

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

S. 2605--D

A. 3005--D

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

January 22, 2013

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

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

AN ACT authorizing the governor to close correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part A); authorizing the urban development corporation, the office of general services and the department of corrections and community supervision to transfer and convey certain lands in the county of Bronx, city of New York, to the Thomas Mott Osborne Memorial Fund, Inc. (Part B); to amend the vehicle and traffic law, in relation to increasing surcharges for certain violations; in relation to enhanced penalties for multiple violations of the mobile phone and texting prohibitions (Part C); to amend the executive law, in relation to adopting the national crime prevention and privacy compact (Part D); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; 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

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

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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 the effectiveness thereof; 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 the effectiveness thereof; 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 making the provisions of such chapter permanent; 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 the effectiveness thereof; 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 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision in relation to the effectiveness thereof; 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 thereof; 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; 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; to amend section 5 of 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 the effectiveness thereof (Part E); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); intentionally omitted (Part G); intentionally omitted (Part H); to amend the state finance law, in relation to creating a new New York state gaming commission account (Part I); to amend the tax law, in relation to reducing purse amounts paid from the VLT program (Part J); to amend the state finance law, in relation to reforming the local government citizens re-organization empowerment grant program and the local government efficiency grant program (Part K); intentionally omitted (Part L); intentionally omitted (Part M); to amend the executive law, the state technology law and the general business law, in relation to providing for the consolidation of certain information technology staff and services within the office of information technology services; and to repeal section 715 of the executive law, relating to the office of cyber security (Part N); intentionally omitted (Part O); to amend the state finance law, in relation to increasing discretionary thresholds for procurement of food commodities (Part P); to amend the executive law, in relation to including school districts and boards of cooperative educational services in the intrastate mutual aid program (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the public lands law, in relation to state aid on certain state leased or state-owned land (Part T); intentionally omitted (Part U); to amend the executive law, in relation to emergency alerts (Part V); to amend the insurance law, in relation to extending the authority for the joint underwriting association to issue broad form insurance coverage (Part W); 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 X); to amend the retirement and social security law, in relation to eliminating the earnings limitation for retired police officers employed as school resource officers (Part Y); and to amend chapter 401 of the laws of 2002, amending the real property tax law and the Nassau county administrative code relating to assessment and review of assessments in the county of Nassau, in relation to extending the expiration and repeal of certain provisions thereof; to amend the real property tax law, in relation to assessment and review of assessments; and providing for the repeal of certain provisions upon expiration thereof (Part Z)

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 2013-2014
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Z. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Notwithstanding the provisions of sections 79-a and 79-b of
14 the correction law, the governor is authorized to close the Bayview and
15 Beacon correctional facilities of the department of corrections and
16 community supervision, in state fiscal year 2013-14, as he determines to
17 be necessary for the cost-effective and efficient operation of the
18 correctional system, provided that the governor provides at least 60
19 days notice prior to any such closures to the temporary president of the
20 senate and the speaker of the assembly.

21 S 2. This act shall take effect April 1, 2013 and shall expire and be
22 deemed repealed March 31, 2014.

23 PART B

24 Section 1. Notwithstanding any inconsistent provision of law to the
25 contrary, the urban development corporation is authorized to transfer
26 and convey to the Thomas Mott Osborne Memorial Fund, Inc. its right,
27 title, and interest in the lands and improvements known as the Fulton
28 Correctional Facility and further described in section two of this act.
29 The conveyance shall be made upon such terms and conditions, as the
30 board of directors of the urban development corporation may, in its
31 discretion, fix and determine. The commissioner of general services and
32 the commissioner of the department of corrections and community super-
33 vision are hereby empowered to enter into such contractual agreements
34 with the corporation and its subsidiaries to effect the transfer and
35 conveyance and do all things necessary to carry out the provisions of
36 this act.

37 S 2. The lands to be conveyed pursuant to section one of this act are
38 situated in the city of New York, county of Bronx, and are generally
39 described as follows:

40 Parcel I

41 All that piece or parcel of land lying and being in the Borough and
42 County of the Bronx, City and State of New York, and being all of Lot
43 No. 30, Block 2928, and being more particularly described as follows:

44 Beginning at the intersection of the northerly line of E. 171st
45 Street, and the westerly line of Fulton Avenue, thence westerly along
46 the northerly line of E. 171st Street, 115.32 feet to the easterly line
47 of Lot 33; thence northerly along the last mentioned lot line 71.90 feet
48 to the intersection of the southerly line of Lot 29; thence easterly
49 along the last mentioned lot line, 106.08 feet to its intersection with

1 the said westerly line of Fulton Ave.; thence southerly along the said
2 westerly line of Fulton Avenue 80.00 feet to the point or place of
3 beginning.

4 Parcel II

5 All that piece or parcel of land lying and being in the Borough and
6 County of the Bronx, City and State of New York, and being all of Lot
7 No. 33, Block 2928, and being more particularly described as follows:

8 Beginning at the intersection of the northerly line of E. 171st
9 Street, and the westerly line of Lot 30, said point being 115.32 feet
10 westerly from the intersection of the northerly line of E. 171st Street,
11 and the westerly line of Fulton Avenue; thence South 88° 21' 50" West,
12 along the northerly line of E. 171st Street, a distance of 75.86 feet
13 to a point, said point being 175.21 feet distant easterly, measured
14 along the northerly line of E. 171st Street from the corner formed by
15 the intersection of the easterly line of 3rd Avenue and the northerly
16 line of E. 171st Street; thence North 01° 11' 27" East, and parallel
17 with 3rd Avenue 141.75 feet to a point; thence North 84° 03' 45" East, a
18 distance of 50.38 feet to a point; thence South 01° 11' 27" West, and
19 parallel to 3rd Avenue, 25.19 feet to a point; thence North 84° 03' 45"
20 East, 25.99 feet to a point; thence South 01° 11' 27" West, and parallel
21 to 3rd Avenue, 122.30 feet to the point or place of beginning.

22 S 3. Notwithstanding the foregoing, the authorization to convey the
23 Fulton Correctional Facility shall be subject to the condition precedent
24 that such conveyance shall not impair or result in any diminution of the
25 obligations to holders of any bonds which financed, refinanced or are
26 secured by correctional facilities (or payments in respect thereof),
27 including the Fulton Correctional Facility, and shall not adversely
28 affect any exemption of interest on such bonds from federal income tax.

29 S 4. The description in section two of this act is not intended to be
30 a legal description but is intended to identify the parcel to be
31 conveyed. As a condition of the purchase, the Thomas Mott Osborne Memo-
32 rial Fund, Inc. may submit to the urban development corporation for
33 approval, an accurate survey and description of the lands to be
34 conveyed, which may be used in the conveyance thereof.

35 S 5. Any lands transferred pursuant to this act shall be used for the
36 purpose of providing opportunities for individuals in conflict with the
37 law through reform and rehabilitation programs, alternatives to incar-
38 ceration and re-entry, for providing services to persons affected by
39 crime and/or incarceration, and for related community activities, and
40 upon termination of such use, title to the lands so transferred shall
41 revert to the state of New York.

42 S 6. The board of directors of the urban development corporation shall
43 not transfer and convey said lands unless application is made therefor
44 by the Thomas Mott Osborne Memorial Fund, Inc. within one year after the
45 effective date of this act.

46 S 7. This act shall take effect immediately.

47 PART C

48 Section 1. Subdivision 4 of section 1225-c of the vehicle and traffic
49 law, as added by chapter 69 of the laws of 2001, is amended to read as
50 follows:

51 4. A violation of subdivision two of this section shall be a traffic
52 infraction and shall be punishable by a fine of not LESS THAN FIFTY
53 DOLLARS NOR more than one hundred FIFTY dollars UPON CONVICTION OF A
54 FIRST VIOLATION; UPON CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH

WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN TWO HUNDRED DOLLARS; UPON CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN FOUR HUNDRED DOLLARS.

S 2. Subdivision 6 of section 1225-d of the vehicle and traffic law, as amended by chapter 109 of the laws of 2011, is amended to read as follows:

6. A violation of this section shall be a traffic infraction and shall be punishable by a fine of not LESS THAN FIFTY DOLLARS NOR more than one hundred fifty dollars[.]UPON CONVICTION OF A FIRST VIOLATION; UPON CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN TWO HUNDRED DOLLARS; UPON CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN FOUR HUNDRED DOLLARS.

S 3. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 11 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, and except an adjudication in accordance with section eleven hundred eleven-c of this chapter of a violation of a bus lane restriction as defined in such section, and except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of [twenty] TWENTY-EIGHT dollars.

S 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 11-a of part II of chapter 59 of the laws of 2010, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a

1 violation of subdivision (d) of section eleven hundred eleven of this
2 chapter in accordance with section eleven hundred eleven-a of this chap-
3 ter, and except an adjudication in accordance with section eleven
4 hundred eleven-c of this chapter of a violation of a bus lane
5 restriction as defined in such section, and except an adjudication of
6 liability of an owner for a violation of toll collection regulations
7 pursuant to section two thousand nine hundred eighty-five of the public
8 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
9 ter seven hundred seventy-four of the laws of nineteen hundred fifty,
10 there shall be levied in addition to any sentence, penalty or other
11 surcharge required or permitted by law, an additional surcharge of
12 [twenty] TWENTY-EIGHT dollars.

13 S 5. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
14 traffic law, as amended by section 1 of part EE of chapter 56 of the
15 laws of 2008, is amended to read as follows:

16 a. Notwithstanding any other provision of law, whenever proceedings in
17 a court or an administrative tribunal of this state result in a
18 conviction for an offense under this chapter, except a conviction pursu-
19 ant to section eleven hundred ninety-two of this chapter, or for a traf-
20 fic infraction under this chapter, or a local law, ordinance, rule or
21 regulation adopted pursuant to this chapter, except a traffic infraction
22 involving standing, stopping, or parking or violations by pedestrians or
23 bicyclists, and except an adjudication of liability of an owner for a
24 violation of subdivision (d) of section eleven hundred eleven of this
25 chapter in accordance with section eleven hundred eleven-a of this chap-
26 ter, and except an adjudication of liability of an owner for a violation
27 of toll collection regulations pursuant to section two thousand nine
28 hundred eighty-five of the public authorities law or sections sixteen-a,
29 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
30 laws of nineteen hundred fifty, there shall be levied in addition to any
31 sentence, penalty or other surcharge required or permitted by law, an
32 additional surcharge of [twenty] TWENTY-EIGHT dollars.

33 S 6. Subdivision 2 of section 1809 of the vehicle and traffic law, as
34 amended by section 1 of part I of chapter 59 of the laws of 2009, is
35 amended to read as follows:

36 2. Where a person is convicted of two or more such crimes or traffic
37 infractions committed through a single act or omission, or through an
38 act or omission which in itself constituted one of the crimes or traffic
39 infractions and also was a material element of the other, the court or
40 administrative tribunal shall impose a crime victim assistance fee and a
41 mandatory surcharge mandated by subdivision one of this section for each
42 such conviction; provided however, that in no event shall the total
43 amount of such crime victim assistance fees and mandatory surcharges
44 imposed pursuant to paragraph (a) or (c) of subdivision one of this
45 section exceed one hundred [eighty] NINETY-SIX dollars.

46 S 7. The vehicle and traffic law is amended by adding a new section
47 1809-aa to read as follows:

48 S 1809-AA. MANDATORY SURCHARGE REQUIRED FOR CERTAIN PARKING
49 VIOLATIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHENEVER
50 PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR COURT RESULT IN A
51 CONVICTION FOR A VIOLATION OF SECTION TWELVE HUNDRED, TWELVE HUNDRED ONE
52 OR TWELVE HUNDRED TWO OF THIS CHAPTER, THERE SHALL BE LEVIED A MANDATORY
53 SURCHARGE IN ADDITION TO ANY OTHER SENTENCE, FINE OR PENALTY OTHERWISE
54 PERMITTED OR REQUIRED, IN THE AMOUNT OF TWENTY-FIVE DOLLARS.

55 2. THE MANDATORY SURCHARGE PROVIDED FOR IN SUBDIVISION ONE OF THIS
56 SECTION SHALL BE PAID TO THE CLERK OF THE COURT OR ADMINISTRATIVE TRIBU-

NAL THAT RENDERED THE CONVICTION. WITHIN THE FIRST TEN DAYS OF THE MONTH FOLLOWING COLLECTION OF THE SURCHARGE THE COLLECTING AUTHORITY SHALL PAY SUCH MONEY TO THE STATE COMPTROLLER WHO SHALL DEPOSIT SUCH MONEY IN THE STATE TREASURY PURSUANT TO SECTION ONE HUNDRED TWENTY-ONE OF THE STATE FINANCE LAW TO THE CREDIT OF THE GENERAL FUND.

S 8. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to violations committed on or after such date, provided however, that:

(a) the amendments to paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law made by section three of this act shall be subject to the expiration and reversion of such paragraph, when upon such date section four of this act shall take effect;

(b) the amendments to paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law made by section four of this act shall be subject to the expiration and reversion of such paragraph, when upon such date section five of this act shall take effect; and

(c) the amendments to subdivision 2 of section 1809 of the vehicle and traffic law made by section six of this act shall not affect the expiration of such subdivision and shall be deemed expired therewith.

20

PART D

Section 1. The executive law is amended by adding a new article 38 to read as follows:

23

ARTICLE 38

24 NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

25 SECTION 850. ENACTMENT OF COMPACT.

26 S 850. ENACTMENT OF COMPACT. THE NATIONAL CRIME PREVENTION AND PRIVACY
27 COMPACT IS HEREBY ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER
28 JURISDICTIONS LEGALLY JOINING THEREIN IN THE FORM SUBSTANTIALLY AS
29 FOLLOWS:

30 THE CONTRACTING PARTIES AGREE TO THE FOLLOWING:

31 NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

32 ARTICLE I. DEFINITIONS.

33 ARTICLE II. PURPOSES.

34 ARTICLE III. RESPONSIBILITIES OF COMPACT PARTIES.

35 ARTICLE IV. AUTHORIZED RECORD DISCLOSURES.

36 ARTICLE V. RECORD REQUEST PROCEDURES.

37 ARTICLE VI. ESTABLISHMENT OF COMPACT COUNCIL.

38 ARTICLE VII. RATIFICATION OF COMPACT.

39 ARTICLE VIII. MISCELLANEOUS PROVISIONS.

40 ARTICLE IX. RENUNCIATION.

41 ARTICLE X. SEVERABILITY.

42 ARTICLE XI. ADJUDICATION OF DISPUTES.

43

OVERVIEW

44 (A) IN GENERAL, THIS COMPACT ORGANIZES AN ELECTRONIC INFORMATION SHAR-
45 ING SYSTEM AMONG THE FEDERAL GOVERNMENT AND THE STATES TO EXCHANGE CRIM-
46 INAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE PURPOSES AUTHORIZED BY
47 FEDERAL OR STATE LAW, SUCH AS BACKGROUND CHECKS FOR GOVERNMENTAL LICENS-
48 ING AND EMPLOYMENT.

49 (B) UNDER THIS COMPACT, THE FBI AND THE PARTY STATES AGREE TO MAINTAIN
50 DETAILED DATABASES OF THEIR RESPECTIVE CRIMINAL HISTORY RECORDS, INCLUD-
51 ING ARRESTS AND DISPOSITIONS, AND TO MAKE THEM AVAILABLE TO THE FEDERAL
52 GOVERNMENT AND TO PARTY STATES FOR AUTHORIZED PURPOSES. THE FBI SHALL

1 ALSO MANAGE THE FEDERAL DATA FACILITIES THAT PROVIDE A SIGNIFICANT PART
2 OF THE INFRASTRUCTURE FOR THE SYSTEM.

3 ARTICLE I--DEFINITIONS

4 AS USED IN THIS COMPACT:

5 (A) "ATTORNEY GENERAL" MEANS THE ATTORNEY GENERAL OF THE UNITED
6 STATES.

7 (B) "COMPACT OFFICER" MEANS:

8 1. WITH RESPECT TO THE FEDERAL GOVERNMENT, AN OFFICIAL SO DESIGNATED
9 BY THE DIRECTOR OF THE FBI; AND

10 2. WITH RESPECT TO A PARTY STATE, THE CHIEF ADMINISTRATOR OF THE
11 STATE'S CRIMINAL HISTORY RECORD REPOSITORY OR A DESIGNEE OF THE CHIEF
12 ADMINISTRATOR WHO IS A REGULAR FULL-TIME EMPLOYEE OF THE REPOSITORY.

13 (C) "COUNCIL" MEANS THE COMPACT COUNCIL ESTABLISHED UNDER ARTICLE VI.

14 (D) "CRIMINAL HISTORY RECORDS":

15 1. MEANS INFORMATION COLLECTED BY CRIMINAL JUSTICE AGENCIES ON INDI-
16 VIDUALS CONSISTING OF IDENTIFIABLE DESCRIPTIONS AND NOTATIONS OF
17 ARRESTS, DETENTIONS, INDICTMENTS, OR OTHER FORMAL CRIMINAL CHARGES, AND
18 ANY DISPOSITION ARISING THEREFROM, INCLUDING ACQUITTAL, SENTENCING,
19 CORRECTIONAL SUPERVISION, OR RELEASE; AND

20 2. DOES NOT INCLUDE IDENTIFICATION INFORMATION SUCH AS FINGERPRINT
21 RECORDS IF SUCH INFORMATION DOES NOT INDICATE INVOLVEMENT OF THE INDI-
22 VIDUAL WITH THE CRIMINAL JUSTICE SYSTEM.

23 (E) "CRIMINAL HISTORY RECORD REPOSITORY" MEANS THE STATE AGENCY DESIG-
24 NATED BY THE GOVERNOR OR OTHER APPROPRIATE EXECUTIVE OFFICIAL OR THE
25 LEGISLATURE OF A STATE TO PERFORM CENTRALIZED RECORDKEEPING FUNCTIONS
26 FOR CRIMINAL HISTORY RECORDS AND SERVICES IN THE STATE.

27 (F) "CRIMINAL JUSTICE" INCLUDES ACTIVITIES RELATING TO THE DETECTION,
28 APPREHENSION, DETENTION, PRETRIAL RELEASE, POST-TRIAL RELEASE, PROSE-
29 CUTION, ADJUDICATION, CORRECTIONAL SUPERVISION, OR REHABILITATION OF
30 ACCUSED PERSONS OR CRIMINAL OFFENDERS. THE ADMINISTRATION OF CRIMINAL
31 JUSTICE INCLUDES CRIMINAL IDENTIFICATION ACTIVITIES AND THE COLLECTION,
32 STORAGE, AND DISSEMINATION OF CRIMINAL HISTORY RECORDS.

33 (G) "CRIMINAL JUSTICE AGENCY":

34 1. MEANS:

35 A. COURTS; AND

36 B. A GOVERNMENTAL AGENCY OR ANY SUBUNIT THEREOF THAT:

37 (I) PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE PURSUANT TO A
38 STATUTE OR EXECUTIVE ORDER; AND

39 (II) ALLOCATES A SUBSTANTIAL PART OF ITS ANNUAL BUDGET TO THE ADMINIS-
40 TRATION OF CRIMINAL JUSTICE; AND

41 2. INCLUDES FEDERAL AND STATE INSPECTORS GENERAL OFFICES.

42 (H) "CRIMINAL JUSTICE SERVICES" MEANS SERVICES PROVIDED BY THE FBI TO
43 CRIMINAL JUSTICE AGENCIES IN RESPONSE TO A REQUEST FOR INFORMATION ABOUT
44 A PARTICULAR INDIVIDUAL OR AS AN UPDATE TO INFORMATION PREVIOUSLY
45 PROVIDED FOR CRIMINAL JUSTICE PURPOSES.

46 (I) "CRITERION OFFENSE" MEANS ANY FELONY OR MISDEMEANOR OFFENSE NOT
47 INCLUDED ON THE LIST OF NONSERIOUS OFFENSES PUBLISHED PERIODICALLY BY
48 THE FBI.

49 (J) "DIRECT ACCESS" MEANS ACCESS TO THE NATIONAL IDENTIFICATION INDEX
50 BY COMPUTER TERMINAL OR OTHER AUTOMATED MEANS NOT REQUIRING THE ASSIST-
51 ANCE OF OR INTERVENTION BY ANY OTHER PARTY OR AGENCY.

52 (K) "EXECUTIVE ORDER" MEANS AN ORDER OF THE PRESIDENT OF THE UNITED
53 STATES OR THE CHIEF EXECUTIVE OFFICER OF A STATE THAT HAS THE FORCE OF
54 LAW AND THAT IS PROMULGATED IN ACCORDANCE WITH APPLICABLE LAW.

(L) "FBI" MEANS THE FEDERAL BUREAU OF INVESTIGATION.

(M) "INTERSTATE IDENTIFICATION INDEX SYSTEM" OR "III SYSTEM":

1. MEANS THE COOPERATIVE FEDERAL-STATE SYSTEM FOR THE EXCHANGE OF CRIMINAL HISTORY RECORDS; AND

2. INCLUDES THE NATIONAL IDENTIFICATION INDEX, THE NATIONAL FINGER-PRINT FILE AND, TO THE EXTENT OF THEIR PARTICIPATION IN SUCH SYSTEM, THE CRIMINAL HISTORY RECORD REPOSITORIES OF THE STATES AND THE FBI.

(N) "NATIONAL FINGERPRINT FILE" MEANS A DATABASE OF FINGERPRINTS, OR OTHER UNIQUELY PERSONAL IDENTIFYING INFORMATION, RELATING TO AN ARRESTED OR CHARGED INDIVIDUAL MAINTAINED BY THE FBI TO PROVIDE POSITIVE IDENTIFICATION OF RECORD SUBJECTS INDEXED IN THE III SYSTEM.

(O) "NATIONAL IDENTIFICATION INDEX" MEANS AN INDEX MAINTAINED BY THE FBI CONSISTING OF NAMES, IDENTIFYING NUMBERS, AND OTHER DESCRIPTIVE INFORMATION RELATING TO RECORD SUBJECTS ABOUT WHOM THERE ARE CRIMINAL HISTORY RECORDS IN THE III SYSTEM.

(P) "NATIONAL INDICES" MEANS THE NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE.

(Q) "NONPARTY STATE" MEANS A STATE THAT HAS NOT RATIFIED THIS COMPACT.

(R) "NONCRIMINAL JUSTICE PURPOSES" MEANS USES OF CRIMINAL HISTORY RECORDS FOR PURPOSES AUTHORIZED BY FEDERAL OR STATE LAW OTHER THAN PURPOSES RELATING TO CRIMINAL JUSTICE ACTIVITIES, INCLUDING EMPLOYMENT SUITABILITY, LICENSING DETERMINATIONS, IMMIGRATION AND NATURALIZATION MATTERS, AND NATIONAL SECURITY CLEARANCES.

(S) "PARTY STATE" MEANS A STATE THAT HAS RATIFIED THIS COMPACT.

(T) "POSITIVE IDENTIFICATION" MEANS A DETERMINATION, BASED UPON A COMPARISON OF FINGERPRINTS OR OTHER EQUALLY RELIABLE BIOMETRIC IDENTIFICATION TECHNIQUES, THAT THE SUBJECT OF A RECORD SEARCH IS THE SAME PERSON AS THE SUBJECT OF A CRIMINAL HISTORY RECORD OR RECORDS INDEXED IN THE III SYSTEM. IDENTIFICATIONS BASED SOLELY UPON A COMPARISON OF SUBJECTS' NAMES OR OTHER NONUNIQUE IDENTIFICATION CHARACTERISTICS OR NUMBERS, OR COMBINATIONS THEREOF, SHALL NOT CONSTITUTE POSITIVE IDENTIFICATION.

(U) "SEALED RECORD INFORMATION" MEANS:

1. WITH RESPECT TO ADULTS, THAT PORTION OF A RECORD THAT IS:

A. NOT AVAILABLE FOR CRIMINAL JUSTICE USES;

B. NOT SUPPORTED BY FINGERPRINTS OR OTHER ACCEPTED MEANS OF POSITIVE IDENTIFICATION; OR

C. SUBJECT TO RESTRICTIONS ON DISSEMINATION FOR NONCRIMINAL JUSTICE PURPOSES PURSUANT TO A COURT ORDER RELATED TO A PARTICULAR SUBJECT OR PURSUANT TO A FEDERAL OR STATE STATUTE THAT REQUIRES ACTION ON A SEALING PETITION FILED BY A PARTICULAR RECORD SUBJECT; AND

2. WITH RESPECT TO JUVENILES, WHATEVER EACH STATE DETERMINES IS A SEALED RECORD UNDER ITS OWN LAW AND PROCEDURE.

(V) "STATE" MEANS ANY STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.

ARTICLE II--PURPOSES

THE PURPOSES OF THIS COMPACT ARE TO:

(A) PROVIDE A LEGAL FRAMEWORK FOR THE ESTABLISHMENT OF A COOPERATIVE FEDERAL-STATE SYSTEM FOR THE INTERSTATE AND FEDERAL-STATE EXCHANGE OF CRIMINAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE USES;

(B) REQUIRE THE FBI TO PERMIT USE OF THE NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE BY EACH PARTY STATE, AND TO PROVIDE, IN A TIMELY FASHION, FEDERAL AND STATE CRIMINAL HISTORY RECORDS TO REQUESTING STATES, IN ACCORDANCE WITH THE TERMS OF THIS COMPACT AND WITH

1 RULES, PROCEDURES, AND STANDARDS ESTABLISHED BY THE COUNCIL UNDER ARTI-
2 CLE VI;
3 (C) REQUIRE PARTY STATES TO PROVIDE INFORMATION AND RECORDS FOR THE
4 NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE AND TO
5 PROVIDE CRIMINAL HISTORY RECORDS, IN A TIMELY FASHION, TO CRIMINAL
6 HISTORY RECORD REPOSITORIES OF OTHER STATES AND THE FEDERAL GOVERNMENT
7 FOR NONCRIMINAL JUSTICE PURPOSES, IN ACCORDANCE WITH THE TERMS OF THIS
8 COMPACT AND WITH RULES, PROCEDURES, AND STANDARDS ESTABLISHED BY THE
9 COUNCIL UNDER ARTICLE VI;
10 (D) PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL TO MONITOR III SYSTEM
11 OPERATIONS AND TO PRESCRIBE SYSTEM RULES AND PROCEDURES FOR THE EFFEC-
12 TIVE AND PROPER OPERATION OF THE III SYSTEM FOR NONCRIMINAL JUSTICE
13 PURPOSES; AND
14 (E) REQUIRE THE FBI AND EACH PARTY STATE TO ADHERE TO III SYSTEM STAN-
15 DARDS CONCERNING RECORD DISSEMINATION AND USE, RESPONSE TIMES, SYSTEM
16 SECURITY, DATA QUALITY, AND OTHER DULY ESTABLISHED STANDARDS, INCLUDING
17 THOSE THAT ENHANCE THE ACCURACY AND PRIVACY OF SUCH RECORDS.

18 ARTICLE III--RESPONSIBILITIES OF COMPACT PARTIES

19 (A) THE DIRECTOR OF THE FBI SHALL:
20 1. APPOINT AN FBI COMPACT OFFICER WHO SHALL:
21 A. ADMINISTER THIS COMPACT WITHIN THE DEPARTMENT OF JUSTICE AND AMONG
22 FEDERAL AGENCIES AND OTHER AGENCIES AND ORGANIZATIONS THAT SUBMIT SEARCH
23 REQUESTS TO THE FBI PURSUANT TO SUBDIVISION (C) OF ARTICLE V;
24 B. ENSURE THAT COMPACT PROVISIONS AND RULES, PROCEDURES, AND STANDARDS
25 PRESCRIBED BY THE COUNCIL UNDER ARTICLE VI ARE COMPLIED WITH BY THE
26 DEPARTMENT OF JUSTICE AND THE FEDERAL AGENCIES AND OTHER AGENCIES AND
27 ORGANIZATIONS REFERRED TO IN SUBPARAGRAPH A OF PARAGRAPH ONE OF THIS
28 SUBDIVISION; AND
29 C. REGULATE THE USE OF RECORDS RECEIVED BY MEANS OF THE III SYSTEM
30 FROM PARTY STATES WHEN SUCH RECORDS ARE SUPPLIED BY THE FBI DIRECTLY TO
31 OTHER FEDERAL AGENCIES;
32 2. PROVIDE TO FEDERAL AGENCIES AND TO STATE CRIMINAL HISTORY RECORD
33 REPOSITORIES, CRIMINAL HISTORY RECORDS MAINTAINED IN ITS DATABASE FOR
34 THE NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV, INCLUDING:
35 A. INFORMATION FROM NONPARTY STATES; AND
36 B. INFORMATION FROM PARTY STATES THAT IS AVAILABLE FROM THE FBI
37 THROUGH THE III SYSTEM, BUT IS NOT AVAILABLE FROM THE PARTY STATE
38 THROUGH THE III SYSTEM;
39 C. PROVIDE A TELECOMMUNICATIONS NETWORK AND MAINTAIN CENTRALIZED
40 FACILITIES FOR THE EXCHANGE OF CRIMINAL HISTORY RECORDS FOR BOTH CRIMI-
41 NAL JUSTICE PURPOSES AND THE NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN
42 ARTICLE IV, AND ENSURE THAT THE EXCHANGE OF SUCH RECORDS FOR CRIMINAL
43 JUSTICE PURPOSES HAS PRIORITY OVER EXCHANGE FOR NONCRIMINAL JUSTICE
44 PURPOSES; AND
45 D. MODIFY OR ENTER INTO USER AGREEMENTS WITH NONPARTY STATE CRIMINAL
46 HISTORY RECORD REPOSITORIES TO REQUIRE THEM TO ESTABLISH RECORD REQUEST
47 PROCEDURES CONFORMING TO THOSE PRESCRIBED IN ARTICLE V.
48 (B) EACH PARTY STATE SHALL:
49 1. APPOINT A COMPACT OFFICER WHO SHALL:
50 A. ADMINISTER THIS COMPACT WITHIN THAT STATE;
51 B. ENSURE THAT COMPACT PROVISIONS AND RULES, PROCEDURES, AND STANDARDS
52 ESTABLISHED BY THE COUNCIL UNDER ARTICLE VI ARE COMPLIED WITH IN THE
53 STATE; AND

1 C. REGULATE THE IN-STATE USE OF RECORDS RECEIVED BY MEANS OF THE III
2 SYSTEM FROM THE FBI OR FROM OTHER PARTY STATES;

3 2. ESTABLISH AND MAINTAIN A CRIMINAL HISTORY RECORD REPOSITORY, WHICH
4 SHALL PROVIDE:

5 A. INFORMATION AND RECORDS FOR THE NATIONAL IDENTIFICATION INDEX AND
6 THE NATIONAL FINGERPRINT FILE; AND

7 B. THE STATE'S III SYSTEM-INDEXED CRIMINAL HISTORY RECORDS FOR
8 NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV; AND

9 C. PARTICIPATE IN THE NATIONAL FINGERPRINT FILE; AND

10 D. PROVIDE AND MAINTAIN TELECOMMUNICATIONS LINKS AND RELATED EQUIPMENT
11 NECESSARY TO SUPPORT THE SERVICES SET FORTH IN THIS COMPACT.

12 (C) COMPLIANCE WITH III SYSTEM STANDARDS. IN CARRYING OUT THEIR
13 RESPONSIBILITIES UNDER THIS COMPACT, THE FBI AND EACH PARTY STATE SHALL
14 COMPLY WITH III SYSTEM RULES, PROCEDURES, AND STANDARDS DULY ESTABLISHED
15 BY THE COUNCIL CONCERNING RECORD DISSEMINATION AND USE, RESPONSE TIMES,
16 DATA QUALITY, SYSTEM SECURITY, ACCURACY, PRIVACY PROTECTION, AND OTHER
17 ASPECTS OF III SYSTEM OPERATION.

18 (D) 1. USE OF THE III SYSTEM FOR NONCRIMINAL JUSTICE PURPOSES AUTHOR-
19 IZED IN THIS COMPACT SHALL BE MANAGED SO AS NOT TO DIMINISH THE LEVEL OF
20 SERVICES PROVIDED IN SUPPORT OF CRIMINAL JUSTICE PURPOSES.

21 2. ADMINISTRATION OF COMPACT PROVISIONS SHALL NOT REDUCE THE LEVEL OF
22 SERVICE AVAILABLE TO AUTHORIZED NONCRIMINAL JUSTICE USERS ON THE EFFEC-
23 TIVE DATE OF THIS COMPACT.

24 ARTICLE IV--AUTHORIZED RECORD DISCLOSURES

25 (A) STATE CRIMINAL HISTORY RECORD REPOSITORIES. TO THE EXTENT AUTHOR-
26 IZED BY SECTION FIVE HUNDRED FIFTY-TWO-A OF TITLE FIVE OF THE UNITED
27 STATES CODE, (COMMONLY KNOWN AS THE "PRIVACY ACT OF 1974"), THE FBI
28 SHALL PROVIDE ON REQUEST CRIMINAL HISTORY RECORDS (EXCLUDING SEALED
29 RECORDS) TO STATE CRIMINAL HISTORY RECORD REPOSITORIES FOR NONCRIMINAL
30 JUSTICE PURPOSES ALLOWED BY FEDERAL STATUTE, FEDERAL EXECUTIVE ORDER, OR
31 A STATE STATUTE THAT HAS BEEN APPROVED BY THE ATTORNEY GENERAL AND THAT
32 AUTHORIZES NATIONAL INDICES CHECKS.

33 (B) THE FBI, TO THE EXTENT AUTHORIZED BY SECTION FIVE HUNDRED
34 FIFTY-TWO-A OF TITLE FIVE OF THE UNITED STATES CODE, (COMMONLY KNOWN AS
35 THE "PRIVACY ACT OF 1974"), AND STATE CRIMINAL HISTORY RECORD REPOSITO-
36 RIES SHALL PROVIDE CRIMINAL HISTORY RECORDS (EXCLUDING SEALED RECORDS)
37 TO CRIMINAL JUSTICE AGENCIES AND OTHER GOVERNMENTAL OR NONGOVERNMENTAL
38 AGENCIES FOR NONCRIMINAL JUSTICE PURPOSES ALLOWED BY FEDERAL STATUTE,
39 FEDERAL EXECUTIVE ORDER, OR A STATE STATUTE THAT HAS BEEN APPROVED BY
40 THE ATTORNEY GENERAL, THAT AUTHORIZES NATIONAL INDICES CHECKS.

41 (C) ANY RECORD OBTAINED UNDER THIS COMPACT MAY BE USED ONLY FOR THE
42 OFFICIAL PURPOSES FOR WHICH THE RECORD WAS REQUESTED. EACH COMPACT OFFI-
43 CER SHALL ESTABLISH PROCEDURES, CONSISTENT WITH THIS COMPACT, AND WITH
44 RULES, PROCEDURES, AND STANDARDS ESTABLISHED BY THE COUNCIL UNDER ARTI-
45 CLE VI, WHICH PROCEDURES SHALL PROTECT THE ACCURACY AND PRIVACY OF THE
46 RECORDS, AND SHALL:

47 1. ENSURE THAT RECORDS OBTAINED UNDER THIS COMPACT ARE USED ONLY BY
48 AUTHORIZED OFFICIALS FOR AUTHORIZED PURPOSES;

49 2. REQUIRE THAT SUBSEQUENT RECORD CHECKS ARE REQUESTED TO OBTAIN
50 CURRENT INFORMATION WHENEVER A NEW NEED ARISES; AND

51 3. ENSURE THAT RECORD ENTRIES THAT MAY NOT LEGALLY BE USED FOR A
52 PARTICULAR NONCRIMINAL JUSTICE PURPOSE ARE DELETED FROM THE RESPONSE
53 AND, IF NO INFORMATION AUTHORIZED FOR RELEASE REMAINS, AN APPROPRIATE
54 "NO RECORD" RESPONSE IS COMMUNICATED TO THE REQUESTING OFFICIAL.

1 ARTICLE V--RECORD REQUEST PROCEDURES

2 (A) SUBJECT FINGERPRINTS OR OTHER APPROVED FORMS OF POSITIVE IDENTIFI-
3 CATION SHALL BE SUBMITTED WITH ALL REQUESTS FOR CRIMINAL HISTORY RECORD
4 CHECKS FOR NONCRIMINAL JUSTICE PURPOSES.

5 (B) EACH REQUEST FOR A CRIMINAL HISTORY RECORD CHECK UTILIZING THE
6 NATIONAL INDICES MADE UNDER ANY APPROVED STATE STATUTE SHALL BE SUBMIT-
7 TED THROUGH THAT STATE'S CRIMINAL HISTORY RECORD REPOSITORY. A STATE
8 CRIMINAL HISTORY RECORD REPOSITORY SHALL PROCESS AN INTERSTATE REQUEST
9 FOR NONCRIMINAL JUSTICE PURPOSES THROUGH THE NATIONAL INDICES ONLY IF
10 SUCH REQUEST IS TRANSMITTED THROUGH ANOTHER STATE CRIMINAL HISTORY
11 RECORD REPOSITORY OR THE FBI.

12 (C) EACH REQUEST FOR CRIMINAL HISTORY RECORD CHECKS UTILIZING THE
13 NATIONAL INDICES MADE UNDER FEDERAL AUTHORITY SHALL BE SUBMITTED THROUGH
14 THE FBI OR, IF THE STATE CRIMINAL HISTORY RECORD REPOSITORY CONSENTS TO
15 PROCESS FINGERPRINT SUBMISSIONS, THROUGH THE CRIMINAL HISTORY RECORD
16 REPOSITORY IN THE STATE IN WHICH SUCH REQUEST ORIGINATED. DIRECT ACCESS
17 TO THE NATIONAL IDENTIFICATION INDEX BY ENTITIES OTHER THAN THE FBI AND
18 STATE CRIMINAL HISTORY RECORDS REPOSITORIES SHALL NOT BE PERMITTED FOR
19 NONCRIMINAL JUSTICE PURPOSES.

20 (D) A STATE CRIMINAL HISTORY RECORD REPOSITORY OR THE FBI:

21 1. MAY CHARGE A FEE, IN ACCORDANCE WITH APPLICABLE LAW, FOR HANDLING A
22 REQUEST INVOLVING FINGERPRINT PROCESSING FOR NONCRIMINAL JUSTICE
23 PURPOSES; AND

24 2. MAY NOT CHARGE A FEE FOR PROVIDING CRIMINAL HISTORY RECORDS IN
25 RESPONSE TO AN ELECTRONIC REQUEST FOR A RECORD THAT DOES NOT INVOLVE A
26 REQUEST TO PROCESS FINGERPRINTS.

27 (E) 1. IF A STATE CRIMINAL HISTORY RECORD REPOSITORY CANNOT POSITIVELY
28 IDENTIFY THE SUBJECT OF A RECORD REQUEST MADE FOR NONCRIMINAL JUSTICE
29 PURPOSES, THE REQUEST, TOGETHER WITH FINGERPRINTS OR OTHER APPROVED
30 IDENTIFYING INFORMATION, SHALL BE FORWARDED TO THE FBI FOR A SEARCH OF
31 THE NATIONAL INDICES.

32 2. IF, WITH RESPECT TO A REQUEST FORWARDED BY A STATE CRIMINAL HISTORY
33 RECORD REPOSITORY UNDER PARAGRAPH ONE OF THIS SUBDIVISION, THE FBI POSI-
34 TIVELY IDENTIFIES THE SUBJECT AS HAVING A III SYSTEM-INDEXED RECORD OR
35 RECORDS:

36 A. THE FBI SHALL SO ADVISE THE STATE CRIMINAL HISTORY RECORD REPOSITO-
37 RY; AND

38 B. THE STATE CRIMINAL HISTORY RECORD REPOSITORY SHALL BE ENTITLED TO
39 OBTAIN THE ADDITIONAL CRIMINAL HISTORY RECORD INFORMATION FROM THE FBI
40 OR OTHER STATE CRIMINAL HISTORY RECORD REPOSITORIES.

41 ARTICLE VI--ESTABLISHMENT OF COMPACT COUNCIL

42 (A) 1. IN GENERAL, THERE IS ESTABLISHED A COUNCIL TO BE KNOWN AS THE
43 "COMPACT COUNCIL", WHICH SHALL HAVE THE AUTHORITY TO PROMULGATE RULES
44 AND PROCEDURES GOVERNING THE USE OF THE III SYSTEM FOR NONCRIMINAL
45 JUSTICE PURPOSES, NOT TO CONFLICT WITH FBI ADMINISTRATION OF THE III
46 SYSTEM FOR CRIMINAL JUSTICE PURPOSES.

47 2. THE COUNCIL SHALL:

48 A. CONTINUE IN EXISTENCE AS LONG AS THIS COMPACT REMAINS IN EFFECT;

49 B. BE LOCATED, FOR ADMINISTRATIVE PURPOSES, WITHIN THE FBI; AND

50 C. BE ORGANIZED AND HOLD ITS FIRST MEETING AS SOON AS PRACTICABLE
51 AFTER THE EFFECTIVE DATE OF THIS COMPACT.

52 (B) THE COUNCIL SHALL BE COMPOSED OF FIFTEEN MEMBERS, EACH OF WHOM
53 SHALL BE APPOINTED BY THE ATTORNEY GENERAL, AS FOLLOWS:

1 1. NINE MEMBERS, EACH OF WHOM SHALL SERVE A TWO-YEAR TERM, WHO SHALL
2 BE SELECTED FROM AMONG THE COMPACT OFFICERS OF PARTY STATES BASED ON THE
3 RECOMMENDATION OF THE COMPACT OFFICERS OF ALL PARTY STATES, EXCEPT THAT,
4 IN THE ABSENCE OF THE REQUISITE NUMBER OF COMPACT OFFICERS AVAILABLE TO
5 SERVE, THE CHIEF ADMINISTRATORS OF THE CRIMINAL HISTORY RECORD REPOSITO-
6 RIES OF NONPARTY STATES SHALL BE ELIGIBLE TO SERVE ON AN INTERIM BASIS.

7 2. TWO AT-LARGE MEMBERS, NOMINATED BY THE DIRECTOR OF THE FBI, EACH OF
8 WHOM SHALL SERVE A THREE-YEAR TERM, OF WHOM:

9 A. ONE SHALL BE A REPRESENTATIVE OF THE CRIMINAL JUSTICE AGENCIES OF
10 THE FEDERAL GOVERNMENT AND MAY NOT BE AN EMPLOYEE OF THE FBI; AND

11 B. ONE SHALL BE A REPRESENTATIVE OF THE NONCRIMINAL JUSTICE AGENCIES
12 OF THE FEDERAL GOVERNMENT.

13 3. TWO AT-LARGE MEMBERS, NOMINATED BY THE CHAIRMAN OF THE COUNCIL,
14 ONCE THE CHAIRMAN IS ELECTED PURSUANT TO SUBDIVISION (C) OF THIS ARTI-
15 CLE, EACH OF WHOM SHALL SERVE A THREE-YEAR TERM, OF WHOM:

16 A. ONE SHALL BE A REPRESENTATIVE OF STATE OR LOCAL CRIMINAL JUSTICE
17 AGENCIES; AND

18 B. ONE SHALL BE A REPRESENTATIVE OF STATE OR LOCAL NONCRIMINAL JUSTICE
19 AGENCIES.

20 4. ONE MEMBER, WHO SHALL SERVE A THREE-YEAR TERM, AND WHO SHALL SIMUL-
21 TANEOUSLY BE A MEMBER OF THE FBI'S ADVISORY POLICY BOARD ON CRIMINAL
22 JUSTICE INFORMATION SERVICES, NOMINATED BY THE MEMBERSHIP OF THAT POLICY
23 BOARD.

24 5. ONE MEMBER, NOMINATED BY THE DIRECTOR OF THE FBI, WHO SHALL SERVE A
25 THREE-YEAR TERM, AND WHO SHALL BE AN EMPLOYEE OF THE FBI.

26 (C) 1. IN GENERAL, FROM ITS MEMBERSHIP, THE COUNCIL SHALL ELECT A
27 CHAIRMAN AND A VICE CHAIRMAN OF THE COUNCIL, RESPECTIVELY. BOTH THE
28 CHAIRMAN AND VICE CHAIRMAN OF THE COUNCIL:

29 A. SHALL BE A COMPACT OFFICER, UNLESS THERE IS NO COMPACT OFFICER ON
30 THE COUNCIL WHO IS WILLING TO SERVE, IN WHICH CASE THE CHAIRMAN MAY BE
31 AN AT-LARGE MEMBER; AND

32 B. SHALL SERVE A TWO-YEAR TERM AND MAY BE REELECTED TO ONLY ONE ADDI-
33 TIONAL TWO-YEAR TERM.

34 2. THE VICE CHAIRMAN OF THE COUNCIL SHALL SERVE AS THE CHAIRMAN OF
35 THE COUNCIL IN THE ABSENCE OF THE CHAIRMAN.

36 (D) 1. IN GENERAL, THE COUNCIL SHALL MEET AT LEAST ONCE EACH YEAR AT
37 THE CALL OF THE CHAIRMAN. EACH MEETING OF THE COUNCIL SHALL BE OPEN TO
38 THE PUBLIC. THE COUNCIL SHALL PROVIDE PRIOR PUBLIC NOTICE IN THE FEDERAL
39 REGISTER OF EACH MEETING OF THE COUNCIL, INCLUDING THE MATTERS TO BE
40 ADDRESSED AT SUCH MEETING.

41 2. A MAJORITY OF THE COUNCIL OR ANY COMMITTEE OF THE COUNCIL SHALL
42 CONSTITUTE A QUORUM OF THE COUNCIL OR OF SUCH COMMITTEE, RESPECTIVELY,
43 FOR THE CONDUCT OF BUSINESS. A LESSER NUMBER MAY MEET TO HOLD HEARINGS,
44 TAKE TESTIMONY, OR CONDUCT ANY BUSINESS NOT REQUIRING A VOTE.

45 (E) THE COUNCIL SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING
46 AT THE COUNCIL OFFICE WITHIN THE FBI, AND SHALL PUBLISH IN THE FEDERAL
47 REGISTER, ANY RULES, PROCEDURES, OR STANDARDS ESTABLISHED BY THE COUN-
48 CIL.

49 (F) THE COUNCIL MAY REQUEST FROM THE FBI SUCH REPORTS, STUDIES,
50 STATISTICS, OR OTHER INFORMATION OR MATERIALS AS THE COUNCIL DETERMINES
51 TO BE NECESSARY TO ENABLE THE COUNCIL TO PERFORM ITS DUTIES UNDER THIS
52 COMPACT. THE FBI, TO THE EXTENT AUTHORIZED BY LAW, MAY PROVIDE SUCH
53 ASSISTANCE OR INFORMATION UPON SUCH A REQUEST.

54 (G) THE CHAIRMAN MAY ESTABLISH COMMITTEES AS NECESSARY TO CARRY OUT
55 THIS COMPACT AND MAY PRESCRIBE THEIR MEMBERSHIP, RESPONSIBILITIES, AND
56 DURATION.

1 ARTICLE VII--RATIFICATION OF COMPACT

2 THIS COMPACT SHALL TAKE EFFECT UPON BEING ENTERED INTO BY TWO OR MORE
3 STATES AS BETWEEN THOSE STATES AND THE FEDERAL GOVERNMENT. UPON SUBSE-
4 QUENT ENTERING INTO THIS COMPACT BY ADDITIONAL STATES, IT SHALL BECOME
5 EFFECTIVE AMONG THOSE STATES AND THE FEDERAL GOVERNMENT AND EACH PARTY
6 STATE THAT HAS PREVIOUSLY RATIFIED IT. WHEN RATIFIED, THIS COMPACT SHALL
7 HAVE THE FULL FORCE AND EFFECT OF LAW WITHIN THE RATIFYING JURISDIC-
8 TIONS. THE FORM OF RATIFICATION SHALL BE IN ACCORDANCE WITH THE LAWS OF
9 THE EXECUTING STATE.

10 ARTICLE VIII--MISCELLANEOUS PROVISIONS

11 (A) ADMINISTRATION OF THIS COMPACT SHALL NOT INTERFERE WITH THE
12 MANAGEMENT AND CONTROL OF THE DIRECTOR OF THE FBI OVER THE FBI'S
13 COLLECTION AND DISSEMINATION OF CRIMINAL HISTORY RECORDS AND THE ADVI-
14 SORY FUNCTION OF THE FBI'S ADVISORY POLICY BOARD CHARTERED UNDER THE
15 FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) FOR ALL PURPOSES OTHER
16 THAN NONCRIMINAL JUSTICE.

17 (B) NOTHING IN THIS COMPACT SHALL REQUIRE THE FBI TO OBLIGATE OR
18 EXPEND FUNDS BEYOND THOSE APPROPRIATED TO THE FBI.

19 (C) NOTHING IN THIS COMPACT SHALL DIMINISH OR LESSEN THE OBLIGATIONS,
20 RESPONSIBILITIES, AND AUTHORITIES OF ANY STATE, WHETHER A PARTY STATE OR
21 A NONPARTY STATE, OR OF ANY CRIMINAL HISTORY RECORD REPOSITORY OR OTHER
22 SUBDIVISION OR COMPONENT THEREOF, UNDER THE DEPARTMENTS OF STATE,
23 JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION
24 ACT, 1973 (PUBLIC LAW 92-544), OR REGULATIONS AND GUIDELINES PROMULGATED
25 THEREUNDER, INCLUDING THE RULES AND PROCEDURES PROMULGATED BY THE COUN-
26 CIL UNDER SUBDIVISION (A) OF ARTICLE VI, REGARDING THE USE AND DISSEM-
27 INATION OF CRIMINAL HISTORY RECORDS AND INFORMATION.

28 ARTICLE IX--RENUNCIATION

29 (A) IN GENERAL, THIS COMPACT SHALL BIND EACH PARTY STATE UNTIL
30 RENOUNCED BY THE PARTY STATE.

31 (B) ANY RENUNCIATION OF THIS COMPACT BY A PARTY STATE SHALL:

32 1. BE EFFECTED IN THE SAME MANNER BY WHICH THE PARTY STATE RATIFIED
33 THIS COMPACT; AND

34 2. BECOME EFFECTIVE ONE HUNDRED EIGHTY DAYS AFTER WRITTEN NOTICE OF
35 RENUNCIATION IS PROVIDED BY THE PARTY STATE TO EACH OTHER PARTY STATE
36 AND TO THE FEDERAL GOVERNMENT.

37 ARTICLE X--SEVERABILITY

38 THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE,
39 CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRA-
40 RY TO THE CONSTITUTION OF ANY PARTICIPATING STATE, OR TO THE CONSTITU-
41 TION OF THE UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERN-
42 MENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF
43 THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY
44 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THERE-
45 BY. IF A PORTION OF THIS COMPACT IS HELD CONTRARY TO THE CONSTITUTION OF
46 ANY PARTY STATE, ALL OTHER PORTIONS OF THIS COMPACT SHALL REMAIN IN FULL
47 FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND
48 EFFECT AS TO THE PARTY STATE AFFECTED, AS TO ALL OTHER PROVISIONS.

ARTICLE XI--ADJUDICATION OF DISPUTES

(A) THE COUNCIL SHALL:

1. HAVE INITIAL AUTHORITY TO MAKE DETERMINATIONS WITH RESPECT TO ANY DISPUTE REGARDING:

A. INTERPRETATION OF THIS COMPACT;

B. ANY RULE OR STANDARD ESTABLISHED BY THE COUNCIL PURSUANT TO ARTICLE VI; AND

C. ANY DISPUTE OR CONTROVERSY BETWEEN ANY PARTIES TO THIS COMPACT; AND

2. HOLD A HEARING CONCERNING ANY DISPUTE DESCRIBED IN PARAGRAPH ONE OF THIS SUBDIVISION AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL AND ONLY RENDER A DECISION BASED UPON A MAJORITY VOTE OF THE MEMBERS OF THE COUNCIL. SUCH DECISION SHALL BE PUBLISHED PURSUANT TO THE REQUIREMENTS OF SUBDIVISION (E) OF ARTICLE VI.

(B) THE FBI SHALL EXERCISE IMMEDIATE AND NECESSARY ACTION TO PRESERVE THE INTEGRITY OF THE III SYSTEM, MAINTAIN SYSTEM POLICY AND STANDARDS, PROTECT THE ACCURACY AND PRIVACY OF RECORDS, AND TO PREVENT ABUSES, UNTIL THE COUNCIL HOLDS A HEARING ON SUCH MATTERS.

(C) THE FBI OR A PARTY STATE MAY APPEAL ANY DECISION OF THE COUNCIL TO THE ATTORNEY GENERAL, AND THEREAFTER MAY FILE SUIT IN THE APPROPRIATE DISTRICT COURT OF THE UNITED STATES, WHICH SHALL HAVE ORIGINAL JURISDICTION OF ALL CASES OR CONTROVERSIES ARISING UNDER THIS COMPACT. ANY SUIT ARISING UNDER THIS COMPACT AND INITIATED IN A STATE COURT SHALL BE REMOVED TO THE APPROPRIATE DISTRICT COURT OF THE UNITED STATES IN THE MANNER PROVIDED BY SECTION FOURTEEN HUNDRED FORTY-SIX OF TITLE TWENTY-EIGHT OF THE UNITED STATES CODE, OR OTHER STATUTORY AUTHORITY.

S 2. This act shall take effect immediately.

PART E

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [2013] 2015.

S 2. Section 3 of 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, as amended by section 2 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [2013] 2015, when it shall expire and be deemed repealed.

S 3. Section 3 of 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, as amended by section 3 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, [2013] 2015.

S 4. Section 20 of 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, as amended

1 by section 4 of part A of chapter 57 of the laws of 2011, is amended to
2 read as follows:

3 S 20. This act shall take effect immediately except that section thir-
4 teen of this act shall expire and be of no further force or effect on
5 and after September 1, [2013] 2015 and shall not apply to persons
6 committed to the custody of the department after such date, and provided
7 further that the commissioner of correctional services shall report each
8 January first and July first during such time as the earned eligibility
9 program is in effect, to the chairmen of the senate crime victims, crime
10 and correction committee, the senate codes committee, the assembly
11 correction committee, and the assembly codes committee, the standards in
12 effect for earned eligibility during the prior six-month period, the
13 number of inmates subject to the provisions of earned eligibility, the
14 number who actually received certificates of earned eligibility during
15 that period of time, the number of inmates with certificates who are
16 granted parole upon their first consideration for parole, the number
17 with certificates who are denied parole upon their first consideration,
18 and the number of individuals granted and denied parole who did not have
19 earned eligibility certificates.

20 S 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,
21 amending the tax law and other laws relating to taxes, surcharges, fees
22 and funding, as amended by section 5 of part A of chapter 57 of the laws
23 of 2011, is amended to read as follows:

24 (q) the provisions of section two hundred eighty-four of this act
25 shall remain in effect until September 1, [2013] 2015 and be applicable
26 to all persons entering the program on or before August 31, [2013] 2015.

27 S 6. Section 10 of chapter 339 of the laws of 1972, amending the
28 correction law and the penal law relating to inmate work release,
29 furlough and leave, as amended by section 6 of part A of chapter 57 of
30 the laws of 2011, is amended to read as follows:

31 S 10. This act shall take effect 30 days after it shall have become a
32 law and shall remain in effect until September 1, [2013] 2015, and
33 provided further that the commissioner of correctional services shall
34 report each January first, and July first, to the chairman of the senate
35 crime victims, crime and correction committee, the senate codes commit-
36 tee, the assembly correction committee, and the assembly codes commit-
37 tee, the number of eligible inmates in each facility under the custody
38 and control of the commissioner who have applied for participation in
39 any program offered under the provisions of work release, furlough, or
40 leave, and the number of such inmates who have been approved for partic-
41 ipation.

42 S 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994
43 relating to certain provisions which impact upon expenditure of certain
44 appropriations made by chapter 50 of the laws of 1994 enacting the state
45 operations budget, as amended by section 7 of part A of chapter 57 of
46 the laws of 2011, is amended to read as follows:

47 (c) sections forty-one and forty-two of this act shall expire Septem-
48 ber 1, [2013] 2015; provided, that the provisions of section forty-two
49 of this act shall apply to inmates entering the work release program on
50 or after such effective date; and

51 S 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,
52 amending the correction law and other laws relating to the incarceration
53 fee, as amended by section 9 of part A of chapter 57 of the laws of
54 2011, is amended to read as follows:

55 h. Section fifty-two of this act shall be deemed to have been in full
56 force and effect on and after April 1, 1995; provided, however, that the

1 provisions of section 189 of the correction law, as amended by section
2 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,
3 as amended by section fifty-six of this act, and section fifty-seven of
4 this act shall expire September 1, [2013] 2015, when upon such date the
5 amendments to the correction law and penal law made by sections fifty-
6 five and fifty-six of this act shall revert to and be read as if the
7 provisions of this act had not been enacted; provided, however, that
8 sections sixty-two, sixty-three and sixty-four of this act shall be
9 deemed to have been in full force and effect on and after March 1, 1995
10 and shall be deemed repealed April 1, 1996 and upon such date the
11 provisions of subsection (e) of section 9110 of the insurance law and
12 subdivision 2 of section 89-d of the state finance law shall revert to
13 and be read as set out in law on the date immediately preceding the
14 effective date of sections sixty-two and sixty-three of this act;

15 S 9. Subdivision (c) of section 49 of subpart A of part C of chapter
16 62 of the laws of 2011 amending the correction law and the executive
17 law, relating to merging the department of correctional services and
18 division of parole into the department of corrections and community
19 supervision, is amended to read as follows:

20 (c) that the amendments to subdivision 9 of section 201 of the
21 correction law as added by section thirty-two of this act shall remain
22 in effect until September 1, [2013] 2015, when it shall expire and be
23 deemed repealed;

24 S 10. Subdivision (aa) of section 427 of chapter 55 of the laws of
25 1992, amending the tax law and other laws relating to taxes, surcharges,
26 fees and funding, as amended by section 11 of part A of chapter 57 of
27 the laws of 2011, is amended to read as follows:

28 (aa) the provisions of sections three hundred eighty-two, three
29 hundred eighty-three and three hundred eighty-four of this act shall
30 expire on September 1, [2013] 2015;

31 S 11. Section 12 of chapter 907 of the laws of 1984, amending the
32 correction law, the New York city criminal court act and the executive
33 law relating to prison and jail housing and alternatives to detention
34 and incarceration programs, as amended by section 12 of part A of chap-
35 ter 57 of the laws of 2011, is amended to read as follows:

36 S 12. This act shall take effect immediately, except that the
37 provisions of sections one through ten of this act shall remain in full
38 force and effect until September 1, [2013] 2015 on which date those
39 provisions shall be deemed to be repealed.

40 S 12. Subdivision (p) of section 406 of chapter 166 of the laws of
41 1991, amending the tax law and other laws relating to taxes, as amended
42 by section 13 of part A of chapter 57 of the laws of 2011, is amended to
43 read as follows:

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

1 not been enacted; section three hundred sixty-four through three hundred
2 sixty-seven of this act shall apply to claims filed on or after such
3 effective date; sections three hundred sixty-nine, three hundred seven-
4 ty-two, three hundred seventy-three, three hundred seventy-four, three
5 hundred seventy-five and three hundred seventy-six of this act shall
6 remain in effect until September 1, [2013] 2015, at which time they
7 shall be deemed repealed; provided, however, that the mandatory
8 surcharge provided in section three hundred seventy-four of this act
9 shall apply to parking violations occurring on or after said effective
10 date; and provided further that the amendments made to section 235 of
11 the vehicle and traffic law by section three hundred seventy-two of this
12 act, the amendments made to section 1809 of the vehicle and traffic law
13 by sections three hundred thirty-seven and three hundred thirty-eight of
14 this act and the amendments made to section 215-a of the labor law by
15 section three hundred seventy-five of this act shall expire on September
16 1, [2013] 2015 and upon such date the provisions of such subdivisions
17 and sections shall revert to and be read as if the provisions of this
18 act had not been enacted; the amendments to subdivisions 2 and 3 of
19 section 400.05 of the penal law made by sections three hundred seventy-
20 seven and three hundred seventy-eight of this act shall expire on July
21 1, 1992 and upon such date the provisions of such subdivisions shall
22 revert and shall be read as if the provisions of this act had not been
23 enacted; the state board of law examiners shall take such action as is
24 necessary to assure that all applicants for examination for admission to
25 practice as an attorney and counsellor at law shall pay the increased
26 examination fee provided for by the amendment made to section 465 of the
27 judiciary law by section three hundred eighty of this act for any exam-
28 ination given on or after the effective date of this act notwithstanding
29 that an applicant for such examination may have prepaid a lesser fee for
30 such examination as required by the provisions of such section 465 as of
31 the date prior to the effective date of this act; the provisions of
32 section 306-a of the civil practice law and rules as added by section
33 three hundred eighty-one of this act shall apply to all actions pending
34 on or commenced on or after September 1, 1991, provided, however, that
35 for the purposes of this section service of such summons made prior to
36 such date shall be deemed to have been completed on September 1, 1991;
37 the provisions of section three hundred eighty-three of this act shall
38 apply to all money deposited in connection with a cash bail or a
39 partially secured bail bond on or after such effective date; and the
40 provisions of sections three hundred eighty-four and three hundred
41 eighty-five of this act shall apply only to jury service commenced
42 during a judicial term beginning on or after the effective date of this
43 act; provided, however, that nothing contained herein shall be deemed to
44 affect the application, qualification, expiration or repeal of any
45 provision of law amended by any section of this act and such provisions
46 shall be applied or qualified or shall expire or be deemed repealed in
47 the same manner, to the same extent and on the same date as the case may
48 be as otherwise provided by law;

49 S 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as
50 amended by section 14 of part A of chapter 57 of the laws of 2011, is
51 amended to read as follows:

52 8. The provisions of this section shall only apply to offenses commit-
53 ted on or before September first, two thousand [thirteen] FIFTEEN.

54 S 14. Section 6 of chapter 713 of the laws of 1988, amending the vehi-
55 cle and traffic law relating to the ignition interlock device program,

1 as amended by section 15 of part A of chapter 57 of the laws of 2011, is
2 amended to read as follows:

3 S 6. This act shall take effect on the first day of April next
4 succeeding the date on which it shall have become a law; provided,
5 however, that effective immediately, the addition, amendment or repeal
6 of any rule or regulation necessary for the implementation of the fore-
7 going sections of this act on their effective date is authorized and
8 directed to be made and completed on or before such effective date and
9 shall remain in full force and effect until the first day of September,
10 [2013] 2015 when upon such date the provisions of this act shall be
11 deemed repealed.

12 S 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
13 laws of 1997, amending the military law and other laws relating to vari-
14 ous provisions, as amended by section 16 of part A of chapter 57 of the
15 laws of 2011, is amended to read as follows:

16 a. sections forty-three through forty-five of this act shall expire
17 and be deemed repealed on September 1, [2013] 2015;

18 S 16. Section 4 of part D of chapter 412 of the laws of 1999, amending
19 the civil practice law and rules and the court of claims act relating to
20 prisoner litigation reform, as amended by section 17 of part A of chap-
21 ter 57 of the laws of 2011, is amended to read as follows:

22 S 4. This act shall take effect 120 days after it shall have become a
23 law and shall remain in full force and effect until September 1, [2013]
24 2015, when upon such date it shall expire.

25 S 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,
26 constituting the family protection and domestic violence intervention
27 act of 1994, as amended by section 18 of part A of chapter 57 of the
28 laws of 2011, is amended to read as follows:

29 2. Subdivision 4 of section 140.10 of the criminal procedure law as
30 added by section thirty-two of this act shall take effect January 1,
31 1996 and shall expire and be deemed repealed on September 1, [2013]
32 2015.

33 S 18. Section 5 of chapter 505 of the laws of 1985, amending the crim-
34 inal procedure law relating to the use of closed-circuit television and
35 other protective measures for certain child witnesses, as amended by
36 section 19 of part A of chapter 57 of the laws of 2011, is amended to
37 read as follows:

38 S 5. This act shall take effect immediately and shall apply to all
39 criminal actions and proceedings commenced prior to the effective date
40 of this act but still pending on such date as well as all criminal
41 actions and proceedings commenced on or after such effective date and
42 its provisions shall expire on September 1, [2013] 2015, when upon such
43 date the provisions of this act shall be deemed repealed.

44 S 19. Subdivision d of section 74 of chapter 3 of the laws of 1995,
45 enacting the sentencing reform act of 1995, as amended by section 20 of
46 part A of chapter 57 of the laws of 2011, is amended to read as follows:

47 d. Sections one-a through twenty, twenty-four through twenty-eight,
48 thirty through thirty-nine, forty-two and forty-four of this act shall
49 be deemed repealed on September 1, [2013] 2015;

50 S 20. Section 2 of chapter 689 of the laws of 1993 amending the crimi-
51 nal procedure law relating to electronic court appearance in certain
52 counties, as amended by section 21 of part A of chapter 57 of the laws
53 of 2011, is amended to read as follows:

54 S 2. This act shall take effect immediately, except that the
55 provisions of this act shall be deemed to have been in full force and
56 effect since July 1, 1992 and the provisions of this act shall expire

1 September 1, [2013] 2015 when upon such date the provisions of this act
2 shall be deemed repealed.

3 S 21. Section 3 of chapter 688 of the laws of 2003, amending the exec-
4 utive law relating to enacting the interstate compact for adult offender
5 supervision, as amended by section 22 of part A of chapter 57 of the
6 laws of 2011, is amended to read as follows:

7 S 3. This act shall take effect immediately, except that section one
8 of this act shall take effect on the first of January next succeeding
9 the date on which it shall have become a law, and shall remain in effect
10 until the first of September, [2013] 2015, upon which date this act
11 shall be deemed repealed and have no further force and effect; provided
12 that section one of this act shall only take effect with respect to any
13 compacting state which has enacted an interstate compact entitled
14 "Interstate compact for adult offender supervision" and having an iden-
15 tical effect to that added by section one of this act and provided
16 further that with respect to any such compacting state, upon the effec-
17 tive date of section one of this act, section 259-m of the executive law
18 is hereby deemed REPEALED and section 259-mm of the executive law, as
19 added by section one of this act, shall take effect; and provided
20 further that with respect to any state which has not enacted an inter-
21 state compact entitled "Interstate compact for adult offender super-
22 vision" and having an identical effect to that added by section one of
23 this act, section 259-m of the executive law shall take effect and the
24 provisions of section one of this act, with respect to any such state,
25 shall have no force or effect until such time as such state shall adopt
26 an interstate compact entitled "Interstate compact for adult offender
27 supervision" and having an identical effect to that added by section one
28 of this act in which case, with respect to such state, effective imme-
29 diately, section 259-m of the executive law is deemed repealed and
30 section 259-mm of the executive law, as added by section one of this
31 act, shall take effect.

32 S 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
33 the correction law relating to limiting the closing of certain correc-
34 tional facilities, providing for the custody by the department of
35 correctional services of inmates serving definite sentences, providing
36 for custody of federal prisoners and requiring the closing of certain
37 correctional facilities, as amended by section 23 of part A of chapter
38 57 of the laws of 2011, is amended to read as follows:

39 S 8. This act shall take effect immediately; provided, however that
40 sections five and six of this act shall expire and be deemed repealed
41 September 1, [2013] 2015.

42 S 23. Section 3 of part C of chapter 152 of the laws of 2001 amending
43 the military law relating to military funds of the organized militia, as
44 amended by section 25 of part A of chapter 57 of the laws of 2011, is
45 amended to read as follows:

46 S 3. This act shall take effect on the same date as the reversion of
47 subdivision 5 of section 183 and subdivision 1 of section 221 of the
48 military law as provided by section 76 of chapter 435 of the laws of
49 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
50 standing this act shall be deemed to have been in full force and effect
51 on and after July 31, 2005 and shall remain in full force and effect
52 until September 1, [2013] 2015 when upon such date this act shall
53 expire.

54 S 24. Section 5 of chapter 554 of the laws of 1986, amending the
55 correction law and the penal law relating to providing for community
56 treatment facilities and establishing the crime of absconding from the

community treatment facility, as amended by section 8 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [2013] 2015, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

S 25. This act shall take effect immediately.

PART F

Section 1. Section 2 of part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, as amended by section 1 of part F of chapter 55 of the laws of 2012, is amended to read as follows:

S 2. This act shall take effect immediately and shall remain in full force and effect until March 31, [2013] 2014, 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, 2013.

PART G

Intentionally omitted

PART H

Intentionally Omitted

PART I

Section 1. The state finance law is amended by adding a new section 99-u to read as follows:

S 99-U. NEW YORK STATE GAMING COMMISSION ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE EXECUTIVE DIRECTOR OF THE NEW YORK STATE GAMING COMMISSION AN ACCOUNT IN THE MISCELLANEOUS SPECIAL REVENUE FUND TO BE KNOWN AS THE "NEW YORK STATE GAMING COMMISSION ACCOUNT".

2. SUCH ACCOUNT SHALL CONSIST OF MONEYS TRANSFERRED THERETO FROM THE STATE LOTTERY FUND ADMINISTRATION ACCOUNT, THE REGULATION OF RACING ACCOUNT, THE BELL JAR COLLECTION ACCOUNT OR THE REGULATION OF INDIAN GAMING ACCOUNT.

3. IN NO CIRCUMSTANCE SHALL NET PROCEEDS OF THE LOTTERY, INCLUDING THE PROCEEDS FROM VIDEO LOTTERY GAMING, BE USED FOR THE PAYMENT OF NON-LOTTERY EXPENSES OF THE NEW YORK GAMING COMMISSION, ADMINISTRATIVE OR OTHERWISE.

4. ALL MONEYS IN THE NEW YORK STATE GAMING COMMISSION ACCOUNT SHALL BE AVAILABLE, SUBJECT TO APPROPRIATION, FOR THE PAYMENT OF ADMINISTRATIVE EXPENSES OF THE NEW YORK STATE GAMING COMMISSION.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after February 1, 2013.

PART J

Section 1. Paragraphs 2 and 3 of subdivision b of section 1612 of the tax law, as amended by section 1 of part 01 of chapter 57 of the laws of 2009, are amended to read as follows:

2. As consideration for the operation of a video lottery gaming facility, the division, shall cause the investment in the racing industry of a portion of the vendor fee received pursuant to paragraph one of this subdivision in the manner set forth in this subdivision. With the exception of Aqueduct racetrack, each such track shall dedicate a portion of its vendor fees, received pursuant to clause (A), (B), (C), (D), (E), (F), or (G) of subparagraph (ii) of paragraph one of this subdivision, solely for the purpose of enhancing purses at such track, in an amount equal to eight and three-quarters percent of the total revenue wagered at the vendor track after pay out for prizes. ONE PERCENT OF SUCH PURSE ENHANCEMENT AMOUNT SHALL BE PAID TO THE GAMING COMMISSION TO BE USED EXCLUSIVELY TO PROMOTE AND ENSURE EQUINE HEALTH AND SAFETY IN NEW YORK. ANY PORTION OF SUCH FUNDING TO THE GAMING COMMISSION UNUSED DURING A FISCAL YEAR SHALL BE RETURNED TO THE VIDEO LOTTERY GAMING OPERATORS ON A PRO RATA BASIS IN ACCORDANCE WITH THE AMOUNTS ORIGINALLY CONTRIBUTED BY EACH OPERATOR AND SHALL BE USED FOR THE PURPOSE OF ENHANCING PURSES AT SUCH TRACK. In addition, with the exception of Aqueduct racetrack, one and one-quarter percent of total revenue wagered at the vendor track after pay out for prizes, received pursuant to clause (A), (B), (C), (D), (E), (F), or (G) of subparagraph (ii) of paragraph one of this subdivision, shall be distributed to the appropriate breeding fund for the manner of racing conducted by such track.

Provided, further, that nothing in this paragraph shall prevent each track from entering into an agreement, not to exceed five years, with the organization authorized to represent its horsemen to increase or decrease the portion of its vendor fee dedicated to enhancing purses at such track during the years of participation by such track, or to race fewer dates than required herein.

3. Nothing in paragraph two of this subdivision shall affect any agreement in effect on or before the effective date of this paragraph, EXCEPT THAT THE OBLIGATION TO PAY FUNDS TO THE GAMING COMMISSION TO PROMOTE AND ENSURE EQUINE HEALTH AND SAFETY SHALL SUPERSEDE ANY PROVISION TO THE CONTRARY IN ANY SUCH AGREEMENT.

S 2. Paragraph 1 of subdivision f of section 1612 of the tax law, as amended by chapter 140 of the laws of 2008, is amended to read as follows:

1. Six and one-half percent of the total wagered after payout of prizes for the first year of operation of video lottery gaming at Aqueduct racetrack, seven percent of the total wagered after payout of prizes for the second year of operation, and seven and one-half percent of the total wagered after payout of prizes for the third year of operation and thereafter, for the purpose of enhancing purses at Aqueduct racetrack, Belmont Park racetrack and Saratoga race course. ONE PERCENT OF SUCH PURSE ENHANCEMENT AMOUNT SHALL BE PAID TO THE GAMING COMMISSION TO BE USED EXCLUSIVELY TO PROMOTE AND ENSURE EQUINE HEALTH AND SAFETY IN NEW YORK. ANY PORTION OF SUCH FUNDING TO THE GAMING COMMISSION UNUSED DURING A FISCAL YEAR SHALL BE RETURNED ON A PRO RATA BASIS IN ACCORDANCE

1 WITH THE AMOUNTS ORIGINALLY CONTRIBUTED AND SHALL BE USED FOR THE
2 PURPOSE OF ENHANCING PURSES AT SUCH TRACKS.

3 S 3. The legislature hereby establishes a New York task force on jock-
4 ey health and safety. The task force shall assess, investigate and
5 research issues involving safety and health of jockeys who regularly
6 race at the thoroughbred racetracks in New York state. The task force
7 shall consist of seven individuals to be appointed by the governor, one
8 of whom shall be appointed on the recommendation of the temporary presi-
9 dent of the senate, and one of whom shall be appointed on the recommen-
10 dation of the speaker of the assembly, who shall be named no later than
11 forty-five days after this act shall take effect, at least one of whom
12 shall be a jockey or former jockey. The task force shall issue a report
13 containing its findings and recommendations concerning jockey benefits
14 including health, life, disability, pension, or other similar benefits
15 and how such needs can best be provided through the resources of the
16 racing industry. The report shall be provided to the governor, tempo-
17 rary president of the senate, speaker of the assembly, minority leader
18 of the senate and minority leader of the assembly within ninety days
19 after the majority of its members are appointed.

20 The task force may request and shall receive from any division,
21 department, board, bureau, commission, office, agency, or other instru-
22 mentality of the state, or any political subdivision thereof, such
23 assistance and data as it deems necessary and desirable for the proper
24 execution of its powers and duties. The members of the task force shall
25 receive no compensation for their services, but shall be allowed their
26 actual and necessary expenses incurred in the performance of their
27 duties which shall be paid by the franchised corporation established
28 pursuant to article two of the racing, pari-mutuel wagering and breeding
29 law, and the franchised corporation shall make available \$25,000 for
30 other costs associated with the report, including data collection, anal-
31 ysis, and expert review.

32 S 4. This act shall take effect immediately.

33

PART K

34 Section 1. Subparagraphs (iii) and (vii) of paragraph q of subdivision
35 10 of section 54 of the state finance law, as added by section 3 of part
36 K of chapter 57 of the laws of 2011, are amended to read as follows:

37 (iii) Study projects shall include an examination of the potential
38 financial savings, management improvements, and service delivery changes
39 resulting from a local government re-organization, LEGAL ISSUES AND
40 IMPEDIMENTS SURROUNDING THE RE-ORGANIZATION, RECOMMENDED STEPS TO
41 COMPLETE THE RE-ORGANIZATION, as well as options for cost-savings if the
42 re-organization is not completed.

43 (vii) Matching funds equal to [ten] AT LEAST FIFTY percent of the
44 total cost of activities under the grant work plan approved by the
45 department of state shall be required FOR A LOCAL GOVERNMENT RE-ORGANI-
46 ZATION GRANT FOR A RE-ORGANIZATION STUDY, EXCEPT FOR SUCH GRANTS THAT
47 ARE AWARDED TO A LOCAL GOVERNMENT ENTITY ELIGIBLE FOR AN EXPEDITED GRANT
48 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH. UPON IMPLEMENTATION OF
49 THE LOCAL GOVERNMENT RE-ORGANIZATION, THE LOCAL MATCHING FUNDS REQUIRED
50 BY SUCH GRANT FOR A RE-ORGANIZATION STUDY SHALL BE REFUNDED EXCEPT FOR
51 TEN PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE GRANT WORK PLAN
52 APPROVED BY THE DEPARTMENT OF STATE. MATCHING FUNDS EQUAL TO AT LEAST
53 TEN PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE GRANT WORK PLAN
54 APPROVED BY THE DEPARTMENT OF STATE SHALL BE REQUIRED FOR A LOCAL

1 GOVERNMENT RE-ORGANIZATION GRANT FOR A RE-ORGANIZATION STUDY AWARDED TO
2 A LOCAL GOVERNMENT ENTITY ELIGIBLE FOR AN EXPEDITED GRANT PURSUANT TO
3 SUBPARAGRAPH (V) OF THIS PARAGRAPH AND FOR A LOCAL GOVERNMENT RE-ORGANI-
4 ZATION GRANT FOR THE IMPLEMENTATION OF A RE-ORGANIZATION.

5 S 1-a. Paragraph q of subdivision 10 of section 54 of the state
6 finance law is amended by adding two new subparagraphs (viii) and (ix)
7 to read as follows:

8 (VIII) WITHIN ONE WEEK OF THE RECEIPT OF AN APPLICATION, THE DEPART-
9 MENT OF STATE SHALL REVIEW THE APPLICATION TO ENSURE THE APPLICANT HAS
10 FILED THE CORRECT APPLICATION, AND TO DETERMINE IF ANY REQUIRED SECTIONS
11 OF THE APPLICATION CONTAIN NO INFORMATION. WITHIN ONE BUSINESS DAY OF
12 DETERMINING AN APPLICANT HAS FILED AN INCORRECT APPLICATION, OR DETER-
13 MINING AN APPLICATION CONTAINS NO INFORMATION IN A SECTION REQUIRED TO
14 CONTAIN INFORMATION, THE DEPARTMENT SHALL SO NOTIFY THE APPLICANT.
15 APPLICANTS SHALL BE PERMITTED TO AMEND AN APPLICATION FOUND TO BE MISS-
16 ING INFORMATION, AND SUCH APPLICATION SHALL BE RECONSIDERED FOR APPROVAL
17 IF IT IS AMENDED BY THE APPLICATION DEADLINE. IF AN APPLICANT HAS
18 SUBMITTED AN INCORRECT APPLICATION, THE APPLICANT MAY SUBMIT THE CORRECT
19 APPLICATION TO THE APPROPRIATE PROGRAM BY THE DEADLINE FOR SUCH PROGRAM
20 FOR CONSIDERATION. UNDER NO CIRCUMSTANCES SHALL THIS SUBPARAGRAPH BE
21 DEEMED TO REQUIRE THE EXTENSION OF ANY APPLICATION DEADLINE ESTABLISHED
22 BY THE DEPARTMENT, NOR SHALL IT OBLIGATE THE DEPARTMENT TO CONDUCT A
23 SUBSTANTIVE REVIEW OF THE CONTENTS OF ANY APPLICATION OUTSIDE OF THE
24 PROCEDURES ESTABLISHED BY THE DEPARTMENT FOR THE PURPOSES OF MAINTAINING
25 THE COMPETITIVE INTEGRITY OF THE GRANT PROGRAM.

26 (IX) WRITTEN NOTICE SHALL BE PROVIDED TO AN APPLICANT OF A DECISION
27 REGARDING THE GRANT OR DENIAL OF AN AWARD UNDER THIS PARAGRAPH, WITHIN
28 THIRTY DAYS AFTER SUCH DECISION.

29 S 2. The opening paragraph of paragraph r of subdivision 10 of
30 section 54 of the state finance law, as added by section 3 of part K of
31 chapter 57 of the laws of 2011, is amended to read as follows:

32 Local government efficiency grant program beginning in the state
33 fiscal year commencing April first, two thousand eleven AND CONTINUING
34 UNTIL THE END OF THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOU-
35 SAND TWELVE.

36 S 3. Paragraphs s and t of subdivision 10 of section 54 of the state
37 finance law, paragraph t as relettered by section 3 of part K of chapter
38 57 of the laws of 2011, are relettered paragraphs t and u and a new
39 paragraph s is added to read as follows:

40 S. LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM BEGINNING IN THE STATE
41 FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND THIRTEEN. (I) (1) FOR
42 THE PURPOSES OF THIS PARAGRAPH, "MUNICIPALITY" SHALL MEAN A COUNTY,
43 CITY, TOWN, VILLAGE, SPECIAL IMPROVEMENT DISTRICT, FIRE DISTRICT, PUBLIC
44 LIBRARY, ASSOCIATION LIBRARY, OR PUBLIC LIBRARY SYSTEM AS DEFINED BY
45 SECTION TWO HUNDRED SEVENTY-TWO OF THE EDUCATION LAW, PROVIDED HOWEVER,
46 THAT FOR THE PURPOSES OF THIS DEFINITION, A PUBLIC LIBRARY SYSTEM SHALL
47 BE CONSIDERED A MUNICIPALITY ONLY IN INSTANCES WHERE SUCH PUBLIC LIBRARY
48 SYSTEM ADVANCES A JOINT APPLICATION ON BEHALF OF ITS MEMBER LIBRARIES,
49 WATER AUTHORITY, SEWER AUTHORITY, REGIONAL PLANNING AND DEVELOPMENT
50 BOARD, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES;
51 PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS DEFINITION, A BOARD OF
52 COOPERATIVE EDUCATIONAL SERVICES SHALL BE CONSIDERED A MUNICIPALITY ONLY
53 IN INSTANCES WHERE SUCH BOARD OF COOPERATIVE EDUCATIONAL SERVICES
54 ADVANCES A JOINT APPLICATION ON BEHALF OF SCHOOL DISTRICTS AND OTHER
55 MUNICIPALITIES WITHIN THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
56 REGION; PROVIDED, HOWEVER, THAT ANY AGREEMENTS WITH A BOARD OF COOPER-

1 ACTIVE EDUCATIONAL SERVICES: SHALL NOT GENERATE ADDITIONAL STATE AID;
2 SHALL BE DEEMED NOT TO BE A PART OF THE PROGRAM, CAPITAL AND ADMINISTRA-
3 TIVE BUDGETS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR THE
4 PURPOSES OF COMPUTING CHARGES UPON COMPONENT SCHOOL DISTRICTS PURSUANT
5 TO SUBDIVISION ONE AND SUBPARAGRAPH SEVEN OF PARAGRAPH B OF SUBDIVISION
6 FOUR OF SECTION NINETEEN HUNDRED FIFTY AND SUBDIVISION ONE OF SECTION
7 NINETEEN HUNDRED FIFTY-ONE OF THE EDUCATION LAW; AND SHALL BE DEEMED TO
8 BE A COOPERATIVE MUNICIPAL SERVICE FOR PURPOSES OF SUBPARAGRAPH TWO OF
9 PARAGRAPH D OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF THE
10 EDUCATION LAW.

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

15 (II) WITHIN THE ANNUAL AMOUNTS APPROPRIATED THEREFOR, THE SECRETARY OF
16 STATE MAY AWARD COMPETITIVE GRANTS TO MUNICIPALITIES TO COVER COSTS
17 ASSOCIATED WITH LOCAL GOVERNMENT EFFICIENCY PROJECTS, INCLUDING, BUT NOT
18 LIMITED TO, PLANNING FOR OR IMPLEMENTATION OF A MUNICIPAL CONSOLIDATION
19 OR DISSOLUTION, A FUNCTIONAL CONSOLIDATION, A CITY OR COUNTY CHARTER
20 REVISION THAT INCLUDES FUNCTIONAL CONSOLIDATION, SHARED OR COOPERATIVE
21 SERVICES, AND REGIONALIZED DELIVERY OF SERVICES; PROVIDED, HOWEVER, THAT
22 SUCH LOCAL GOVERNMENT EFFICIENCY PROJECTS MUST DEMONSTRATE NEW OPPORTU-
23 NITIES FOR FINANCIAL SAVINGS AND OPERATIONAL EFFICIENCIES; PROVIDED,
24 FURTHER, THAT ELIGIBLE LOCAL GOVERNMENT EFFICIENCY PROJECTS SHALL NOT
25 INCLUDE STUDIES AND PLANS FOR A LOCAL GOVERNMENT RE-ORGANIZATION ELIGI-
26 BLE TO RECEIVE A LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT
27 GRANT PURSUANT TO PARAGRAPH Q OF THIS SUBDIVISION. THE SECRETARY OF
28 STATE MAY FOCUS THE GRANT PROGRAM IN SPECIFIC FUNCTIONAL AREAS, WITHIN
29 DISTRESSED COMMUNITIES AND AREAS OF HISTORICALLY HIGH LOCAL GOVERNMENT
30 COSTS AND PROPERTY TAXES, OR IN AREAS OF UNIQUE OPPORTUNITY, IN WHICH
31 CASE SUCH AREAS OF FOCUS SHALL BE DETAILED IN A REQUEST FOR APPLICA-
32 TIONS.

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

36 (IV) LOCAL GOVERNMENT EFFICIENCY GRANTS MAY BE USED TO COVER COSTS
37 INCLUDING, BUT NOT LIMITED TO, LEGAL AND CONSULTANT SERVICES, CAPITAL
38 IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS AND OTHER NECESSARY EXPENSES
39 RELATED TO IMPLEMENTING THE APPROVED LOCAL GOVERNMENT EFFICIENCY GRANT
40 WORK PLAN. GRANTS MAY BE USED FOR CAPITAL IMPROVEMENTS, TRANSITIONAL
41 PERSONNEL COSTS OR JOINT EQUIPMENT PURCHASES ONLY WHERE SUCH EXPENSES
42 ARE INTEGRAL TO IMPLEMENTATION OF THE LOCAL GOVERNMENT EFFICIENCY
43 PROJECT. NO PART OF THE GRANT SHALL BE USED BY THE APPLICANT FOR RECUR-
44 RING EXPENSES SUCH AS SALARIES, EXCEPT THAT THE SALARIES OF CERTAIN
45 TRANSITIONAL PERSONNEL ESSENTIAL FOR THE IMPLEMENTATION OF THE APPROVED
46 LOCAL GOVERNMENT EFFICIENCY GRANT WORK PLAN SHALL BE ELIGIBLE FOR A
47 PERIOD NOT TO EXCEED THREE YEARS. THE AMOUNTS AWARDED TO A SCHOOL
48 DISTRICT PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE INCLUDED IN THE
49 APPROVED OPERATING EXPENSE OF THE SCHOOL DISTRICT AS DEFINED IN PARA-
50 GRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE
51 EDUCATION LAW.

52 (V) THE MAXIMUM CUMULATIVE GRANT AWARD FOR A LOCAL GOVERNMENT EFFI-
53 CIENCY PROJECT SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS PER MUNICI-
54 PALITY; PROVIDED, HOWEVER, THAT IN NO CASE SHALL SUCH A PROJECT RECEIVE
55 A CUMULATIVE GRANT AWARD IN EXCESS OF ONE MILLION DOLLARS. THE MAXIMUM
56 GRANT AWARD FOR A LOCAL GOVERNMENT EFFICIENCY PLANNING PROJECT, OR THE

1 PLANNING COMPONENT OF A PROJECT THAT INCLUDES BOTH PLANNING AND IMPL-
2 MENTATION OF A LOCAL GOVERNMENT EFFICIENCY PROJECT, SHALL NOT EXCEED
3 TWELVE THOUSAND FIVE HUNDRED DOLLARS PER MUNICIPALITY; PROVIDED, HOWEV-
4 ER, THAT IN NO EVENT SHALL SUCH A PLANNING PROJECT RECEIVE A GRANT AWARD
5 IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

6 (VI) LOCAL MATCHING FUNDS EQUAL TO AT LEAST FIFTY PERCENT OF THE TOTAL
7 COST OF ACTIVITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT
8 OF STATE SHALL BE REQUIRED FOR PLANNING GRANTS, AND LOCAL MATCHING FUNDS
9 EQUAL TO AT LEAST TEN PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE
10 GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE SHALL BE REQUIRED
11 FOR IMPLEMENTATION GRANTS. IN THE EVENT AN APPLICANT IS IMPLEMENTING A
12 PROJECT THAT THE APPLICANT DEVELOPED THROUGH A SUCCESSFULLY COMPLETED
13 PLANNING GRANT FUNDED UNDER THE LOCAL GOVERNMENT EFFICIENCY GRANT
14 PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM, THE
15 LOCAL MATCHING FUNDS REQUIRED SHALL BE REDUCED BY THE LOCAL MATCHING
16 FUNDS REQUIRED BY SUCH SUCCESSFULLY COMPLETED PLANNING GRANT UP TO THE
17 AMOUNT OF LOCAL MATCHING FUNDS REQUIRED FOR THE IMPLEMENTATION GRANT.

18 (VII) IN THE SELECTION OF GRANT AWARDS, THE SECRETARY OF STATE SHALL
19 GIVE THE HIGHEST PRIORITY TO APPLICATIONS: (1) THAT WOULD RESULT IN THE
20 DISSOLUTION OR CONSOLIDATION OF MUNICIPALITIES; (2) THAT WOULD IMPLEMENT
21 THE COMPLETE FUNCTIONAL CONSOLIDATION OF A MUNICIPAL SERVICE; OR (3) BY
22 LOCAL GOVERNMENTS WITH HISTORICALLY HIGH COSTS OF LOCAL GOVERNMENT OR
23 SUSTAINED INCREASES IN PROPERTY TAXES. PRIORITY WILL ALSO BE GIVEN TO
24 MUNICIPALITIES THAT HAVE PREVIOUSLY COMPLETED A PLANNING GRANT PURSUANT
25 TO THIS PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT
26 PROGRAM, AND TO LOCAL GOVERNMENTS CURRENTLY INVOLVED IN REGIONAL DEVEL-
27 OPMENT PROJECTS THAT HAVE RECEIVED FUNDS THROUGH STATE COMMUNITY AND
28 INFRASTRUCTURE DEVELOPMENT PROGRAMS.

29 (VIII) WITHIN ONE WEEK OF THE RECEIPT OF AN APPLICATION, THE DEPART-
30 MENT OF STATE SHALL REVIEW THE APPLICATION TO ENSURE THE APPLICANT HAS
31 FILED THE CORRECT APPLICATION, AND TO DETERMINE IF ANY REQUIRED SECTIONS
32 OF THE APPLICATION CONTAIN NO INFORMATION. WITHIN ONE BUSINESS DAY OF
33 DETERMINING AN APPLICANT HAS FILED AN INCORRECT APPLICATION, OR DETER-
34 MINING AN APPLICATION CONTAINS NO INFORMATION IN A SECTION REQUIRED TO
35 CONTAIN INFORMATION, THE DEPARTMENT SHALL SO NOTIFY THE APPLICANT.
36 APPLICANTS SHALL BE PERMITTED TO AMEND AN APPLICATION FOUND TO BE MISS-
37 ING INFORMATION, AND SUCH APPLICATION SHALL BE RECONSIDERED FOR APPROVAL
38 IF IT IS AMENDED BY THE APPLICATION DEADLINE. IF AN APPLICANT HAS
39 SUBMITTED AN INCORRECT APPLICATION, THE APPLICANT MAY SUBMIT THE CORRECT
40 APPLICATION TO THE APPROPRIATE PROGRAM BY THE DEADLINE FOR SUCH PROGRAM
41 FOR CONSIDERATION. UNDER NO CIRCUMSTANCES SHALL THIS SUBPARAGRAPH BE
42 DEEMED TO REQUIRE THE EXTENSION OF ANY APPLICATION DEADLINE ESTABLISHED
43 BY THE DEPARTMENT, NOR SHALL IT OBLIGATE THE DEPARTMENT TO CONDUCT A
44 SUBSTANTIVE REVIEW OF THE CONTENTS OF ANY APPLICATION OUTSIDE OF THE
45 PROCEDURES ESTABLISHED BY THE DEPARTMENT FOR THE PURPOSES OF MAINTAINING
46 THE COMPETITIVE INTEGRITY OF THE GRANT PROGRAM.

47 (IX) WRITTEN NOTICE SHALL BE PROVIDED TO AN APPLICANT OF A DECISION
48 REGARDING THE GRANT OR DENIAL OF AN AWARD UNDER THIS PARAGRAPH, WITHIN
49 THIRTY DAYS AFTER SUCH DECISION.

50 (X) THE DEPARTMENT OF STATE SHALL PREPARE AN ANNUAL REPORT TO THE
51 GOVERNOR AND THE LEGISLATURE ON THE EFFECTIVENESS OF THE LOCAL GOVERN-
52 MENT EFFICIENCY GRANT PROGRAM AND THE LOCAL GOVERNMENT CITIZENS RE-OR-
53 GANIZATION EMPOWERMENT GRANT PROGRAM. SUCH REPORT SHALL BE PROVIDED ON
54 OR BEFORE OCTOBER FIRST OF EACH YEAR AND SHALL INCLUDE, BUT NOT BE
55 LIMITED TO, THE FOLLOWING: A SUMMARY OF APPLICATIONS AND AWARDS FOR EACH
56 GRANT CATEGORY, AN ASSESSMENT OF PROGRESS IN IMPLEMENTING INITIATIVES

1 THAT RECEIVED GRANT AWARDS, AND ESTIMATED FINANCIAL SAVINGS AND SIGNIF-
2 ICANT IMPROVEMENTS IN SERVICE REALIZED BY MUNICIPALITIES THAT HAVE
3 RECEIVED GRANTS.

4 S 3-a. Subparagraph (vii) of paragraph t of subdivision 10 of section
5 54 of the state finance law, paragraph t as relettered by section three
6 of this act, is renumbered subparagraph (viii) and a new subparagraph
7 (vii) is added to read as follows:

8 (VII) WRITTEN NOTICE SHALL BE PROVIDED TO AN APPLICANT OF A DECISION
9 REGARDING THE GRANT OR DENIAL OF AN AWARD UNDER THIS PARAGRAPH, WITHIN
10 THIRTY DAYS AFTER SUCH DECISION.

11 S 4. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2013.

13 PART L

14 Intentionally omitted

15 PART M

16 Intentionally omitted

17 PART N

18 Section 1. Subdivisions 1, 3, 4, 5 and 6 of section 709 of the execu-
19 tive law, subdivision 1 as amended and subdivisions 3, 4, 5 and 6 as
20 added by section 14 of part B of chapter 56 of the laws of 2010, are
21 amended to read as follows:

22 1. There is hereby created within the executive department the divi-
23 sion of homeland security and emergency services, which shall have and
24 exercise the powers and duties set forth in this article. Any reference
25 to the 'office of public security', the 'office of homeland security',
26 the 'state emergency management office'[, the 'office of cyber securi-
27 ty'] or the 'office of fire prevention and control' in the laws of New
28 York state, executive orders, or contracts entered into on behalf of the
29 state shall be deemed to refer to the division of homeland security and
30 emergency services.

31 3. The division of homeland security and emergency services shall
32 consist of several offices including, but not limited to, the office of
33 counterterrorism, which shall have the powers, and be responsible for
34 carrying out the duties, including but not limited to those set forth in
35 section seven hundred nine-a of this article; the office of emergency
36 management, which shall have the powers, and be responsible for carrying
37 out the duties, including but not limited to those set forth in article
38 two-B of this chapter; the office of fire prevention and control, which
39 shall have the powers, and be responsible for carrying out the duties,
40 including but not limited to those set forth in article six-C of this
41 chapter[; the office of cyber security, which shall have the powers, and
42 be responsible for carrying out the duties, including but not limited to
43 those set forth in section seven hundred fifteen of this article;] and
44 the office of interoperable and emergency communications, which shall
45 have the powers, and be responsible for carrying out the duties, includ-
46 ing but not limited to those set forth in section seven hundred seven-
47 teen of this article.

48 4. As set forth in section seven hundred ten of this article, the
49 commissioner of the division of homeland security and emergency services
50 shall be appointed by the governor, with the advice and consent of the

senate, and hold office at the pleasure of the governor. The directors of the offices of counterterrorism, emergency management, fire prevention and control, [cyber security,] and interoperable and emergency communications, and such other offices as may be established, shall be appointed by, and hold office at the pleasure of, the governor and they shall report to the commissioner of the division of homeland security and emergency services.

5. The directors of the offices of counterterrorism, emergency management, fire prevention and control, [cyber security,] interoperable and emergency communications, and of such other offices as may be established, shall, in consultation with the commissioner, have the authority to promulgate rules and regulations to carry out the duties of their office, including the establishment of fees necessary to compensate for costs associated with the delivery of training and services.

6. The directors of the offices of counterterrorism, emergency management, fire prevention and control, [cyber security,] interoperable and emergency communications, and such other offices as may be established, shall have the authority to enter into contracts with any person, firm, corporation, municipality, or government entity.

S 2. Section 715 of the executive law is REPEALED.

S 3. Subdivision 10 of section 103 of the state technology law, as added by chapter 430 of the laws of 1997, and such section as renumbered by chapter 437 of the laws of 2004, is amended to read as follows:

10. To establish statewide technology policies, including but not limited to preferred technology standards and security, INCLUDING STATEWIDE POLICIES, STANDARDS, PROGRAMS, AND SERVICES RELATING TO THE SECURITY OF STATE GOVERNMENT NETWORKS AND GEOGRAPHIC INFORMATION SYSTEMS, INCLUDING THE STATEWIDE COORDINATION OF GEOGRAPHICALLY REFERENCED CRITICAL INFRASTRUCTURE INFORMATION;

S 4. Section 103 of the state technology law is amended by adding four new subdivisions 18, 19, 20 and 21 to read as follows:

18. TO PROVIDE FOR THE PROTECTION OF THE STATE GOVERNMENT'S CYBER SECURITY INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, THE IDENTIFICATION AND MITIGATION OF VULNERABILITIES, DETERRING AND RESPONDING TO CYBER EVENTS, AND PROMOTING CYBER SECURITY AWARENESS WITHIN THE STATE.

19. TO MAINTAIN, IN ELECTRONIC OR PAPER FORMATS, MAPS, GEOGRAPHIC IMAGES, GEOGRAPHIC DATA AND METADATA.

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

21. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW, SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW, ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW, OR ANY OTHER PROVISION OF LAW RELATING TO THE AWARD OF PUBLIC CONTRACTS, ANY OFFICER, BODY, OR AGENCY OF NEW YORK STATE, PUBLIC CORPORATION, OR OTHER PUBLIC ENTITY SUBJECT TO SUCH PROVISIONS OF LAW SHALL BE AUTHORIZED TO ENTER INDIVIDUALLY OR COLLECTIVELY INTO CONTRACTS WITH THE NOT-FOR-PROFIT CORPORATION THAT OPERATES THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER FOR THE PROVISION OF SERVICES THROUGH SEPTEMBER THIRTIETH, TWO THOUSAND FOURTEEN RELATED TO CYBER SECURITY INCLUDING, BUT NOT LIMITED TO, MONITORING, DETECTING, AND RESPONDING TO CYBER INCIDENTS, AND SUCH CONTRACTS MAY BE AWARDED WITHOUT COMPLIANCE WITH THE PROCEDURES

1 RELATING TO THE PROCUREMENT OF SERVICES SET FORTH IN SUCH PROVISIONS OF
2 LAW. SUCH CONTRACTS SHALL, HOWEVER, BE SUBJECT TO THE COMPTROLLER'S
3 EXISTING AUTHORITY TO APPROVE CONTRACTS WHERE SUCH APPROVAL IS REQUIRED
4 BY SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR OTHERWISE.
5 SUCH OFFICERS, BODIES, OR AGENCIES MAY PAY THE FEES OR OTHER AMOUNTS
6 SPECIFIED IN SUCH CONTRACTS IN CONSIDERATION OF THE CYBER SECURITY
7 SERVICES TO BE RENDERED PURSUANT TO SUCH CONTRACTS.

8 S 5. Subdivision 2 and paragraph (a) of subdivision 7 of section 208
9 of the state technology law, subdivision 2 as amended by chapter 491 of
10 the laws of 2005 and paragraph (a) of subdivision 7 as amended by
11 section 27 of part A of chapter 62 of the laws of 2011, are amended to
12 read as follows:

13 2. Any state entity that owns or licenses computerized data that
14 includes private information shall disclose any breach of the security
15 of the system following discovery or notification of the breach in the
16 security of the system to any resident of New York state whose private
17 information was, or is reasonably believed to have been, acquired by a
18 person without valid authorization. The disclosure shall be made in the
19 most expedient time possible and without unreasonable delay, consistent
20 with the legitimate needs of law enforcement, as provided in subdivision
21 four of this section, or any measures necessary to determine the scope
22 of the breach and restore the reasonable integrity of the data system.
23 The state entity shall consult with the state [office of cyber security
24 and critical infrastructure coordination] OFFICE OF INFORMATION TECHNOLOGY
25 SERVICES to determine the scope of the breach and restoration meas-
26 ures.

27 (a) In the event that any New York residents are to be notified, the
28 state entity shall notify the state attorney general, the department of
29 state and the state [office of cyber security and critical infrastruc-
30 ture coordination] OFFICE OF INFORMATION TECHNOLOGY SERVICES as to the
31 timing, content and distribution of the notices and approximate number
32 of affected persons. Such notice shall be made without delaying notice
33 to affected New York residents.

34 S 6. Paragraph (a) of subdivision 8 of section 899-aa of the general
35 business law, as amended by section 43 of part A of chapter 62 of the
36 laws of 2011, is amended to read as follows:

37 (a) In the event that any New York residents are to be notified, the
38 person or business shall notify the state attorney general, the depart-
39 ment of state and the DIVISION OF state [office of cyber security and
40 critical infrastructure coordination] POLICE as to the timing, content
41 and distribution of the notices and approximate number of affected
42 persons. Such notice shall be made without delaying notice to affected
43 New York residents.

44 S 7. Any reference to the office of cyber security or to the office of
45 cyber security and critical infrastructure coordination in the laws of
46 New York state, executive orders or contracts entered into on behalf of
47 the state shall be deemed to refer to the office of information technol-
48 ogy services.

49 S 8. (a) Notwithstanding any provision of law to the contrary, any
50 person employed by the office of the Medicaid inspector general, the
51 office of mental health, the office for people with developmental disa-
52 bilities, the department of health and the division of state police and
53 any person employed in the exempt class positions of employee program
54 associate, employee program assistant or employee relations associate by
55 the governor's office of employee relations immediately prior to being
56 transferred to the office of information technology services pursuant to

1 subdivision 2 of section 70 of the civil service law effective November
2 22, 2012 and November 29, 2012, and who, immediately prior thereto was
3 performing information technology functions similar to persons employed
4 in appropriate competitive class positions, shall be given permanent
5 competitive class rights and status and shall continue to hold such
6 position in the office of information technology services without
7 further examination. No such employee transferred to the office of
8 information technology services shall be subject to a new probationary
9 term, provided, however, that any employee in probationary status at the
10 time of the transfer shall be required to complete that probationary
11 term at the office of information technology services under the same
12 terms and conditions as were applicable to them while employed at the
13 office of the Medicaid inspector general, the office of mental health,
14 the office for people with developmental disabilities, the department of
15 health, the division of state police and the governor's office of
16 employee relations.

17 (b) Any employees whose positions are re-classified pursuant to this
18 section or section nine or ten of this act shall have seniority rights
19 on the basis of continuous service from the date of their original
20 permanent appointment to the classified service or the date of permanent
21 employment with the office of the Medicaid inspector general, the office
22 of mental health, the office for people with developmental disabilities,
23 the department of health or the division of state police. Any such
24 employees employed by the division of state police in an appropriate
25 non-competitive title on a permanent basis, shall also be deemed to have
26 that period of employment count as permanent competitive service in that
27 title for purposes of qualifying for promotional examinations or trans-
28 fers pursuant to subdivision 6 of section 52 of the civil service law
29 and subdivision 1 of section 70 of the civil service law.

30 (c) No employee whose position is re-classified pursuant to this
31 section or section nine or ten of this act shall suffer a reduction in
32 basic salary as a result of the re-classification and shall continue to
33 receive, at a minimum, the salary that such employee received while
34 employed by the office of the Medicaid inspector general, the office of
35 mental health, the office for people with developmental disabilities,
36 the department of health, the division of state police and the gover-
37 nor's office of employee relations. The director of the office of
38 information technology services shall also allow employees of the divi-
39 sion of state police whose positions are re-classified pursuant to this
40 section or section nine of this act credit for all of the annual leave,
41 sick leave, or personal leave standing to their credit at the time of
42 the transfer, but not in excess of the maximum accumulation permitted in
43 the office of information technology services.

44 S 9. Notwithstanding any provision of law to the contrary, the civil
45 service department may re-classify any person employed in a permanent,
46 classified, competitive position immediately prior to being transferred
47 to the office of information technology services effective November 22,
48 2012 and November 29, 2012, pursuant to subdivision 2 of section 70 of
49 the civil service law to align with the duties and responsibilities of
50 their positions upon transfer. Permanent employees whose positions are
51 subsequently re-classified to align with the duties and responsibilities
52 of their positions upon being transferred to the office of information
53 technology services effective November 22, 2012 and November 29, 2012,
54 pursuant to subdivision 2 of section 70 of the civil service law shall
55 hold such positions without further examination or qualification.
56 Notwithstanding any other provision of this act, the names of those

1 competitive permanent employees on promotion eligible lists in their
2 former agency or department shall be added and interfiled on a promotion
3 eligible list in the new department, as the state civil service depart-
4 ment deems appropriate.

5 S 10. Notwithstanding any provision of law to the contrary, the civil
6 service department may re-classify any person employed in the exempt
7 class positions of employee program associate, employee program assist-
8 ant or employee relations associate by the governor's office of employee
9 relations immediately prior to being transferred to the office of infor-
10 mation technology services effective November 22, 2012, and November 29,
11 2012, pursuant to subdivision 2 of section 70 of the civil service law
12 to align with the duties and responsibilities of their positions upon
13 transfer. Permanent employees whose positions are subsequently re-clas-
14 sified to align with the duties and responsibilities of their positions
15 upon being transferred to the office of information technology services
16 effective November 22, 2012, and November 29, 2012, pursuant to subdivi-
17 sion 2 of section 70 of the civil service law shall hold such positions
18 without further examination or qualification.

19 S 11. This act shall take effect immediately.

20 PART O
21 Intentionally omitted

22 PART P

23 Section 1. Subdivision 6 of section 163 of the state finance law, as
24 amended by chapter 173 of the laws of 2010, is amended to read as
25 follows:

26 6. Discretionary buying thresholds. Pursuant to guidelines established
27 by the state procurement council: the commissioner may purchase services
28 and commodities in an amount not exceeding eighty-five thousand dollars
29 without a formal competitive process; state agencies may purchase
30 services and commodities in an amount not exceeding fifty thousand
31 dollars without a formal competitive process; and state agencies may
32 purchase commodities or services from small business concerns or those
33 certified pursuant to article fifteen-A of the executive law, or commod-
34 ities or technology that are recycled or remanufactured, OR COMMODITIES
35 THAT ARE FOOD, INCLUDING MILK AND MILK PRODUCTS, GROWN, PRODUCED OR
36 HARVESTED IN NEW YORK STATE in an amount not exceeding two hundred thou-
37 sand dollars without a formal competitive process.

38 S 2. Section 163 of the state finance law is amended by adding a new
39 subdivision 6-c to read as follows:

40 6-C. PURSUANT TO THE AUTHORITY PROVIDED IN SUBDIVISION SIX OF THIS
41 SECTION, FOR THE PURCHASE OF COMMODITIES THAT ARE FOOD, INCLUDING MILK
42 AND MILK PRODUCTS, GROWN, PRODUCED OR HARVESTED IN NEW YORK STATE, WHERE
43 SUCH COMMODITIES EXCEED FIFTY THOUSAND DOLLARS IN VALUE, STATE AGENCIES
44 MUST ADVERTISE THE DISCRETIONARY PURCHASE ON THE STATE AGENCY WEBSITE
45 FOR A REASONABLE PERIOD OF TIME AND MAKE THE DISCRETIONARY PURCHASE
46 BASED ON THE LOWEST PRICE THAT MEETS THE STATE AGENCY'S FORM, FUNCTION
47 AND UTILITY.

48 S 3. This act shall take effect immediately; provided however, that
49 the amendments to section 163 of the state finance law made by sections
50 one and two of this act shall not affect the repeal of such section and
51 shall be deemed repealed therewith.

1

PART Q

2 Section 1. Subdivisions 1, 2, 3 and 6 of section 29-h of the executive
3 law, as added by section 10-a of part B of chapter 56 of the laws of
4 2010, paragraph c of subdivision 2 as amended by section 8 and paragraph
5 a of subdivision 6 as amended by section 9 of part G of chapter 55 of
6 the laws of 2012, are amended to read as follows:

7 1. Creation. There is hereby created the intrastate mutual aid program
8 to complement existing mutual aid agreements in the event of a disaster
9 that results in a formal declaration of an emergency by a participating
10 local government. All local governments within the state, excepting
11 those which affirmatively choose not to participate in accordance with
12 subdivision four of this section, are deemed to be participants in the
13 program; PROVIDED, HOWEVER, WITH RESPECT TO SCHOOL DISTRICTS AND BOARDS
14 OF COOPERATIVE EDUCATIONAL SERVICES, SUCH PARTICIPATION SHALL BE LIMITED
15 TO THE SHARING OF FACILITIES MANAGEMENT AND ADMINISTRATIVE PERSONNEL AND
16 EQUIPMENT.

17 2. Definitions. As used in this section, the following terms shall
18 have the following meanings:

19 a. "Employee" means any person holding a position by election,
20 appointment, or employment by a local government;

21 b. "Local government" means any county, city, town [or], village,
22 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES of the
23 state;

24 c. "Local emergency management director" means the local government
25 official responsible for emergency preparedness, response and recovery;

26 d. "Requesting local government" means the local government that asks
27 another local government for assistance during a declared emergency, or
28 for the purposes of conducting training, or undertaking a drill or exer-
29 cise;

30 e. "Assisting local government" means one or more local governments
31 that provide assistance pursuant to a request for assistance from a
32 requesting local government during a declared emergency, or for the
33 purposes of conducting training, or undertaking a drill or exercise;
34 [and]

35 f. "Disaster" shall have the same meaning as in section twenty of this
36 article;

37 G. "SCHOOL DISTRICT" SHALL HAVE THE SAME MEANING AS IN TITLE TWO OF
38 THE EDUCATION LAW, INCLUDING ANY PUBLIC SCHOOL DISTRICT AND ANY SPECIAL
39 ACT SCHOOL DISTRICT AS DEFINED IN SECTION FOUR THOUSAND ONE OF THE
40 EDUCATION LAW; AND

41 H. "BOARD OF COOPERATIVE EDUCATIONAL SERVICES" SHALL HAVE THE SAME
42 MEANING AS IN SECTION NINETEEN HUNDRED FIFTY OF THE EDUCATION LAW.

43 3. Intrastate mutual aid program committee established; meetings;
44 powers and duties. a. There is hereby created within the disaster
45 preparedness commission an intrastate mutual aid program committee, for
46 purposes of this section to be referred to as the committee, which shall
47 be chaired by the commissioner of the division of homeland security and
48 emergency services, and shall include the state fire administrator, the
49 commissioner of health, THE COMMISSIONER OF EDUCATION and the commis-
50 sioner of agriculture and markets, provided that each such official may
51 appoint a designee to serve in his or her place on the committee. The
52 committee shall also include five representatives from local public
53 safety or emergency response agencies AND ONE REPRESENTATIVE FROM A
54 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES. SUCH
55 REPRESENTATIVES, who shall serve a maximum two-year term, [to be] SHALL

1 BE appointed by the commissioner of the division of homeland security
2 and emergency services, with regard to a balance of geographic represen-
3 tation and discipline expertise.

4 b. The committee, on the call of the chairperson, shall meet at least
5 twice each year and at such other times as may be necessary. The agenda
6 and meeting place of all regular meetings shall be made available to the
7 public in advance of such meetings and all such meetings shall be open
8 to the public.

9 c. The committee shall have the following powers and responsibilities:

10 (1) to promulgate rules and regulations, acting through the division
11 of homeland security and emergency services, to implement the intrastate
12 mutual aid program as described in this section;

13 (2) to develop policies, procedures and guidelines associated with the
14 program, including a process for the reimbursement of assisting local
15 governments by requesting local governments;

16 (3) to evaluate the use of the intrastate mutual aid program;

17 (4) to examine issues facing participating local governments regarding
18 the implementation of the intrastate mutual aid program; and

19 (5) to prepare reports to the disaster preparedness commission
20 discussing the effectiveness of mutual aid in the state and making
21 recommendations for improving the efficacy of the system, if appropri-
22 ate.

23 6. Requesting assistance under the intrastate mutual aid program. a.
24 [A] SUBJECT TO THE RESTRICTIONS ON SCHOOL DISTRICTS AND BOARDS OF COOP-
25 ERATIVE EDUCATIONAL SERVICES SET FORTH IN SUBDIVISION ONE OF THIS
26 SECTION, A participating local government may request assistance of
27 other participating local governments in preventing, mitigating,
28 responding to and recovering from disasters that result in locally-dec-
29 lared emergencies, or for the purpose of conducting multi-jurisdictional
30 or regional training, drills or exercises. Requests for assistance may
31 be made verbally or in writing; verbal requests shall be memorialized in
32 writing as soon thereafter as is practicable. Notwithstanding the
33 provisions of section twenty-five of this article, the local emergency
34 management director shall have the authority to request and accept
35 assistance and deploy the local resources of his or her jurisdiction
36 under the intrastate mutual aid program.

37 b. Once an emergency is declared at the county level, all requests and
38 offers for assistance, to the extent practical, shall be made through
39 the county emergency management office, or in the case of the city of
40 New York, through the city emergency management office. All requests for
41 assistance should include:

42 (1) a description of the disaster;

43 (2) a description of the assistance needed;

44 (3) a description of the mission for which assistance is requested;

45 (4) an estimate of the length of time the assistance will be needed;

46 (5) the specific place and time for staging of the assistance and a
47 point of contact at that location; and

48 (6) any other information that will enable an assisting local govern-
49 ment to respond appropriately to the request.

50 c. Assisting local governments shall submit to the requesting local
51 government an inventory of the resources being deployed.

52 d. The written request for assistance and all inventories of resources
53 being deployed shall be submitted to the division of homeland security
54 and emergency services within three calendar days of the request for or
55 deployment of such resources.

56 S 2. This act shall take effect immediately.

PART R

Intentionally Omitted

PART S

Intentionally omitted

PART T

Section 1. Paragraph 1 of subdivision 2-a of section 19-a of the public lands law, as amended by section 1 of part T of chapter 57 of the laws of 2012, is amended to read as follows:

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

State Fiscal Year

Amount

2000-2001	\$4,500,000
2001-2002	\$4,500,000
2002-2003	\$4,500,000
2003-2004	\$9,850,000
2004-2005	\$16,850,000
2005-2006	\$22,850,000
2006-2007	\$22,850,000
2007-2008	\$22,850,000
2008-2009	\$22,850,000
2009-2010	\$22,850,000
2010-2011	\$22,850,000
2011-2012	\$15,000,000
2012-2013	\$22,850,000
[2013-2014	\$15,000,000] 2013-2014 \$22,850,000
2014-2015	\$15,000,000
2015-2016	\$15,000,000
2016-2017	\$15,000,000
2017-2018	\$15,000,000
2018-2019	\$15,000,000
2019-2020	\$15,000,000
2020-2021	\$15,000,000
2021-2022	\$15,000,000
2022-2023	\$15,000,000
2023-2024	\$15,000,000
2024-2025	\$15,000,000
2025-2026	\$15,000,000
2026-2027	\$15,000,000
2027-2028	\$15,000,000
2028-2029	\$15,000,000
2029-2030	\$15,000,000
2030-2031	\$15,000,000
[2031-2032	\$15,000,000] 2031-2032 \$7,150,000

1 2032-2033 \$7,150,000

2 S 2. This act shall take effect immediately and shall be deemed to
3 have been in full force and effect on and after April 1, 2013.

4 PART U
5 Intentionally omitted

6 PART V

7 Section 1. The executive law is amended by adding a new section 29-i
8 to read as follows:

9 S 29-I. IMMUNITY FROM LIABILITY FOR EMERGENCY ALERTS. ANY PROVIDER OF
10 MOBILE SERVICES, AS DEFINED IN 47 U.S.C. 153, INCLUDING ITS OFFICERS,
11 DIRECTORS, EMPLOYEES, VENDORS AND AGENTS, ACTING ON BEHALF OF THE STATE,
12 THAT TRANSMITS EMERGENCY ALERTS SIMILAR TO THOSE DESCRIBED IN 47 CFR
13 10.10 AND 10.400 SHALL NOT BE LIABLE FOR ANY ACT OR OMISSION RELATED TO
14 OR ANY HARM RESULTING FROM THE TRANSMISSION OF, OR FAILURE TO TRANSMIT,
15 AN EMERGENCY ALERT, PROVIDED THAT SUCH PROVIDER, OFFICER, DIRECTOR,
16 EMPLOYEE, VENDOR OR AGENT ACTED REASONABLY AND IN GOOD FAITH.

17 S 2. This act shall take effect immediately.

18 PART W

19 Section 1. Subsection (g) of section 5402 of the insurance law, as
20 added by chapter 136 of the laws of 2008, is amended to read as follows:

21 (g) In addition to fire insurance, extended coverage, coverage for
22 additional perils and homeowners insurance should the same be made
23 available through the association in accordance with a determination of
24 necessity pursuant to section five thousand four hundred twelve of this
25 article, the association may offer broad form coverage to applicants
26 seeking to insure real property at fixed locations of this state, or the
27 tangible personal property located thereon. The association may offer
28 broad form coverage for a period of [five] TEN years [after the effec-
29 tive date of this subsection] BEGINNING ON JUNE THIRTIETH, TWO THOUSAND
30 EIGHT. The superintendent shall require the association to report to him
31 or her annually during that [five-year] TEN-YEAR period as to the number
32 of policies written pursuant to this subsection and paragraph three of
33 subsection (f) of section five thousand four hundred five of this arti-
34 cle in the previous year, and any other information the superintendent
35 may require. The superintendent shall then report to the governor and
36 the legislature regarding the number of policies issued pursuant to this
37 subsection and such paragraph annually for the first [four] NINE years
38 such coverage is offered. On or before January first, two thousand
39 [thirteen] EIGHTEEN, the superintendent shall make a final, cumulative
40 report to the governor and the legislature which shall include recommen-
41 dations as to the continuation of such insurance offerings.

42 S 2. This act shall take effect immediately.

43 PART X

44 Section 1. Section 13 of chapter 141 of the laws of 1994, amending
45 the legislative law and the state finance law relating to the operation
46 and administration of the legislature, as amended by section 2 of part S
47 of chapter 55 of the laws of 2012, 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 [2013] 2014 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 section one of this act shall take effect on or after June 30, 2013
13 section one of this act shall be deemed to have been in full force and
14 effect on and after June 30, 2013.

15 PART Y

16 Section 1. Section 212 of the retirement and social security law is
17 amended by adding a new subdivision 3 to read as follows:

18 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS
19 SECTION, THE COMMISSIONER OF EDUCATION MAY DETERMINE, PURSUANT TO
20 SECTION TWO HUNDRED ELEVEN OF THIS ARTICLE, THAT SUCH EARNINGS LIMITA-
21 TIONS SHALL NOT APPLY TO A RETIRED POLICE OFFICER EMPLOYED BY A SCHOOL
22 DISTRICT AS A SCHOOL RESOURCE OFFICER.

23 S 2. This act shall take effect immediately.

24 PART Z

25 Section 1. Subdivision 8 of section 9 of chapter 401 of the laws of
26 2002, amending the real property tax law and the Nassau county adminis-
27 trative code relating to assessment and review of assessments in the
28 county of Nassau, as amended by chapter 183 of the laws of 2012, is
29 amended to read as follows:

30 8. Notwithstanding the foregoing provisions of this act, on [March 31,
31 2013] JUNE 30, 2014 the amendments of sections 6-2.1 and 6-13.0 of the
32 Nassau county administrative code, made by sections two and four of this
33 act, and section 6-24.1 of such code, as added by section seven of this
34 act, shall be deemed repealed. On such date the addition of the words
35 "the year following" to the first sentence of subdivision 8 of section
36 523-b of the real property tax law, as amended by section one of this
37 act, shall be deemed repealed.

38 S 2. Paragraph (a) of subdivision 6 of section 523-b of the real prop-
39 erty tax law, as amended by chapter 401 of the laws of 2002, is amended
40 to read as follows:

41 (a) During the period from January second through [March] MAY first,
42 any person or corporation claiming to be aggrieved by the assessment of
43 real estate may apply for correction of such assessment. Such applica-
44 tion shall be duly verified by a person having personal knowledge of the
45 facts stated therein, provided that if the application is signed by
46 someone other than the person or an officer of the corporation claiming
47 to be aggrieved, the application must be accompanied by a duly executed
48 power of attorney or authorization or as otherwise prescribed by [the
49 rules and regulations of the commission] THIS CHAPTER.

50 S 3. This act shall take effect immediately; provided, however, that
51 section two of this act shall expire and be deemed repealed January 1,
52 2014.

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

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