the Long Island College
26 Hospital in exchange for the assumption by such not-for-profit corpo-
27 ration of certain obligations of the Long Island College Hospital,
28 including debt obligations to the Dormitory Authority, and such other
29 consideration as may be mutually agreed to; and the State University
30 Downstate Medical Center may enter into a long-term lease with such
31 not-for-profit corporation for the facilities acquired by such not-for-
32 profit corporation from the Long Island College Hospital, on such terms
33 and conditions as shall be agreed to between the State University Down-
34 state Medical Center and such not-for-profit corporation, including
35 provisions for the payment of lease payments sufficient to fund the debt
36 obligations acquired by such not-for-profit corporation, subject to the
37 approval of the comptroller, the attorney general and the director of
38 the budget.

39 S 2. This act shall take effect immediately and shall be deemed to be
40 in full force and effect on and after March 1, 2011.

41 PART Q

42 Section 1. Section 13 of chapter 141 of the laws of 1994, amending the
43 legislative law and the state finance law relating to the operation and
44 administration of the legislature, as amended by section 2 of part QQ of
45 chapter 56 of the laws of 2010, is amended to read as follows:

1 S 13. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect as of April 1, 1994, provided that,
3 the provisions of section 5-a of the legislative law as amended by
4 sections two and two-a of this act shall take effect on January 1, 1995,
5 and provided further that, the provisions of article 5-A of the legisla-
6 tive law as added by section eight of this act shall expire June 30,
7 [2011] 2012 when upon such date the provisions of such article shall be
8 deemed repealed; and provided further that section twelve of this act
9 shall be deemed to have been in full force and effect on and after April
10 10, 1994.

11 S 2. This act shall take effect immediately, provided, however, if
12 this act shall take effect after June 30, 2011 this act shall be deemed
13 to have been in full force and effect on and after June 30, 2011.

14

PART R

15 Section 1. Subparagraph (i) of paragraph a of subdivision 2 of section
16 679-e of the education law, as amended by section 1 of part VV of chap-
17 ter 56 of the laws of 2009, is amended to read as follows:

18 (i) "Eligible attorney" means an attorney, WHO IS A RESIDENT OF AND IS
19 admitted to practice law in New York state, who is employed full-time as
20 either a district attorney, as defined in subparagraph (ii) of this
21 paragraph, or an indigent legal services attorney, as defined in subpar-
22 agraph (iii) of this paragraph, who is admitted to practice law in this
23 state for not more than eleven years [and] OR who was within the eligi-
24 ble period as defined in paragraph b of this subdivision during the time
25 for which such person is seeking a student loan expense grant. NOTWITH-
26 STANDING THE FOREGOING, AN ELIGIBLE ATTORNEY SHALL INCLUDE THOSE
27 DISTRICT ATTORNEY APPLICANTS WHO WERE AWARDED PROGRAM ELIGIBILITY AND
28 WHO PROVIDED QUALIFIED SERVICE BETWEEN APRIL FIRST, TWO THOUSAND EIGHT
29 AND MARCH THIRTY-FIRST, TWO THOUSAND ELEVEN; SUCH AN ELIGIBLE ATTORNEY
30 SHALL REMAIN ELIGIBLE TO PARTICIPATE IN THE PROGRAM PROVIDED THEY ARE
31 WITHIN AN ELIGIBLE PERIOD MEASURED FROM SIX YEARS FROM THE DATE WHICH
32 SUCH ATTORNEY WAS FIRST EMPLOYED AS A DISTRICT ATTORNEY.

33 S 2. This act shall take effect immediately.

34

PART S

35 Section 1. Notwithstanding sections 113 and 470 of the retirement and
36 social security law, subdivision 4 of section 201 of the civil service
37 law or any other general, special or local law, in connection with the
38 acquisition of the assets of Community-General Hospital of Greater Syra-
39 cuse by SUNY Upstate Medical University, subject to the approval of such
40 acquisition by the comptroller, the attorney general and the director of
41 the budget, effective upon the closing of the acquisition, SUNY Upstate
42 Medical University shall be authorized to assume and maintain, as the
43 plan sponsor, all or part of the retirement plan for employees of Commu-
44 nity-General Hospital of Greater Syracuse, including all or the appro-
45 priate portion of the assets related thereto and the provision for
46 payment of benefits thereunder. Such authority shall include, without
47 limitation, the authority to make any and all required payments of bene-
48 fits due to the members, retirees and beneficiaries, to make any
49 contributions that may be necessary to provide such benefits and to
50 amend or terminate the retirement plan for employees of Community-Gener-
51 al Hospital of Greater Syracuse.

1 S 2. Notwithstanding any inconsistent provisions of any general,
2 special or local law, effective upon the closing of the acquisition of
3 the assets of Community-General Hospital of Greater Syracuse by SUNY
4 Upstate Medical Center, each employee who participates in the retirement
5 plan for employees of Community-General Hospital of Greater Syracuse and
6 who will become an employee of SUNY Upstate Medical Center immediately
7 following the closing shall, or or before the thirtieth day after the
8 closing, make a one-time, irrevocable election to participate in one of
9 the following retirement plans:

10 (a) In the case of eligible employees as defined in section 390 of the
11 education law: (i) the retirement plan for employees of Community-Gener-
12 al Hospital of Greater Syracuse, (ii) the New York state and local
13 employees' retirement system, (iii) the optional retirement program as
14 established by section 391 of the education law, or (iv) the New York
15 state teachers' retirement system. In the event an employee fails to
16 make an election as provided in this subdivision, he or she shall be
17 deemed to have elected to join the retirement plan as determined under
18 paragraph (b) of subdivision 1 of section 393 of the education law
19 effective on the date of the closing.

20 (b) In the case of an employee who is not an eligible employee as
21 defined in section 390 of the education law: (i) the retirement plan for
22 employees of Community-General Hospital of Greater Syracuse, or (ii) the
23 New York state and local employees' retirement system. In the event an
24 employee fails to make an election as provided in this subdivision, he
25 or she shall be deemed to have elected to join the New York state and
26 local employees' retirement system effective on the date of the closing.

27 Elections made under this section shall be made on forms prepared by
28 SUNY Upstate Medical Center for that purpose and shall be filed with
29 SUNY Upstate Medical Center on or before the thirtieth day after clos-
30 ing. Retirement benefits for service after the date of closing shall
31 accrue only with the retirement plan elected by the employee as provided
32 in this section. Employees shall be eligible to receive vesting credit
33 under the retirement plan for employees of Community-General Hospital of
34 Greater Syracuse for their post-closing service with SUNY Upstate
35 Medical Center. Employees electing to participate in the New York state
36 and local employees' retirement system, the optional retirement program
37 or the New York state teachers' retirement system shall not be eligible
38 for retirement credit for service rendered to Community-General Hospital
39 of Greater Syracuse prior to the date of the closing.

40 S 3. This act shall take effect immediately.

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

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